

This newsletter informs local boards and zoning officials about training options, the purpose, as well as the what, why, how and when of CPB referrals.

2022



Jefferson County  
PLANNING BOARD NEWSLETTER

### JEFFERSON COUNTY PLANNING BOARD MEMBERS

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### LOCAL BOARD MEMBER TRAINING - AVAILABLE ONLINE!

Planning Board and Zoning Board of Appeals members are required by NYS Law to receive a minimum of four hours of training every year. Each municipality determines acceptable training formats for training credit.

At this time, alternate sources of training are needed during the pandemic.

The Jefferson County Planning Department has past training sessions available on-line at: <https://co.jefferson.ny.us/Planning>

The Tug Hill Commission has training sessions available on-line at: <https://tughill.org/services/training/>

Alternately, the NYS Department of State Land Use Training Unit offers on-line land use training courses. For more info, visit the New York State Department of State's website: <http://www.dos.ny.gov/lg/lut/index.html>

If your municipality is a member of the New York Planning Federation, you may access the NYPF website for videos.

### Complete County Planning Board Referrals

The Board encourages the submission of site plan/special permit referrals that are **drawn to scale, show existing features, and indicate proposed improvements to the site**. It is only with an accurate depiction of the project site and proposed changes that the CPB can accurately identify potential county-wide or inter-municipal impacts for each referral.

Therefore, to maintain effective local and County Planning Board review processes, municipalities should follow their local submittal requirements and refer plans that meet the intent of the "full statement" provisions described on the next page.

**Complete application information** benefits the local review process and enables CPB members to identify potential issues effectively, allowing better suggestions to be made by either board regarding any needed site or project aspects.

Local boards should require and accept plans that are drawn to scale, show the complete site, and illustrate existing and proposed structures and site improvements. Local boards should use a checklist to assist in determining whether an application is complete.

## 239m Trigger Actions

NYS General Municipal Law Section 239-m states that any town, village, or city, which:

- ⇒ Adopts or amends a zoning law or ordinance; or
- ⇒ Adopts or amends a comprehensive plan; or
- ⇒ Issues a special permit; or
- ⇒ Approves a site plan; or
- ⇒ Grants a use or area variance,

**MUST REFER** such actions to the County Planning Board prior to taking any final action thereon...

## 239m Trigger Areas

IF the real property affected by this action lies within 500 feet 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 road, highway, parkway, or roadway; 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 a NYS Certified Agricultural District.

**Referral Notice:** The County Planning Board requires that municipalities complete and enclose the County Referral Notice when sending a project in for review. **The notice is now a fillable pdf** and may be accessed from the Jefferson County Website by going to [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us), clicking on **Departments**, and then clicking on **Planning**. When the local official refers a project to the County Planning Board for review, the referral should include a “**full statement**” of the proposed action.

**Full Statement:** According to NYS GML Section 239-m, a “full statement” of the proposed action includes all materials required by and submitted to the local board as an application. This includes the completed SEQR form as well as all other materials required to make a determination of significance pursuant to the State Environmental Quality Review Act. When the proposed action is the adoption or amendment of a zoning ordinance or law, the “full statement of such proposed action” also includes the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any.

**County Planning Board Action:** After receiving a referral of the proposed action, the County Planning Board shall within 30 days (or longer as mutually agreed upon) report its recommendation to the local board. If the CPB does not respond within 30 days from the time it received a full statement on the proposed action, then the local board may act without such a report. However, if the CPB report is received after such 30 days but two or more days prior to final action by the referring body, then the local board shall take into consideration the CPB report. If such report recommends modification or disapproval of the proposed action, then the referring body may act contrary to the County Planning Board’s recommendation only by a majority-plus-one vote of the board and after giving an explanation of the reasons for such action.

**Municipal Board Action:** The Local Board may act only after the County Planning Board’s decision has been issued and must consider the CPB recommendations prior to its final decision. Therefore, local approvals contingent upon the County review would violate this requirement.

**Local Board Filing:** Within 30 days after final action, the referring body shall file a report of the final action it has taken with the County Planning Board. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

## CPB Meeting Schedule - 2022:

<u>2022</u>			
<u>Submission Deadlines</u>		<u>CPB Meeting Dates</u>	
January	13	January	25
February	10	February	22
March	17	March	29
April	14	April	26
May	19	May	31
June	16	June	28
July	14	July	26
August	18	August	30
September	15	September	27
October	13	October	25
November	17	November	29
December	15	December	27

**LAST TUESDAY OF THE MONTH AT 4:00 P.M.**

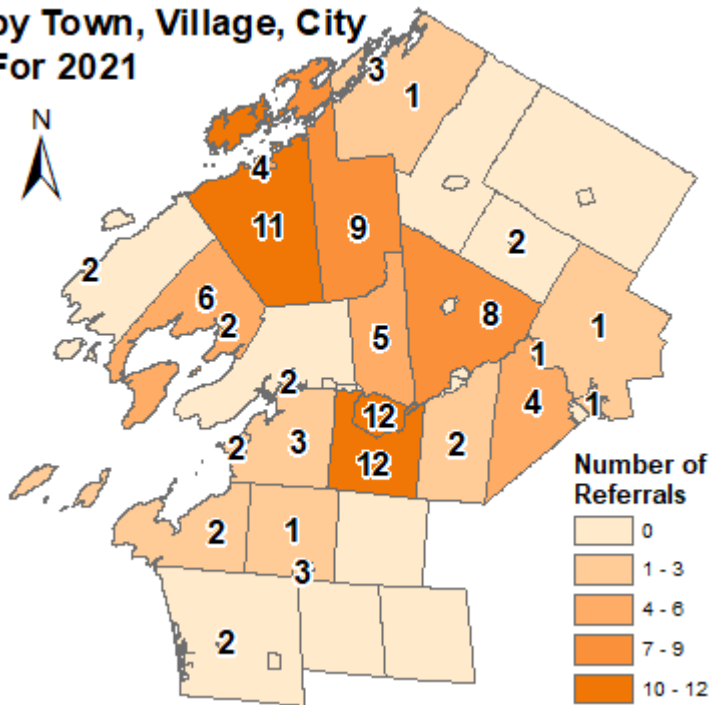
### Meeting Location Online:

Meetings may be conducted online with Google Meet or in-person. In-person meetings should be held at 195 Arsenal St., in the Board Chambers, or 175 Arsenal St., Watertown in the 2<sup>nd</sup> floor conference room. Please look for the month's meeting location on the notice you receive or contact the Planning Department to be certain from month to month.

### Exemption of Matters of Local

**Concern:** Your municipality may have adopted an Exemption Resolution where some minor activities are not required to be sent to the County Planning Board. See your Clerk or call County Planning to determine if your municipality has adopted this resolution.

### 239-M PROJECT REFERRALS by Town, Village, City For 2021



### If project referral doesn't occur:

**What happens if a referral is not made or the local decision is made out of sequence?**

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.

Sending a referral, but not waiting to consider the County Planning Board recommendation would be procedurally deficient as well. In a court challenge, the local decision on an application may be nullified. To clarify any of these issues, the municipality or local board may wish to consult with its attorney.

### JEFFERSON COUNTY PLANNING DEPARTMENT STAFF ASSISTANCE:

Planning Department staff may be available to assist communities with a variety of tasks such as:

- Comprehensive Plan Update
- Zoning Text Amendments or Zoning Map Amendments
- Mapping: custom municipal maps such as zoning maps, land use maps, agricultural district maps, et al.