

STATE OF NEW YORK

10678

IN ASSEMBLY

March 20, 2026

Introduced by M. of A. KAY -- read once and referred to the Committee on Local Governments

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.

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

27 (c) (i) A planning board or other administrative body authorized to
28 designate, review and approve, approve with modifications, or disapprove

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

LBD13715-09-6

1 site plans pursuant to paragraph (a) of this subdivision shall develop
2 and make available an application form to be filled out for submission
3 of such site plans. Such form shall include a complete list of all
4 studies, reports, documents, and technical standards required for a
5 complete application. The reviewing authority has the ability to either
6 deem the form complete or incomplete within thirty days of submission.
7 Such form shall be published in a manner easily accessible to the
8 public.

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

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

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

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

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

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

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

2. Approval of site plans. (a) The village board of trustees may, as part of a local law adopted pursuant to this article or other enabling law, authorize the planning board or such other administrative body that it shall so designate, to review and approve, approve with modifications or disapprove site plans, prepared to specifications set forth in the local law and/or in regulations of such authorized board. Site plans shall show the arrangement, layout and design of the proposed use of the land on said plan as designated by the form provided pursuant to paragraph (c) of this subdivision. The local law shall specify the land uses that require site plan approval and the elements to be included on plans submitted for approval. The required site plan elements which are included in the 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 as well as any additional elements specified by the village board of trustees in such local law.

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

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

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

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

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

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

(iv) Within thirty days after the submission of a site plan application that has been deemed complete by the reviewing authority, pursuant to this paragraph, the planning board or other administrative body authorized to designate, review and approve, approve with modifications, or disapprove site plans pursuant to paragraph (a) of this subdivision shall notify the applicant in writing whether their application is complete. If no such notice is provided within such thirty-day period,

1 the application shall be deemed complete for all purposes of this
2 section. An actual determination of completeness, or a constructive
3 determination of completeness under this paragraph, shall not be
4 construed as an approval of the site plan, but shall commence the period
5 for substantive review and decision on such application as otherwise
6 provided by law.

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

17 § 4. Subdivisions 2 and 5 of section 27-a of the general city law, as
18 added by chapter 211 of the laws of 1993 and paragraph a of subdivision
19 2 as amended by chapter 458 of the laws of 1997, are amended to read as
20 follows:

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

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

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

52 (ii) No planning board or other administrative body authorized to
53 designate, review and approve, approve with modifications, or disapprove
54 site plans pursuant to paragraph a of this subdivision shall require any
55 additional studies, reports, or documents to be submitted as part of an

1 application for site plan review beyond what is required by the form
2 developed pursuant to subparagraph (i) of this paragraph, except where:

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

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

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

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

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

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

46 § 6. This act shall take effect immediately.