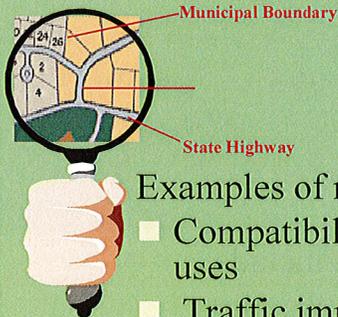


# Ontario County Planning Board

New York State Department of State  
Local Government Services

## Purpose

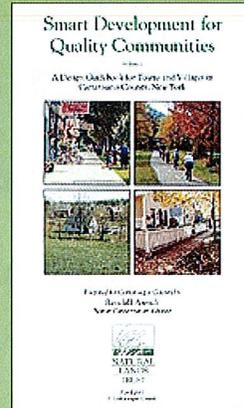
“ ... to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction.”



- Examples of review areas:
- Compatibility of land uses
  - Traffic impacts
  - Community character
  - Drainage
  - Development policies/comprehensive plans

## Municipal benefits

- Professional assistance provided to local boards
- County planning board may be more able to identify possible inter-municipal impacts
- Correct legal procedure is followed, better preserving decisions of local boards
- County planning boards can recommend needed - but possibly controversial - modifications or disapprovals



## County planning agency

County legislative body determines “county planning agency” for purposes of General Municipal Law 239-m & 239-n review

Examples include:

- County planning
  - board
  - department
  - director or commissioner
- Others as designated by county legislative body



## County planning board - public body

- May not conduct business without quorum present
  - At least a majority of the full membership of the board, including any absences or vacancies
  - NYS General Construction Law §41
- Subject to Open Meetings Law
  - Access
  - Notice to the public
  - NEW: Make agenda and/or documents available prior to meeting (online if practicable)

[www.dos.ny.gov/coog/RecordsDiscussedatMeetings.html](http://www.dos.ny.gov/coog/RecordsDiscussedatMeetings.html)

- NYS Public Officers Law, Article 7 §100-111

18 POSITIONS  
10 = QUORUM

## Limitations to county board members

- If also members of a local referring body, they **may NOT participate in county deliberations & votes** if the matter has been the subject of a proposal, application or vote before **local board on which they serve**
  - General Municipal Law §239-c
  - Effective July 1, 2004
- Previously, county planning board members who also held local office couldn't vote on **any** applications from their municipality

## Subject to referral

### GML §239-m

- Comprehensive plan
- Zoning adoption or amendment
- Use & area variances
- Special use permits
- Site plans
- Other authorizations under zoning

#### Referring body:

- Planning board
- ZBA
- Governing board

County's option to require referral of subdivisions  
under General Municipal Law §239-n

## Refer if within 500 feet:

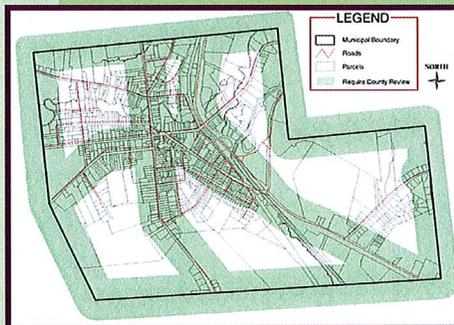


Illustration: Village of  
Boonville in Oneida County  
Areas shaded green require  
county review

- Municipal Boundary
- Boundary of State or County Park or Recreation Area
- R-O-W of State or County Road
- R-O-W of County-Owned Stream or Drainage Channel
- Boundary of State or County Land on Which a Public Building is Located
- Boundary of a Farm Operation that is in a State Agricultural District (not area variances)

## Referral exceptions

- Interpretations by Zoning Board of Appeals



LOCAL

- Items which have been exempted by agreement between county planning agency & referring body



COUNTY

## Referral agreements

County & referring body may enter into written agreement to exempt certain actions from county review

Examples:

- Special use permits for accessory structures on residential lots
- Dimensional (area) variances for fences
- Site plan review for a change in tenant where modification of building footprint is less than 10%
- Lot line adjustments



## Full statement includes

- Locally required submission materials:
  - Application on a proposed action
  - All other materials required by & submitted to referring body
- Municipality sponsored action materials:
  - For example: text of zoning being amended or adopted
- Agricultural information
  - Agricultural data statement
- Environmental information (SEQRA)
  - Environmental assessment form (EAF) Part 1

## Agricultural data statement

Submit if application is for:

- Site plan
- Use variance
- Special use permit
- Subdivision

If subject property is:

- within a state agricultural district containing a farm operation, OR
- on property with boundaries within 500' of farm operation located in state agricultural district

Ag Data Statement

- Name & Address of Applicant
- Name & Address of landowners within Ag District
- Location of farm operation(s)
- Map showing project & farm operation(s)

Town Law §283-a  
Village Law §7-739

## State Environmental Quality Review Act

- Part I environmental assessment form (EAF)
  - Short: Type II\* & Unlisted
  - Full (long): Type I & Unlisted
  - NEW forms effective October 1, 2013:  
<http://www.dec.ny.gov/permits/70293.html>
- Any other materials required by referring body to make determination of significance
  - Determination of significance does not have to be part of full statement

\*Optional

## Full Statement: additional materials

- County planning agency & referring body may draw up an agreement to increase submission standards of full statement

Examples:

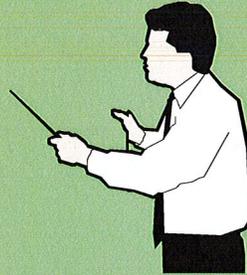
- County referral form
- Zoning district in which property is located
- Copy of local comment or review



If no agreement, the county can develop recommended submission standards

## Potential items for comment

- Impact on traffic
- Impact on county or state institutions
- Protection of community character
- Impact on community appearance
- Impact on drainage & community facilities
- Consideration of official development policies
- Effect on public convenience, governmental efficiency, community environment



County Planning Agencies may also offer helpful advice

## Recommendation

County options:

- Approval
- Modification
- Disapproval
- No significant county-wide or inter-community impact

County must include reasons for recommendation

## Report of final local action

- Referring body must file a report of final action with county planning agency
- If referring body acts contrary to recommendation of modification or disapproval, it must include reasons in report



LOCAL

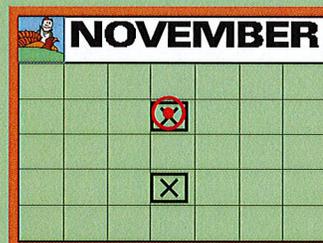


COUNTY

## Review period

Referring body **cannot** act until the earlier of following occurs:

- Referring body receives report of county planning agency;
- OR
- Thirty days have passed after county's receipt of full statement



Period can be longer if agreed to by county and referring body

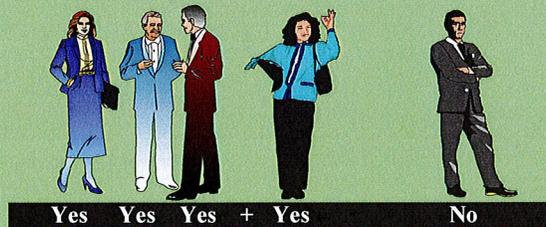
## Two day rule



- After thirty days, the referring body may act by a simple majority vote if they have not received a county report
- Two-day exception requires consideration even after 30 days have passed, but at least 2 days before meeting where decision is made

## Supermajority vote

- If county planning board recommends disapproval of application, or approval with modification



- Referring body may only act contrary to that recommendation by a majority plus one vote

## Timing of Final Approval

No



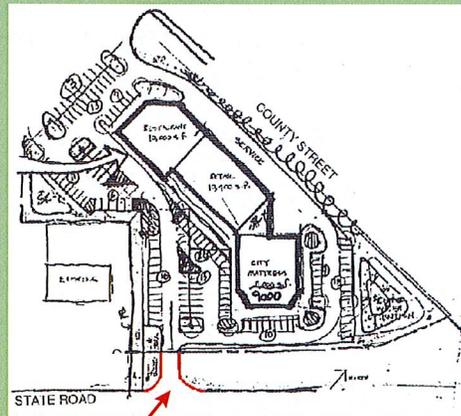
May a referring body condition its final approval on the county's positive recommendation?

A referring body may not take an early vote on an action and condition it on the county planning agency's subsequent positive recommendation.

## Changes after referral

Example:  
New access point proposed on site plan

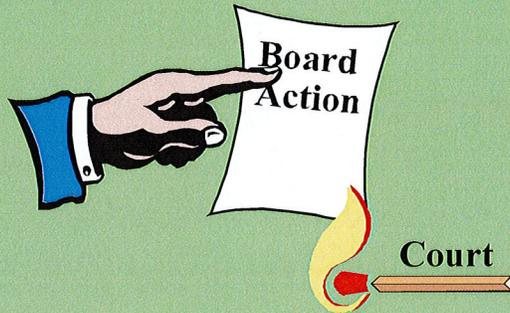
If changes are substantial, it should be referred again to county planning agency



Proposed New Access

## Consequences of non-referral

Failure to refer an action subject to §239-m or §239-n review may invalidate municipal action



## Inter-municipal referral requirement

If application property is within 500 feet of an adjacent municipality

- Special Use Permit
- Use Variance
- Site Plan
- Subdivision

General Municipal Law  
§239-nn

Send notice by mail or electronic transmission to **clerk of adjacent municipality** at least ten days prior to any hearing

## Ontario County Planning Board

Created by the Board of Supervisors in 1966

### The NYS legislature determined that:

- **Local Planning Boards** have significant short and long range impact the growth and development of NY state and its localities.
- **County Planning Boards** establish *productive linkages* between communities and with state and federal agencies.
- **County Planning Boards** consider the great **diversity of resources and conditions** that exist within the county.

## CPB Membership

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- **18 members:** One representative from each of the 16 towns and 2 cities.
- **Selected by the town board or city council** and formally appointed by the **Board of Supervisors.**
- **Five year term.**
- **Villages are represented by the member from the town(s) in which they are located.**