

Warren County Board of Supervisors

RESOLUTION NO. 133 OF 2012

Resolution introduced by Supervisors Taylor, Conover, Monroe, Wood and Mason

TO ENACT LOCAL LAW NO. 3 OF 2012

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed Local Law being entitled, “A Local Law Granting the Warren County Department of Planning and Community Development Authority for Review of Zoning and Planning Matters Referred by Municipal Referring Bodies Within Warren County Pursuant to General Municipal Law Sections 239-l and 239-m”, and

WHEREAS, the Board of Supervisors adopted Resolution No. 44 of 2012 on January 20, 2012, authorizing a public hearing to be held by the Board of Supervisors on the 17th day of February, 2012, at the Supervisors’ Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 17th day of February, 2012, does hereby enact and adopt Local Law No. 3 of 2012 as set forth in Schedule “A” annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, County Administrator and County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and take all necessary actions for the promulgation thereof.

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COUNTY OF WARREN

LOCAL LAW NO. 3 OF 2012

A LOCAL LAW GRANTING THE WARREN COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AUTHORITY FOR REVIEW OF ZONING AND PLANNING MATTERS REFERRED BY MUNICIPAL REFERRING BODIES WITHIN WARREN COUNTY PURSUANT TO GENERAL MUNICIPAL LAW SECTIONS 239-1 AND 239-m

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Title. This Local Law shall be known as “A Local Law Granting the Warren County Department of Planning and Community Development Authority for Review of Zoning and Planning Matters Referred by Municipal Referring Bodies within Warren County Pursuant to General Municipal Law Sections 239-1 and 239-m”.

SECTION 2. Purpose. The purpose of this Local Law is to authorize the Warren County Department of Planning and Community Development (“Department”) to serve as the “County planning agency” of Warren County as that term is defined in General Municipal Law Section 239-1(1)(a). Under this Local Law, the Department is vested with the complete authority to review and act upon zoning and planning matters referred by municipal referring bodies within Warren County pursuant to the provisions set forth in General Municipal Law Sections 239-1 and 239-m.

SECTION 3. Enactment Authority. This Local Law is enacted under the authority of Section 10(1)(i) of the Municipal Home Rule Law of New York State.

SECTION 4. Authority of Warren County Department of Planning and Community Development within this Local Law. (a) Upon the effective date of this Local Law, the Department shall be the “County planning agency” of Warren County within the meaning of Section 239-1 of the General Municipal Law and shall have all of the authority and responsibility provided to a County planning agency prescribed in Sections 239-1 and 239-m of the General Municipal Law. Therefore, the Department is authorized to review and act

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upon “proposed actions” of a “referring body” in accordance with the specific authority granted to a County planning agency under Sections 239-1 and 239-m of the General Municipal Law.

(b) Consistent with Section 239-m(1)(b), the term “referring body” shall mean any board or body of a city, town or village within Warren County responsible for final determination on a proposed action.

(c) In order to be subject to referral under this Local Law a proposed action must apply to real property within five (500) hundred feet of the existing or proposed boundaries or existing or proposed rights-of-way described in General Municipal Law Section 239-m(3)(b)(i) through (vi).

(d) Pursuant to General Municipal Law Section 239-m(3) (a) the proposed actions which are subject to referral by a referring body to the Department are as follows:

- (i) The adoption or amendment of a comprehensive plan for a municipality.
- (ii) The adoption or amendment of a zoning ordinance or zoning local law.
- (iii) The issuance of special use permits.
- (iv) Approval of site plans.
- (v) Granting of use or area variances.
- (vi) Other authorizations which referring body may issue under the provisions of any zoning ordinance or zoning local law.

(e) The Department shall review any proposed action referred for inter-community or County-wide considerations including, but not limited to, those considerations identified in Section 239-1 of the General Municipal Law. The Department shall recommend to the referring body approval, modification or disapproval, of the proposed action, or report that the proposed action has no significant inter-community or County-wide impact and shall otherwise process and act upon the referrals of the proposed actions in accordance with the provisions of Sections 239-1 and 239-m of the General Municipal Law.

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SECTION 5. Agreements between the Department and Referring Bodies. In accordance with provisions of Section 239-m(3)(c) of the General Municipal Law, the Department is authorized to enter into agreements with referring bodies or other duly authorized bodies of a city, town or village, to specify that certain proposed actions identified within the agreement are of local concern, and not of inter-community or County-wide concern, and, as a result, are not subject to referral to the Department. Any such agreements or similar agreements which pre-date the effective date of this Local Law that were entered into between Warren County and/or the Warren County Department of Planning and Community Development and a referring body or the authorized board of a city, town or village, which, upon the effective date of this Local Law have not expired or been rescinded are hereby deemed to remain in full force and effect, and the Department is hereby authorized, in its discretion, to rescind, replace or amend any such agreement without the need for review or approval by the Warren County Board of Supervisors.

SECTION 6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 7. Effective Date. This Local Law shall take effective immediately upon filing in the Office of the New York State Secretary of State.