

Somewhat Plain English Subdivision Review Process

1. Preliminary Discussions with Applicant

The applicant MAY attend informal sketch plan conferences with the board. It is important to record that the time clock has not started on the formal review, either by notes in the minutes, or a signed statement by the applicant. Some boards will not retain any materials offered by the applicant until the applicant has submitted a complete submission package including everything required by the subdivision law, to make it abundantly clear to the applicant that a formal review has not commenced.

2. Determination of Type of SEQR Action

The board must make a determination of what type of action the application is. MOST subdivisions are “unlisted” actions, require only a short EAF with the application, and the board makes its own independent SEQR determination without the necessity of a lead agency or coordinated review. However, the board should consult the SEQR “type 1” list to make sure the action is not on this list. When a subdivision is found to be on the “type 1” list, professional assistance with the SEQR process should be sought. A “type 1” action shall require a long EAF with the application, the designation of a lead agency, and a coordinated review.

3. Preliminary Acceptance of Application

The board should formally make a determination that the application package is complete EXCEPT FOR SEQR, and that anything not included is waived by the board. Consulting a technical checklist of submission requirements is helpful. (*Note: the time clock does not start until SEQR is completed.*)

4. Agricultural Data Statement

Where the location of the subdivision makes it necessary, the agricultural data statement must be sent to affected property owners.

5. County Referral

Where the location of the subdivision makes it necessary, and in counties with a county referral requirement (ex. Oneida County), the complete application must be referred to the county planning board. Only part 1 of the EAF is necessary to refer.

6. Completion of SEQR

Complete EAF – The board must review part 1 of the EAF which has been completed by the applicant, and then complete part 2 and part 3.

Determine significance of action – The board must make a determination of significance by motion or resolution. In almost all cases this will be a “negative declaration.” If a “positive declaration” is made, the board should immediately consult professional assistance with the next steps in the SEQR process.

Filings – In the case of a negative declaration, the EAF and negative declaration document should be entered into the record of the board. In the rare case that the action is “type 1,” then the positive or negative declaration must be sent to the ENB for publication.

(Note: the time clock will start when the board makes a negative declaration, or accepts a draft environmental impact statement.)

7. Referral to ZBA

Where the subdivision requires an area variance from the ZBA, the planning board, with the agreement of the applicant, may stop the clock and allow the applicant to apply for relief from the ZBA. The minutes should contain the agreement to stop the clock, and a clear statement of what specific circumstance will trigger its resumption. The ZBA must request a written recommendation from the planning board.

8. Notice of Hearing

The board must establish a hearing date by motion of the board. A notice of the hearing must be published in a newspaper in general circulation at least five days before the hearing. Where the location of the proposed subdivision requires, notice by mail or electronic transmission must be made to the clerk of adjacent municipalities at least ten days before the hearing.

9. Hearing

The hearing must be held within 62 days of a SEQR negative declaration or the acceptance of a completed environmental impact statement. The hearing may be held opened for up to 120 days. The board must act by motion to extend or close the hearing.

10. Action on Preliminary Plat

Within 62 days of the closing of the hearing, the board must act to approve with or without modifications or disapprove the preliminary plat. A resolution addressing county referral comments should accompany action of the board.

11. Certifications, Notifications and Filings

Applicant – A copy of decision resolution must be mailed to applicant.

Planning board clerk – The approved plat must be certified by the planning board clerk and filed within 5 business days. Resolution of action must be filed within 5 business days.

Municipal clerk – The resolution of decision must be filed within 5 business days with the municipal clerk.

12. Submission of Final Plat

Within 6 months of the approval of the preliminary plat, the final plat must be submitted for final approval or it may be revoked. The board should formally make a determination that the application package is complete, and that anything not included is waived by the board. Consulting a technical checklist of submission requirements is helpful. *(Note: the time clock starts upon accepting the application as complete.)*

13. Determination of Need for Second Hearing

The board must determine whether the submitted plat is substantially in compliance with the preliminary plat, and may waive the second hearing, if so. Otherwise, the board must establish a second hearing date by motion of the board. A notice of the hearing must be published in a newspaper in general circulation at least five days before the hearing. Where the location of the proposed subdivision requires, notice by mail or electronic transmission must be made to the clerk of adjacent municipalities at least ten days before the hearing.

14. Hearing

If required, the hearing must be held within 62 days of the acceptance of a completed application. The hearing may be held opened for up to 120 days. The board must act by motion to extend or close the hearing.

15. Action on Final Plat

Within 62 days of the closing of the hearing, or within 62 days of the acceptance of a completed application where there has been no hearing, the board must act to approve, conditionally approve with or without modifications or disapprove the final plat.

16. Certifications, Notifications and Filings

Applicant – A copy of decision resolution must be mailed to applicant.

Planning board clerk – The approved or conditionally approved plat must be certified by the planning board clerk and filed within 5 business days. The resolution of action must be filed within 5 business days.

Municipal clerk – The resolution of decision must be filed within 5 business days with the municipal clerk

County planning board – Final action of any matter referred must be reported within 30 days to the county planning board, including any reasons for contrary action.

County clerk – The APPLICANT must file approved plat within 62 days of final approval with the county clerk.

17. Conditionally Approved Plat Signed When Complete

Plat must be signed within 180 days, with 90 day extensions possible, and filed with either planning board or municipal clerk (depending on who municipal board designates).

Note: Minor subdivisions omit steps 10-14.

Tax Parcel Number: Section: _____ Block: _____ Lot: _____
Log No.: _____

TOWN OF _____ SUBDIVISION RECORDS CHECKLIST

Subdivision Name and Location: _____

Date of Action

Motion/resolution to accept preliminary plat submission. *(see technical checklist)* _____
Project description mailed pursuant to agricultural data statement. *(if applicable)* _____
Application submitted to county planning agency. *(Counties with GML §239-n reviews only)* _____
Type of SEQR action determined to be: _____
☐ type I ☐ unlisted ☐ other _____
EAF form filed. _____
Resolution of environmental significance determined: _____
☐ positive declaration ☐ negative declaration ☐ conditional negative declaration _____
(Note: positive declaration require records not on this checklist) _____
Type I action filed with Environmental Notice Bulletin. *(if applicable)* _____
Referral to zoning board of appeals for area variance. *(if applicable)* _____
Motion/resolution to hold public hearing. _____
Notice of public hearing given to adjacent municipalities. *(if applicable)* _____
Notice of hearing published in paper. _____
Public hearing held on preliminary plat. _____
Motion to close public hearing. _____
County planning agency response received. *(Counties with GML §239-n reviews only)* _____
*Resolution on preliminary plat to: _____
☐ approve with or without modifications ☐ disapprove _____
*Plat certified as approved. _____
*Certified plat and approval resolution filed in planning board clerk's office. _____
*Approval resolution mailed to owner. _____
*Decision resolution filed in municipal clerk's office. _____
*Complete final plat accepted by planning board clerk. _____
*Motion/resolution to waive or hold public hearing. _____
*Notice of public hearing given to adjacent municipalities. *(if applicable)* _____
*Notice of hearing published in paper. *(if applicable)* _____
*Public hearing held. *(if applicable)* _____
*Motion to close public hearing. *(if applicable)* _____
Resolution on final plat to: _____
☐ approve ☐ conditionally approve with or without modifications ☐ disapprove _____
Resolution addressing county planning agency review. *(Counties with GML §239-n reviews only)* _____
Plat certified as approved. _____
Certified plat and approval resolution filed in planning board clerk's office. _____
Decision resolution mailed to owner. _____
Decision resolution filed in municipal clerk's office. _____
Conditionally approved plat signed when complete. _____
Conditionally approved plat filed with planning board clerk or municipal clerk. _____
Report filed with county planning agency. *(Counties with GML §239-n reviews only)* _____
Plat filed in the office of the county clerk. _____

*Major subdivision only.

Statement of Understanding

I _____ understand that this meeting held with the planning board of the Town/Village of _____ is not intended to constitute an application to said board as required by _____, not withstanding that any papers relevant to the project may have been left or may be left with said board previous to or pursuant to this meeting. Further, it is understood that this meeting is merely an informal conference to obtain preliminary input from the above mentioned board with reference to a future application for the above mentioned project.

Signature

Date

Model Subdivision Application Submission Checklist

MINOR SUBDIVISION

Application:

- ☐ Three copies of the application form.
- ☐ A nonrefundable application fee.
- ☐ A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
- ☐ Three copies of the plat prepared at a scale of not more than 100 feet to the inch.
- ☐ A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
- ☐ An environmental assessment form (EAF) and/or a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

Plat:

- ☐ An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
- ☐ The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
- ☐ The locations of all land use law front, side and rear yard lines; district lines and the names of all applicable districts; floodplains; wetlands; and easements.

PRELIMINARY PLAT MAJOR SUBDIVISION

Application:

- ☐ Three copies of the application form.
- ☐ A nonrefundable application fee.
- ☐ A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
- ☐ Three copies of the plat prepared at a scale of not more than 100 feet to the inch.
- ☐ A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
- ☐ An environmental assessment form (EAF) and/or a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

Plat:

- ☐ An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
- ☐ The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
- ☐ The locations of all land use law front, side and rear yard lines, district lines and the names of all applicable districts.
- ☐ The parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- ☐ The location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, floodplains, and other significant existing features for the proposed subdivision and adjacent property.

- ☐ The location of existing wells, on-site sewage disposal systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- ☐ Contours with intervals of 5 feet or less, or as required by the planning board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than 2 feet.
- ☐ The width and location of any roads or public ways or places shown on the comprehensive plan, within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
- ☐ The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; and connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
- ☐ A storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and connection to existing lines or alternate means of disposal.
- ☐ Plans and cross-sections of the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
- ☐ Preliminary designs of any bridges or culverts which may be required.

FINAL PLAT MAJOR SUBDIVISION

Application:

- ☐ Three copies of the application form.
- ☐ A nonrefundable application fee.
- ☐ Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made therefor.
- ☐ Offers of cession and covenants governing the maintenance of unceded open space, bearing the certificate of approval of the town attorney as to their legal sufficiency.
- ☐ A map indicating the location of monuments marking all underground utilities as actually installed.
- ☐ Three copies of the plat prepared at a scale of not more than 100 feet to the inch.

Plat:

- ☐ Sufficient data from an actual field survey to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground.
- ☐ The length and bearing of all straight lines; the radii, length, central angles and cord bearings for road curves; the dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
- ☐ Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- ☐ The locations of all land use law front, side and rear yard lines; district lines and the names of all applicable districts; floodplains; wetlands; and easements.
- ☐ Public open spaces for which deeds are included, and those spaces title to which is reserved by the developer.
- ☐ Lots and blocks numbered and lettered in accordance with the prevailing town practice.
- ☐ Permanent reference monuments.

STATEMENT OF DISCLOSURE OF INTEREST
Officers or Employees of State, County, or Town Government
Required by §809 of the New York General Municipal Law

The following statement must be signed by the following:

- (1) Every individual owner of any real property which is a subject of this application (hereafter, the "subject property");
- (2) An authorized representative of every corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property;
- (3) Every individual who has a contract to purchase an interest in the subject property; and
- (4) An authorized representative of every corporation, partnership, company, trust, association, or other legal entity which has a contract to purchase an interest in the subject property.

NOTICE: A KNOWINGLY FALSE STATEMENT UNDER §809 OF THE GENERAL MUNICIPAL
LAW IS PUNISHABLE AS A MISDEMEANOR.

I make the following statements about interests in the real property which is the subject of this application (the "subject property"):

PART I: Except as otherwise set forth in Part II below --

A. Individuals with an ownership interest in the property.

1. No person having an ownership interest in the subject property is an officer or employee of New York State, _____ County, or the Town of _____.
2. No person having an ownership interest in the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.
3. No person having an ownership interest in the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.

B. Individuals with an interest in a contract to purchase the property.

1. No person having an interest in a contract to purchase the subject property is an officer or employee of New York State, _____ County, or the Town of _____.
2. No person having an interest in a contract to purchase the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.
3. No person having an interest in a contract to purchase the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.

C. Corporations or other entities with an ownership interest in the property.

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property is an officer or employee of New York State, _____ County, or the Town of _____.

2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.

3. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.

D. Corporations or other entities with an interest in a contract to purchase the property.

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity having an interest in a contract to purchase the subject property is an officer or employee of New York State, _____ County, or the Town of _____.

2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity having an interest in a contract to purchase the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.

3. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity having an interest in a contract to purchase the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, _____ County, or the Town of _____.

PART II: If any of the statements under A through D above is **not** true, please explain and set forth the name and the relationship to the subject property of any individual or person involved.

Signed: _____

ACKNOWLEDGEMENT

State of _____ }
County of _____ } ss:
_____ }

On the _____ day of _____, in the year _____, before me personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to this instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

SEQR – 6 NYCRR Part 617

617.4 TYPE I ACTIONS.

(b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:

- (1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;
- (2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;
- (3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;
- (4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
- (5) construction of new residential units that meet or exceed the following thresholds:
 - (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
 - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
 - (iii) in a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
 - (iv) in a city, town or village having a population of greater than 150,000 but less than 1,000,000, 1,000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
 - (v) in a city or town having a population of greater than 1,000,000, 2,500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
 - (i) a project or action that involves the physical alteration of 10 acres;
 - (ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;
 - (iii) parking for 1,000 vehicles;
 - (iv) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;

- (v) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;
- (7) any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;
- (8) any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;
- (9) any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulation (CFR) Parts 60 and 63, 1994 (see section 617.18 of this Part));
- (10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR Part 62, 1994 (see section 617.18 of this Part); or
- (11) any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.

617.7 DETERMINING SIGNIFICANCE.

(c) Criteria for determining significance.

- (1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:
 - (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
 - (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
 - (iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
 - (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - (vi) a major change in the use of either the quantity or type of energy;
 - (vii) the creation of a hazard to human health;
 - (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
 - (x) the creation of a material demand for other actions that would result in one of the above consequences;
 - (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
 - (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.
- (2) For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:
- (i) included in any long-range plan of which the action under consideration is a part;
 - (ii) likely to be undertaken as a result thereof; or
 - (iii) dependent thereon.
- (3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:
- (i) its setting (e.g., urban or rural);
 - (ii) its probability of occurrence;
 - (iii) its duration;
 - (iv) its irreversibility;
 - (v) its geographic scope;
 - (vi) its magnitude; and
 - (vii) the number of people affected.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

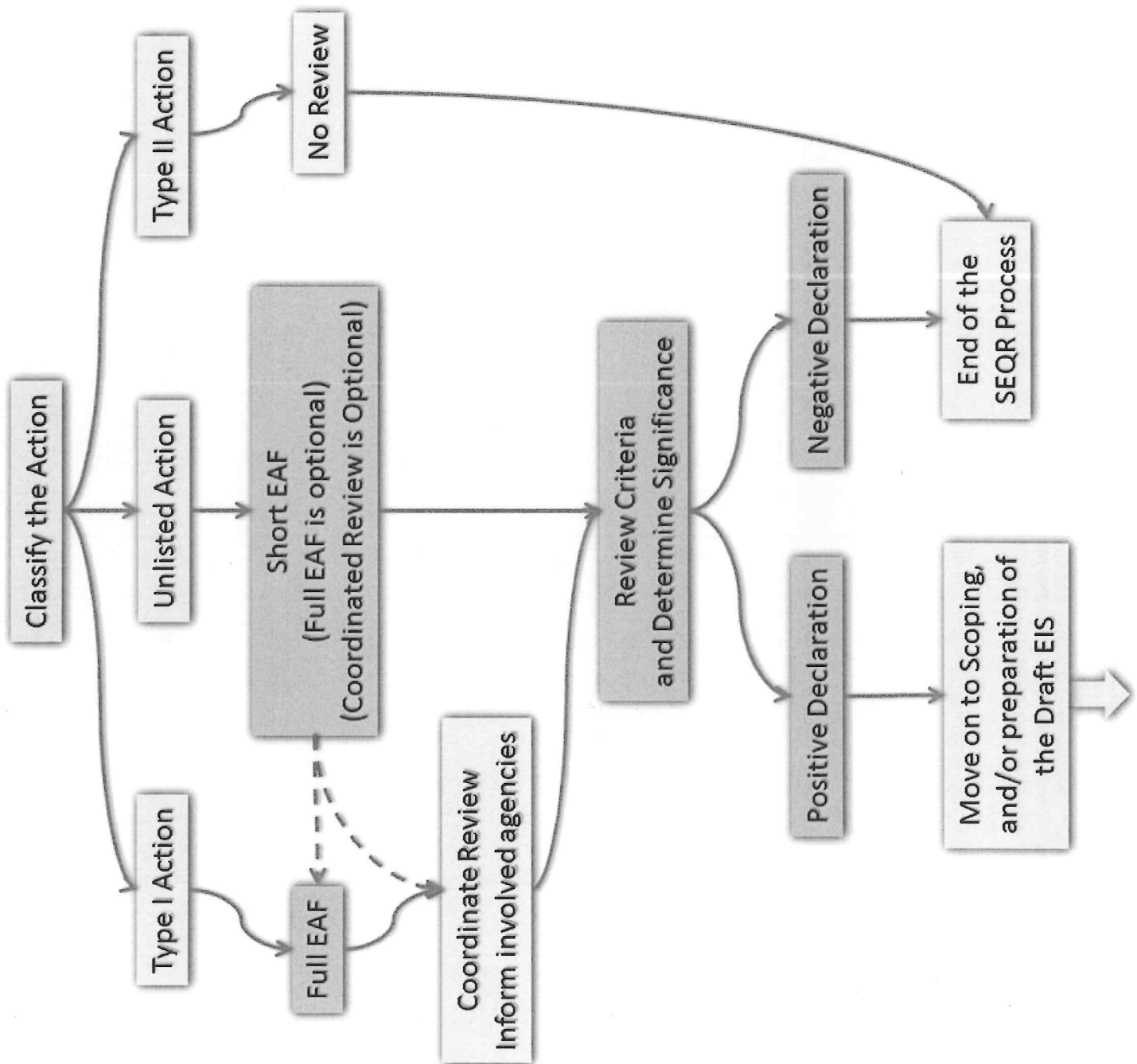
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT



AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

A. Name of applicant: _____

Mailing address: _____

B. Description of the proposed project: _____

C. Project site address: _____ Town: _____

D. Project site tax map number: _____

E. The project is located on property:

- ☐ within an Agricultural District containing a farm operation, or
☐ with boundaries within 500 feet of a farm operation located in an Agricultural District.

F. Number of acres affected by project: _____

G. Is any portion of the project site currently being farmed?

- ☐ Yes. If yes, how many acres _____ or square feet _____ ?
☐ No.

H. Name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.

I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above.

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### FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

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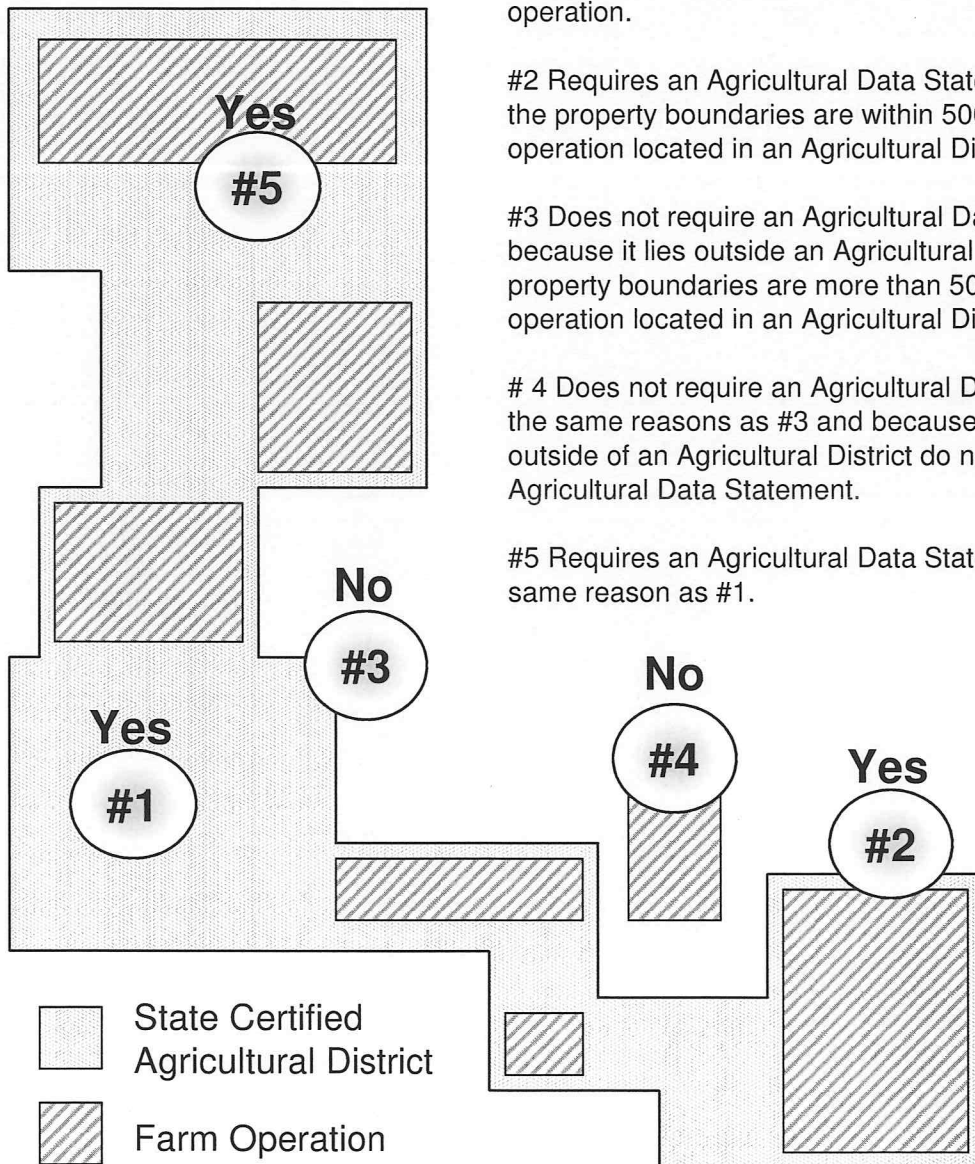
Name and Title of Person Completing Form

Date

When to Submit an Agricultural Data Statement

There are two criteria pursuant to Agriculture and Markets Law § 305-a to determine if a proposed project requires an Agricultural Data Statement:

- 1- the project is located on property within an Agricultural District containing a farm operation, or
- 2- the project is located on property with boundaries within 500 feet of a farm operation located in an Agricultural District.



#1 Requires an Agricultural Data Statement because it lies within an Agricultural District containing a farm operation.

#2 Requires an Agricultural Data Statement because the property boundaries are within 500 feet of a farm operation located in an Agricultural District.

#3 Does not require an Agricultural Data Statement because it lies outside an Agricultural District and the property boundaries are more than 500 feet from a farm operation located in an Agricultural District.

#4 Does not require an Agricultural Data Statement for the same reasons as #3 and because farm operations outside of an Agricultural District do not require an Agricultural Data Statement.

#5 Requires an Agricultural Data Statement for the same reason as #1.

Property Containing Proposed Project with 500' Radius

Farm Operation Definitions
NYS Agriculture and Markets Law, Section 301

11. **"Farm operation"** means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision sixteen of this section and "commercial equine operation" as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

13. **"Commercial horse boarding operation"** means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

14. **"Timber operation"** means the on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

16. **"Compost, mulch or other organic biomass crops"** means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

17. **"Commercial equine operation"** means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation.

NYS General Municipal Law Section 239-m and n

The issuance of special use permits, the approval of site plans, and applications for approval of preliminary or final plats and undeveloped plats are subject to the referral requirements of this section, if the application applies to real property **within five hundred feet** of the following:

- (i) the boundary of any city, village, or town; or
- (ii) the boundary of any existing or proposed county or state park or other recreation area;
or
- (iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- (v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- (vi) the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law.

Use Variance Criteria

The use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the zoning regulations.

The applicant shall demonstrate that for each and every permitted use for the particular district where the property is located,

- applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- the requested variance, if granted, will not alter the essential character of the neighborhood; and
- the alleged hardship has not been self-created.

Grant the minimum variance deemed necessary and adequate to address the unnecessary hardship proven by the applicant, while preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

Area Variance Criteria

The use of land in a manner which is not allowed by the dimensional or topographical requirements of the zoning regulations.

Take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also consider whether:

- an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance;
- the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
- the requested variance is substantial;
- the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- the alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance.

Grant the minimum variance deemed necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Notice of Public Hearing

Please take notice that the Planning Board of the Town of _____ will hold a public hearing on the application of [*name of subdivider*] pursuant to the Town of _____ Subdivision Law for approval of a subdivision plat entitled [*name of subdivision*]. Said subdivision is located [*describe general location and/or address*].

Said hearing will be held on the ____ day of _____, 20__, at the town offices at _____ o'clock, at which time all interested persons will be given an opportunity to be heard.

By order of the Planning Board

_____, Clerk