

Proposed Actions Requiring Referral

New York State General Municipal Law, Article 12B, Section 239 requires specific actions to be referred to the County for review if they involve issuance of a special permit, approval of a site plan or subdivision, granting of a use or area variance, or the amendment of a comprehensive plan, local law, or zoning ordinance where the action is within 500 feet of the following:

- Boundary of a city, town, or village*
- Boundary of an existing or proposed county or state park or any other recreation area
- Right-of-way of any existing or proposed county or state parkway, road, or highway or County-owned drainage channel
- Existing or proposed boundary of any county or state land on which a public building or institution is located
- Boundary of a farm operation located in an agricultural district

**As of July 1, 2006, this action requires notification to adjoining municipalities.*

Referral Exemptions

Several municipalities have entered into inter-municipal agreements with Niagara County exempting referral of certain actions.

Why is there a County Planning Board?

New York State General Municipal Law, Article 12B, Section 239 establishes the right for counties to create a County Planning Board. The intent of a county planning board is to review actions that may have countywide or inter-community impacts. Through the County Planning Board, the County is given the opportunity to review those development proposals that that might have a significant effect beyond the city, village, or town boundaries.

The Niagara County Planning Board (NCPB) consists of nine volunteer members appointed by the Niagara County Legislature. Each member serves a three-year term and brings various expertise related to planning and zoning ensuring a comprehensive review of proposed actions.



Notice of Final Action

Step 6 - Within thirty days after taking final action, the municipality shall send a notice of final action to the NCPB. Notice of final action forms are available at the NCDED and can be submitted by mail or fax.

Referral Deadlines

The NCPB meets the third Monday of every month. Referral applications are due to the NCDED ten days prior to the NCPB meeting. Applications received after the deadline will be reviewed at the following month's meeting. The NCPB has thirty days to provide a recommendation. If the NCPB fails to make a recommendation within thirty days, the municipality may take final action on the proposed action without the NCPB's recommendation.



For more information contact:

Niagara County Department
of Economic Development
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, New York 14132
Telephone: (716) 278-8750
Fax: (716) 278-8757
Business Assistance Hotline:
(716) 278-8230

Niagara County Planning Board Referral Guide



A Guide for Local Officials

Prepared By

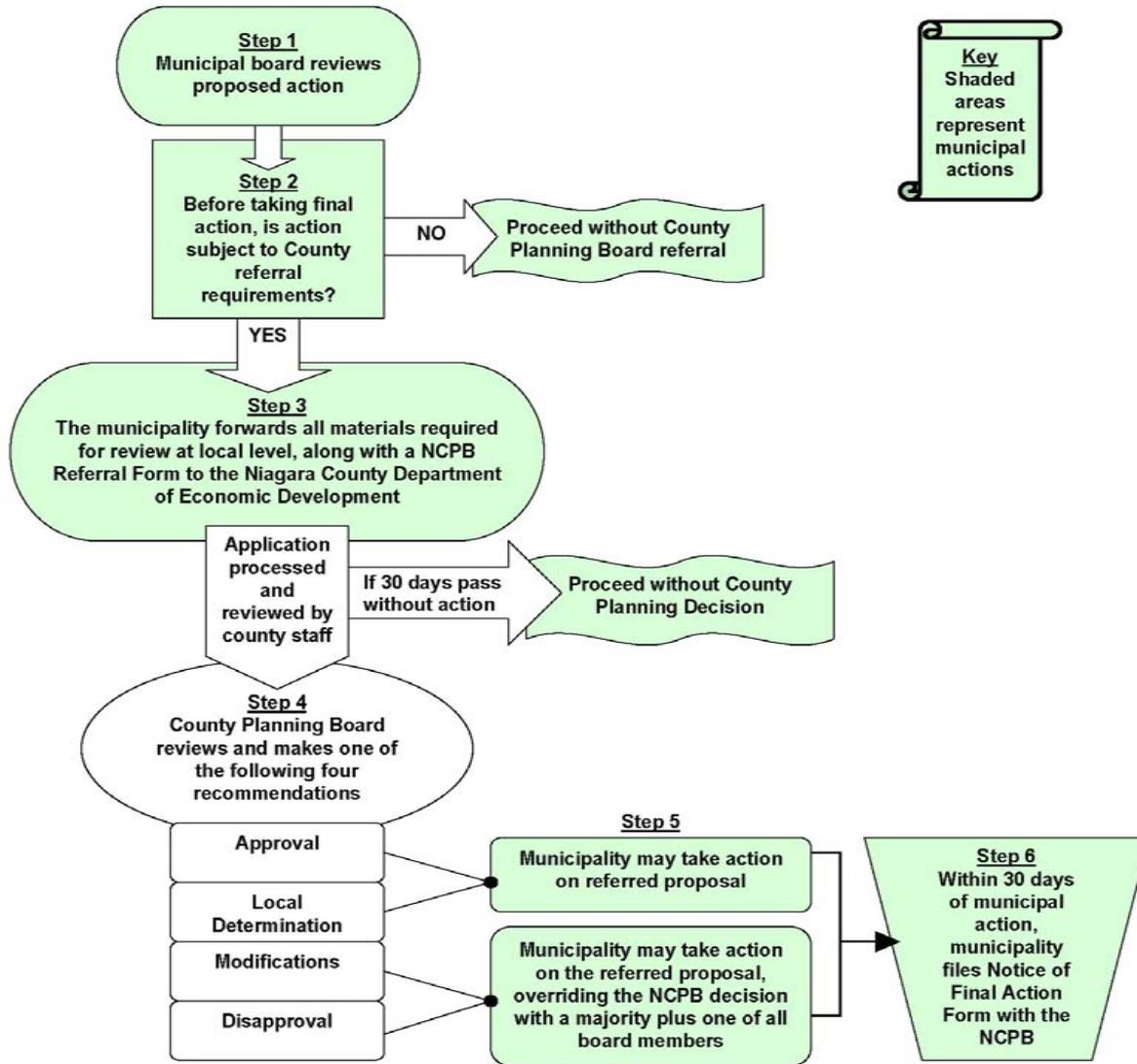
Niagara County
Center for Economic Development

Samuel M. Ferraro
Commissioner

September 2006

Niagara County Planning Board Referral Process

Figure 1. Niagara County Referral Flowchart



Procedures

Step 1 - The municipality reviews the proposed action and provides comments.

Step 2 - Before taking final action the municipality checks to see if the action is subject to County referral.

Step 3 - If the proposed action is subject to County referral, the municipality forwards all materials required for review at the local level, along with a NCPB Referral Form, to the Niagara County Department of Economic Development (NCDED). The application and completed referral form must include:

- The type of application (variance, rezoning, site plan review, etc.)
- The exact location, boundaries, and SBL number(s) for the property
- Zoning classification of the property
- Description of proposed action providing enough detail to allow the NCPB to evaluate potential impacts
- Completed SEQR documents and, if applicable, backup documentation used by municipality to make a SEQR determination

Step 4 - For each referral, the NCPB considers the following:

- Land use compatibility
- Traffic impacts and effects on existing infrastructure and emergency services
- Drainage and greenspace issues
- Impacts on existing and proposed county or state institutions
- Overall impacts to the community
- Impacts on policies, comprehensive plans, and capital improvement programs
- Protection of community character

The NCPB shall recommend approval, modification, or disapproval of the proposed action or report that the proposed action has no significant countywide impact (local determination).

Step 5 - The NCPB will return the recommendation to the municipal referring officer indicated on the NCPB referral form. If the NCPB recommends modification or disapproval of the proposed action, the municipality can act contrary to the recommendation only with a vote of majority plus one of all board members.