



An Introduction to the Orleans County Planning Board

Welcome to this official meeting of the Orleans County Planning Board. We appreciate your interest in our proceedings and offer this publication as a means of informing the public about its role. First-time attendees can understandably find the process daunting. The following are answers to the most frequently asked questions regarding its purpose and function.

Q: Why do applications come before the County Planning Board?

A: Statutes of New York State require that the County Planning Board (CPB) be provided the opportunity to review and make recommendations on certain land use matters before the appropriate board of the town or village can take final action. Adoption or amendment to zoning ordinances, comprehensive plans, special use permits, site plans, and variances that affect parcels within 500 ft. of a County or State highway, County or State facility, or municipal boundary must be sent to the CPB. The full Statute can be found in § 239-m of General Municipal Law. Other powers and duties of the CPB can be found elsewhere in § 239 of General Municipal Law.

Q: What are the consequences of a recommendation by the County Planning Board on a matter that comes before it?

A: The CPB is strictly advisory in nature, meaning the final decision rests with the town or village body that referred the application to the CPB. However, if the CPB recommends modification of an application or disapproval, the board responsible for final action must pass an extraordinary vote to overrule it instead of a simple majority. An extraordinary vote is a majority-plus-one of all members of a board.

Q: Is the public allowed to speak at County Planning Board meetings?

A: The CPB does not hold public hearings and therefore is not required to hear testimony. Any mandatory public hearings would be held by the town or village board responsible for final action on an application. In accordance with its By-Laws, the CPB Chairman has the discretion, in consultant with CPB membership, to restrict public comment.

Q: How is the composition of the County Planning Board determined?

A: CPB By-Laws stipulate that each of the ten towns and four villages have a representative on the CPB, along with an alternative if available to serve in his/her absence. There are additionally three at-large members representing the central, eastern, and western tiers of the County. Consequently, at full strength there are seventeen voting members of the CPB.

Q: At the meeting it appears that a recommendation is written in advance of the meeting. How is that possible?

A: Professional staff of the Orleans County Department of Planning and Development writes a draft recommendation in advance of the meeting. The preparation of the draft typically involves a visit to the site for location-specific applications, analysis of the information provided in the application for conformance with the municipality's comprehensive plan and zoning ordinance, as well as resource maps such as those pertaining to wetlands and floodplains to assure the project would not adversely impact the environment. CPB members see the draft staff recommendation at the same time as the audience in attendance: within an hour of the start of the meeting. It is worthy of emphasis that the CPB is under no obligation to agree with the staff recommendation, and in fact has reached a different conclusion on a fairly regular basis. There is only one official recommendation that is sent to the submitting town or village: the one established by a majority vote of the membership of the CPB.

Q: What guides the County Planning Board in making its decision?

A: The CPB is obligated to bring inter-community and county-wide planning, zoning, and site plan considerations to the attention of neighboring municipalities and agencies having jurisdiction pursuant to 239-1 of General Municipal Law. The statute provides a rather broad license for CPB review, as such considerations may include:

- (a) the 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 uses 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.

Q: Can the County Planning Board waive its review of certain applications?

A: Yes. The same Statute of New York that mandates certain town and village land use matters be referred to the CPB (i.e. § 239-m of General Municipal Law) also allows that the CPB may enter into an agreement with each town and village to exempt CPB review of actions categorically deemed minor. Presently, the CPB has a uniform agreement with all towns and villages in the County such that it does not have to review applications solely pertaining to signs, fences, or site plan review for one through three-family residences, among other exemptions.