

STATE OF NEW YORK

8642--A

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

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.

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

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

11 (ii) An applicant who submits a site plan using a form developed
12 pursuant to subparagraph (i) of this paragraph with all required
13 studies, reports, and documents included shall be deemed to have submit-
14 ted a complete application.

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

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

23 (2) the scope or scale of the project materially changes after
24 submission of such form.

25 (iv) 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 (v) Within thirty days after the submission of a site plan application
34 that has been deemed complete by the reviewing authority pursuant to
35 this paragraph, the planning board or other administrative body author-
36 ized to designate, review and approve, approve with modifications, or
37 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) An applicant who submits a site plan using a form developed
37 pursuant to subparagraph (i) of this paragraph with all required
38 studies, reports, and documents included shall be deemed to have submit-
39 ted a complete application.

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

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

48 (2) the scope or scale of the project materially changes after
49 submission of such form.

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

1 changes. Amendments by such applicants shall be accepted to maintain
2 compliance with such updated form.

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

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

26 § 4. Subdivisions 2 and 5 of section 27-a of the general city law, as
27 added by chapter 211 of the laws of 1993 and paragraph a of subdivision
28 2 as amended by chapter 458 of the laws of 1997, are amended to read as
29 follows:

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

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

52 c. (i) A 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 develop and
55 make available an application form to be filled out for submission of
56 such site plans. Such form shall include a complete list of all studies,

1 reports, documents, and technical standards required for a complete
2 application. The reviewing authority has the ability to either deem the
3 form complete or incomplete within thirty days of submission. Such form
4 shall be published in a manner easily accessible to the public.

5 (ii) An applicant who submits a site plan using a form developed
6 pursuant to subparagraph (i) of this paragraph with all required
7 studies, reports, and documents included shall be deemed to have submit-
8 ted a complete application.

9 (iii) 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 any
12 additional studies, reports, or documents to be submitted as part of an
13 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.

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

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

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

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

56 § 6. This act shall take effect immediately.