

# UNDERSTANDING THE APPROVAL PROCESS

A GUIDE FOR PROSPECTS/APPLICANTS

**Alliance** **FOR** **Balanced** **Growth**

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ORANGE COUNTY NEW YORK

A STANDING COMMITTEE OF THE

ORANGE COUNTY  
**PARTNERSHIP**



# Understanding the Approval Process

***“I need my approval and I need it now!”***

***A guide for prospects/applicants***

**T**he Alliance for Balanced Growth is a standing committee of the Orange County Partnership. Our primary mission is to create a unified voice for responsible development, quality construction and the creation of sustainable communities. Our market is industrial, commercial and office development. We rely on quality-of-life components in Orange County to attract strong companies to expand and locate here. We work with local, county and state governments, as well as our business community, to have our message heard.

## **Introduction**

This publication is intended to be a guide for companies considering locating or expanding in Orange County. Securing municipal approvals for a project in New York State can at first appear to be a daunting task. But there is help....the purpose of this booklet will provide an overview of what to expect and provide some guidance as you embark on the process.

**Note:** *The municipal approval process can be complicated and unique from municipality to municipality. This booklet is not intended to provide all the answers to every scenario but rather to provide an overview of some of the more significant steps along the way. For more expert information, seek the advice of an experienced land-use attorney, planner or engineer. The Alliance for Balanced Growth and the Orange County Partnership are not responsible for errors or omissions in this document.*

# GETTING STARTED

You've decided that your business needs to expand or needs a new location and that Orange County may fit the bill. The Orange County Partnership can coordinate the resources to help make your project successful. They act as a conduit, identifying the appropriate resources and putting you in contact with important partners such as Empire State Development, Orange County Government, and officials at each local municipality. The Partnership will assist you with site selection, workforce and incentives.

## SITE SEARCH

Orange County is fortunate to have many excellent commercial sites in appropriately-zoned locations that are easily accessed. A key to getting your project approved is understanding how the proposed development will fit the location. The Orange County Partnership works in cooperation with the local brokerage community to help identify the most suitable potential sites for any given project. Among the steps taken during the site search will be:

- 1) Gathering site data
- 2) Conducting site tours
- 3) Identifying the best sites
- 4) Meeting with local officials
  - Introductory meeting with municipality – The Orange County Partnership can help applicants arrange to meet with the municipality hosting the site to get initial feedback on the project. If possible, it's helpful to meet with the Supervisor or Mayor, Planning Board Chair, attorney and engineer. At this meeting, you will also esta-

blish the appropriate lead board for the project, whether planning board, municipal board, etc.

#### 5) Exploring potential incentives

- State and Local Assistance – Orange County welcomes companies bringing new jobs, capital investment and tax rateables to the County. The Orange County Partnership, in coordination with officials from Empire State Development, the Orange County IDA, Newburgh-Stewart Empire Zone and others, will help determine what types of assistance, financial and other, may be applicable to your project.

### **ASSEMBLE DEVELOPMENT TEAM**

After you have chosen a site, assembling a development team with local expertise may be among the most important steps you can take. We recommend the following steps during this period:

- 1) Retain local engineers, attorneys, etc. to help determine feasibility of site.
- 2) Enter into a purchase agreement/contract.
- 3) Evaluate public perception and possible reception or lack thereof. Determine if a public outreach plan is recommended.
- 4) Schedule first official meeting, often referred to as a “work session,” with the appropriate board and municipal consultants.

## GOVERNMENTAL APPROVAL PROCESS

Municipal Approvals - Project approvals are typically handled locally by the municipality hosting the proposed site. These approvals will typically include a site plan review and the issuance of a use permit. All municipalities, however, must follow the guidelines established under the State Environmental Quality Review Act ( SEQR ). According to the New York State DEC publication, "***A Citizens Guide to SEQR***", "SEQR requires every state and local agency in New York to give equal consideration to environmental protection, human and community resources and economic factors when considering proposed actions, such as: adopting land-use plans, sub-dividing land, building developments, roadways and filling wetlands." The level of review required will be determined by the type of project proposed. A more complete description of the New York State SEQR process can be accessed at the Orange County Partnership website at: <http://www.ocpartnership.org/webpages/Alliance.asp>

### SIGNIFICANT STEPS

There is no set schedule that will help an applicant understand exactly when their project will be approved. There are, however, some specific steps throughout the process whereby the lead agency is required to act within a certain timeframe.

- 1) **Local Planning Boards** – Consist of resident volunteers and are frequently advised by professionals. Typically, each municipality will have one or two meetings per month, according to a pre-established schedule. They also have the right to hold special meetings, if warranted. Learning the dates of upcoming meetings will help the applicant know what to expect.

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Planning boards will often ask that all submissions for meetings be made ten days to two weeks in advance of the meeting and that multiple copies be submitted.

- 2) **Types of Actions** – Determine the type of action to be undertaken. Most commercial industrial projects will be classified as a “Type 1 Action.”
- 3) **Determine Necessary Permits** and which items are required for a complete application.
- 4) **Submit EAF** - The applicant will submit an Environmental Assessment Form (EAF) to the planning board which will initiate SEQR and take the steps necessary for undertaking a coordinated review. The lead agency in most commercial development projects will be the municipal planning board.  
EAF forms are available at:  
[www.dec.state.ny.us/website/dcs/seqr/forms/index.html](http://www.dec.state.ny.us/website/dcs/seqr/forms/index.html)
- 5) **Submit Site Plan** - Most projects will require a site plan approval along with their use permit approval. The site plan will be developed by your engineer and is typically prepared and reviewed concurrently with the SEQR use permit process.
- 6) **Establishing Lead Agency** – The municipality will send notices to other potentially involved agencies with the complete application, notifying them of its intent to be the lead agency for the SEQR review. Those entities have 30 days to respond to the notification, after which the municipal board can declare itself the lead agency.
- 7) **Determining Significance** – This is the most significant step! The agency conducting the SEQR review must determine if the proposed action may or may not

have significant adverse impacts on the environment. Determinations should be made within 20 days, and can be:

- a) **Negative Declaration** – (“Neg Dec”) is when an agency determines that a proposed action will not result in significant environmental impacts. (This is the shorter of the two types of review.) Often, when a project is proposed in an existing commercial park where infrastructure has been developed, the potential impacts have been previously addressed. In this situation, it is likely to receive a negative declaration for the project, simplifying the approval process.
- b) **Positive Declaration** – (“Pos Dec”) is when the agency determines that there may be one or more significant adverse impacts. A “Pos Dec” does not mean that a project is denied, but rather that it requires a more detailed review. This will involve an expanded EAF or an Environmental Impact Statement (EIS). This document will generally be prepared by the applicant.
- c) **Scoping** - is the process that provides the outline identifying potential impacts associated with a project that will be addressed in the DEIS. Scoping is not required; however, it helps to narrow the issues on which to focus. Scoping by the lead agency may include public input.
- d) **Environmental Impact Statement** – (“EIS”) The EIS is prepared first as a Draft Environmental Impact Statement (DEIS), the goal of which is to “impartially analyze the significant adverse

environmental impacts of a proposed action and examine how impacts can be avoided”. After working with the board to address the potential issues, any supplemental information is added to the DEIS. The board will typically have up to 45 days to determine the completeness and adequacy of the DEIS, after which the document is distributed for public comment.

- e) **Public Comment** – The public will be allowed to comment on the project in the form of public hearings. The notice for this hearing must appear in a general circulation newspaper at least 14 days prior to the hearing. In the case of site plan review, a mailed notice to adjacent property owners must be sent return-receipt requested at least 15 days prior to the public hearing. Written comments are accepted up to a minimum of 10 days after the date of the public hearing, unless the public hearing is extended.
- f) **Final Environmental Impact Statement** – After receipt of verbal and written comments, the applicant prepares a FEIS. The FEIS responds to comments raised during the public review period.
- g) **Findings Complete** – It is the responsibility of the lead agency to prepare a findings statement that confirms that the adverse environmental impacts have been mitigated to the maximum extent practicable, closing the environmental review process. The lead agency files a public notice of the completion of the FEIS, and must wait 10 days before proceeding with making a final decision on the application.



**Most time frames can be extended by mutual agreement between the agency and the applicant.**

## **Getting to GO**

**Speeding up the process** - Although approvals under the New York State mandated SEQR process can be lengthy, there are definitely things you can do that will expedite the approval of your project.

- 1) Choose Appropriate Sites - Sites that have had some engineering completed can assist in speeding up the approval process. (Learning that there are critical flaws in a property can be frustrating if it is months into the approval process.) Empire State Development has been working in conjunction with Orange County, as part of their Build Now-NY & Shovel Ready programs, to help identify appropriate development sites and bring them as near to being approved as possible. These sites often have generic approvals in place and seek to work cooperatively with the municipality to address potential development impacts prior to the arrival of employers and end users.
- 2) Time-saving items to look for include information and engineering studies that help determine if a site has a critical flaw that would prevent a specific project from being approved on the property. These include:
  - Recent boundary survey and topographical study
  - Wetland study and delineation
  - Infrastructure availability
  - Appropriate zoning

## Use Local Assistance

Perhaps the biggest recommendation we can provide is don't go it alone! The Orange County Partnership, in conjunction with local commercial real estate brokers, is aware of the area's best sites. Site selectors, attorneys and engineers with local knowledge of our municipalities are aware of specific conditions within each municipality that have the potential to impact your project. Their 'local' knowledge and expertise can save you time. The Orange County Partnership website is a helpful resource that contains an extensive list of properties and contact information for local experts.

### Resources

Orange County Partnership (845) 294-2323

Empire State Development (845) 567-4882

Orange County Government (845) 291-3000

Newburgh-Stewart Empire Zone (845) 291-2931

Orange County Planning Department (845) 291-2318

### Conclusion

Although the municipal approval process can seem to be a daunting endeavor, it ultimately helps new companies, developers and municipalities collaborate for the completion of better projects. The Orange County Partnership and the Alliance for Balanced Growth have been very successful in attracting major companies and new jobs. We look forward to working with you.

#### CREDITS

**Author:** John Lavelle, RJ Smith Realty  
Chairman Alliance for Balanced Growth

**Consulting Engineer:** Dick McGoey, McGoey,  
Hauser & Edsall Consulting Engineers

**Creative:** Andy Komonchak, ARK Graphics

**Editorial Support:**

Maureen Halahan, OCP President/CEO  
Mike Torelli, OCP Director of Business Attraction

**Advisory Group:**

Lou Heimbach - Sterling Forest LLC  
Ed Garling - Garling Associates  
Bob Scherrek - McBride Corporate Realty  
David Church - O.C. Planning Commissioner  
Gerald Jacobowitz - Jacobowitz & Gubits  
RJ Smith - RJ Smith Realty  
Gerald Bergman - Eustance & Horowitz



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[www.ocpartnership.org](http://www.ocpartnership.org)

845 294-2323

[info@ocpartnership.org](mailto:info@ocpartnership.org)