

# **Training Packet for Site Plan Review and Special Use Permits**



**NYS Tug Hill Commission  
25 September 2014**

## Site Review and Special Use Permit

### Site Plan Review

*Definition:* A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in the applicable zoning ordinance or local law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

The required site plan elements which are included in the zoning ordinance or local law may include, where appropriate, those related to:

- parking
- means of access
- screening
- signs
- landscaping
- architectural features,
- location and dimensions of buildings
- adjacent land uses and physical features meant to protect adjacent land uses
- any additional elements specified by the town/village board

### *Statutes*

- NYS Town Law Section 274-a
- NYS Village Law Section 7-725-a

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### *Process*

Statute does NOT require a public hearing, so hearing requirements are based on what is adopted in zoning ordinance or local law.

### Special Use Permit

*Definition:* An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

### *Statutes*

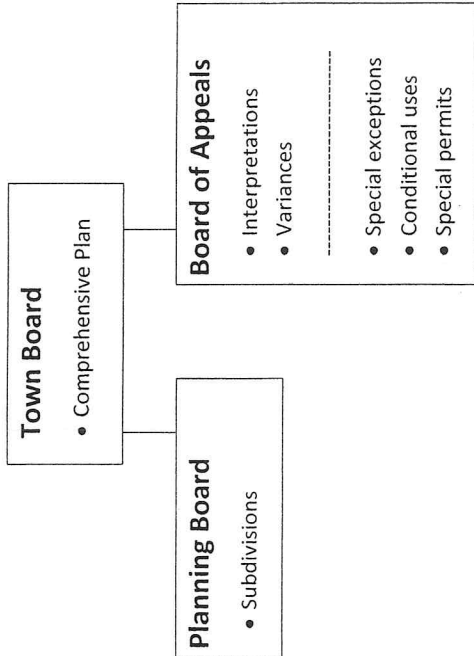
- NYS Town Law Section 274-b
- NYS Village Law Section 7-725-b

### *Process*

Statutes DOES require a public hearing.

1

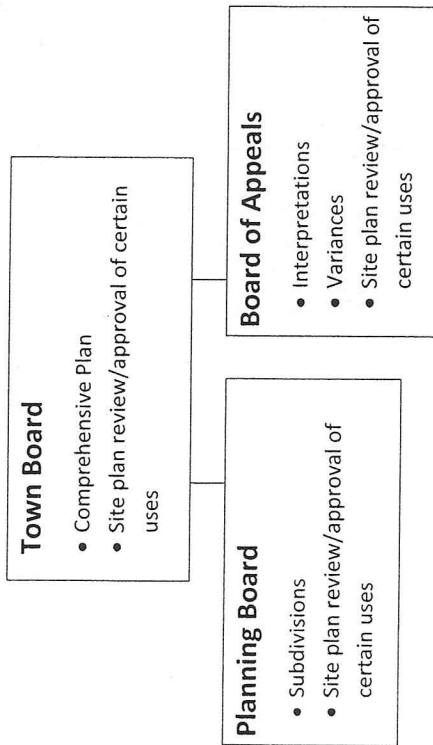
# Standard State/City Planning Enabling Acts (1920s)



2

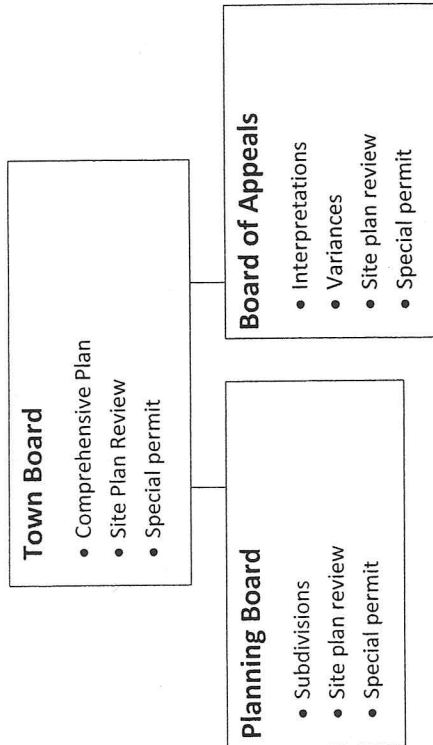
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# Site Plan Review (1970s)



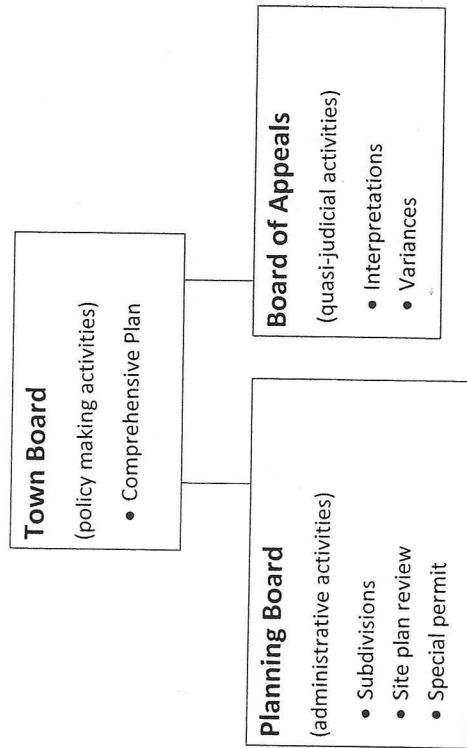
3

# Site Plan/Special Permit Review (1990s)



4

# Typical Town Today



## Somewhat Plain English Site Plan/Special Permit 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 zoning 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 site plans 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 site plan 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 site makes it necessary, the agricultural data statement must be sent to affected property owners.

### 5. 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.

### 6. Acceptance of Complete Application

The board should make a formal motion to accept the application as complete upon making a negative declaration or accepting a draft environmental impact statement. *(Note: the time clock will start when*



*the board accepts a completed application, including either a negative declaration, or a draft environmental impact statement.)*

**7. Referral to ZBA**

Where the site plan 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.

**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 site requires, notice by mail or electronic transmission must be made to the clerk of adjacent municipalities at least ten days before the hearing. Notice must be mailed to the applicant ten days before the hearing.

**9. County Referral**

Where the location of the site makes it necessary, notice of the hearing and a full statement of the action must be referred to the county planning board at least ten days before a hearing is held. Only part 1 of the EAF is necessary to refer.

**10. Hearing**

The hearing must be held within 62 days of the acceptance of a completed application. The board must act by motion to close the hearing.

**11. Action on Proposal**

Within 62 days of the closing of the hearing, the board must act to approve, approve with modifications, or disapprove the site plan. A resolution addressing county referral comments should accompany final action of the board.

**12. Notifications and Filings**

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

***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.

Tax Parcel Number: Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Log No.: \_\_\_\_\_

TOWN OF \_\_\_\_\_ SITE PLAN/ SPECIAL USE RECORDS CHECKLIST

Site Plan Name and Location: \_\_\_\_\_

	Date of Action
Motion/resolution to accept preliminary application. (see technical checklist)	_____
Project description mailed pursuant to agricultural data statement. (if applicable)	_____
Type of SEQR action determined to be:	
<input type="checkbox"/> type I <input type="checkbox"/> unlisted <input type="checkbox"/> other	_____
EAF form filed.	_____
Resolution of environmental significance determined by:	
<input type="checkbox"/> positive declaration <input type="checkbox"/> negative declaration <input type="checkbox"/> conditional negative declaration	_____
(Note: positive declaration will require records not on this checklist)	_____
Type I action filed with Environmental Notice Bulletin. (if applicable)	_____
Application accepted as complete.	_____
Referral to zoning board of appeals for area variance. (if applicable)	_____
Application and notice of hearing to county planning agency. (if applicable)	_____
*Motion to hold or waive public hearing. (Waiver may be used only for site plan review procedure)	_____
*Notice of public hearing to adjacent municipalities. (if applicable)	_____
*Notice of hearing mailed to applicant.	_____
*Notice of hearing published in paper.	_____
*Public hearing held.	_____
*Motion to close public hearing.	_____
County planning agency response received. (if applicable)	_____
Decision resolution to:	
<input type="checkbox"/> approve <input type="checkbox"/> approve with modifications <input type="checkbox"/> disapprove	_____
Resolution addressing county planning agency review. (if applicable)	_____
Decision filed with municipal clerk.	_____
Decision mailed to applicant.	_____
Report filed with county planning agency. (if applicable)	_____
Zoning permit issued.	_____
Certificate of occupancy issued.	_____
*Not necessary for site plan reviews without public hearing.	

### 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 Site Plan Review Application Submission Checklist

- ☐ 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 site;
- ☐ An agricultural data statement pursuant to Town Law Section 283-a, when applicable;
- ☐ 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;
  
- ☐ Three copies of a site plan showing the following:
  - ☐ Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
  - ☐ Date, north point, written and graphic scale
  - ☐ Boundaries of the site plotted to scale, including distances, bearings, and areas;
  - ☐ Locator map showing the site in relationship to the town;
  - ☐ Location and ownership of all adjacent lands as shown on the latest tax records;
  - ☐ Location of all zone district boundaries;
  - ☐ Location, name, jurisdiction and width of adjacent roads;
  - ☐ Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
  - ☐ Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
  - ☐ Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
  - ☐ Location and design of all parking and loading areas, access and egress drives, fire lanes and emergency access areas;
  - ☐ Provision for pedestrian access, including public and private sidewalks;
  - ☐ Location of outdoor storage;
  - ☐ Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
  - ☐ Description of the method of securing water supply and disposing of sewage, and the location and design of such facilities;
  - ☐ Location and design of all energy distribution and storage facilities, including oil, gas, electrical, and solar energy;
  - ☐ Location, size and design of all proposed signs;
  - ☐ Location and design of outdoor lighting facilities;
  - ☐ General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
  - ☐ Erosion and sediment control plan.

## SAMPLE APPLICATION FOR SITE PLAN APPROVAL

DATE _____ (check appropriate box) <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL			
Name of proposed development: _____			
Applicant name: _____		Plans prepared by: _____	
Phone: _____		Phone: _____	
Address: _____		Address: _____	
City: _____		City: _____	
State: _____	Zip: _____	State: _____	Zip: _____
Owner name (if different): _____		If more than one owner, provide information for each	
Phone: _____			
Address: _____			
City: _____			
State: _____	Zip: _____		
Ownership intentions (i.e., purchase options): _____			
Proposed zoning: _____			
Proposed site use(s): _____			
Describe proposed use (include primary and secondary uses; ground floor area; height; and number of stories for each building): For residential buildings include: number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three- or more bedrooms) and number of parking spaces to be provided; For non-residential buildings include: total floor area and total sales area; number of automobile and truck parking spaces; Other proposal structures (Use separate sheet if needed): _____			
<b>PARCEL INFORMATION</b>			
Tax Map Identification _____	Section _____	Block _____	Lot _____
Total site area (sq. feet or acres): _____			
Current zoning: _____			
Current land use (agricultural, commercial, undeveloped, etc.): _____			
Current condition (buildings, brush, etc.) _____			
Surrounding land character (urban, wetlands, etc.): _____			
<b>CONSTRUCTION INFORMATION</b>			
Anticipated construction time: _____			
Will development be staged? _____			
Estimated cost of improvement: _____			
Anticipated increase in number of residents, shoppers, employees, etc. (as applicable) _____			
<b>STATE AND FEDERAL PERMITS (list type and appropriate department)</b>			

**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 \_\_\_\_\_.

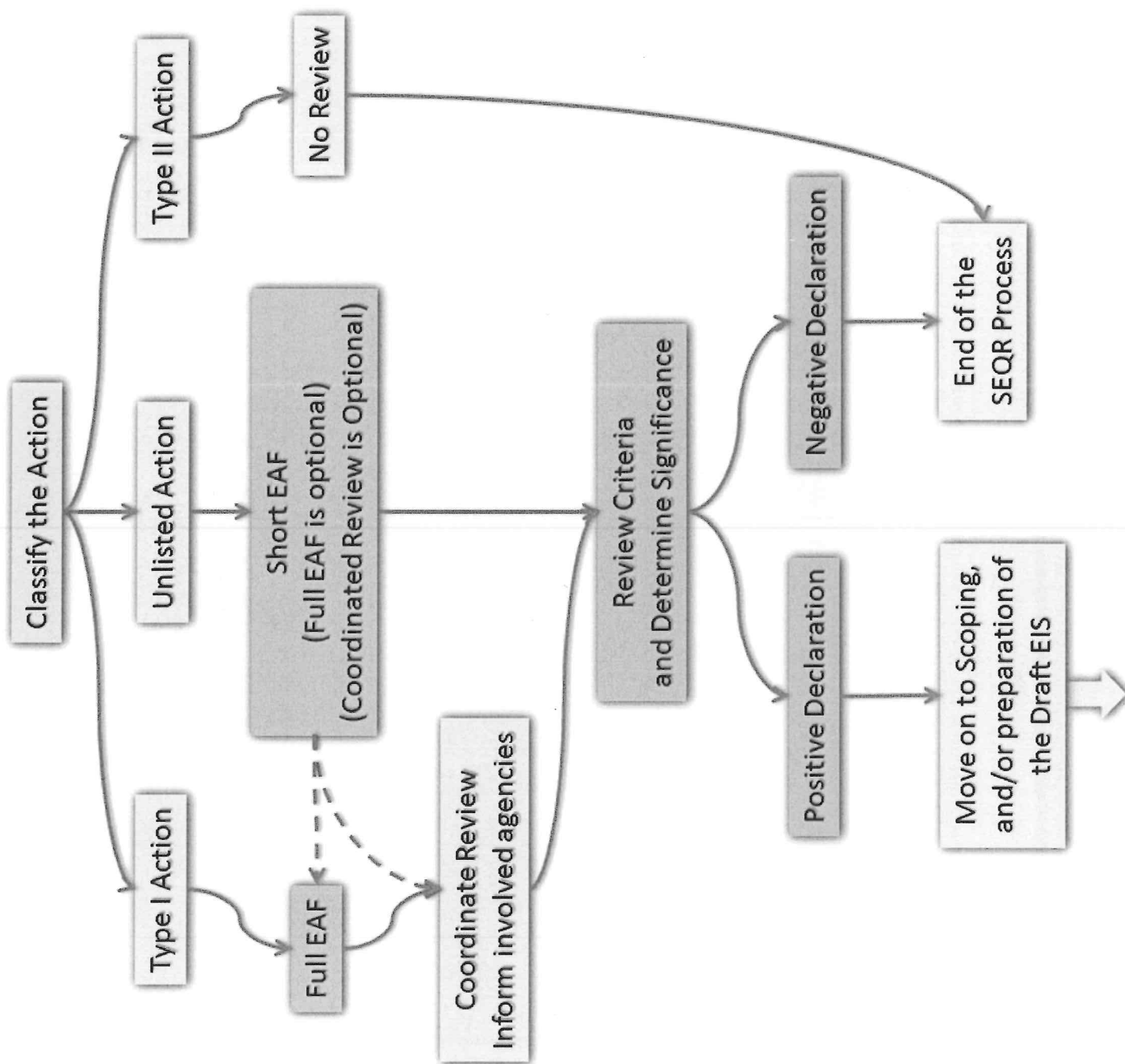
**PART II:** If any of the statements under A through D above is **not** true, please explain and set forth the name and the relationship to the subject property of any individual or person involved.

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.





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.

<b>Part 1 - Project and Sponsor Information</b>				
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?			<b>NO</b>	<b>YES</b>
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.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			<b>NO</b>	<b>YES</b>
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<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"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
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: 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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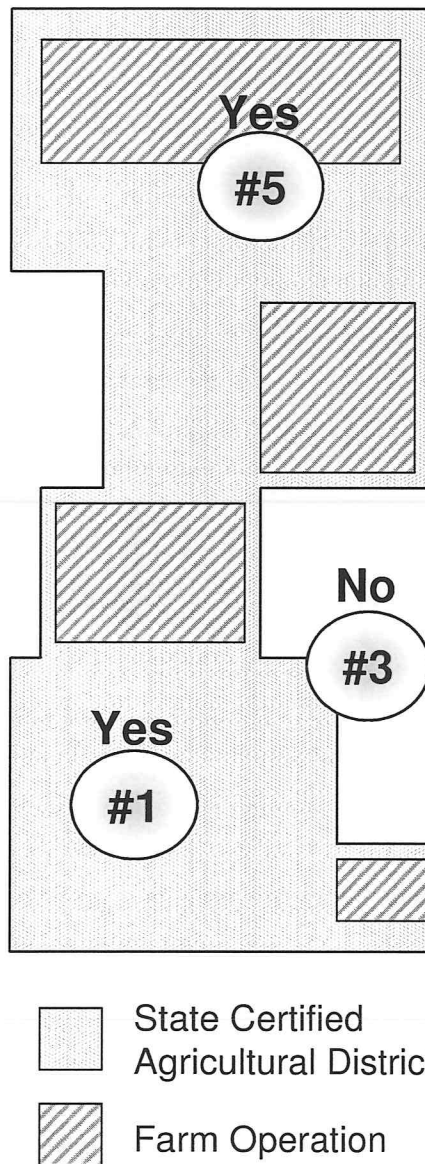
\_\_\_\_\_  
Name and Title of Person Completing Form

\_\_\_\_\_  
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.



 State Certified Agricultural District  
 Farm Operation

 # Property Containing Proposed Project with 500' Radius

#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.

**Farm Operation Definition**  
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.

### 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.

### NYS General Municipal Law Section 239-m

The issuance of special use permits and the approval of site plans 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.

## Web Sites Useful to Planning and Zoning Officials in the Tug Hill Region

### New York State Statutes

<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

### Department of State Publications

<http://www.dos.ny.gov/lg/publications.html>

### Committee on Open Government – Open Meetings Law

<http://www.dos.ny.gov/coog/#>

### State Environmental Quality Review Act (SEQR)

6 NYCRR Part 617:

<http://www.dec.ny.gov/regs/4490.html>

SEQR Handbook:

<http://www.dec.ny.gov/permits/6188.html>

SEQR Publications:

<http://www.dec.ny.gov/permits/36860.html>

Downloadable SEQR forms and EAF Mapper Application:

<http://www.dec.ny.gov/permits/6191.html>

Environmental Notice Bulletin (ENB):

<http://www.dec.ny.gov/enb/enb.html>

### Tug Hill Commission – Planning

<http://www.tughill.org/services/planning/>

### Jefferson County

Agricultural district map (county wide):

<http://www.co.jefferson.ny.us/Modules/ShowDocument.aspx?documentid=5321>

Referral form:

<http://www.co.jefferson.ny.us/Modules/ShowDocument.aspx?documentid=5639>

### Lewis County

Referral manual, referral form and agricultural data statement (links at bottom of page):

<http://lewiscountyny.org/content/Generic/View/115>

Agricultural districts map (county wide):

<http://lewiscountyny.org/content/Generic/View/58:field=documents;/content/Documents/File/995.pdf>

### Oneida County

Referral forms and agricultural data statement:

<http://www.ocgov.net/planning/forms>

Agricultural district maps (by town):

<http://www.ocgov.net/planning/AgDistrictMaps>

### Oswego County

Referral form:

<http://co.oswego.ny.us/planning/239%20Im%20review%20form.pdf>

Agricultural Data Statement:

<http://co.oswego.ny.us/planning/agricultural%20data%20statement.pdf>