

ARTICLE 12-B
COUNTY PLANNING BOARDS AND REGIONAL PLANNING COUNCILS

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§ 239-b. Definitions

As used in this article and unless otherwise provided:

1. "Municipal legislative body" means the town board of a town, the board of trustees of a village; the board of aldermen, common council, council or commission of a city; and other elective governing board or body now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances.
2. "County legislative body" means the board of supervisors of a county, the county legislature, the county board of representatives, or other body vested by its charter or other law with jurisdiction to enact local laws or resolutions.
3. "Municipality" means a city, village, or that portion of a town located outside the limits of any city or village.
4. "County planning board" means a county planning board established pursuant to section two hundred thirty-nine-c of this article.
5. "Special board" means a board consisting of one or more members of the county planning board and such other members as are appointed by the county legislative body to prepare a proposed county comprehensive plan or an amendment thereto.
6. "County comprehensive plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the county, as may be prepared pursuant to section two hundred thirty-nine-d of this article.
7. "Region" means an area which encompasses a regional planning council.
8. "Regional planning council" means a council established pursuant to section two hundred thirty-nine-h of this article.
9. "Regional comprehensive plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the region, as may be prepared pursuant to section two hundred thirty-nine-i of this article.

Effective: January 01, 2007

§ 239-c. County planning boards

1. Legislative findings and intent. The legislature hereby finds and determines that:
 - (a) significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.
 - (b) county planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.
 - (c) through comprehensive planning and special studies, county planning boards focus on opportunities and issues best handled at a county-wide scale.
 - (d) the development of a county comprehensive plan can foster cooperation among governmental agencies in the planning and implementation of capital projects. Similarly, county comprehensive plans can promote intermunicipal cooperation in the provision of public services.
 - (e) citizen participation is essential to the design and implementation of a county comprehensive plan.
 - (f) the great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.
 - (g) it is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.
- 1-a. Alternate members of county planning boards.
 - (a) A county legislative body may, by local law or as a part of the local law creating the county planning board, establish alternate planning board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the county planning board shall be appointed by resolution of the county legislative body, for terms established by such legislative body.
 - (b) The chairperson of the planning board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.
 - (c) All provisions of this section relating to county planning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.
2. Establishment of county planning board.
 - (a) Creation. In the absence of a county administrative code or county charter which may otherwise provide for the creation of a county planning board, the county legislative body alone, or in collaboration with the legislative bodies of the municipalities in such county may establish a county planning board.
 - (b) Membership. Members and officers of such board shall be selected in a number and manner determined by the county legislative body. In making such appointments, the county legislative body shall include members from a broad cross section of interests within the county. Consideration should also be given to securing representation by population size, geographic location and type of municipality. The terms of membership as well as the filling of vacancies on such board shall be determined by the county legislative body. The county legislative body may provide for the appointment of individuals to serve as ex-officio members of the county planning board. Said ex-officio members or their designees may participate in the deliberations of the county planning board, but shall not have voting privileges.
 - (c) Membership of elected or appointed officials. No person shall be precluded from serving as a member of a county planning board, as appointed by the county legislative body pursuant to this section, because such member is an elected or appointed official of the county or a municipality. A member of a county planning board shall excuse himself or herself from any deliberation or vote relating to a matter or proposal before such county planning board which is or has been the

subject of a proposal, application or vote before the municipal board of which he or she is a member.

- (d) Training and attendance requirements.
 - (i) Each member of a county planning board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this paragraph. Such training shall be approved by the county and may include, but not be limited to, training provided by a regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 - (ii) To be eligible for reappointment to such board, such member shall have completed the training promoted by the county pursuant to this paragraph.
 - (iii) The training required by this paragraph may be waived or modified by the county when, in the judgment of the governing board, it is in the best interest of the county to do so.
 - (iv) No decision of a county planning board shall be voided or declared invalid because of a failure to comply with this paragraph.
 - (e) Member reimbursement. The members of such county planning board shall receive no salary or compensation for their services as members of such board but may be reimbursed for authorized, actual and necessary travel and expenditures.
 - (f) Removal of members. The county legislative body may remove any member of such planning board for cause, and may provide by resolution for removal of any planning board member for non-compliance with minimum requirements relating to meeting attendance and training as established by the county legislative body by resolution.
 - (g) By-laws. The county planning board shall adopt by-laws governing its operation, which shall be approved by the county legislative body and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.
 - (h) Appropriation; expenses. The county legislative body and municipal legislative bodies may, in their discretion, appropriate and raise by taxation, money for the expenses of such county planning board. Such bodies shall not be charged for any expense incurred by such board except pursuant to such appropriation. The county planning board shall have the power and authority to employ staff, consultants and other experts and to pay for their services, and to provide for such other expenses as may be necessary and proper, not to exceed the appropriation that may be made therefore by the county legislative body for such county planning board.
 - (i) Authority to receive and expend funds. In furtherance of the purposes of this article, the county planning board may receive and expend public funds and grants from private foundations or agencies and may apply for and accept grants from the federal government or the state government and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with such reasonable conditions and requirements as may be imposed thereon.
3. County planning board powers and duties.
- (a) Review of certain municipal planning and zoning actions. The county legislative body may, by resolution, authorize the county planning board to conduct reviews of certain classes of planning and zoning actions by a city, town or village within such county pursuant to sections two hundred thirty-nine-l and two hundred thirty-nine-m of this article, and to review certain subdivision plats pursuant to section two hundred thirty-nine-n of this article.
 - (b) County comprehensive plan. The county legislative body may request the county planning board to assist in the preparation of a county comprehensive plan and amendments thereto pursuant to section two hundred thirty-nine-d of this article.
 - (c) County official map. The county legislative body may request the county planning board to prepare a county official map and amendments thereto pursuant to section two hundred thirty-nine-e of this article.

- (d) County studies. The county planning board may undertake studies relevant to the future growth, development, and protection of the county and municipalities therein, including studies in support of a county comprehensive plan.
 - (e) Local studies. The county planning board may assist a city, town, or village in the study of ways to obtain economy, efficiency and quality in the planning and provision of municipal services.
 - (f) Collection and distribution of information. The county planning board may collect and distribute information relative to county or municipal planning and zoning in such county. Upon request from the county or a municipality the planning board may recommend to the legislative body of the county or such municipalities whose jurisdictions are served by the county planning board a comprehensive plan which shall designate suitable areas to be zoned for land uses, taking into consideration, but not limited to, such factors as existing and projected highways, parks, open spaces, parkways, public works, public utilities, public transportation terminals and facilities, population trends, topography and geologic structure.
 - (g) Local technical assistance. The county planning board may furnish such technical services as a municipality within the county may request. Such services may include, but not be limited to assistance with planning and land use functions, use of geographic information systems, infrastructure development, as well as inter-municipal services delivery, and may be provided directly by the county planning board or in coordination with other county departments or agencies. The charges, if any, to be made for such services shall be established by the county legislative body.
 - (h) Highway construction. Before the final approval of any plan involving the construction or reconstruction of any state or county highway, with or without federal aid, the county planning board shall be given an opportunity to examine such plans and offer suggestions with respect thereto. This paragraph shall in no manner be construed as nullifying or contravening the final approval of the commissioner of transportation.
4. Annual report. The county planning board shall submit an annual report to the county legislative body and include in such report topics that are required in the by-laws of the county planning board.
 5. Voting requirements. Every motion or resolution of a county planning board shall require for its adoption the affirmative vote of a majority of all the members of the county planning board.

§ 239-d. County comprehensive plan

1. Content. The county comprehensive plan may include but shall not be limited to the following topics at the level of detail adapted to the special requirements of the county:
 - (a) General statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range protection, enhancement, growth and development of the county are based;
 - (b) Consideration of regional needs and the official plans of other governmental units and agencies within the county;
 - (c) The existing and proposed location and intensity of land uses;
 - (d) Consideration of agricultural uses, historic and cultural resources, coastal and natural and scenic resources and sensitive environmental areas;
 - (e) Consideration of population, demographic and socio-economic trends and future projections;
 - (f) The location and types of transportation facilities, including the reuse of abandoned transportation facilities;
 - (g) Existing and proposed general location of public and private utilities and infrastructure;
 - (h) Existing housing resources and future housing needs, including affordable housing;
 - (i) The present and future general location of educational and cultural facilities, historic sites, health facilities, and facilities for emergency services;
 - (j) Existing and proposed recreation facilities and parkland;
 - (k) The present and potential future general location of commercial and industrial facilities;
 - (l) Specific policies and strategies for improving the county economy in coordination with other plan topics;

- (m) Proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the county comprehensive plan;
 - (n) All or part of the plan of another public agency;
 - (o) Any and all other items which are consistent with the protection, enhancement, orderly growth and development of the county; and
 - (p) Consideration of cumulative impacts of development, and other issues which promote compliance with the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.
2. Preparation. The county legislative body, or by resolution of such body the planning board or a special board, may prepare a proposed county comprehensive plan and amendments thereto. In the event the planning board or special board is directed to prepare a proposed comprehensive plan or amendment thereto, such board shall, by resolution, recommend such proposed plan or amendment to the county legislative body.
 3. Environmental review. A county comprehensive plan and any amendments thereto shall be subject to the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. A county comprehensive plan may be designed to also serve as, or be accompanied by, a generic environmental impact statement pursuant to the state environmental quality review act statute and regulations. No further compliance with such law is required for subsequent site specific county actions that are in conformance with the thresholds established for such county actions in the generic environmental impact statements and its findings.
 4. Agricultural review and coordination. A county comprehensive plan and any amendments thereto for a county containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of article twenty-five-AA of the agriculture and markets law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended county comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law.
 5. Referrals. The county legislative body shall, prior to adoption, refer the proposed county comprehensive plan or any amendment thereto to the county and regional planning boards as well as to the legislative bodies and to the planning boards of each municipality within the county for review and recommendation.
 6. Public hearings; notice.
 - (a) Prior to adopting or amending a county comprehensive plan, the county legislative body shall hold one or more hearings on such proposed plan or amendments thereto.
 - (b) Where a special board prepares the proposed county comprehensive plan the county legislative body shall, within ninety days of receiving the special board's recommendations on such proposed plan or amendment, and prior to the adoption of the plan or amendment, hold a public hearing on such proposed plan or amendment.
 - (c) Notice of a public hearing shall be published in a newspaper of general circulation in the county at least ten calendar days in advance of the hearing. Notice shall also be mailed to the chief executive officer and the chairperson of the planning board of each municipality at least ten days before such hearing. Representatives of the regional or county planning board, the commissioner of transportation or his or her representative, county departments, municipalities, citizens and other interested parties shall be given the opportunity to be heard.
 7. Adoption. The county legislative body may adopt by resolution a county comprehensive plan or any amendment thereto.
 8. Filing of adopted county comprehensive plan. The adopted county comprehensive plan and any amendments thereto shall be filed in the office of the county clerk or register and a copy thereof filed in the office of the county planning board, with the secretary of state, as well as with the clerk of each municipality within the county.
 9. Effect of adoption.

- (a) All county land acquisitions and public improvements, including those identified in the county official map adopted or amended pursuant to this article, shall be in accordance with a county comprehensive plan, if one exists.
 - (b) All plans for capital projects of a municipality or state governmental agency on land included in the county comprehensive plan adopted pursuant to this section shall take such plan into consideration.
10. Periodic review. The county legislative body shall provide, as a component of such proposed county comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed.

§ 239-e. County official map

1. Legislative intent. It is the general intent of this section and section two hundred nine-f of this chapter to enable counties to utilize certain regulatory powers which are essential for providing for orderly growth and development, for affording adequate facilities for the safe, convenient, and efficient means for traffic circulation including the vehicular movement of goods, for protecting the public against flood damage, and for providing needed space for public development. Such purposes are declared to be in promotion of the safety, convenience, and general welfare of the community.
2. Purpose. The county legislative body may adopt an official map in order to facilitate the planning and development of roads and drainage systems and sites for public development. County official maps shall be designed to assist in the protection of rights-of-way that will be needed for widened, realigned or new roads; protect drainage systems; and protect sites for public development. Such county official map shall serve as a basis for the adoption and administration of regulations for the control of development along or otherwise related to roads, drainage channels and sites for public development.
3. Content. The county official map shall show existing and proposed rights-of-way for drainage systems and for county roads as established pursuant to article six of the highway law. Such map shall be consistent with any county comprehensive plan adopted or amended pursuant to this article. In counties where the county legislative body has adopted such county comprehensive plan, the official map may also include: rights-of-way required for any proposed transportation network; and sites for any proposed county, state or federal development facilities, including parks, drainage courses, water courses, and public buildings. No state or federal development facility shall be included, RESUBM approved by the appropriate state or federal agency.
4. Adoption, amendment. After the conduct of a public hearing, as hereinafter provided, the county legislative body may adopt an official map covering the entire county, or portions thereof, and amend such map whenever it may deem it to be in the public interest.
 - (a) Notice, hearing. A public hearing shall be held on any proposed adoption of, or amendment to, the official county map. Notice of such hearing shall be published at least ten days prior to such hearing in a newspaper of general circulation in the county. Written notice shall be given to the appropriate state or federal agency for the development facilities affected.
 - (b) Referral to county planning board. Prior to adopting or amending a county official map, the county legislative body shall refer such proposed change to the county planning board, if any, and the county superintendent of highways or commissioner of public works for report thereon within thirty days of such reference.
 - (c) Referral to municipalities. The county legislative body shall refer such proposed amendment to the legislative body and planning board of each municipality within the county, which may report thereon to the county legislative body and to the county planning board. If the municipal legislative body disapproves by resolution such proposed amendment, the county legislative body may not so amend the official map except by a two-thirds vote of said body. In counties where the county legislative body has adopted a county comprehensive plan, the county legislative body may change the official map by a majority vote notwithstanding such municipal disapproval so long as the change is in accordance with the county comprehensive plan.
5. Effect.
 - (b) The official county map shall be final and conclusive with respect to the location, width and dimensions of all rights-of-way and sites as shown thereon. The county official map shall be deemed to be in addition to, or an amendment of, the official map of any municipality. If a

municipality does not have an official map, the county official map as it affects such municipality shall be considered to be the official map of such municipality, and all provisions of law applying to municipal official maps shall be applicable in the case of county official maps where they affect municipalities. The adoption of a county official map shall in no way supersede or otherwise substitute for highway maps or procedures adopted pursuant to the state highway law. No permit shall be issued for any building in any right-of-way or site, shown or laid out on a county official map, except in accord with the appeal procedures herein.

- (c) All county land acquisitions and public improvements shall be in accordance with the county map and any comprehensive plan adopted or amended pursuant to this article.
6. Filing. Certified copies of such county official map and all amendments thereto shall be sent to each municipality, the secretary of state, and appropriate state and federal agencies affected, within ten days of the date of adoption.
7. Appeals. If the land within a right-of-way or site shown or laid out on the county official map is not yielding a fair return on its value to the owner, the owner may appeal to the zoning board of appeals, if any, or other board established by the municipality in which the land is situated to issue variances or make exceptions in zoning regulations.
- (a) Notice, hearing. Notice of a public hearing on such appeal shall be published in a newspaper of general circulation in the municipality at least ten days prior to such hearing. Notice of such hearing shall also be given at least ten days in advance by a registered letter to the superintendent of highways or commissioner of public works, to the clerk of the county legislative body, and to the county planning board and those state and federal agencies affected.
- (b) Conditions. The zoning board of appeals or other board authorized by the municipal legislative body to issue building permits shall, by the vote of two-thirds of its members in accordance with the provisions of section two hundred thirty-nine-f of this article, have the power to grant a permit for a building in such right-of-way or site which will as little as practicable increase the cost of acquiring such right-of-way or site or tend to cause a change of the county official map. Such board may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the county and of the municipality in which such building is located.
- (c) Court review. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or other board authorized by the municipal legislative body to issue building permits may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such appeal shall be taken in the same manner and pursuant to the same provisions as appeals from the decisions of such zoning board of appeals or other authorized board.

§ 239-f. Approval of building permits, curb cuts, and subdivision plats

1. Rules and regulations. The county superintendent of highways or the commissioner of public works in cooperation with the county planning board as well as the county building inspector, if any, shall promulgate rules and regulations governing the approval of building permits and curb cuts relating to elements contained in the county official map, including provision for direct application to him or her by prospective builders or by persons desiring to secure access to existing or proposed rights-of-way or to alter existing means of access. Any approval of such application shall be subject to all the provisions of law pertaining to the municipality affected.
2. Procedure. No subdivision plat or building permit shall be issued or approved by any municipality when there are proposed structures, proposed new streets, or proposed buildings which shall have frontage on, access to, or be otherwise directly related to any existing or proposed right-of-way or site shown on the county official map, except in accord with the following procedures.
- (a) Notification.
- (i) Upon receipt of an application for approval of a subdivision plat, the clerk of the municipal planning board shall notify the county planning board and the county superintendent of highways or commissioner of public works.

- (ii) Upon receipt of an application for a building permit the municipal building inspector or other authorized municipal official shall notify county officials. The county superintendent of highways or commissioner of public works shall notify appropriate state or federal agencies affected. Such state and federal agencies shall have ten working days in which to file their objections to an application for a building permit.
- (b) Report.
 - (i) The county planning board shall review a subdivision application insofar as proposed structures or new streets may be related to any existing or proposed right-of-way or site shown on the county official map. Within ten working days of receipt of notification of a subdivision plat application, the county planning board shall report to the municipality on its approval, disapproval, or approval subject to stated conditions.
 - (ii) The county superintendent of highways or commissioner of public works shall review an application for a building permit insofar as proposed building, including curb cuts or other means of access, may be related to any existing or proposed right-of-way or site shown on the county official map. Within ten working days of receipt of a building permit application the county superintendent of highways or commissioner of public works may consult with the county planning board and shall report to the municipality on his or her approval, disapproval, or approval subject to stated conditions. If such superintendent or commissioner fails to make a report within ten working days of such reference, the county shall forfeit the right to suspend action.
- (c) Considerations. In making such report the county planning board and the county superintendent of highways or commissioner of public works shall take into consideration the following:
 - (i) the prospective character of the development;
 - (ii) any appropriate access standards or non-access or limited access provisions of state and federal agencies;
 - (iii) the design and frequency of access;
 - (iv) the traffic which the development will generate and the effect of said traffic upon existing or proposed rights-of-way or sites shown on the county official map;
 - (v) the effect of this development upon drainage as related to drainage systems; and
 - (vi) the extent to which such development may impair the safety and traffic carrying capacity of existing and proposed rights-of-way affected.
- (d) Approval.
 - (i) A subdivision plat may be approved by the municipality subject to stated conditions, notwithstanding such county planning board report, by a two-thirds vote of all the members.
 - (ii) A building permit shall be issued in accord with and consistent with such report, provided that the board of appeals or other authorized board may vary the requirements of the report of the county superintendent of highways or the commissioner of public works by a two-thirds vote of all the members. Before issuing such building permit, a notice of public hearing on such permit shall be published in a newspaper of general circulation in the municipality at least ten working days prior to such hearing. Such notice shall be forwarded at least ten working days in advance by a registered letter to the superintendent of highways or commissioner of public works, to the clerk of the county legislative body, and to the county planning board, if any, and appropriate state and federal agencies affected.

§ 239-g. Planning associations or federations

1. Establishment. In any county or counties, the municipalities may form a federation or association to promote community or inter-community planning within or by such municipalities, to provide for the collection and distribution of information on planning, subdivision and zoning matters and kindred subjects and to cooperate with appropriate state and county authorities in matters affecting the county comprehensive plan and county official map.
2. Appropriation, expenses. A municipal legislative body or a county legislative body, is hereby authorized to include annually in the budget and raise by taxation in such municipality or county a sum to meet the

actual and necessary expenses of establishing, maintaining and continuing such association or federation. Such expenses may include activities in this state for the purpose of devising practical ways and means for obtaining greater economy and efficiency in the design, layout and development of a municipality or county; for promoting the public health, safety and general welfare by means of local and inter-community planning, subdivision and zoning activities; or for establishing and maintaining information services for the benefit of its members.

§ 239-h. Regional planning councils

1. Legislative findings and intent. The legislature hereby finds and determines that:
 - (a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by regional planning councils.
 - (b) Regional planning councils serve as an increasingly important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.
 - (c) Through comprehensive planning and special studies, regional planning councils provide focus on opportunities and issues best handled on a broad geographic scale.
 - (d) The development of a regional comprehensive plan can foster cooperation among governmental agencies in the planning and implementation of capital projects. Similarly, regional comprehensive plans can promote intermunicipal cooperation in the provision of public services.
 - (e) Citizen participation is essential to the design and implementation of a regional comprehensive plan.
 - (f) The great diversity of resources and conditions that exist within and among regions requires consideration of such factors by regional planning councils.
 - (g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which regional planning councils can perform their powers and duties.
2. Definitions. For the purposes of this section and section two hundred thirty-nine-i of this article the term "municipality" shall mean any city, town, village or county.
3. Establishment of regional planning council.
 - (a) Creation. Any municipal legislative body may collaborate with the legislative body of a contiguous municipal legislative body to create a regional planning council under this article. The legislative bodies of the municipalities participating in the regional planning council shall adopt by resolution an agreement setting forth the terms and conditions of such collaboration. The regional planning council shall be considered an agency of a political subdivision or municipality for purposes of sections one hundred three, one hundred four and article eighteen of this chapter and articles six and seven of the public officers law.
 - (b) Membership. Membership and officers on such council shall be selected in a manner to be determined by the collaborating legislative bodies. In making such appointments, the collaborating legislative bodies shall include members from a broad cross section of interests within the region. Consideration should also be given to securing representation by population size, geographic location and type of municipality. The terms of membership as well as the filling of vacancies on such council shall be determined by the collaborating legislative bodies. The collaborating legislative bodies may also jointly provide for the appointment of individuals to serve as ex-officio members of the regional planning council. Said ex-officio members or their designees may participate in the deliberations of the council, but shall not have voting privileges.
 - (c) Membership of elected or appointed officials. No person shall be precluded from serving as a member of a regional planning council as appointed by a collaborating municipal legislative body pursuant to this section, because such member is an elected or appointed official of such municipality. A member of a regional planning council shall excuse himself or herself from any deliberation or vote relating to a matter or proposal before such regional planning council which is or has been the subject of a proposal, application or vote before the municipal board of which he or she is a member.

- (d) Training and attendance requirements. As a condition of appointment to the regional planning council, the collaborating legislative bodies may establish training, continuing education and meeting attendance requirements for such members.
 - (e) Member reimbursement. The members of such regional planning council shall receive no salary or compensation for their services as members of such council, but may be reimbursed for authorized, actual and necessary travel and expenditures.
 - (f) Removal of members. The legislative body of each collaborating municipality may remove any regional planning council member which said municipal legislative body has appointed for cause and may provide by resolution for removal of any such regional planning council member for non-compliance with minimum requirements relating to meeting attendance and training as established by the collaborating legislative bodies by resolution.
 - (g) By-laws. The regional planning council shall adopt by-laws governing its operation which shall be approved by the collaborating legislative bodies and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.
 - (h) Appropriation; expenses. Collaborating legislative bodies may, in their discretion, appropriate and raise by taxation, money for the expenses of the regional planning council; such bodies shall not be charged with any expense incurred by the regional planning council except pursuant to such appropriation. The legislative body of each collaborating municipality is authorized to provide for the payment of the moneys so appropriated for the expenses of such council to an officer of the council designated in the council by-laws to receive such moneys, provided that before any such money shall be paid to such officer, such officer shall have executed an official undertaking conditioned for the faithful performance of duties in the manner provided in section four hundred three of the county law and provided that such undertaking shall have been approved by the legislative body of each municipality. The regional planning council shall have the power and authority to employ staff, consultants and other experts and to pay for their services, and to provide for such other expenses as may be necessary and proper.
 - (i) Authority to receive and expend funds. In furtherance of the purposes of this section, the regional planning council may receive and expend public and private funds and grants from non-public foundations, agencies, corporations, and private entities and may apply for and accept grants from the federal government or the state government and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with such reasonable conditions and requirements as may be imposed thereon.
4. Regional planning council powers and duties.
- (a) The regional planning council shall have such of the following powers as shall be provided in the agreement among the collaborating municipalities [1]:
 - (i) conduct surveys, studies and research programs which address regional needs and improve community services;
 - (ii) distribute information resulting from such surveys, studies and programs;
 - (iii) prepare a regional comprehensive plan and any amendments thereto pursuant to section two hundred thirty-nine-i of this article;
 - (iv) consult and cooperate with appropriate state, municipal and public or private agencies in matters affecting the region, including, but not limited to the general protection, enhancement, quality of life, growth and development of the region;
 - (v) assist with transportation planning in areas of the region not served by metropolitan planning organizations created pursuant to section fifteen-a of the transportation law; and
 - (vi) conduct reviews of certain classes of planning and zoning actions by a city, town or village pursuant to sections two hundred thirty-nine-l and two hundred thirty-nine-m of this article, and review certain subdivision plats pursuant to section two hundred thirty-nine-n of this article.

- (b) A regional planning council shall not undertake any capital construction project, including but not limited to the design, acquisition, construction, improvement, reconstruction or rehabilitation of any capital asset, whether in the nature of real or personal property.
- 5. Annual report and audit. Every regional planning council shall submit an annual report to the collaborating legislative bodies and to the department of audit and control which report shall include a summary of council activities, including planning and technical services and grant and loan programs, a summary of the financial status of the council, including the annual budget as well as any federal, state and local funding and private sector financial assistance, and a summary of planned future activities as well as topics that are required in the by-laws of the regional planning council. Every regional planning council shall engage a certified public accountant to complete an annual financial audit and audit of the internal control structure of the regional planning council, a copy of which shall be included in the annual report.
- 6. Voting requirements. Every motion or resolution of a regional planning council shall require for its adoption the affirmative vote of a majority of all the members of the regional planning council.

§ 239-i. Regional comprehensive plans

- 1. Content of a regional comprehensive plan. The regional comprehensive plan may include the following topics of significance at the level of detail adapted to the special requirements of the region:
 - (a) general statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range protection, enhancement, growth and development of the region are based;
 - (b) consideration of regional needs and the official plans of other government units and agencies within the region;
 - (c) the existing and proposed intensity of land uses;
 - (d) consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas;
 - (e) consideration of population, demographic and socio-economic trends and future projections;
 - (f) the location and types of transportation facilities, including the reuse of abandoned transportation facilities;
 - (g) existing and proposed general location of public and private utilities and infrastructure;
 - (h) existing housing resources and future housing needs, including affordable housing;
 - (i) the present and future general location of educational and cultural facilities, historic sites, health facilities, and facilities for emergency services;
 - (j) existing and proposed recreation facilities and parkland;
 - (k) the present and potential future general location of commercial and industrial facilities;
 - (l) specific policies and strategies for improving the regional economy in coordination with other plan topics;
 - (m) proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the regional comprehensive plan;
 - (n) all or part of the plan of another public agency;
 - (o) any and all other items which are consistent with the protection, enhancement, orderly growth and development of the region; and
 - (p) consideration of cumulative impacts of development and other issues which promote compliance with the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.
- 2. Preparation. The regional planning council may prepare a proposed regional comprehensive plan and amendments thereto.
- 3. Environmental review. A regional comprehensive plan, and any amendment thereto, is subject to the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. A regional comprehensive plan may be designed to also serve as, or be accompanied by, a generic environmental impact statement pursuant to the state environmental quality review act statute and regulations. No further compliance with such law is

- required for subsequent site specific actions that are in conformance with the conditions and thresholds established for such actions in the generic environmental impact statement and its findings.
4. Agricultural review and coordination. A regional comprehensive plan and any amendments thereto, for a region containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of article twenty-five-AA of the agriculture and markets law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended regional comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law.
 5. Referrals. The regional planning council shall, prior to adoption, refer the proposed regional comprehensive plan or any amendment thereto to the collaborating municipal legislative bodies and planning boards for review and recommendation.
 6. Public hearings; notice.
 - (a) In the event the regional planning council prepares a proposed regional comprehensive plan or amendment thereto, the regional planning council shall hold one or more public hearings in each collaborating municipality and such other meetings as it deems necessary to assure full opportunity for citizen participation in the preparation of such proposed plan or amendment, and in addition, the regional planning council shall hold one or more public hearings in each collaborating municipality prior to adoption of such proposed plan or amendment.
 - (b) Notice of a public hearing shall be published in a newspaper of general circulation in each collaborating municipality at least ten calendar days in advance of the hearing. Notice shall also be mailed to the chief executive officer and the chairperson of the planning board of each municipality at least ten days before such hearing. The proposed regional comprehensive plan or amendment thereto shall be made available for public review during said period at the office of the clerk of each collaborating municipality, and may be made available at any other place, including a public library.
 7. Adoption. The regional planning council may adopt by resolution a regional comprehensive plan or any amendment thereto.
 8. Filing of regional comprehensive plan. The adopted regional comprehensive plan and any amendments thereto shall be filed in the office of the clerk of each collaborating municipality.
 9. Effect of adoption of the regional comprehensive plan. All plans for capital projects of another governmental agency on land included in the regional comprehensive plan adopted pursuant to this section shall take such plan into consideration.
 10. Periodic review. The regional planning council shall provide, as a component of such proposed regional comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed.

§ 239-l. Coordination of certain municipal zoning and planning actions; legislative intent and policy

1. Definitions. For the purposes of this section and sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article, the following terms shall apply:
 - (a) "County planning agency" means a county planning board, commission or other agency authorized by the county legislative body to review proposed actions referenced for inter-community or county-wide considerations subject to the provisions of this section, and sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article.
 - (b) "Regional planning council" means a regional planning board or agency established pursuant to the provisions of this chapter.
2. Intent. The purposes of this section, sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the following:
 - (a) compatibility of various land uses with one another;
 - (b) traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;

- (c) impact of proposed land uses on existing and proposed county or state institutional or other uses;
 - (d) protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
 - (e) drainage;
 - (f) community facilities;
 - (g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and
 - (h) such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.
3. Review considerations. In no way shall the review of inter-community and county-wide considerations pursuant to the provisions of this section, or pursuant to sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article, preclude a county planning agency or a regional planning council from making informal comments, or supplying such technical assistance as may be requested by a municipality.

§ 239-m. Referral of certain proposed city, town and village planning and zoning actions to the county planning agency or regional planning council; report thereon; final action

1. Definitions. As used herein:
- (a) The term "proposed" as used in subparagraphs (ii) and (iii) of paragraph (b) of subdivision three of this section shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county comprehensive plan adopted pursuant to section two hundred thirty-nine-d of this article or adopted on an official map pursuant to section two hundred thirty-nine-e of this article.
 - (b) The term "referring body" shall mean the city, town or village body responsible for final action on proposed actions subject to this section.
 - (c) The term "full statement of such proposed action" shall mean all materials required by and submitted to the referring body as an application on a proposed action, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. When the proposed action referred is the adoption or amendment of a zoning ordinance or local law, "full statement of such proposed action" shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council. Notwithstanding the foregoing provisions of this paragraph, any referring body may agree with the county planning agency or regional planning council as to what shall constitute a "full statement" for any or all of those proposed actions which said referring body is authorized to act upon.
 - (d) The term "receipt" shall mean delivery of a full statement of such proposed action, as defined in this section, in accordance with the rules and regulations of the county planning agency or regional planning council with respect to person, place and period of time for submission. In no event shall such rule or regulation define delivery so as to require in hand delivery or delivery more than twelve calendar days prior to the county planning agency's or regional planning council's meeting date. In the absence of any such rules or regulations, "receipt" shall mean delivery in hand or by mail to the clerk of the county planning agency or regional planning council. Where delivery is made in hand, the date of receipt shall be the date of delivery. Where delivery is made by mail, the date as postmarked shall be the date of delivery. The provisions of this section shall not preclude the rules and regulations of the county planning agency or regional planning council from providing that the delivery may be a period greater than twelve days provided the referring body and the county planning agency or regional planning council agree in writing to such longer period.

2. Referral of proposed planning and zoning actions. In any city, town or village which is located in a county which has a county planning agency, or, in the absence of a county planning agency, which is located within the jurisdiction of a regional planning council duly created pursuant to the provisions of law, each referring body shall, before taking final action on proposed actions included in subdivision three of this section, refer the same to such county planning agency or regional planning council.
3. Proposed actions subject to referral.
 - (a) The following proposed actions shall be subject to the referral requirements of this section, if they apply to real property set forth in paragraph (b) of this subdivision:
 - (i) adoption or amendment of a comprehensive plan pursuant to section two hundred seventy-two-a of the town law, section 7-722 of the village law or section twenty-eight-a of the general city law;
 - (ii) adoption or amendment of a zoning ordinance or local law;
 - (iii) issuance of special use permits;
 - (iv) approval of site plans;
 - (v) granting of use or area variances;
 - (vi) other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.
 - (b) The proposed actions set forth in paragraph (a) of this subdivision shall be subject to the referral requirements of this section if they apply to real property within five hundred feet of the following:
 - (i) the boundary of any city, village or town; or
 - (ii) the boundary of any existing or proposed county or state park or any other recreation area; or
 - (iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
 - (iv) 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
 - (v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
 - (vi) 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.
 - (c) The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed actions set forth in this subdivision are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.
4. County planning agency or regional planning council review of proposed actions; recommendation, report.
 - (a) The county planning agency or regional planning council shall review any proposed action referred for inter-community or county-wide considerations, including but not limited to those considerations identified in section two hundred thirty-nine-l of this article. Such county planning agency or regional planning council 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.
 - (b) Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the proposed action without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may

have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.

5. Extraordinary vote upon recommendation of modification or disapproval. If such county planning agency or regional planning council recommends modification or disapproval of a proposed action, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.
6. Report of final action. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. 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.

§ 239-n. Referral of certain proposed subdivision plats to the county planning agency or regional planning council; report thereon; final action

1. Definitions. As used herein:
 - (a) The term "proposed" as used in subparagraphs (ii) and (iii) of paragraph (a) of subdivision three of this section shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county comprehensive plan, adopted pursuant to subdivision seven of section two hundred thirty-nine-d of this article, or shown on an official map adopted pursuant to section two hundred thirty-nine-e of this article.
 - (b) The term "undeveloped plat" shall mean those plats already filed in the office of the clerk of the county in which such plat is located where twenty percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.
 - (c) The term "referring body" shall mean the city, town or village body authorized by a municipal legislative body to approve preliminary or final plats or to approve the development of undeveloped plats and/or plats already filed in the office of the county clerk.
2. Referral of proposed plats. In any city, town or village which is located in a county which has a county planning agency authorized by the county legislative body to review preliminary or final plats or to approve the development of undeveloped plats, the clerk of the municipal planning agency, upon receipt of application for preliminary and/or final approval of a subdivision plat or proposal to develop an undeveloped plat and/or plats already filed in the office of the county clerk, shall refer certain of such plats to the county planning agency. In the absence of a county planning agency, the county legislative body may authorize a regional planning council whose geographic area includes the county, to perform the review functions prescribed herein.
3. Plats subject to referral.
 - (a) The following applications for approval of preliminary or final plats and undeveloped plats shall be subject to the referral requirements of this section, if the application applies to real property within five hundred feet of the following:
 - (i) the boundary of any city, village, or town; or
 - (ii) the boundary of any existing or proposed county or state park or other recreation area; or
 - (iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
 - (iv) 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
 - (v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
 - (vi) the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law.
 - (b) The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed plats are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.

4. County planning agency or regional planning council review of proposed plats; recommendation, report.
 - (a) The county planning agency or regional planning council, when authorized by the county legislative body, shall review any referred plat for inter-community or county-wide considerations, including but not limited to those considerations identified in section two hundred thirty-nine-l of this article. The county planning agency or regional planning council may adopt such rules and regulations as are necessary to perform such function. Such county planning agency or regional planning council shall recommend approval, modification, or disapproval, of such plat, or report that such plat has no significant county-wide or inter-community impact.
 - (b) Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a preliminary or final plat or proposal to develop an undeveloped plat, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the referred plat without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.
5. Extraordinary vote upon recommendation of modification or disapproval. If such county planning agency or regional planning council recommends modification or disapproval of a referred plat, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.
6. Report of final action. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. 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.

§ 239-nn. Rights and duties of neighboring municipalities in planning and zoning matters

1. Legislative intent and purpose. It is the intent and purpose of this section to encourage the coordination of land use development and regulation among adjacent municipalities in order that each adjacent municipality may recognize the goals and objectives of neighboring municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.
2. Definitions. For the purpose of this section:
 - (a) "Municipality" shall mean a city, except a city having a population in excess of one million, a town or a village.
 - (b) "Adjacent municipality" shall mean a city, except a city having a population in excess of one million, town or village which has a portion of its boundary that is contiguous with another municipality.
3. The legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to:
 - (a) the issuance of a proposed special use permit or the granting of a use variance on property that is within five hundred feet of an adjacent municipality;
 - (b) site plan review and approval on property that is within five hundred feet of an adjacent municipality; or
 - (c) a subdivision review and approval on property that is within five hundred feet of an adjacent municipality.
4. Such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing.
5. Such adjacent municipality may appear and be heard.