

NYS General Municipal Law, Section 239-m Summary

COUNTY PLANNING BOARD REFERRALS

Any town, village or city in Jefferson County, which adopts or amends a zoning law or ordinance, adopts or amends a comprehensive plan, issues a special permit, approves a site plan or grants use or area variances pursuant to a zoning law or ordinance.

MUST Refer the above zoning actions to the County Planning Board (CPB), prior to taking any final action thereon,

IF The real property affected by this action lies within a distance of 500 feet from:

- The municipal boundary of any city, village or town.
- The boundary of any existing or proposed county or state park or other recreation area.
- The right-of-way of any existing or proposed County or State road, etc.
- An existing or proposed right-of-way of a stream or drainage channel owned by the County.
- The existing or proposed boundary of any County or State owned land on which a public building or institution is situated.
- The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, except this sub-paragraph shall not apply to the granting of area variances.

After receiving notification of the proposed action, the County Planning Board, within 30 days (or longer as mutually agreed upon), reports its recommendation to the local board. If the County Planning Board does not respond within thirty (30) days from the time it received a full statement on the proposed action, then the local Planning Board may act without such report. However, if the County Planning Board report is received after such thirty (30) days but two or more days prior to final action by the referring body, then the Planning Board shall take into consideration the County Planning Board report. If such report recommends modification or disapproval of the proposed action, then the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

A "full statement" on the proposed action means all materials required by and submitted to the referring body (local municipality) as an application for the proposed action.

The County may enter into an agreement with municipalities to provide that certain actions are of local, rather than inter-community or county-wide concern, and are not subject to referral.

The local board may only act contrary to the County Planning Board's recommendation by a majority plus one vote of the board and after giving an explanation of the reasons for such contrary action.

The final action of the local board shall be filed with the County Planning Board within 30 days of the decision.