

STATE OF NEW YORK

8642--B

IN SENATE

January 7, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, the village law and the general city law, in relation to enacting the "planning approval predictability act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "planning approval predictability act".

3 § 2. Subdivisions 2 and 5 of section 274-a of the town law, subdivi-
4 sion 2 as added by chapter 694 of the laws of 1992 and subdivision 5 as
5 amended by chapter 486 of the laws of 1994, are amended to read as
6 follows:

7 2. Approval of site plans. (a) The town board may, as part of a zoning
8 ordinance or local law adopted pursuant to this article or other enabl-
9 ing law, authorize the planning board or such other administrative body
10 that it shall so designate, to review and approve, approve with modifi-
11 cations or disapprove site plans prepared to specifications set forth in
12 the ordinance or local law and/or in regulations of such authorized
13 board. Site plans shall show the arrangement, layout and design of the
14 proposed use of the land on said plan as designated by the form provided
15 pursuant to paragraph (c) of this subdivision. The ordinance or local
16 law shall specify the land uses that require site plan and the elements
17 to be included on plans submitted for approval. The required site plan
18 elements which are included in the zoning ordinance or local law may
19 include, where appropriate, those related to parking, means of access,
20 screening, signs, landscaping, architectural features, location and
21 dimensions of buildings, adjacent land uses and physical features meant
22 to protect adjacent land uses as well as any additional elements speci-
23 fied by the town board in such zoning ordinance or local law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (b) When an authorization to approve site plans is granted by the town
2 board pursuant to this section, the terms thereof may condition the
3 issuance of a building permit upon such approval.

4 (c) (i) A planning board or other administrative body authorized to
5 designate, review and approve, approve with modifications, or disapprove
6 site plans pursuant to paragraph (a) of this subdivision shall develop
7 and make available an application form to be filled out for submission
8 of such site plans. Such form shall include a complete list of all
9 studies, reports, documents, and technical standards required for a
10 complete application. The reviewing authority has the ability to either
11 deem the form complete or incomplete within thirty days of submission.
12 Such form shall be published in a manner easily accessible to the
13 public.

14 (ii) No planning board or other administrative body authorized to
15 designate, review and approve, approve with modifications, or disapprove
16 site plans pursuant to paragraph (a) of this subdivision shall require
17 any additional studies, reports, or documents to be submitted as part of
18 an application for site plan review beyond what is required by the form
19 developed pursuant to subparagraph (i) of this paragraph, except where:

20 (1) the applicant's submission does not otherwise comply with the
21 standards set forth in such form; or

22 (2) the scope or scale of the project materially changes after
23 submission of such form as determined by the planning board or other
24 administrative body.

25 (iii) A planning board or other administrative body authorized to
26 designate, review and approve, approve with modifications, or disapprove
27 site plans pursuant to paragraph (a) of this subdivision may update the
28 form developed pursuant to subparagraph (i) of this paragraph from time
29 to time. Any such updates shall be reported to applicants that have open
30 or pending applications for site review within ten days of any such
31 changes. Amendments by such applicants shall be accepted to maintain
32 compliance with such updated form.

33 (iv) Within thirty days after the submission of a site plan applica-
34 tion that has been deemed complete by the reviewing authority pursuant
35 to this paragraph, the planning board or other administrative body
36 authorized to designate, review and approve, approve with modifications,
37 or disapprove site plans pursuant to paragraph (a) of this subdivision
38 shall notify the applicant in writing whether their application is
39 complete. If no such notice is provided within such thirty-day period,
40 the application shall be deemed complete for all purposes of this
41 section. An actual determination of completeness, or a constructive
42 determination of completeness under this paragraph, shall not be
43 construed as an approval of the site plan, but shall commence the period
44 for substantive review and decision on such application as otherwise
45 provided by law.

46 5. Waiver of requirements. The town board may further empower the
47 authorized board to, when reasonable, waive any requirements for the
48 approval, approval with modifications or disapproval of site plans
49 submitted for approval, provided, however, that the requirements under
50 paragraph (c) of subdivision two of this section shall not be waived.
51 Any such waiver, which shall be subject to appropriate conditions set
52 forth in the ordinance or local law adopted pursuant to this section,
53 may be exercised in the event any such requirements are found not to be
54 requisite in the interest of the public health, safety or general
55 welfare or inappropriate to a particular site plan.

1 § 3. Subdivisions 2 and 5 of section 7-725-a of the village law,
2 subdivision 2 as added by chapter 694 of the laws of 1992, paragraph (a)
3 of subdivision 2 as amended by chapter 423 of the laws of 1995, and
4 subdivision 5 as amended by chapter 486 of the laws of 1994, are amended
5 to read as follows:

6 2. Approval of site plans. (a) The village board of trustees may, as
7 part of a local law adopted pursuant to this article or other enabling
8 law, authorize the planning board or such other administrative body that
9 it shall so designate, to review and approve, approve with modifications
10 or disapprove site plans, prepared to specifications set forth in the
11 local law and/or in regulations of such authorized board. Site plans
12 shall show the arrangement, layout and design of the proposed use of the
13 land on said plan as designated by the form provided pursuant to para-
14 graph (c) of this subdivision. The local law shall specify the land uses
15 that require site plan approval and the elements to be included on plans
16 submitted for approval. The required site plan elements which are
17 included in the local law may include, where appropriate, those related
18 to parking, means of access, screening, signs, landscaping, architec-
19 tural features, location and dimensions of buildings, adjacent land uses
20 and physical features meant to protect adjacent land uses as well as any
21 additional elements specified by the village board of trustees in such
22 local law.

23 (b) When an authorization to approve site plans is granted by the
24 village board of trustees pursuant to this section, the terms thereof
25 may condition the issuance of a building permit upon such approval.

26 (c) (i) A planning board or other administrative body authorized to
27 designate, review and approve, approve with modifications, or disapprove
28 site plans pursuant to paragraph (a) of this subdivision shall develop
29 and make available an application form to be filled out for submission
30 of such site plans. Such form shall include a complete list of all
31 studies, reports, documents, and technical standards required for a
32 complete application. The reviewing authority has the ability to either
33 deem the form complete or incomplete within thirty days of submission.
34 Such form shall be published in a manner easily accessible to the
35 public.

36 (ii) No planning board or other administrative body authorized to
37 designate, review and approve, approve with modifications, or disapprove
38 site plans pursuant to paragraph (a) of this subdivision shall require
39 any additional studies, reports, or documents to be submitted as part of
40 an application for site plan review beyond what is required by the form
41 developed pursuant to subparagraph (i) of this paragraph, except where:

42 (1) the applicant's submission does not otherwise comply with the
43 standards set forth in such form; or

44 (2) the scope or scale of the project materially changes after
45 submission of such form form as determined by the planning board or
46 other administrative body.

47 (iii) A planning board or other administrative body authorized to
48 designate, review and approve, approve with modifications, or disapprove
49 site plans pursuant to paragraph (a) of this subdivision may update the
50 form developed pursuant to subparagraph (i) of this paragraph from time
51 to time. Any such updates shall be reported to applicants that have open
52 or pending applications for site review within ten days of any such
53 changes. Amendments by such applicants shall be accepted to maintain
54 compliance with such updated form.

55 (iv) Within thirty days after the submission of a site plan applica-
56 tion that has been deemed complete by the reviewing authority, pursuant

1 to this paragraph, the planning board or other administrative body
2 authorized to designate, review and approve, approve with modifications,
3 or disapprove site plans pursuant to paragraph (a) of this subdivision
4 shall notify the applicant in writing whether their application is
5 complete. If no such notice is provided within such thirty-day period,
6 the application shall be deemed complete for all purposes of this
7 section. An actual determination of completeness, or a constructive
8 determination of completeness under this paragraph, shall not be
9 construed as an approval of the site plan, but shall commence the period
10 for substantive review and decision on such application as otherwise
11 provided by law.

12 5. Waiver of requirements. The village board of trustees may further
13 empower the authorized board to, when reasonable, waive any requirements
14 for the approval, approval with modifications or disapproval of site
15 plans submitted for approval, provided, however, that the requirements
16 under paragraph (c) of subdivision two of this section shall not be
17 waived. Any such waiver, which shall be subject to appropriate condi-
18 tions set forth in the local law adopted pursuant to this section, may
19 be exercised in the event any such requirements are found not to be
20 requisite in the interest of the public health, safety or general
21 welfare or inappropriate to a particular site plan.

22 § 4. Subdivisions 2 and 5 of section 27-a of the general city law, as
23 added by chapter 211 of the laws of 1993 and paragraph a of subdivision
24 2 as amended by chapter 458 of the laws of 1997, are amended to read as
25 follows:

26 2. Approval of site plans. a. The legislative body of each city may,
27 as part of a zoning ordinance or local law adopted pursuant to subdivi-
28 sions twenty-four and twenty-five of section twenty of this chapter or
29 by local law or ordinance adopted pursuant to other enabling law,
30 authorize the planning board or such other administrative body that it
31 shall so designate, to review and approve, approve with modifications or
32 disapprove site plans, prepared to specifications set forth in the ordi-
33 nance or local law and/or in regulations of such authorized board. Site
34 plans shall show the arrangement, layout and design of the proposed use
35 of the land on said plan as designated by the form provided pursuant to
36 paragraph c of this subdivision. The ordinance or local law shall speci-
37 fy the land uses that require site plan approval and the elements to be
38 included on plans submitted for approval. The required site plan
39 elements which are included in the local law or ordinance may include,
40 where appropriate, those related to parking, means of access, screening,
41 signs, landscaping, architectural features, location and dimensions of
42 buildings, adjacent land uses and physical features meant to protect
43 adjacent land uses as well as any additional elements specified by the
44 legislative body in such zoning ordinance or local law.

45 b. When an authorization to approve site plans is granted by the
46 legislative body pursuant to this section, the terms thereof may condi-
47 tion the issuance of a building permit upon such approval.

48 c. (i) A planning board or other administrative body authorized to
49 designate, review and approve, approve with modifications, or disapprove
50 site plans pursuant to paragraph a of this subdivision shall develop and
51 make available an application form to be filled out for submission of
52 such site plans. Such form shall include a complete list of all studies,
53 reports, documents, and technical standards required for a complete
54 application. The reviewing authority has the ability to either deem the
55 form complete or incomplete within thirty days of submission. Such form
56 shall be published in a manner easily accessible to the public.

1 (ii) No planning board or other administrative body authorized to
2 designate, review and approve, approve with modifications, or disapprove
3 site plans pursuant to paragraph a of this subdivision shall require any
4 additional studies, reports, or documents to be submitted as part of an
5 application for site plan review beyond what is required by the form
6 developed pursuant to subparagraph (i) of this paragraph, except where:

7 (1) the applicant's submission does not otherwise comply with the
8 standards set forth in such form; or

9 (2) the scope or scale of the project materially changes after
10 submission of such form as determined by the planning board or other
11 administrative body.

12 (iii) A planning board or other administrative body authorized to
13 designate, review and approve, approve with modifications, or disapprove
14 site plans pursuant to paragraph a of this subdivision may update the
15 form developed pursuant to subparagraph (i) of this paragraph from time
16 to time. Any such updates shall be reported to applicants that have open
17 or pending applications for site review within ten days of any such
18 changes. Amendments by such applicants shall be accepted to maintain
19 compliance with such updated form.

20 (iv) Within thirty days after the submission of a site plan applica-
21 tion that has been deemed complete by the reviewing authority, pursuant
22 to this paragraph, the planning board or other administrative body
23 authorized to designate, review and approve, approve with modifications,
24 or disapprove site plans pursuant to paragraph a of this subdivision
25 shall notify the applicant in writing whether their application is
26 complete. If no such notice is provided within such thirty-day period,
27 the application shall be deemed complete for all purposes of this
28 section. An actual determination of completeness, or a constructive
29 determination of completeness under this paragraph, shall not be
30 construed as an approval of the site plan, but shall commence the period
31 for substantive review and decision on such application as otherwise
32 provided by law.

33 5. Waiver of requirements. The legislative body may further empower
34 the authorized board to, when reasonable, waive any requirements for the
35 approval, approval with modifications or disapproval of site plans
36 submitted for approval, provided, however, that the requirements under
37 paragraph c of subdivision two of this section shall not be waived. Any
38 such waiver, which shall be subject to appropriate conditions set forth
39 in the local law adopted pursuant to this section, may be exercised in
40 the event any such requirements are found not to be requisite in the
41 interest of the public health, safety and general welfare or inappropri-
42 ate to a particular site plan.

43 § 5. The forms required to be developed pursuant to paragraph (c) of
44 subdivision 2 of section 274-a of the town law, paragraph (c) of subdivi-
45 sion 2 of section 7-725-a of the village law, and paragraph c of
46 subdivision 2 of section 27-a of the general city law, as amended by
47 sections two, three and four of this act respectively, shall be devel-
48 oped no later than one hundred eighty days after the effective date of
49 this act.

50 § 6. This act shall take effect immediately.