

## **PROCESS FOR COMPLEX PLANNING APPLICATIONS (Vacant Lands)**

As dictated by NYS and Town Laws, when an application for development is submitted there are many steps in the review process and public comment periods.

Once an application is submitted, it is reviewed by the town's professional staff for compliance with the requisite zoning law and NYS regulations. The applicant will then respond to the comments of the professionals and forwarded to Planning Board (sometimes several submissions).

Planning Board upon receipt will make general comments on the plan (1 or 2 meetings).

Planning Board will commence the SEQR (State Environmental Review Process). A list of all agencies from whom approvals must be obtained is prepared (most common agencies: NYS Dept of Transportation if on state road; D.C. Dept of Health School District; NYS Dept of Environmental Conservation for Wetlands, Streams, etc.; FEMA for floodplains and floodways; various town departments, East Fishkill Fire District; and others). A notice is sent to all of those "involved and interested agencies with copies of the plans and general information".

Within 30 days of receiving the above "Notice of Intent to be Lead Agency" from the Planning Board, the agencies must object if they feel they should coordinate review and/or make initial comments.

Planning Board, if no objection to their being Lead Agency, makes a determination of significance and with complex and large proposals adopts a "Positive Declaration" determining that they may be major impacts.

Planning Board then prepares a "Scoping Document" listing to issues related to the project that needs to be studied (traffic, visual, wetlands, etc.) (must under NYS Law be adopted within 60 days or applicant's draft is deemed adopted). Planning Board may hold Public Scoping Sessions to insure all concerns are considered).

Once scope is adopted, applicant prepares a Draft Environmental Impact Statement (DEIS). This is to contain data and professional analysis of all topics in scope (matter is off agenda until draft is submitted).

When applicant submits their draft, it is reviewed by the Planning Board an professional staff to determine that there has been sufficient study and analysis of each issue in scope. If not, it is rejected as incomplete if there is it is accepted as complete and project moves to next step in review process. This does not mean that the Planning Board agrees with it but only feels there is enough information for public and Planning Board review.

Once the DEIS is accepted, the Planning Board sets a Public Hearing on the DEIS as well as the subdivision/site plan proposal (may not be adjourned more than 60 days under NYS law).

Public at hearing can comment on the record on all aspects of the development proposal.

During public comments the applicant may update and/or supplement the DEIS.

Following the Public Hearing the applicant must address all comments made at the hearing. This is done in a final EIS.

Planning Board must determine if FEIS is complete and addresses all concerns and determines whether or not any more final Public Hearing session is appropriate.

At this point Planning Board must adopt a findings statement which summarizes the impacts projected, the manner in which they will be addressed and whether they can be mitigated. Based on these findings the Planning Board may approve or disapprove the proposal.

This is an illustration of the process and not meant to be inclusive of any special process of issue that may appear and be addressed under additional rules.

The Planning Board must adhere to the time lines set forth in NYS and town law.

The Planning Board must balance the facts against the rights of the public as well as the property rights of the developer.