

JEFFERSON COUNTY BOARD OF LEGISLATORS

Resolution No. 204

Adopting Revised General Municipal Law 239-M Referral Exemption Framework and
Authorizing Agreements in Relation Thereto

By Legislator: Philip N. Reed, Sr.

Whereas, The Jefferson County Planning Board was established pursuant to Article 12-B of the New York State General Municipal Law, and

Whereas, General Municipal Law Section 239-M requires local municipal boards to refer certain land use actions located within five hundred feet of specified features to the County Planning Board for review and recommendation, and

Whereas, The statute further provides that a county and a municipal governing body may enter into an agreement identifying classes of actions that are primarily of local concern and therefore exempt from regional referral, and

Whereas, Jefferson County and its municipalities recognize that routine zoning actions do not produce intermunicipal or countywide impacts and can be more efficiently addressed at the local level, thereby enabling the Jefferson County Planning Board to focus its review resources on development projects with significant regional, environmental, or infrastructural implications, and

Whereas, These administrative changes are implemented in an effort to reduce bureaucratic red tape and eliminate county reviews or involvement in projects that are of local concern only, and

Whereas, Adopting the aforementioned 2026 exemption framework for minor residential, nonresidential, accessory, and administrative actions streamlines local economic development and reduces unnecessary administrative delays while ensuring that critical areas, such as highway access, municipal boundaries, and airport safety zones, remain protected under county review.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators hereby adopts the attached Revised General Municipal Law 239-M Referral Exemption Framework, to be effective upon the adoption of this Resolution, and

Resolved, That the Chairman of the Board of Legislators is hereby authorized to execute intermunicipal agreements with participating local municipalities within Jefferson County for the implementation of the attached 2026 Updated Section 239-M Referral Exemption Framework at no cost to Jefferson County, upon adoption of a corresponding municipal resolution by each participating municipality, subject to approval of the County Attorney as to form and content.

Seconded by Legislator: Daniel R. McBride

State of New York)
) ss.:
County of Jefferson)



I, the undersigned, Clerk of the Board of Legislators of the County of Jefferson, New York, do hereby certify that I have compared the foregoing copy of Resolution No. 204 of the Board of Legislators of said County of Jefferson with the original thereof on file in my office and duly adopted by said Board at a meeting of said Board on the 7th day of July, 2026 and that the same is a true and correct copy of such Resolution and the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County this 8th day of July, 2026.

Clerk of the Board of Legislators

Proposed 2026 Jefferson County 239-m Exemption Framework

New York General Municipal Law §239-m allows a county and local municipality to enter into agreements exempting certain actions that are determined to be “local rather than inter-community or countywide concern.”

Most counties implement these agreements through formal intermunicipal exemption lists adopted by both the county and participating municipalities.

Across New York counties, exemption lists consistently focus on three categories:

- Residential actions
- Accessory or minor development
- Administrative zoning changes

Actions typically retained for county review include:

- Comprehensive plans
- Rezoning and zoning map amendments
- Large commercial development
- Large-scale energy infrastructure
- New telecommunications towers
- Projects affecting regional infrastructure, such as airports, highways, or military installations

Based on common practice across counties, Jefferson County should continue to require referral for issues related to the above actions. These retained categories align with the statutory purpose of General Municipal Law §239-m, which is to ensure that development with potential intermunicipal or countywide impacts receives regional review.

Proposed Updated Jefferson County Exemption List

Small-Scale Nonresidential Development

Site plans or special permits for nonresidential structures under *2,000 square feet shall be exempt, provided that the project:

- does not include a drive-through or fuel pumps
- does not create a new curb cut on a state or county road
- does not involve outdoor storage or processing
- does not involve towers or energy facilities
- parcel is not within 500 feet of municipal boundaries

***Note:** The threshold for exemption shall be increased to 5,000 square feet within municipalities that have staff planners. In particular, the Department should review and/or comment on County-wide or intermunicipal impacts as the **primary focus** of responses.

Precedent

St. Lawrence County exempts:

“Commercial projects under 5,000 square feet.”

Policy Logic

Small commercial structures generally produce localized impacts and are frequently exempted in rural counties. *(Examples of use sizes: Starbucks averages between 1,500 and 2,000 sq ft; convenience store average size: 2,500 sq ft or larger; McDonald's often between 4,000 and 4,500 sq ft; Chick-fil-A is 5,000 sq. ft.)*

Area Variances for Permitted Uses

Area variances for permitted uses shall be exempt from County Planning Board review, provided that the variance:

- does not involve building/structure height
- does not affect access to a state or county road
- does not occur adjacent to a municipal boundary
- does not affect airport compatibility (FAA or DOD Part 77) imaginary surfaces

Precedent

Dutchess County exempts many variances.

Policy Logic

Dimensional relief rarely produces intermunicipal impacts and is widely treated as a local zoning matter.

Signage

Site plans, special permits, or variances for signs shall be exempt from County Planning Board review provided that:

- the sign is not located within one hundred feet of an intersection with a state or county roadway or
- the sign does not exceed twenty-five feet in height and is not located within airport approach or imaginary surface zones associated with Watertown International Airport or Wheeler Sack Army Airfield.

Precedent

Livingston County exempts several routine sign-related zoning actions, including certain illuminated sign variances, under its county referral exemption framework.

Policy Logic

Most local sign approvals involve modest height and visibility impacts that are confined to the immediate site. Taller pole signs, however, may affect aviation safety and visibility near airports or major roadway intersections. Retaining review of taller signs and those within airport influence areas ensures that potential impacts to aviation safety and transportation infrastructure continue to receive county-level evaluation.

Agricultural District Trigger

Actions requiring referral solely due to proximity to a certified agricultural district shall be exempt except for:

- projects that disturb more than 1 acre or result in 50% or more impervious lot coverage.
- wind turbines
- battery storage facilities

Precedent

State law already exempts certain area variances triggered solely by agricultural districts.

Policy Logic

Routine zoning actions near farms generally do not produce countywide effects.

Accessory Structures and Uses

Site plans or variances for accessory structures, including garages, sheds, decks, pools, electric vehicle (EV) charging stations, and similar structures, shall be exempt unless:

- the structure exceeds 25 feet in height
- the structure is directly adjacent to state or county property
- the structure is within airport takeoff/approach zones (FAA Part 77 Imaginary Surfaces)

Precedent

Lewis County and other rural counties routinely exempt accessory structures.

Example policy description:

- Single-family dwellings and related accessory structures
- Docks or waterfront structures associated with single-family residences
- Expansion of existing uses within existing buildings on existing lots

Policy Logic

Accessory structures for residential uses typically have minimal off-site impacts and are among the most common exemptions statewide.

EV Charging Stations (Accessory Installations)

EV charging stations installed as accessory infrastructure within existing parking lots shall be exempt.

Exception

Large charging facilities, charging plazas as the primary use, or projects involving significant site reconstruction shall require referral.

Policy Logic

Accessory chargers are considered infrastructure upgrades rather than land-use changes.

Telecommunications Co-Location

Modification, replacement, or co-location of telecommunications equipment (e.g. antennae) on existing towers or structures shall be exempt.

Exception

Construction of new towers requires review.

Policy Logic

Upgrading equipment on existing infrastructure rarely produces new land-use impacts.

On-site Consumption Solar and Small Accessory Energy Systems

On-site consumption solar installations, battery storage facilities, and accessory solar systems serving a principal use shall be exempt, except the following uses always require review:

- Utility-scale solar,
- Battery storage facilities, and
- Wind turbines.

Policy Logic

Accessory energy systems are analogous to other accessory structures.

Temporary Uses

Uses that do not require building permits are considered temporary and shall be exempt if the duration is less than one year. Temporary uses include:

- temporary construction trailers
- seasonal structures
- short-term RV permits
- farmers' markets\ flea markets

Policy Logic

Temporary approvals rarely generate permanent intermunicipal impacts.

Zoning Board Interpretations

Zoning interpretations by the Zoning Board of Appeals shall be exempt.

Precedent

Several counties treat interpretations as purely local administrative determinations.

Policy Logic

Interpretations do not authorize development; they only clarify code language.

Administrative Zoning Amendments

Amendments to zoning laws addressing:

- fees
- procedures
- enforcement
- administrative corrections

shall be exempt from referral.

Precedent

Dutchess County exempts:

“Administrative amendments (fees, procedures, penalties).”

Policy Logic

Administrative amendments do not change land use patterns or development intensity.

Renewals or Extensions of Existing Approvals

Renewals or extensions of previously approved site plans or special permits that do not materially change the project shall be exempt.

Precedent

Dutchess County exemption language includes:

“Renewals/extension of site plans or special permits that have no changes from previous approvals.”

Policy Logic

These actions do not represent new development or policy decisions.