

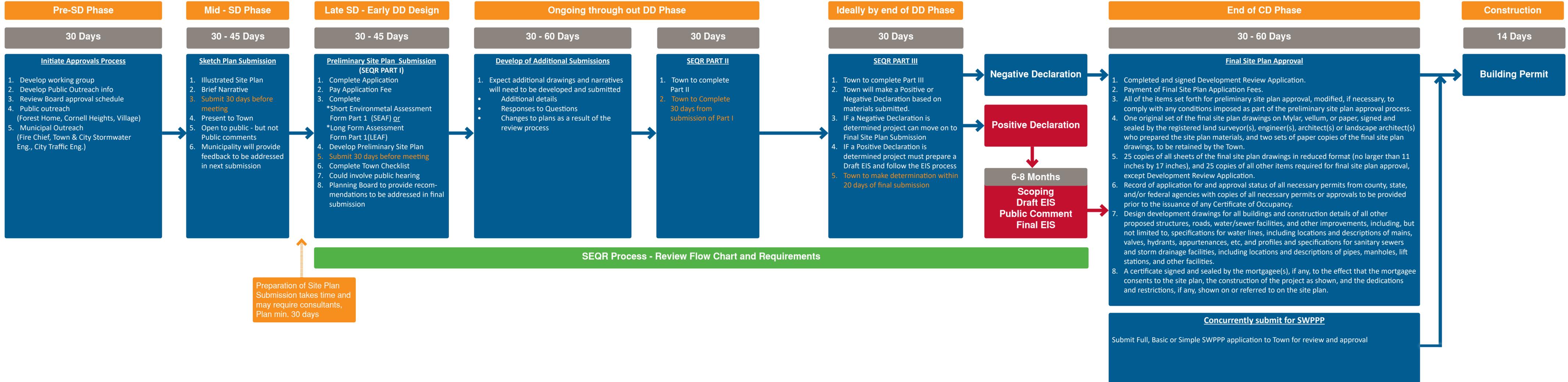
**Town of Ithaca
Approvals Process - SEQR
Guidance Document**

July 2021

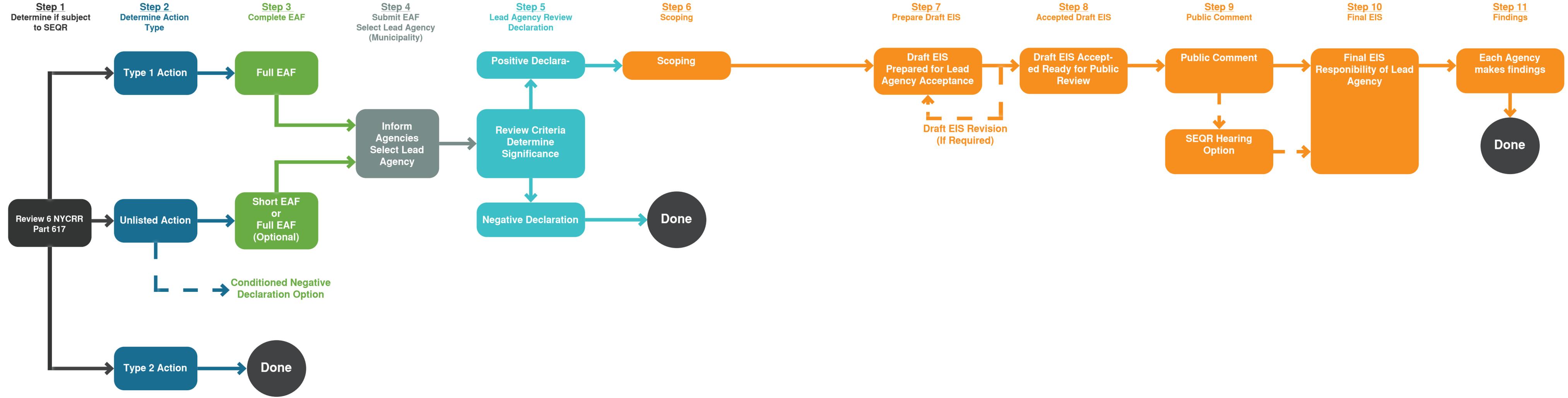
Town of Ithaca Approvals Process

Approval durations can vary depending on project and a number of factors

- Type 1 actions - Negative Declaration - 9-12 months
- Type 1 actions - Positive Declaration - 12-16 months
- Type 2 actions - 6 months



Town of Ithaca Approvals Process



Step 1
Determine if subject to SEQR

Step 2
Determine Action Type

Step 3
Complete EAF

Step 4
Submit EAF
Select Lead Agency (Municipality)

Step 5
Lead Agency Review Declaration

Subject to SEQR - Yes or No

An action is subject to review under SEQR if any state or local agency has the authority to issue a discretionary permit, license or other type of approval for that action. SEQR also applies if an agency funds or directly undertakes a project, or adopts a resource management plan, rule or policy that affects the environment. If the proposed action does not require a discretionary decision, there is no requirement for review under SEQR. If the proposed action requires a discretionary approval, the SEQR process must be followed.

Determine Classification of Action
Review 6 NYCRR Part 617

Actions Requiring No Further Review Under SEQR

- Type II - An action contained on the list in section 617.5 or on an agency's locally adopted Type II list.
- Type II actions have been determined not to have a significant impact or are otherwise precluded from environmental review under SEQR.
- Type II actions never require the preparation of a determination of significance or a draft environmental impact statement (EIS).

If an action is classified as Type II, review under SEQR is completed. Although not required, an agency may choose to provide documentation in the project file that the action has been classified as Type II.

Actions Which Require Further Review Under SEQR

- **Type I**—An action that meets or exceeds a threshold contained on the list in section 617.4 or one that is on an agency's locally adopted Type I list. Type I actions are more likely to have a significant adverse impact on the environment than Unlisted actions and may require the preparation of a draft EIS.
- **Unlisted**—An action that does not meet or exceed the thresholds contained on the Type I list and is not contained on the Type II list. An Unlisted action requires a determination of significance and may require the preparation of a draft EIS.

If the action is classified as a Type I action, proceed to Full EAF. If the action is classified as an Unlisted action, proceed to Short Form EAF.

Complete Environmental Assessment Forms

Type I Actions

A full Environmental Assessment Form (full EAF) must be prepared for all Type I actions (617.20 Appendix A). The project sponsor/applicant completes Part 1 of the form and submits it to an involved agency together with any other applications that are required. When the lead agency is established, that agency is responsible for completing Parts 2 and 3 of the EAF.

Unlisted Actions

A short Environmental Assessment Form (short EAF) must, at a minimum, be completed for all Unlisted actions (617.20 Appendix B). The project sponsor/applicant completes Part 1 of the form and submits it to an involved agency together with any other applications that are required. When the lead agency is established, that agency is responsible for completing Part 2 and Part 3.

An agency may require a full EAF if the short EAF will not provide sufficient information.

Unlisted actions range from very minor activities to actions falling just below Type I thresholds. Coordinated review is not required for Unlisted actions.

Coordinate Review (Preliminary Submission)

a. Type I Actions

Coordinated review is required for all Type I actions. The involved agency that initially receives an application for approval circulates to the other involved agencies the completed Part 1 of the full EAF and any other information supplied by the applicant. The involved agencies should be identified by the applicant in the full EAF (Part 1.B).

If there is only one agency approving, funding or directly undertaking an action, that agency is automatically the lead agency. If there are two or more involved agencies, a lead agency must be established by agreement of the agencies within 30 calendar days. If any involved agency desires to be lead agency, it can indicate in the coordination request its willingness to act as lead agency and state that, if no response is received within 30 calendar days, it will assume the role of lead agency. If the lead agency cannot be agreed on within 30 calendar days, any of the involved agencies or the applicant can ask the Commissioner of the Department of Environmental Conservation to resolve the dispute and designate the lead agency [see 617.6(b)(5)].

b. Unlisted Actions

• *Coordinated Review Option*

If any involved agency decides to coordinate the review, or intends to require a draft EIS, that agency must contact the other involved agencies informing them of the decision to coordinate. The involved agencies should be identified by the applicant in either the short EAF, (Part 1, question 2) or the full EAF (Part 1.B). Coordination then occurs using the procedures for coordinating a Type I action. The only difference in coordinating review for an Unlisted action is that either a short EAF or a full EAF may be used.

For Unlisted actions only, there is an option to not coordinate review.

• *Uncoordinated Review Option*

Each involved agency acts as a lead agency and independently conducts an environmental review and determines the significance of the action. If all involved agencies issue negative declarations, the project may go forward. If any of the involved agencies issues a positive declaration, requiring an EIS, all the other determinations of nonsignificance are superseded and a coordinated review must commence.

• *Conditioned Negative Declaration Option*

If, during the review of an application and the EAF submitted by an applicant on an Unlisted action, an involved agency determines that the potentially significant impact(s) could be eliminated or reduced to a non-significant level through imposed conditions, the agency may consider using the Conditioned Negative Declaration (CND) process. The use of the CND process requires a full EAF and coordinated review.

The lead agency has 20 calendar days to make its determination of significance. If the lead agency finds that it does not have sufficient information to make this determination, it may request that the applicant provide it. The lead agency must make its determination within 20 days of receipt of all the information it reasonably needs. In determining significance, the lead agency must consider:

- the whole action and the criteria [see 617.7(c)];
- the EAF and any other information provided by the applicant;
- involved agency input, where applicable; and
- public input, if any.

If the lead agency has determined that the proposed action will not have a significant adverse impact on the environment (Negative Declaration).

If the proposed action is an Unlisted action involving an applicant and it will not have a significant adverse impact on the environment due to imposed conditions, proceed to Conditioned Negative Declaration.

If the proposed action may have a significant adverse impact on the environment (Positive Declaration), proceed to Positive Declaration.

Step 5 Declaration

Type I Action and Unlisted Action Negative Declarations

Every negative declaration must:

- identify the relevant areas of environmental concern;
- thoroughly analyze the relevant concerns; and
- document the determination, in writing, showing the reasons why the environmental concerns that were identified and analyzed will not be significant. Unsupported statements such as “the action will not have a significant impact” or “no significant impacts were identified in the EAF” are assertions that are not legally sufficient for a negative declaration. Such statements must be supported with adequate detail to explain why there will be no significant impacts. For a Type I action, the agency must, in addition to maintaining a file that is readily accessible to the public, prepare, file, publish and distribute the Negative Declaration as described in section 617.12. For an Unlisted action, the reviewing agency must maintain a file readily accessible to the public containing the Negative Declaration.

Conditioned Negative Declarations (CND)

For Unlisted actions that involve an applicant, the lead agency can choose to use the CND procedure. The following elements are necessary to support the use of a CND:

- a full EAF has been prepared;
- a coordinated review has been completed [see 617.6(b)(3)];
- the SEQR conditions imposed [see 617.3(b) and 617.7(d)(1)(iii)] have eliminated or reduced the identified potentially significant adverse impact(s) to a non-significant level;
- the notice is filed and published the same as for Type I actions [see 617.12(b) and (c)];
- a 30 day minimum public comment period has been provided (commencing with the appearance of the notice in the “Environmental Notice Bulletin”) stating what conditions have been imposed.

The conditions appropriate for use in a CND are those outside the normal jurisdiction of the agency. A condition that requires analysis of the results of a future study is inappropriate. This information must be available prior to determining significance. If comments are received that, in the lead agency’s judgment, would support the preparation of a draft EIS, or if the applicant requests an EIS, proceed to Scoping.

Positive Declarations

If the lead agency has determined that the proposed action may result in a significant adverse impact and, therefore, will require the preparation of an environmental impact statement, it must prepare and file a notice of that determination known as a Positive Declaration. The Positive Declaration must be prepared, filed, distributed and published as prescribed in section 617.12.

Proceed to Scoping.

Step 6 Scoping

SCOPING Draft Environmental Impact Statement (Draft EIS)

Scoping is the process by which the issues to be addressed in the draft EIS are identified. Scoping is optional for supplemental EIS’s.

The scoping process has six objectives:

- focus the draft EIS on the potentially significant adverse environmental impacts;
- eliminate non-significant and non-relevant issues;
- identify the extent and quality of information needed;
- identify the range of reasonable alternatives to be discussed;
- provide an initial identification of mitigation measures; and
- provide the public with an opportunity to participate in the identification of impacts

Scoping may be initiated either by the lead agency or at the request of the applicant. The project sponsor must provide the lead agency with a draft scope that contains the items identified in paragraphs 617.8(e)(1) through (5).

The lead agency must provide a copy of the draft scope to all involved agencies and make it available to anyone who has written to express an interest in the project. If the action involves an applicant, within 60 days of the receipt of the draft scope, the lead agency must supply a final written scope of issues to be addressed in the draft EIS to the applicant, all involved agencies and any individual who has expressed an interest in writing. If the lead agency fails to provide a final written scope to the applicant within 60 days, the applicant may prepare and submit a draft EIS consistent with the submitted draft scope. The lead agency must file a Notice of Completion of the draft and final scopes in the Environmental Notice Bulletin and post the document on a publically available website as described in section 617.12.

Involved agencies should participate in the scoping process, alerting the lead agency of their agency’s concerns, jurisdiction(s) and information they will need to make their SEQR findings. The lead agency must provide a reasonable opportunity for the public and other interested agencies to participate in the scoping process. The DEC suggests that a minimum 20-day period for public review of the draft scope would be reasonable under most circumstances. Public participation can be accomplished by meetings, exchanges of written material or other methods.

Proceed to Draft EIS.

Step 7 Prepare Draft EIS

Basic Components of a Draft EIS

All draft EIS’s must contain a cover sheet that includes the information specified in 617.9(b)(3), a Table of Contents following the cover sheet, and an adequate and accurate summary of the statement.

The format of the draft EIS may be flexible; however, all draft EIS’s must include the following elements:

- a concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations;
- a concise description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action and alternatives;
- a statement and evaluation of the potential significant adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence.

The draft EIS should identify and discuss the following impacts ONLY where they are relevant and significant:

- reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts;
- adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented;
- any irreversible and irretrievable commitments of environmental resources that would be associated with the proposed action should it be implemented;
- any growth-inducing aspects of the proposed action;
- impacts of the proposed action on the use and conservation of energy;
- impacts of the proposed action on solid waste management and its consistency with the state or locally adopted solid waste management plan;
- impacts of public acquisitions of land or interests in land or funding for nonfarm development on lands used in agricultural production and unique and irreplaceable agricultural lands within agricultural districts; and if the proposed action is in or involves resources in Nassau or Suffolk Counties, impacts of the proposed action on, and its consistency with, the comprehensive management plan for the special groundwater protection area program; a description of the mitigation measures to minimize environmental impacts;
- a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. The range of alternatives must include the no-action alternative. The no-action alternative discussion should evaluate the adverse or beneficial site changes that may occur, in the absence of the proposed action. The range of alternatives may also include, as appropriate, alternative:
 - sites;
 - technology;
 - scale or magnitude;
 - design;
 - timing;
 - use; and
 - types of action.

For private project sponsors, site alternatives may be limited to parcels owned by, or under option to, a private project sponsor. See section 617.9(b)(5) for more details on EIS. Proceed to Acceptance of Draft EIS.

Step 8 - 9 Acceptance of Draft EIS & Public Comment

Acceptance of Draft EIS

Upon receipt of a submitted draft EIS, the lead agency has 45 days to determine whether the document is adequate for public review in terms of scope and content. If the lead agency decides that the draft EIS is not adequate, it returns the document to the applicant with a written identification of the deficiencies. The lead agency has 30 days to determine the adequacy of a resubmitted draft EIS. If the lead agency determines that the draft EIS is adequate, it issues a Notice of Completion of a Draft EIS and posts the DEIS on a publically available website. The Notice of Completion must be prepared, filed, distributed and published as prescribed in section 617.12. Proceed to Public Comment.

Public Comment

The filing of the Notice of Completion of a Draft EIS starts the public comment period. That period must be a minimum of 30 days, during which all concerned parties are encouraged to offer their comments to the lead agency. The comment period may be extended if the lead agency determines that extra time is necessary. The public comment period must continue at least 10 days following the close of a public hearing, if one is held. Proceed to Public Hearing.

Public Hearing

After the lead agency accepts the draft EIS, it must decide whether to hold a public hearing [see 617.9(a)(4)]. A SEQR hearing on the draft EIS is not mandatory. However, if a hearing is to be held, the lead agency must prepare and file a Notice of Public Hearing (notice). The notice may be contained in the Notice of Completion of the Draft EIS. The hearing cannot start sooner than the 15th day following the Notice of Public Hearing nor more than 60 days from the date of filing of the Notice of Completion of the Draft EIS. The notice must be prepared, filed, and distributed as prescribed in section 617.12. The notice must also be published in a newspaper of general circulation in the area of the potential impacts at least 14 days prior to the hearing date [see 617.12(c)(2)]. If a public hearing is required under an applicable local or state law, it is not necessary to hold a separate SEQR hearing. One hearing can be held to satisfy both processes. Proceed to Final EIS.

Step 10
Final EIS

Prepare the Final EIS

The lead agency is responsible for the adequacy and accuracy of the final EIS regardless of who prepares it. The final EIS should be prepared within 45 calendar days after the close of any hearings or within 60 days after the filing of the draft EIS, whichever occurs last. The final EIS must consist of:

- the draft EIS, including any necessary revisions and supplements;
- copies or a summary of the substantive comments received and their sources; and
- the lead agency's response to the comments.

The Notice of Completion of the Final EIS, including posting of the FEIS on a publically available website, must be prepared, filed, distributed and published as described in section 617.12.

Proceed to Findings.

Step 11
Findings

SEQR Findings by All Involved Agencies

Part 617.11 requires that each involved agency must prepare its own written SEQR findings statement after a final EIS has been filed and before the agency makes a final decision. The findings certify that the requirements of Part 617 have been met. A positive findings statement means that the project or action is approvable after consideration of the final EIS and demonstrates that the action chosen is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable. A findings statement considers the relevant environmental impacts presented in the EIS and weighs and balances them with social, economic and other essential considerations. If the action is not approvable, a negative findings statement documenting the reasons for the denial must be prepared.

The findings can be finalized no sooner than 10 days following the filing of the Notice of Completion of the Final EIS and, if the action involves an applicant, the lead agency's findings must be made within 30 days from the filing date [617.11(b)]. Findings of each agency must be filed with all other involved agencies and the applicant at the time they are adopted. Findings and a decision may be made simultaneously.

SEQR Review Complete

Preliminary Site Plan Submission Town of Ithaca Checklist - (SEQR Part I)

- Name(s) and address(es) of all owners of the property and persons who have an interest in the property, such as easements or rights-of-way,
- Key map, when more than one sheet is required to present site plan,
- Vicinity Map showing the general location of the property at a scale of 1"=1000' or 1"=2000',
- Name of project, which shall not duplicate the name of any other project or subdivision in the county,
- Name and seal of each registered land surveyor, engineer, architect, or landscape architect who prepared any of the site plan materials, including the topographic and boundary survey, drainage plans, etc.,
- Date of Site Plan and any related documentation, and dates of any applicable revisions,
- Map scale (1"=50' or 1"=100') in bar form, and North point,
- Name of Town, County, and State,
- Exact boundary lines of the tract, indicated by a heavy line, showing location and description of all monuments, giving property metes and bounds to the nearest 1/10th foot, angles to the nearest minute, and at least one bearing,
- Location of any natural and cultural features within and immediately adjacent to the site including but not limited to streams, lakes, floodplains, ponds, wetlands, structures or sites listed or eligible for listing on the state or national registers of historic places, woodlands, brush lands, significant natural habitats, rare plants, view sheds and unique natural areas, or other features pertinent to review of the proposed project,
- Location, size, and use of all existing structures, parking areas, access drives, off-street loading areas, signs, lighting, pedestrian or bicycle facilities, and other existing features pertinent to plan review,
- Location, size, proposed use, design, and construction materials of all proposed structures, including floor plans, elevations from all four sides of all significant structures showing exterior configuration, dimensions, finishes, fenestrations, colors and other usual building details,
- Location, design, dimensions, and construction materials of all proposed roads, sidewalks, bike paths, pedestrian and bicycle facilities, parking areas, access drives, off-street loading areas, fences, retaining walls, and screening,
- Size, location, height, design, and construction materials of all proposed signs and exterior lighting, including type of lighting fixtures and amount and area of illumination of any proposed lighting,
- Landscaping plan and planting schedule showing locations, species, and size of proposed plantings, and existing landscaping to be retained, including also location and proposed design of any buffers,
- Location, design, and construction materials of all proposed water and sewage facilities,
- Location of any existing or proposed fire and other emergency zones, including the location of fire hydrants,
- Location, name, and dimensions of each existing or proposed highway and alley and each existing or proposed utility, drainage, or similar easement within, abutting, or in the immediate vicinity of the proposed project site,
- Existing and proposed site topography represented by contour lines with intervals as required by the Planning Board, but not to exceed five feet, including a grading plan describing the volumes of cut and fill materials and their composition, and including elevations of proposed buildings, signage, lighting, and other features,
- Drainage plan, showing existing and proposed drainage patterns, including a description of method used for analysis, the calculation of drainage area above point of entry for each water course entering or abutting the site, and proposed method of on-site retention if required, and details of any drainage improvements to be made. Generally, the method of analysis shall be approved by the Director of Engineering and shall assume that, unless the Planning Board determines otherwise for good cause shown, that the rate of surface and subsurface run-off from the project site will not increase during or after construction of the project,
- Border lines bounding site plan sheets, one inch from the left edge and one-half inch from each of the other edges. All required information, including signatures, seals, dates and such information shall be within the border lines,
- Accurate outlines and descriptions of any areas to be dedicated or reserved for public use or acquisition, with the purposes indicated thereon, and of any areas to be reserved by deed covenant for common uses of all property owners, tenants, or other users of the property in the project,
- The plan and profile of each proposed highway in the development, with grade indicated, drawn to a scale of one inch = 50 feet horizontal and one inch = five feet vertical, on standard plan and profile sheets. Profiles shall show accurately the profile of the highway or alley along the highway center line and location of the sidewalks, if any,
- Reference on the site plan to any separate instruments, including restrictive covenants, which directly affect the land in the project,
- Names and addresses of all property owners of all parcels abutting the site or within 500 feet of the perimeter boundary of the site, including owners of easements or rights-of-way, together with tax parcel numbers for all such owners,
- Estimate of the cost of improvements (excluding the purchase cost of land) to be prepared by a licensed professional engineer or other qualified professional satisfactory to the Planning Board,
- Three dark-line prints of the proposed site plan and 25 copies of all sheets of the proposed site plan in reduced format (no larger than 11 inches by 17 inches) and 25 copies of all other items required above (except Development Review Application), and
- A certificate signed by the owner of the land, and, if applicable, any contract vendee to the effect that
 - i) the owner owns the land,
 - ii) the owner or contract vendee caused the land to be surveyed and the site plan to be prepared,
 - iii) the owner (or, if applicable, contract vendee) agrees to construct the project in the manner presented by the finally approved site plan and all related approved application documents, and
 - iv) the owner (or, if applicable, contract vendee) makes any dedications indicated in any of the site plan documentation and agrees and guarantees to construct any required infrastructure elements set forth on the finally approved site plan.
- Where required by Town Code Chapter 228, a stormwater prevention plan or erosion and sedimentation control plan meeting the requirements of Chapter 228.