TOWN OF SOMERS, NY
PLANNING BOARD TUTORIAL
FEBRUARY 8, 2006

PLANNING DEPARTMENT APPLICATION PROCEDURES

SUBDIVISION AND SITE PLAN APPLICATIONS

1. Review for completeness

2. If application is complete, see Step 3. If application is incomplete, Planner issues letter to applicant. Planning Department waits for application to be made complete.

3. Once Application is complete:

   - Planning Board Secretary stamp dates Application.
   - Senior Office Assistant sends application fee to Accountant's Office with memo and copy of fee to Town Clerk's Office.
   - Senior Office Assistant sets up File and refers copies of application, plan and submitted documents to:

     a. Planning Board members
     b. Conservation Board
     c. Fire Prevention Bureau if road construction is involved or site plan application
     d. Highway Dept. if road or town drainage is involved
     e. Parks & Recreation for subdivisions
     f. If in Business Historic Preservation (BHP) District, Historical Society and Town Board
     g. If Site Plan, Architectural Review Advisory Board (ARAB)
     h. County Planning Board (in accordance with their referral requirements)
     i. NYCDEP if Stormwater Pollution Prevention Plan (SPPP) is needed
     j. NYSDOT if state roadway curb cut is involved
     k. Adjoining town if within 500 feet of town boundary
     l. School and police if large subdivision

4. Planning Board Secretary consults with Planner, Engineer and Planning Board Chairman for application's placement on agenda, *which occurs after a minimum 31 day period after acceptance date for review by staff and boards.*

5. Planning Board Secretary prepares Agenda for submission to Planning Board and applicants. Senior Office Assistant informs applicant by memo of scheduled meeting date(s) for discussion of their application.

6. Planning Board Secretary sends copies of all correspondence and staff reports to the Planning Board, the applicant and consultants when appropriate.

7. The application is discussed at the first available Planning Board Meeting and scheduled for subsequent meetings as necessary. A site walk is scheduled for the Planning Board early in the review process.

8. Once application has been reviewed to the point where the action is defined, the SEQR process begins. The first step for SEQR is the Initial Review of Action. The Town Planner advises the Planning Board if action is subject to SEQR, determines involved agencies, and makes a preliminary classification of action as Type I, Unlisted, or Type II.

    - If Action is a Type II action, proceed to Step 16.
    - For Type I and Unlisted Actions, proceed to Step 9.

9. As early as possible in the review of an application, the Board must declare its Intent to Serve as Lead Agency. For all Type I actions and for coordinated review of Unlisted Actions involving more than 1 agency, the lead agency must be established prior to a determination of significance (Positive Declaration or Negative Declaration). Part 1 of the EAF shall be circulated with the Notice of Intent to Serve as Lead Agency. *The other involved agencies must receive the notice, and the notice must advise them that they have 30 calendar days to agree or dispute with the Board serving as lead agency.*

10. Once the Lead Agency is determined, a Determination of Significance must be made. Provided sufficient information is available, *the Lead Agency has 20 calendar days to make the determination of significance.* The Negative Declaration or Positive Declaration must be <u>immediately</u> prepared, filed and published/ circulated to involved agencies.

    - A Negative Declaration must identify the relevant areas of concern, analyze the relevant concerns and document the determination showing the reasons why the environmental concerns that were identified and analyzed will not be significant.
    - Once a Negative Declaration is made by the Planning Board, after receipt of all requested materials/ assessments are submitted and all outstanding issues are adequately addressed, it usually occurs simultaneously with the granting of preliminary subdivision or site plan approval.

    - If a Positive Declaration is made, Scoping is recommended.

11. Scoping is not required but can be initiated by lead agency or applicant. If scoping is conducted, the applicant must submit a draft scope. The lead agency must provide a copy of the draft scope to all involved agencies and make it available to the public. Scoping must allow for public participation, by either providing a

written public comment period or public hearing. *A final written scope must be provided to an applicant by the lead agency within 60 days of receipt of draft scope.*

12. Once Scoping is complete, a Draft Environmental Impact Statement (DEIS) is prepared. The applicant or lead agency will prepare the Draft EIS. The lead agency will use the final written scope, and standards contained in 6 NYCRR Part 617 to determine whether to accept the draft EIS as adequate with respect to scope and content for purposes of commencing the public review. *This determination of whether to accept the draft EIS must be made within 45 days of receipt of the draft EIS from the applicant.* If the draft EIS is deemed inadequate, lead agency must identify in writing the deficiencies for the applicant. *The lead agency must determine whether to accept each resubmitted draft EIS within 30 days of its receipt.*

13. When the DEIS is accepted by the lead agency for circulation, a Notice of Completion must be prepared, filed and published. This begins *the public comment period on the DEIS, which must be at least 30 days.* The Notice of Completion must contain information for the date of the public hearing. During the public comment period the lead agency can hold a public hearing. *The public hearing shall commence no less than 15 days but no more than 60 days after filing of the Notice of Completion of the draft EIS. The public comment period must extend a minimum of 10 days after the public hearing is closed.*

14. FEIS preparation. Once the public hearing/comment period is closed, the lead agency directs the applicant to *prepare (or the lead agency can prepare) and file a final EIS (FEIS) within 45 days after the close of the public hearing or 60 days after the DEIS receipt, whichever is later.* A Notice of Completion of the FEIS must be prepared, filed and published by the lead agency.

15. Once the FEIS is filed, each involved agency must prepare its own written *SEQR Findings Statement which must be filed no less than 10 days but no more than 30 days after filing the FEIS.*

    - A Supplemental EIS is subject to same procedures outlined above.

16. At this point, the Planning Board may continue a hearing on a preliminary plan or close the hearing simultaneously with close of the SEQR hearing. When satisfied that all information and assessments have been provided, Staff is directed to prepare a resolution of approval or denial and the item is placed on a meeting agenda for action. *Planning Board action is required within 62 days of the close of public hearing and adoption of SEQR findings (Negative Declaration or EIS Findings Statement adoption) unless time extension is granted by applicant.*

    - If a Positive Declaration is not made on application, Public hearing(s) are held separately. *Public hearing notices are sent to adjoining property owners and those directly across the street and published in the*

paper/website 10 days prior to date of the public hearing. A sign must be placed by applicant on property 10 days prior to date of public hearing. A public hearing can be continued for up to 10 days for written submission of public comments.

17. At this point the site plan process ends (the applicant has 1 year to meet all conditions within approving site plan resolution and Chairman to sign site plan).If the application is part of the subdivision process, the subdivision process continues when applicant applies for final subdivision approval.

18. Once the Final subdivision application is received, the Plan is reviewed for completeness the file is set up and the application fee sent to Finance Office. Copies of all application materials are circulated. (Steps 1-3)

19. When staff is satisfied, it is placed on a Planning Board agenda. If plan is substantially the same as approved in comparison to the preliminary plat, the Planning Board should waive the public hearing. If the plan differs from the approved preliminary plat, or there is a long period between date of preliminary approval and date of application for final approval the Planning Board may schedule another public hearing. If there are differences a *public hearing notice is sent to adjoining property owners and those directly across the street and published in the paper 10 days prior to date of public hearing. A Sign must be placed by applicant on the subject property 10 days prior to date of public hearing.* When the Board is satisfied with the plan and materials provided, Staff is directed to prepare a draft resolution for action at a meeting.