



SCHUYLER COUNTY PLANNING COMMISSION

General Municipal Law 239m Referral Guide

General Municipal Referral Process

New York State General Municipal Law Article 12B, Sections 239-l, -m, or n requires municipal boards to refer certain planning actions to the County Planning Commission for review before taking final action. The purpose of the law is to encourage local decision-makers to consider the countywide and inter-municipal impacts of their local land use decisions.

What planning actions should be referred?

The following municipal actions may be subject to County Planning Commission review:

- Adoption or amendment of a comprehensive plan
- 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 authorization which a referring body may issue under the provisions of any zoning ordinance or local law
- Moratoria

When or under what circumstance does a planning action need to be referred?

A proposed action is subject to review if the real property is within 500 feet of the following:

- The boundary of any city, village or town.
- The boundary of any existing or proposed county or state park or any other recreation area.
- The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway.
- 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.
- 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 twenty-five-AA of agriculture & markets law

When can referrals be exempted from County Planning Commission review?

The County may enter into an agreement with each referring body to exempt certain planning actions deemed to have no inter-municipal or countywide implications from County Planning Commission review.

The following actions may be exempted by agreement:

- Site plan/special permit approval for a change in tenant and/or use where no modifications are proposed to the existing building footprint which would result in an expansion of greater than 10% of the total building area, or alter the existing high way access, stormwater drainage plan, or traffic pattern.
- Subdivision request that have no impact on State and County highway right-of-ways, facilities, lands, or drainage ways.
- Residential and Commercial area variances involving building setbacks that have no impact on State and County highway right-of-ways, facilities, lands, or drainage ways.
- Commercial area variances involving building setbacks from adjoining property which is not zoned or utilized as residential.
- Commercial area variances involving building setbacks which encroach upon residential properties and/or zoning districts through a deviation of 25% or less from the minimum required setback.
- Sign variances where the sign is not located along a State or County highway right-of-way, or if it located along a State or County highway right-of-way, the sign is no closer than 15 feet to the right-of-way and in no way creates a visual hazard.
- Dimensional variances for fences.

What is the time schedule for referrals?

The Planning Commission has 30 days after receipt of the full statement of the proposed action in which to respond. The planning staff will review the Referral Form and the submitted materials to determine completeness. If the statement of proposed action is deemed incomplete, staff will notify the referring body within three business days. The 30-day period will begin once the Planning Commission has received a full statement of the proposed action.

If the County Planning Commission does not respond within that 30 days after the referring body has submitted a full statement of the proposed action, then the municipality may proceed to take final action.

Are there any advantages to sending a referral to the County Planning Commission?

Yes. The referral process helps facilitate assistance to Towns and Villages from the professional staff Planners and the County Planning Commission. This assistance can be very valuable, since Towns and Villages can obtain professional advice with no direct cost to themselves.

What is the County Planning Commission looking for in their reviews?

The County Planning Commission's job is to determine if there will be any countywide or inter-community impacts as a result of the proposed action. In doing so, they may consider the following:

- Compatibility of adjacent land uses
- Impact of any additional traffic
- Compatibility with existing municipal comprehensive plans
- Effects on community character and appearance
- Impacts on community facilities

What type of recommendations will the County Commission make?

Once a full statement of the proposed action is submitted for review, the County Planning Commission may choose from the following actions:

- Approve
- Approve with conditions (modifications)
- Disapprove citing serious and unavoidable countywide or inter-municipal impacts.
- Disapprove citing that sufficient information was not provided that would allow the commission to evaluate the nature and magnitude of potential county-wide or inter-municipal impacts.
- No action (After 30 days without notice, the municipality may proceed to take final action).

How does the County Planning Commission's decisions and recommendations affect local decision-making?

A municipality may act contrary to the County Commission's decisions and recommendations and approve the application. A simple majority vote will approve the application in most cases. In the event the County Commission has disapproved or approved with conditions, then the municipal board may approve the application with a "super majority vote." This is a vote of the majority of its members, plus one vote. The municipal board must then adopt a resolution citing the reasons for its decision.

Regardless of the approval or disapproval of the proposed action, the municipality must always send a Notice of Final Action to the County Planning Commission.

What are the consequences if a referral is not made?

Neglecting to refer a land use action pursuant to General Municipal Law may constitute a "procedural or jurisdictional error" that could legally invalidate the local municipality's land use decision. In a court challenge, the local decision on an application may be nullified. To clarify any of these issues, the municipal board may wish to consult their town or village attorney.

Referral Submission Requirements & Timeline

1. Submit General Municipal Referral Form (Local Code Enforcer/ Planning Board)

The planning commission meets on the 2nd Thursday of each month at 7:00pm in Room 120 of the Human Services Complex, Montour Falls.

All referrals should be sent to the Schuyler County Planning Department nine (9) days prior to the scheduled planning commission meeting.

Materials to be included digitally

- General Municipal Referral Form
- Sketch of proposal drawn to scale depicting existing and proposed buildings, proposed ingress/ egress, internal traffic circulation pattern, designated parking areas and a north arrow.
- Location Map
- Municipal Application Form
- SEQR Form (where applicable)

Materials to be submitted in hard copy (1 copy)

- Sketch of proposal drawn to scale depicting existing and proposed buildings, proposed ingress/ egress, internal traffic circulation pattern, designated parking areas and a north arrow.

Note: *For large scale development projects 18 hard copies of the site plan and relevant construction drawings should be submitted.*

2. Schuyler County Planning Commission Reviews Referral

3. Notice of County Recommendation

Notice of County Recommendation sent to within three (3) business days of Planning Commission Meeting

4. GML 239 - Report of Final Action

Notice of Final Action should be sent to the Schuyler County Planning Department within three (3) business days of municipal planning board

ALL FORMS CAN BE OBTAINED FROM THE SCHUYLER COUNTY PLANNING DEPARTMENT OR PHOTOCOPIED OUT OF THIS GUIDE.

GENERAL MUNICIPAL REFERRAL FORM

Required pursuant to General Municipal Law Article 12B, Sections 239-1, -m, or n.

- 1. Municipality: Town of _____ Village of _____
- 2. Referring body: Planning Board Zoning Board of Appeals Legislative Body
- 3. Name, title, and address of official to whom our recommendation is to be mailed: _____

- 4. Jurisdictional Determination:
 - Project is located within 500 feet of the following (existing or proposed):
 - Municipal Boundary
 - State or County Road
 - State or County Facility
 - State or County Park
 - Agricultural District
 - County-owned stream or drainage channel
 - Other (specify): _____
- 5. Type of Referral:
 - Site Plan Review
 - Special Use Permit
 - Subdivision Review → Preliminary Final
 - Area Variance
 - Use Variance
 - Zoning Map Amendment/Adoption
 - Zoning Text Amendment/Adoption
 - Comprehensive Plan Amendment/Adoption
 - Other (specify): _____

- 6. Applicant's Name: _____
- Address: _____
- _____
- _____
- Phone: _____

- 7. Location of real property pertaining to referral **(fill out completely):**
 - A. Street Address: _____
 - B. Tax Parcel ID Number: _____ C. Dimensions/Area of Property: _____
 - D. Existing Zoning District: _____

- 8. Brief written summary of proposed action: _____
- _____

- 9. Supporting Documents (* - **Mandatory for all referrals**)
 - *Sketch of proposal drawn to scale depicting existing and proposed buildings, proposed ingress/egress, internal traffic circulation pattern, designated parking areas, and north arrow.
 - *Location map(s) *Municipal Application Form Existing Area Zoning
 - Subdivision plat(s) Copies of textual amendments
 - SEQR Environmental Assessment Form (EAF) ___ I ___ II ___ III
 - Other (specify): _____

- 10. Other involved agencies (i.e., other agencies having permitting authority).
 - Schuyler County Department of Health Schuyler County Highway Department
 - Schuyler County Soil and Water Conservation District

Send completed form & enclosures to:
Schuyler County Planning Commission
105 Ninth Street, Unit 39, Watkins Glen, NY 14891
 Telephone: 607-535-8211 Fax: 607-535-8193
<http://www.schuylercounty.us/planning>

OFFICE USE ONLY

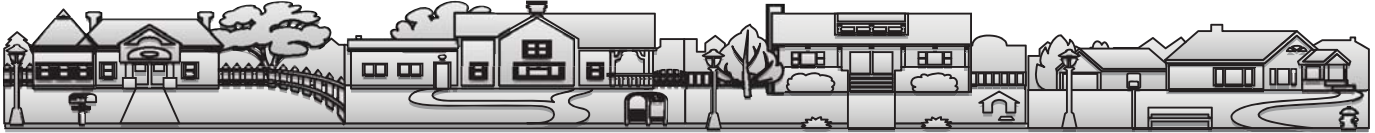
Referral number: _____

Date Received: _____

Reviewed By: _____

Schuyler County Planning Commission

105 Ninth Street, Unit 39, Watkins Glen, NY 14891
Telephone: 607.535.8211 Fax: 607.535.8193



To: _____
From: Schuyler County Planning Commission
Date: _____
Re: Request for Additional Information Pursuant to General Municipal
Law Article 12B Section 239-m

INSUFFICIENT INFORMATION

Section 239-m specifically states that “Within thirty (30) days after receipt of a full statement of such referred matter, the County.... Planning agency... shall report its recommendations thereon to the referral municipal agency...” For the purpose of this section, **“full statement”** shall mean all materials required for our agency’s review. Unfortunately, the information submitted with this referral does not constitute a “full Statement” and until such time as we receive a “full statement”, we will be unable to commence our review. In order for this office to undertake an adequate review of this proposal, we will require the following additional information as indicated below:

- _____ 1. Site plan drawn to scale and depicting at a minimum proposed and existing structures with appropriate dimensions shown.
- _____ 2. Locational map indicating the nearest crossroads or intersection.
- _____ 3. Plan showing provisions for the adequate disposition of storm-water run-off.
- _____ 4. Plan showing provisions for the adequate control of erosion and sedimentation.
- _____ 5. Landscaping plan.
- _____ 6. Off-street parking plan.
- _____ 7. Subdivision plat (for Subdivision Reviews Only).
- _____ 8. Grading plan.
- _____ 9. Plan showing layout of all roadways and walkways.
- _____ 10. Completed County Zoning and Subdivision Referral Form.
- _____ 11. Completed SEQR Environmental Assessment Form (EAF).
- _____ 12. Other (Specify): _____

Please be advised that your local board cannot take action in this matter until a full statement of the proposed action has been submitted to the Schuyler County Planning Commission and until your board has received a recommendation from the Schuyler County Planning Commission (or until thirty days from the receipt of the referral if the planning board does not make a recommendation).

Schuyler County Planning Commission

105 Ninth Street, Unit 39, Watkins Glen, NY 14891
Telephone: 607.535.8211 Fax: 607.535.8193



GENERAL MUNICIPAL LAW, SECTIONS 239-L, -M, OR -N

NOTICE OF COUNTY RECOMMENDATION

Referral Number: #15_

Applicant: _____ Location: _____

The Schuyler County Planning Commission, at its meeting on _____, reviewed the above referral as per Section 239 of the General Municipal Law of New York State. GML 239 states that “the county planning agency shall review any proposed action referred for inter-community or county-wide considerations..., and shall recommend approval, modification, or disapproval of the proposed action, or report that the proposed action has no significant county-wide or inter-community impact.” Based on the information available, the Schuyler County Planning Commissions decision is as follows:

Schuyler County Planning Commission Recommends:

- Approval** of this action.
- Approval** of this action with **minor modifications** (see attached)
- Disapproval** of this action. Reasons:

*** Please be advised that, according to GML 239, your local board cannot act contrary to this recommendation except by a vote of a majority plus one of all its members.**

- No Recommendation as to final action.** (no significant county-wide or inter-community impact)

Reasons

Date

Kristin VanHorn
Director of Planning

GML 239 - REPORT OF FINAL LOCAL ACTION

TO: Schuyler County Planning Commission
105 Ninth Street, Unit 39
Watkins Glen, NY 14891

FROM: _____

DATE: _____

RE: GML 239 Referral # _____
Applicant Name: _____

As stated in Section 239 of the General Municipal Law of New York State, within thirty days of taking final action in regard to a matter required to be referred to the county planning agency, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

- Our local board **approved** this action on _____, consistent with the recommendation of the Schuyler County Planning Commission.

- Our local board **approved** this action with **minor modifications** on _____, **not inconsistent** with the recommendation of the Schuyler County Planning Commission. Briefly, the minor modifications consisted of:

- Our local board **disapproved** this action on _____. Briefly, the reasons for disapproving this action were:

- The application was **withdrawn**.

Please attach additional sheets as necessary.

COMMENTS:

State Environmental Quality Review (SEQR)

New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. SEQR requires the agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an "Action".

What is An "Action" Under SEQR?

Actions under SEQR are those actions of the state or of a local government consisting of:

1. The approval or direct development of physical projects. Some examples are:
 - shopping centers
 - factories and office buildings
 - dredging
 - residential developments
 - public buildings
 - mines
 - roads and landfills
 - work in streams and other waterbodies
 - work in wetlands
 - construction of dams and other structures to impound water
2. Planning activities that require a government agency decision. Some examples:
 - park development plans
 - formation of districts
 - land use plans
3. Adoption of agency rules, regulations, procedures and policies. Some examples:
 - local zoning and planning
 - wetlands protection
 - public health regulations
 - handling of toxic wastes

What are the Types of SEQR Actions?

Type I Actions

Type I actions meet or exceed thresholds listed in the statewide or agency SEQR regulations. These are likely to require preparation of an EIS. Some examples:

- Nonresidential projects physically altering 10 or more acres of land
- Zoning changes affecting 25 or more acres

Type I actions do not always require an EIS.

Type II Actions

Type II actions are by regulation, those actions which never require further SEQR review.

Type II actions listed in the statewide and agency SEQR regulations are determined not to have a significant adverse impact on the environment. Some examples:

- Rebuilding or replacement of facilities, in kind, on the same site
- Minor structures, such as garages, barns or home swimming pools, routine permit and license renewals with no substantial change in permitted activities
- Construct or expand either primary or accessory nonresidential structures in an appropriate zone with less than 4,000 square feet of gross floor space construct or expand a single, two or three family residence on approved lot
- Routine activities of educational institutions, including expansions of existing facilities by less than 10,000 square feet
- Nondiscretionary (ministerial) approvals
- Maintenance and repair activities
- Emergency actions
- Actions of the New York State Legislature and the Governor or of any court enforcement actions
- Actions subject to environmental review under the Adirondack Park Agency or Public Service Laws

Unlisted Actions

Unlisted actions do not meet the Type I thresholds but some may still require an EIS. Some examples:

- nonresidential projects physically altering less than 10 acres of land
- adoption of regulations, ordinances, local laws and resolutions that may affect the environment

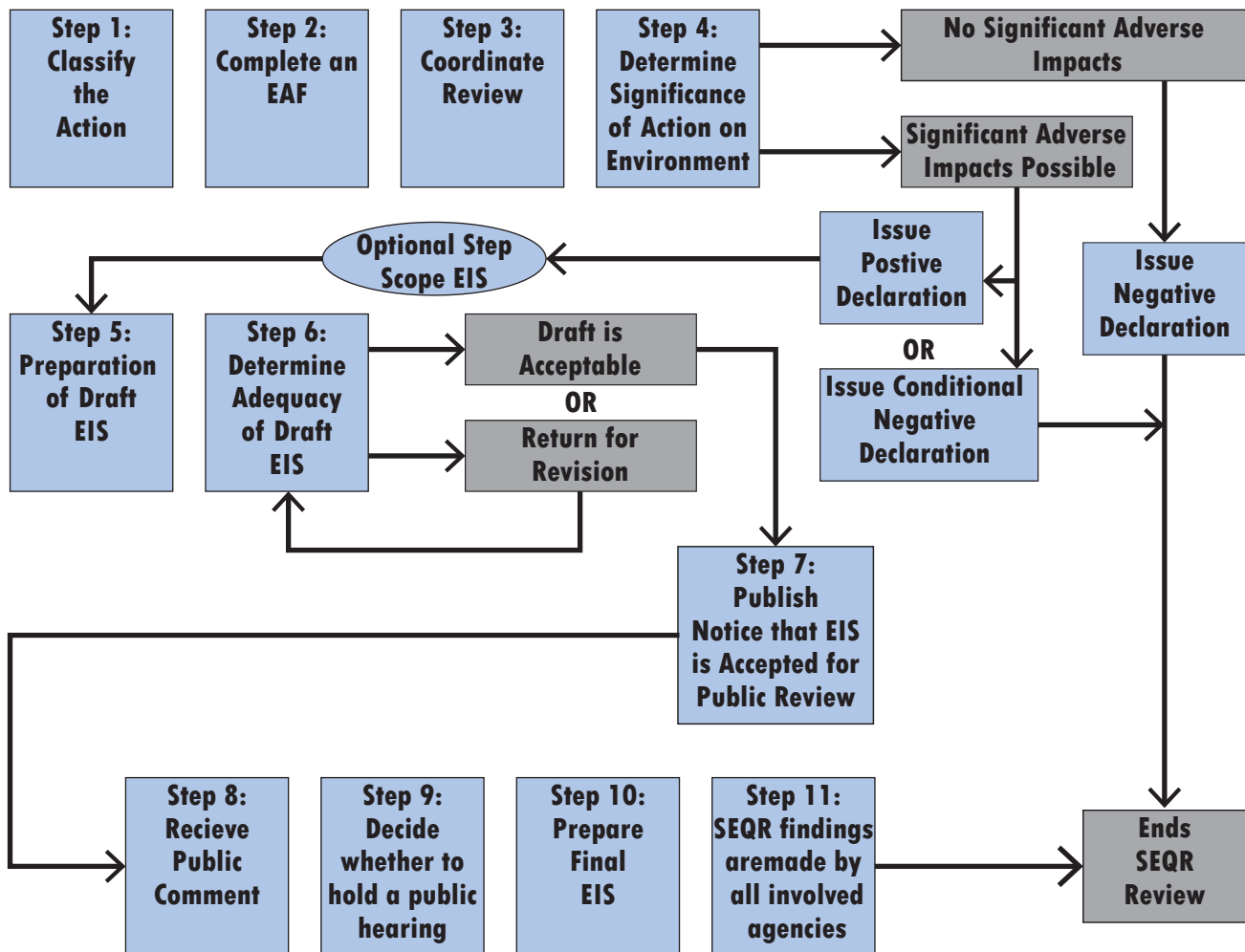
How does SEQR work?

The SEQR determination takes the form of either a:

- Negative Declaration - If an action is determined not to have significant adverse environmental impacts, a determination of nonsignificance (Negative Declaration) is prepared.
- Conditioned Negative Declaration - If the action can be made to equate to a non-significant action through enforceable terms conditions placed on a permit or license, a “conditioned negative declaration” may be prepared.
- Positive Declaration - If an action is determined to have potentially significant adverse environmental impacts, an “Environmental Impact Statement” is required and the applicant must submit a Draft Environmental Impact Statement (DEIS)

The SEQR process uses the EIS to examine ways to avoid or reduce adverse environmental impacts related to a proposed action. This includes an analysis of all reasonable alternatives to the action. The SEQR “decision making process” encourages communication among government agencies, project sponsors and the general public

The SEQR Path



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
			<input type="checkbox"/>
			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
			<input type="checkbox"/>
			<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		

PRINT FORM

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project:

Date:

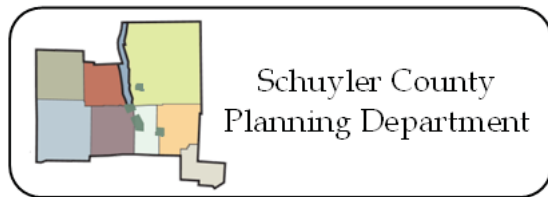
***Short Environmental Assessment Form
Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Notes:



Schuyler County
Planning Department