

Planning Board Referral Overview for Local Referring Bodies

The following list of seven (7) items is intended to help simplify the referral process for local Town/Village, Planning and ZBA boards, officers, clerks and staff pertaining to what triggers a County Planning Board referral, how to submit a referral, what to do with recommendations from the County Planning Board, and how to report final action back to the County.

The County Planning Board referral process is based on NYS General Municipal Law (GML) CHAPTER 24, ARTICLE 12-B, § 239 l, m & n. Referral of certain proposed city, town and village planning and zoning actions to the county planning agency (Wayne County Planning Board); report thereon; final action.

1. Definitions.

- "Referring body" shall mean the city, town or village body responsible for final action on proposed actions or **proposed subdivisions where authorized by a municipal legislative body to approve preliminary or final plats or to approve the development of undeveloped plats and/or plats already filed in the office of the county clerk.**
- "Full statement of such proposed action" shall mean all materials required by and submitted to the referring body [from the applicant or its engineers or consultants] as an application on a proposed action, including a completed environmental assessment form [EAF] and all other materials **required by such referring body in order to make its determination of significance pursuant to SEQRA...** [When the proposed action] is the adoption or amendment of a zoning ordinance or local law, this shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected.
- "Undeveloped plat" shall mean those [subdivision] plats already filed in the office of the clerk of the county in which such plat is located where twenty percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

2. Referral of proposed planning and zoning actions.

[Since we do have a County Planning Board, if any of the following proposed actions are reviewed at the local level, they must be referred to the County Planning Board. Our Referral Application and Local Action Sheets can be found at <https://web.co.wayne.ny.us/638/Planning-Board-Referrals>.]

3. Proposed actions subject to referral.

The following proposed actions shall be subject to referral [to the County Planning Board], if they apply to real property set forth [in the **500-foot Rule** show below].



LIST OF PROPOSED ACTIONS

1. adoption or amendment of a **comprehensive plan** pursuant to section two hundred seventy-two-a of the town law, section 7-722 of the village law or section twenty-eight-a of the general city law;
2. adoption or amendment of a **zoning ordinance or local law**;
3. issuance of **special use permits**;
4. approval of **site plans**;
5. granting of **use or area variances**;
6. proposed **subdivision plats**;
7. **other authorizations** which a referring body may issue under the provisions of any [local] zoning ordinance or local law.

The proposed actions [shown above in the List of Proposed Actions] shall be subject to the referral requirements **if they apply to real property within five hundred feet of the following**:

THE 500-FEET RULE

1. the boundary of any city, village or town; or
2. the boundary of any existing or *proposed** county or state park or any other recreation area; or
3. the right-of-way of any existing or *proposed** county or state parkway, thruway, expressway, road or highway; or
4. the existing or *proposed** right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
5. the existing or *proposed** boundary of any county or state owned land on which a public building or institution is situated; or
6. the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, *except this subparagraph shall not apply to the granting of area variances.*

**proposed* here means “shown on a county comprehensive plan or adopted on an official map.”

4. Exceptions.

The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed actions set forth in this subdivision are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section. [See accompanying Town document for exceptions to any of the above named Proposed Actions.]

5. Submission of Proposed Actions, a.k.a. Referrals.

If the proposed action meets the criteria above (as to proposed action, 500-ft rule and exceptions) then the referring body shall submit a full statement of action with a formal referral form (located on the planning dept. webpage) describing the proposed action to the County Planning office by mail, email or in person. This must arrive by end of business on the Monday of the week prior to the scheduled Planning Board monthly meetings. A Full Statement of action is defined above.



6. Recommendations from the Planning Board meeting.

The applicant is welcome to attend the County Planning Board meeting to discuss their proposed action. The County Planning Board has 30 days in which to respond once the referral has been received by County Planning staff. This response is usually after the monthly meeting and will contain recommendations regarding the proposed action and its potential impact either inter-community or county-wide. The recommendations will be stated in a formal response with comments for the referring body to consider before their final decision. The recommendations will be reported as either no action, no county impact (NCI), approve, modify, or disapprove.

7. Local Action Returned.

Once the referring body has received recommendations from the planning board, or 30 days have passed, the local board can proceed with final decisions on the proposed action. After a final vote is determined on a proposed action, the local referring body must return the Local Action Sheet to the County Planning staff with a record of the final decision. This document is available on the Planning webpage.

Should you have any questions regarding this, please contact the Wayne County Planning Dept. at 315-946-5919 or wayneplanning@co.wayne.ny.us.