

When does the County Planning Board Meet?

The County Planning Board typically meets on the fourth Thursday of the Month at 7pm, in the legislative Chambers, located at the County Administration Building in Albion.

Except when that date falls on or near a holiday. The exact calendar for the entire year is made available to local officials in January.

Does the County Planning Board cancel meetings?

County Planning Board meetings can not cancel 2 regular meetings consecutive, except if:

- The weather is deemed unsafe for travel
- No zoning referrals have been submitted to the Orleans County Planning and Development Department by the deadline (7 days prior to the assigned meeting date.

If there are low applications for a particular month, the chairman may have the decision to cancel the monthly meeting.

Legal Consequences of Neglecting Referrals.

Neglecting a “239” zoning referral to the County Planning Board may constitute a “procedural error” which could legally invalidate a local land use decision. If challenged in court, a local decision on an application may be overturned. Contact your municipal attorney for further clarification of the legal implications of improper referrals.

How long does the County review process take?

Orleans County Planning and Development Department has 30 days to provide its recommendation to the municipality. If the Orleans County Planning and Development Department fails to provide their recommendations within the 30 days, the municipality may take final action on the proposed action without input from the County.

Notice of Final Action.

Orleans County Planning and Development Department will send a “Notice of Final Action” form to the municipality along with its recommendation. To comply with State law, the municipal board should report its final decision by signing and returning the form to the Orleans County Planning and Development Department office within 30 days after the final decisions has been taken by the town or village (Section 239-m.6).



Orleans County Planning Board Zoning Referrals

A Guide for Local Officials



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Introduction.

Section 239-1 & m of the New York State General Municipal Law requires municipal boards to refer certain development applications and proposed zoning changes to the County Planning Board for review before taking final action.

The purpose of the law is to encourage local decision-makers to consider the inter-community and county-wide impacts of local land use changes and add a regional perspective to local land use decisions. Given the relative compactness of Orleans County, its common physical relief which facilitates easy inter-community access, along with the fact that each town shares at least two major highways with adjoining communities, it is highly probable that the impacts of many land use decisions can extend beyond the boundaries of the host community.

The process also allows local officials to take advantage of the professional planning resources at the county level. Additionally, it helps the County Planning Board follow development trends throughout the county.

Local officials who should be aware of the law's requirements include town supervisors, village mayors, town and village board members, municipal attorneys and clerks, zoning enforcement officers, planning board members and members of zoning board of appeals.

Which applications should be referred?

The following municipal actions are subject to County Planning Board review (Unless a formal agreement has been executed between the County and municipality to exempt minor ones):

- Adoption or amendment of a zoning ordinance or local law.
- Issuance of special use permits
- Approval of site plans
- Granting of use or area variances
- Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law

By law, the forenamed municipal actions must be referred to the County Planning Board if they apply to real property within 500' of:

- A municipal boundary
- The right-of-way of any federal state or county road
- A state or county park
- State or county land on which a public institution is located
- A farm operation within an Agricultural District, as defined by Article 25-AA of New York State Agriculture and Markets Law

Who can refer action to the County Planning Board?

The Municipal board which has jurisdiction over the application is responsible for referring it to the County Planning Board. This may be the Planning Board, Town or Village Board or the Zoning Board of Appeals, depending on the type of application. Each application should be accompanied by a completed County Zoning Referral Form signed by a municipal official.

Must applicants attend meetings?

Attendance at County Planning Board meetings by applicants or municipal officials is purely voluntary. However, the County Planning Board welcomes their presence, which may be helpful in case unforeseen questions arise from complicated applications.

It is the municipality's responsibility to notify the applicants of the date, time and location of the meeting.

Referral Procedures.

If the application is subject to county review, the municipal board sends it to the County Planning Board in care of the County Planning and Development. To allow adequate time to prepare and distribute an agenda and conduct a field inspection, each application must be received at least 7 calendar days before the regular meeting of the County Planning Board.

After review, the recommendation and report back to the municipal board. The Board's recommendation may be an approval, conditional approval, disapproval or no significant county-wide or intercommunity impact.

How do County referrals affect local decision-making?

The municipal board can make its final decision on the application only after it receives the County Planning Board's recommendation. The municipal board is not obligated to follow the County Planning Board's recommendation. However, if the County Planning Board recommends disapproval or approval with conditions the municipal board's vote to approve the application must be supported by a majority plus one of its members, rather than a simple majority. In addition, the municipal board must adopt a resolution listing the reasons for its decision.