

For each referral the County Planning Commission considers:

- Compatibility with neighboring land uses;
- Effects of additional traffic;
- Impacts on state and county infrastructure or institutions;
- Compatibility with officially adopted plans of the county or local municipality;
- Preservation of community character.

After review, the County Planning Commission sends its recommendation with supporting comments back to the municipal board.

The Commission findings will be for a recommendation of approval, modification, disapproval, incomplete or a finding of no significant county-wide or inter-community impact.

A recommendation of “no-significant county-wide or inter-community impact” should not be construed as an approval. There may be significant local concerns.

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 Commission’s recommendation.

The municipal board is not obligated to follow the County’s recommendation. However, if the County Planning Commission recommends disapproval or modification and the municipal board wishes to approve the application contrary to the Commission’s recommendation, the local board must do so with a vote of a “majority plus one” of its members.

Time Schedule for Referrals: The Schoharie County Planning Commission makes every effort to respond to referrals promptly and to accommodate the locally required time limits. The municipal board should send the referral at least one week before the County Planning Commission’s regular monthly meeting on the first Monday of each month at 7:00 PM. If the Commission receives a referral less than one week before its regular meeting, it may be necessary to defer review until the following month.

Legal Consequences of Neglecting Referrals: Neglecting a “239” zoning referral to the County Planning Commission may constitute a “procedural error” which could legally invalidate a local land use decision. As on all legal matters, to clarify these legal implications, the municipal board should contact its own village or town attorney.

SCHOHARIE COUNTY PLANNING
COMMISSION

A GUIDE FOR LOCAL OFFICIALS

PLANNING AND ZONING REFERRALS TO THE SCHOHARIE COUNTY PLANNING COMMISSION

Why Refer?

Sections 239 L, M, N of the New York State General Municipal Law require municipal boards to refer certain development applications and proposed zoning changes to the Schoharie County Planning Commission for review *before taking final action*.

The purpose of the law is to encourage local decision-makers to consider the potential intercommunity and county-wide impacts of local land use changes and add a regional perspective to local land use decisions.

Proposed actions that **MUST** be referred:

The following municipal actions are subject to review by the Schoharie County Planning Commission *prior to taking final action*:

- Adoption or amendment of a comprehensive plan;
- Adoption or amendment of a zoning ordinance or (zoning) local law;
- Issuance of special use permits;
- Approval of site plans;
- Granting of a use or area variance;
- Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law;
- Approval of preliminary or final subdivision plats or the approval of development of undeveloped plats already on file with the County Clerk.

500 Feet From?



By law, those proposed actions listed *must* be referred to the Schoharie County Planning Commission if they apply to real property *within 500 feet of any of the following*:

- The boundary of any city, village, or town; or
- The boundary of any existing or proposed county or state park or any other recreation area; or
- The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- 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
- The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- 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.

Referral Process

Please submit a complete application to the Schoharie County Planning Commission by mailing or hand delivering the application to the Schoharie County Planning and Development Agency. *A complete application should include at a minimum:*

- A completed and signed Referral Form;
- A State Environmental Quality Review Act (SEQRA) Environmental Assessment Form (EAF) and all materials used by the referring body to make a determination of significance pursuant to SEQRA. At a minimum, Part I of the SEQRA EAF is required for a referral;
- Copy of the full text of the ordinance or local law proposed, adopted, or amended (unless current document is already on file);
- Copy of any applications submitted to the referring body;
- Copies of all maps, plans, and documents submitted to the referring body.