

Chapter A. Administrative Code

Article XIV. Department of Planning

§ A14-1. Organization of Planning Commission.

[Derived from Charter Sec. 1307]

The Planning Commission shall hold an organizational meeting not later than the 15th day of February of each year. At such meeting, the Commission shall select from its own members a Chairman and such other officers as it may deem proper.

§ A14-2. Adoption of rules of proceedings by Planning Commission.

[Derived from Charter Sec. 1308; amended 6-26-2001 by L.L. No. 10-2001]

A. The Planning Commission shall by resolution adopt at its organizational meeting rules to govern Commission proceedings. A copy of the rules and any amendments thereto shall be filed in the office of the County Executive, the office of the Clerk of the County Legislature and with the County Clerk and town and village clerks, and the Commission shall make copies of such rules and any amendments thereto available to the public.^[1]

[1] *Editor's Note: Former Subsection B, requiring verbatim Planning Commission minutes, which immediately followed this subsection, was repealed 12-20-2011 by L.L. No. 7-2012.*

§ A14-3. Rules for Planning Department.

[Derived from Charter Sec. 1310]

The Planning Commission, by resolution, shall adopt rules to govern the administration and functioning of the Planning Department.

§ A14-4. Quorum for Planning Commission.

[Derived from Charter Sec. 1311]

A majority of the total membership of the Planning Commission shall constitute a quorum thereof.

§ A14-5. Required vote for action.

[Derived from Charter Sec. 1312]

Except as provided in §§ **A14-10**, **A14-11** and **A14-21**, resolutions of the Planning Commission shall be adopted by a vote of not less than a majority of the total membership of the Commission.

§ A14-6. Annual report required.

[Derived from Charter Sec. 1315]

- A. The Planning Commission shall make an annual report to the County Legislature and the County Executive on or before February 15 of each year.
- B. The annual report shall contain:
 - (1) A report on the activities of the Commission, including its zoning and subdivision review actions.
 - (2) A survey of conditions in the County, including population density and movement; housing conditions; conservation, parks and recreation; employment and industrial conditions; water resources, pollution and sewers; transportation; and communications.
- C. Reports issued by the Commission during the year may be incorporated by reference or summarized in the annual report.

§ A14-7. Preparation of Comprehensive Plan.

[Derived from Charter Sec. 1316; amended 11-25-1980 by L.L. No. 30-1980]

The Planning Commission shall propose a Comprehensive Plan for Suffolk County, which shall include a survey of the natural, scenic, aesthetic and historical resources and ecological systems of Suffolk County and their state of preservation.

§ A14-8. Public hearings on proposed Comprehensive Plan.

[Derived from Charter Sec. 1316(1); amended 11-25-1980 by L.L. No. 30-1980]

The Planning Commission shall hold at least two public hearings on the Comprehensive Plan it proposes, and a Comprehensive Plan may not be adopted by the Planning Commission until the required hearings have been held.

§ A14-9. Notice of public hearings on Comprehensive Plan.

[Derived from Charter Sec. 1316(2); amended 11-25-1980 by L.L. No. 30-1980]

- A. The Planning Commission shall advertise the date, time and place of its public hearings on the Comprehensive Plan, as required by § **A14-8**, in the official County newspapers, not less than 30 days before the first hearing. The Planning Commission shall also give other reasonable public notice of the scheduled hearings.
- B. The Planning Commission shall forward a copy of the proposed Comprehensive Plan to the office of the County Executive and to the office of the Clerk of the County Legislature at least 10 days in advance of the scheduled public hearings. It shall also have available a reasonable number of copies of the plan for public examination and shall have summaries thereof for public distribution.

§ A14-10. Final adoption of Comprehensive Plan.

[Derived from Charter Sec. 1316(3); amended 11-25-1980 by L.L. No. 30-1980]

- A. After holding the public hearings required by § **A14-8** of this article and not later than the 31st day of December 1971, the Planning Commission, by resolution of 2/3 of its total membership, shall adopt a Comprehensive Plan for Suffolk County and shall forward a copy of the Comprehensive Plan, as adopted, to the office of the County Executive, the office of the Clerk of the County Legislature, the town and village clerks, the County Clerk and the clerks of the school districts within the County.

- B. The County Legislature shall review the Comprehensive Plan adopted by the Planning Commission and shall, by resolution under Article II of the Charter, adopt that plan, with or without amendments, as the Comprehensive Plan of Suffolk County. The plan shall be used as a guide, when appropriate, but shall not be binding upon the County or its agencies.

§ A14-11. Review and amendment of Comprehensive Plan.

[Derived from Charter Sec. 1316(4); amended 11-25-1980 by L.L. No. 30-1980]

The Planning Commission shall annually review the Comprehensive Plan and may, after public hearings, recommend by resolution that the County Legislature amend the Comprehensive Plan in ways specified in the resolution. Such resolution of the Planning Commission recommending amendment of the Comprehensive Plan may be passed only by affirmative vote of 2/3 of the total membership of the Planning Commission.

§ A14-12. Recommendations by Planning Commission to municipalities.

[Derived from Charter Sec. 1321]

The Planning Commission may recommend a comprehensive zoning plan to any town or village in Suffolk County and may make such other recommendations involving the performance of the planning function by towns or villages as the Commission deems appropriate.

§ A14-13. Services by Planning Commission to municipalities; referral of comprehensive plans to Planning Commission.

[Derived from Charter Sec. 1322; amended 12-6-2005 by L.L. No. 35-2005]

- A. The Planning Commission may, on request of any town or village in Suffolk County, furnish the town or village with requested planning services. The Commission may impose such charge for its services as may be authorized by local law.
- B. Each town and village in Suffolk County having jurisdiction to adopt or amend zoning regulations shall, before taking final action, refer to the Planning Commission the adoption or amendment of a comprehensive plan developed pursuant to § 272-a of the New York Town Law or § 7-722 of the New York Village Law, for review and recommendation.

§ A14-14. Referral of certain municipal zoning actions to Planning Commission.

[Derived from Charter Sec. 1323; amended 12-14-1971 by L.L. No. 28-1972;^[1] 3-25-1980 by L.L. No. 10-1980; 4-10-1984 by L.L. No. 7-1984]

- A. Each town and village in Suffolk County having jurisdiction to adopt or amend zoning regulations shall, before taking final action, refer to the Planning Commission any zoning regulation or any amendment thereof (hereinafter referred to as "municipal zoning action") which would change the district classification of or the regulations applying to real property lying within one mile of a nuclear power plant or airport or within a distance of 500 feet from:

[Amended 10-28-1986 by L.L. No. 33-1986; 3-25-1992 by L.L. No. 7-1992; 12-6-2005 by L.L. No. 35-2005]

- (1) The boundary of any village or town;
- (2) The boundary of any existing or proposed County, state or federal park or other recreation area;

- (3) The right-of-way of any existing or proposed County or state parkway, thruway, expressway, road or highway;
 - (4) 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;
 - (5) The existing or proposed boundary of any other County, state or federally owned land held or to be held for governmental use;
 - (6) The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water; or
 - (7) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the New York Agriculture and Markets Law.
- B. The term "proposed," as used in this section, means a capital project specified in the Suffolk County Official Map, whether or not the project has been undertaken. In the absence of a Suffolk County Official Map, duly adopted under the Charter, the term "proposed," as used in this section, means:
- (1) In the case of a County item, an item specified in the capital budget.
 - (2) In the case of a state item, an item whose boundaries have been established in accord with state law.
 - (3) In the case of a federal item, an item whose boundaries have been established in accord with federal law.
- C. Each municipal zoning action referred to the Planning Commission under this section shall be accompanied by a full statement on the proposed action. The Planning Commission shall publish guides as to what information should be included in such statement. The Planning Commission shall notify all County departments, offices and agencies, including the Clerk of the Legislature, who shall forward such notice to all County Legislators, as to such actions referred to the Planning Commission under this section. Any County department, office or agency which possesses information related to such municipal zoning action shall immediately (no later than 30 days from referral of the proposed action) forward such information to the Suffolk County Planning Commission. For the purposes of determining when the calculation of the forty-five-day deadline for action set forth in § **A14-15** of this article commences, "receipt of a full statement" shall include receipt of the information required under this subsection and shall mean the date of actual receipt of all such information or 30 days, whichever date occurs first. The Planning Commission shall not assume, for the purpose of its deliberations, that the municipal zoning action will be approved by the pertinent town or village.
- [Amended 3-14-2000 by L.L. No. 5-2000; 8-23-2005 by L.L. No. 23-2005]

[1] *Editor's Note: This local law was approved at referendum 11-7-1972.*

§ A14-15. Notice of referrals; consideration of municipal zoning actions by Planning Commission.

[Derived from Charter Sec. 1324; amended 7-8-1975 by L.L. No. 14-1975; 4-10-1984 by L.L. No. 7-1984; 3-25-1992 by L.L. No. 7-1992; 6-11-1996 by L.L. No. 16-1996; 12-6-2005 by L.L. No. 35-2005; 5-16-2006 by L.L. No. 29-2006]

- A. In every instance where a matter is referred to the Suffolk County Planning Commission by a town or village pursuant to this article on the basis that the affected real property lies within 500 feet of a town or village boundary, the Planning Commission shall give notice of the referral to the town(s) and village(s) adjacent to the boundary within 10 days of its receipt of a full statement on the proposed action from the referring town or village. Said notice shall include the date, time and location of the meeting at which the Planning Commission will consider the referred action and a copy of the full statement on the proposed action submitted to the Planning Commission by the referring town or village. The Planning Commission will

deliver this notice by electronic or regular mail to the Clerk and Mayor of any affected village and the Clerk and Supervisor of any affected town.

[Amended 12-3-2007 by L.L. No. 38-2007; 11-21-2017 by L.L. No. 5-2018]

- B. If a matter is referred to the Suffolk County Planning Commission on the basis that the affected real property lies within 500 feet of a town or village boundary and the referred matter proposes a commercial development in excess of 25,000 square feet, the applicant shall mail, by first-class mail, written notice, addressed to the owners as shown on the current tax roll and the occupant of all adjoining properties located within a one-thousand-foot radius of the exterior limits of such proposed development, that the matter has been referred to the Suffolk County Planning Commission. Said notice shall include a statement as to the nature of the application and the date, time and location of the meeting at which the Planning Commission will consider the referred action. The applicant shall mail such notice at least 10 days prior to the meeting of the Planning Commission when its application will be considered. Prior to the meeting, the applicant shall file with the Planning Commission a certificate of mailing, duly certified by the United States Postal Service for each intended recipient of said notice, which legibly indicates the name and address of the person or entity, including the occupant, to which the notice was mailed, and an affidavit of mailing. The affidavit of mailing shall include the name of the person who actually mailed the notices and the names and addresses of the property owners and the addresses of the occupants who were notified. Failure to mail the notices or provide the affidavit and certificates may result in postponement of the application being considered at the meeting.

[Amended 12-3-2007 by L.L. No. 38-2007]

- C. Subject to the provisions of §§ **A14-20** and **A14-21**, upon the referral of a municipal zoning action to the Planning Commission, the Commission, within 45 days after receipt of a full statement on the proposed action and after due consideration, may, by resolution, render a report indicating that the proposed action has no significant Countywide or intercommunity impact, render a report approving the proposed action without change, render a report recommending changes in the proposed action and approving the proposed action with such changes or render a report disapproving the proposed action. If the proposed municipal zoning action is not acted upon by the Planning Commission within said forty-five-day period, then the proposed municipal zoning action, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.
- D. In accordance with rules adopted by resolution of the Planning Commission, the Commission may dispense with a report on the proposed action. Under such circumstances, the municipality that referred the proposed action to the Planning Commission may proceed, after 45 days from the date of submission of a full statement, as if the Commission had rendered a report approving the proposed action without change. If the proposed municipal zoning action is not acted upon by the Planning Commission within said forty-five-day period, then the proposed municipal zoning action, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.

§ A14-16. Effect of Planning Commission report on municipal zoning action.

[Derived from Charter Sec. 1325; amended 4-10-1984 by L.L. No. 7-1984; 3-25-1992 by L.L. No. 7-1992]

- A. If the Planning Commission renders a report indicating that the proposed action has no significant Countywide or intercommunity impact or renders a report approving a proposed action without a change, the town or village that referred the proposal may adopt it in the ordinary course of municipal business.

[Amended 6-11-1996 by L.L. No. 16-1996]

- B. If the Planning Commission renders a report recommending changes in a proposed municipal zoning action and approving the action with such changes, the town or village that referred the proposal may, unless § **A14-18** or **A14-21** applies, amend the proposed action in accordance with the Planning Commission's recommendations and adopt it in the ordinary course of municipal business or decline to adopt any one of

the recommendations of the Planning Commission and adopt the action as originally proposed, but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly sets forth its reasons for not adopting the Planning Commission's recommendations.

- C. If the Planning Commission renders a report disapproving a proposed municipal zoning action, the town or village involved may, unless § **A14-18** or **A14-21** applies, adopt the action as originally proposed, but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly sets forth its reasons for rejecting the Planning Commission's reports.
- D. If the proposed municipal zoning action is not acted upon by the Planning Commission within said forty-five-day period, then the proposed municipal zoning action, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.

§ A14-17. Content of report by Planning Commission on municipal zoning action.

[Derived from Charter Sec. 1326; amended 4-10-1984 by L.L. No. 7-1984]

In the absence of an objection by a state agency pursuant to § **A14-18** or a resolution adopted under § **A14-21**, a report by the Planning Commission disapproving a municipal zoning action or recommending changes in the action and approving it with such changes shall explicitly state the reasons for the Commission's conclusions. The statement of reasons shall be designed to assist the municipality to form its own judgment as to what action, if any, it should take with respect to the municipal zoning action involved.

§ A14-18. Objections by state agencies to zoning actions referred to Planning Commission.

[Derived from Charter Sec. 1327; amended 4-10-1984 by L.L. No. 7-1984]

- A. A state agency having a statutory responsibility involving air pollution, water pollution or estuarine values may interpose an objection with the County Planning Commission to any proposed zoning action referred to the Commission on the ground that the action is likely to produce water pollution or air pollution or be destructive of estuarine values, except any municipal zoning action which would change the district classification of, or the regulations applying to, real property lying within the Suffolk County Pine Barrens Zone as described in § C14-11 of the Charter.
- B. In a case in which the Planning Commission has received an objection under Subsection **A** of this section:
 - (1) A proposed municipal zoning action disapproved by the Commission may not be adopted by the town or village that referred the proposed action; and
 - (2) A proposed municipal zoning action approved by the Commission with change may not be adopted by the referring body, except as amended in accordance with the Commission's report.

§ A14-19. Hearing on zoning actions referred to Planning Commission when objections are made by state agency.

[Derived from Charter Sec. 1328; amended 4-10-1984 by L.L. No. 7-1984]

- A. Where an objection to a municipal zoning action is interposed by a state agency pursuant to § **A14-18**, the Planning Commission shall schedule a hearing on the action and shall give 10 days' written notice to:
 - (1) The municipality that referred the action to the Commission.

- (2) The Council on Environmental Quality established under Article I of the Charter.
 - (3) The state agency that interposed the objection.
 - (4) The party that initiated the proceeding before the municipality involved.
- B. In addition, the Planning Commission shall give such notice to any other municipality that the Commission concludes should be given an opportunity to be heard on the matters.

§ A14-20. Report by Planning Commission on zoning actions to which state agency has objected.

[Derived from Charter Sec. 1329]

- A. In each instance in which a state agency makes an objection pursuant to § **A14-18**, the Planning Commission shall render a report within 45 days of its receipt of the proposed action involved.
- B. The hearing required to be held under § **A14-19** shall be held sufficiently in advance of the date by which the Planning Commission is to render its report under this section to permit full consideration of the views presented at the hearing.
- C. Every report rendered under this section shall include a statement of the Planning Commission's evaluation of the objection interposed by the state agency and a statement of its reasons for approving, disapproving or approving the proposal with recommended changes.

§ A14-21. Zoning provisions applicable in areas within a certain distance from municipal boundaries.

[Derived from Charter Sec. 1330; amended 3-25-1992 by L.L. No. 7-1992; 3-14-2000 by L.L. No. 5-2000]

- A. In addition to the other provisions of this article concerning municipal zoning actions, no zoning ordinance or local law, nor any amendment of a zoning ordinance or local law, passed by any town or village in the County relating to any portion of the town or village within 500 feet of a town or village boundary shall take effect in respect to such portion of said town or village until said ordinance, local law or amendment has been submitted to and approved by the County Planning Commission. On the submission to it of said ordinance, local law or amendment, the County Planning Commission shall promptly give written notice thereof to the Clerk of any town or village adjacent to the area which is the subject of said ordinance, local law or amendment. The ordinance, local law or amendment shall be deemed to have been approved unless, within 45 days after the same has been filed with the County Planning Commission, a municipality adjoining the boundary involved interposes an objection to the zoning ordinance or local law or an amendment to the zoning ordinance or local law within 20 days of the date that the ordinance, local law or amendment has been filed with the County Planning Commission and a resolution disapproving it is adopted by a two-thirds vote of such Commission after a public hearing thereon. If the proposed municipal zoning action is not acted upon by the Planning Commission within the forty-five-day period set forth in § **A14-15A** of this article, then the proposed municipal zoning action, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions. The County Planning Commission shall give at least seven days' prior written notice of such hearing to the Clerk of any town or village adjacent to the area which is the subject of said ordinance or amendment. The Planning Commission shall notify all County departments, offices and agencies, including the Clerk of the Legislature, who shall forward such notice to all County Legislators, as to each such zoning ordinance, local law or amendment referred to the Planning Commission under this section. Any County department, office or agency which possesses information related to such zoning ordinance, local law or amendment shall immediately (no later than 30 days from submission of the ordinance or amendment) forward such information to the Suffolk County Planning Commission. The

Planning Commission shall not assume, for the purpose of its deliberations, that the zoning ordinance, local law or amendment will be approved by the pertinent town or village.

[Amended 8-23-2005 by L.L. No. 23-2005^[1]]

[1] *Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. III).*

- B. For the purposes of determining when the calculation of the forty-five-day deadline for action set forth in § **A14-15** of this article and Subsection **A** of this section commences, "receipt of a full statement" shall include receipt of the information required under this article and shall mean the date of actual receipt of all such information or 30 days, whichever date occurs first.

§ A14-22. Referral of certain special permits to Planning Commission.

[Derived from Charter Sec. 1331; amended 12-14-1971 by L.L. No. 28-1972; 3-28-1980 by L.L. No. 10-1980; 4-10-1984 by L.L. No. 7-1984]

- A. Each town and village having jurisdiction to issue special permits pursuant to zoning regulations shall, before taking final action, refer to the Planning Commission any application for a special permit which would affect any real property within one mile of a nuclear power plant or airport or within a distance of 500 feet from:

[Amended 10-28-1986 by L.L. No. 33-1986; 3-25-1992 by L.L. No. 7-1992; 12-6-2005 by L.L. No. 35-2005]

- (1) The boundary of any village or town;
 - (2) The boundary of any existing or proposed County, state or federal park or other recreation area;
 - (3) The right-of-way of any existing or proposed County or state parkway, thruway, expressway, road or highway;
 - (4) 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;
 - (5) The existing or proposed boundary of any other County, state or federally owned land held or to be held for governmental use;
 - (6) The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water; or
 - (7) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the New York Agriculture and Markets Law.
- B. The term "special permit" shall be deemed to include any special permit, use permit, exception or other special authorization, which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance or local law.^[1]
- [1] *Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. III).*
- C. The term "proposed," as used in this section, means a capital project specified in the Suffolk County Official Map, whether or not the project has been undertaken. In the absence of a Suffolk County Official Map, duly adopted under the Charter, the term "proposed," as used in this section, means:
- (1) In the case of a County item, an item specified in the capital budget.
 - (2) In the case of a state item, an item whose boundaries have been established in accord with state law.
 - (3) In the case of a federal item, an item whose boundaries have been established in accord with federal law.
- D. Each zoning ordinance, local law or amendment referred to the Planning Commission under this section shall be accompanied by a full statement on the proposed application. The Planning Commission shall

publish guides as to what information should be included in such statement. The Planning Commission shall notify all County departments, offices, and agencies as to such applications referred to the Planning Commission under this section. Any County department, office, or agency which possesses information related to such application for a special permit shall immediately (no later than 30 days from referral of the application) forward such information to the Suffolk County Planning Commission. For the purposes of determining when the calculation of the forty-five-day deadline for action set forth in § **A14-15** of this article and Subsection **E(4)** of this section commences, "receipt of a full statement" shall include receipt of the information required under this subsection and shall mean the date of actual receipt of all such information or 30 days, whichever date occurs first. The Planning Commission shall not assume, for the purpose of its deliberations, that the special permit will be granted by the pertinent town or village.

[Added 3-14-2000 by L.L. No. 5-2000^[2]]

[2] *Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. III).*

E. The provisions of this article, except § **A14-21**, concerning municipal zoning actions shall apply to applications for special permits referred to the Planning Commission in accordance with this section:

[Amended 3-25-1992 by L.L. No. 7-1992]

(1) If the Planning Commission renders a report indicating that the proposed action has no significant Countywide or intercommunity impact or renders a report approving an application for a special permit without any change, then the town or village that referred the application may approve it in the ordinary course of municipal business.

[Amended 6-11-1996 by L.L. No. 16-1996]

(2) If the Planning Commission renders a report recommending changes in a proposed application for a special permit and approving the action with such changes, the town or village that referred the application may, unless § **A14-18** or **A14-21** applies, amend the proposed special permit in accordance with the Planning Commission's recommendation and approve it in the ordinary course of municipal business; or decline to adopt any one of the recommendations of the Planning Commission and approve the special permit as originally applied for, but only upon an affirmative vote or a majority plus one of the entire membership of the referring body in a resolution that explicitly sets forth its reasons for not approving the Planning Commission's recommendations.

(3) If the Planning Commission renders a report disapproving an application for a special permit, the town or village involved may, unless § **A14-18** or **A14-21** applies, approve the application as originally proposed, but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly set forth its reasons for rejecting the Planning Commission's report.

(4) If the application for a special permit is not acted upon by the Planning Commission within the forty-five-day period set forth in § **A14-15A** of this chapter, then the application for a special permit, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.

§ A14-23. Referral of certain variances to Planning Commission.

[Derived from Charter Sec. 1332; amended 12-14-1971 by L.L. No. 28-1972;^[1] 3-25-1980 by L.L. No. 10-1980; 4-10-1984 by L.L. No. 7-1984]

A. Subject to the Subsection **E** of this section, each town and village in Suffolk County having jurisdiction to issue variances shall, before taking final action, refer to the Planning Commission any application for a variance which would affect any real property lying within one mile of a nuclear power plant or airport or within a distance of 500 feet from:

[Amended 10-28-1986 by L.L. No. 33-1986; 3-25-1992 by L.L. No. 7-1992; 12-6-2005 by L.L. No. 35-2005]

(1) The boundary of any village or town;

(2) The boundary of any existing or proposed County, state or federal park or other recreation area;

- (3) The right-of-way of any existing or proposed County or state parkway, thruway, expressway, road or highway;
 - (4) 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;
 - (5) The existing or proposed boundary of any other County, state or federally owned land held or to be held for governmental use;
 - (6) The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water; or
 - (7) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the New York Agriculture and Markets Law, except that this Subsection **A(7)** shall not apply to applications for area variances.
- B. The term "proposed," as used in this section, means a capital project specified in the Suffolk County Official Map, whether or not the project has been undertaken. In the absence of a Suffolk County Official Map, duly adopted under the Charter, the term "proposed," as used in this section, means:
- (1) In the case of a County item, an item specified in the capital budget.
 - (2) In the case of a state item, an item whose boundaries have been established in accord with state laws.
 - (3) In the case of a federal item, an item whose boundaries have been established in accord with federal law.
- C. Each application for a variance referred to the Planning Commission under this section shall be accompanied by a full statement on the proposed application. The Planning Commission shall publish guides as to what information should be included in such statement. The Planning Commission shall notify all County departments, offices and agencies, including the Clerk of the Legislature, who shall forward such notice to all County Legislators, as to such application referred to the Planning Commission under this section. Any County department, office or agency which possesses information related to such application for a variance shall immediately (no later than 30 days from referral of the application) forward such information to the Suffolk County Planning Commission. For the purposes of determining when the calculation of the forty-five-day deadline for action set forth in § **A14-15** of this article and Subsection **D(4)** of this section commences, "receipt of a full statement" shall include receipt of the information required under this subsection and shall mean the date of actual receipt of all such information or 30 days, whichever date occurs first. The Planning Commission shall not assume, for the purpose of its deliberations, that the variance will be granted by the pertinent town or village.
[Added 3-14-2000 by L.L. No. 5-2000; amended 8-23-2005 by L.L. No. 23-2005]
- D. Subject to Subsection **E** of this section, the provisions of this article, except § **A14-21**, concerning municipal zoning actions shall apply to applications for variances referred to the Planning Commission in accordance with this section:
[Amended 3-25-1992 by L.L. No. 7-1992]
- (1) If the Planning Commission renders a report indicating that the proposed action has no significant Countywide or intercommunity impact or renders a report approving an application for a variance without any change, then the town or village that referred the application may approve it in the ordinary course of municipal business.
[Amended 6-11-1996 by L.L. No. 16-1996]
 - (2) If the Planning Commission renders a report recommending changes in a proposed application for a variance and approving the action with such changes, the town or village that referred the application may, unless § **A14-18** or **A14-21** applies, amend the proposed variance in accordance with the Planning Commission's recommendations and approve it in the ordinary course of municipal business or decline to adopt any one of the recommendations of the Planning Commission and approve the variance as originally applied for, but only upon an affirmative vote of a majority plus one of the entire

membership of the referring body in a resolution that explicitly sets forth its reasons for not approving the Planning Commission's recommendations.

- (3) If the Planning Commission renders a report disapproving an application for a variance, the town or village involved may, unless § **A14-18** or **A14-21** applies, approve the application as originally proposed, but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly sets forth its reasons for rejecting the Planning Commission's report.
 - (4) If the application for a variance is not acted upon by the Planning Commission within the forty-five-day period set forth in § **A14-15A** of this chapter, then the proposed application for a variance, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.
- E. The Planning Commission, by resolution, may adopt rules setting forth the classes of variance applications that need not be submitted to it for consideration.
[Amended 3-25-1992 by L.L. No. 7-1992]

[1] *Editor's Note: This local law was approved at referendum 11-7-1972.*

§ A14-24. Referral of certain subdivision plats to Planning Commission.

[Derived from Charter Sec. 1333; amended 12-14-1971 by L.L. No. 28-1972;^[1] 5-8-1979 by L.L. No. 12-1979; 3-25-1980 by L.L. No. 10-1980; 4-10-1984 by L.L. No. 7-1984]

- A. Each municipal agency authorized by a municipal legislative body to approve plats showing lots, blocks or sites, with or without streets or highways, or the development of plots entirely or partly undeveloped and which have been filed in the office of the Clerk of the County in which such plat is located, prior to the appointment of such Planning Board and the grant to such Board of the power to approve plats, shall refer to the Planning Commission any plat of real property lying within one mile of a nuclear power plant or airport or within a distance of 500 feet from:
[Amended 3-25-1992 by L.L. No. 7-1992; 12-6-2005 by L.L. No. 35-2005]
- (1) The boundary of any village or town;
 - (2) The boundary of any existing or proposed County, state or federal park or other recreation area;
 - (3) The right-of-way of any existing or proposed County or state parkway, thruway, expressway, road or highway;
 - (4) 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;
 - (5) The existing or proposed boundary of any other County, state or federally owned land held or to be held for governmental use;
 - (6) The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water; or
 - (7) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the New York Agriculture and Markets Law.
- B. The term "proposed," as used in this section, means a capital project specified in the Suffolk County Official Map, whether or not the project has been undertaken. In the absence of the Suffolk County Official Map, duly adopted under the Charter, the term "proposed," as used in this section, means:
- (1) In the case of a County item, an item specified in the capital budget.

- (2) In the case of a state item, an item whose boundaries have been established in accord with state law.
 - (3) In the case of a federal item, an item whose boundaries have been established in accord with federal law.
- C. Each subdivision plat referred to the Planning Commission under this section shall be accompanied by a full statement on the proposed plat. The Planning Commission shall publish guides as to what information should be included in such statement. The Planning Commission shall notify all County departments, offices and agencies, including the Clerk of the Legislature, who shall forward such notice to all County Legislators, as to such actions referred to the Planning Commission under this section. Any County department, office or agency which possesses information related to such application for a subdivision plat shall immediately (no later than 30 days from submission of the subdivision plat) forward such information to the Suffolk County Planning Commission. For the purposes of determining when the calculation of the forty-five-day deadline for action set forth in § **A14-15** of this article and Subsection **E(4)** of this section commences, "receipt of a full statement" shall include receipt of the information required under this subsection and shall mean the date of actual receipt of all such information or 30 days, whichever date occurs first. The Planning Commission shall not assume, for the purpose of its deliberations, that the proposed subdivision plat will be approved by the pertinent town or village.
[Added 3-14-2000 by L.L. No. 5-2000; amended 8-23-2005 by L.L. No. 23-2005]
- D. This section shall apply to any municipal review of a condominium pursuant to § 339-f of the Real Property Law of the State of New York.
[Amended 3-25-1992 by L.L. No. 7-1992]
- E. The provisions of this article, except § **A14-21**, concerning municipal zoning actions, shall apply to plats referred to the Planning Commission in accordance with this section.
[Amended 3-25-1992 by L.L. No. 7-1992; 6-11-1996 by L.L. No. 16-1996]
- (1) If the Planning Commission renders a report indicating that the proposed action has no significant Countywide or intercommunity impact or renders a report approving an application for a proposed plat without any change, then the town or village that referred the application may approve it in the ordinary course of municipal business.
 - (2) If the Planning Commission renders a report recommending changes in a proposed application for a proposed plat and approving the application with such changes, the town or village that referred the application may, unless § **A14-18** or **A14-21** applies, amend the proposed plat in accordance with the Planning Commission's recommendations and approve it in the ordinary course of municipal business or decline to adopt any one of the recommendations of the Planning Commission and approve the proposed plat as originally applied for but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly sets forth its reasons for not approving the Planning Commission's recommendations.
 - (3) If the Planning Commission renders a report disapproving an application for a proposed plat, the town or village involved may, unless § **A14-18** or **A14-21** applies, approve the application as originally proposed but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly set forth its reasons for rejecting the Planning Commission's report.
 - (4) If the application for a plat is not acted upon by the Planning Commission within the forty-five-day period set forth in § **A14-15A** of this chapter, then the proposed application for a plat as filed or as referred to said Commission shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.

[1] *Editor's Note: This local law was approved at referendum 11-7-1972.*

§ A14-25. Referral of certain site plans to Planning Commission.

- A. Each town and village in Suffolk County having jurisdiction to approve site plans shall, before taking final action, refer to the Planning Commission any site plan which would affect any real property lying within one mile of a nuclear power plant or airport or within a distance of 500 feet from:
- (1) The boundary of any village or town;
 - (2) The boundary of any existing or proposed County, state, or federal park or any other recreation area;
 - (3) The right-of-way of any existing or proposed County or state parkway, thruway, expressway, road, or highway;
 - (4) 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;
 - (5) The existing or proposed boundary of any other County, state, or federally owned land held or to be held for governmental use;
 - (6) The Atlantic Ocean, Long Island Sound, any bay in Suffolk County, or estuary of any of the foregoing bodies of water; or
 - (7) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law.
- B. The term "proposed," as used in this section, means a capital project specified in the Suffolk County Official Map, whether or not the project has been undertaken. In the absence of a Suffolk County Official Map, duly adopted under the Charter, the term "proposed," as used in this section, means:
- (1) In the case of a County item, an item specified in the capital budget.
 - (2) In the case of a state item, an item whose boundaries have been established in accord with state laws.
 - (3) In the case of a federal item, an item whose boundaries have been established in accord with federal law.
- C. Each site plan referred to the Planning Commission under this section shall be accompanied by a full statement on the proposed application. The Planning Commission shall publish guides as to what information should be included in such statement. The Planning Commission shall notify all County departments, offices and agencies as to such site plan referred to the Planning Commission under this section. Any County department, office or agency which possesses information related to such site plan shall immediately (no later than 30 days from referral of the application) forward such information to the Suffolk County Planning Commission. For the purposes of determining when the calculation of the forty-five-day deadline for action set forth in § **A14-15** of this article and Subsection **D(4)** of this section commences, "receipt of a full statement" shall include receipt of the information required under this subsection and shall mean the date of actual receipt of all such information or 30 days, whichever date occurs first. The Planning Commission shall not assume, for the purpose of its deliberations, that the site plan will be approved by the pertinent town or village.
- D. The provisions of this article, except § **A14-21**, concerning municipal zoning actions, shall apply to site plans referred to the Planning Commission in accordance with this section:
- (1) If the Planning Commission renders a report indicating that the proposed action has no significant Countywide or intercommunity impact, or renders a report approving a site without any change, then the town or village that referred the application may approve it in the ordinary course of municipal business.
 - (2) If the Planning Commission renders a report recommending changes in a proposed site plan and approving the action with such changes, the town or village that referred the site plan, unless § **A14-18** or **A14-21** applies, may amend the proposed site plan in accordance with the Planning Commission's

recommendations and approve it in the ordinary course of municipal business, or decline to adopt any one of the recommendations of the Planning Commission and approve the site plan as originally applied for, but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly sets forth its reasons for not approving the Planning Commission's recommendations.

- (3) If the Planning Commission renders a report disapproving a site plan, the town or village involved may, unless § A14-18 or A14-21 applies, approve the site plan as originally proposed, but only upon an affirmative vote of a majority plus one of the entire membership of the referring body in a resolution that explicitly sets forth its reasons for rejecting the Planning Commission's report.
- (4) If the site plan is not acted upon by the Planning Commission within the forty-five-day period set forth in § A14-15A of this chapter, then the proposed site plan, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.

E. The Planning Commission, by resolution, may adopt rules setting forth the classes of variance applications that need not be submitted to it for consideration.

[1] *Editor's Note: This local law also repealed former § A14-25, Application fees for certain matters referred to Planning Commission, added 11-4-1991 by L.L. No. 30-1991 as amended. A prior § A14-25, Overall Economic Development Program Committee, was repealed 5-10-1988 by L.L. No. 17-1988.*

§ A14-26. Fees for matters referred to Planning Commission.

[Added 12-6-2005 by L.L. No. 35-2005; amended 2-20-2011 by L.L. No. 15-2012^[2]]

A. Each zoning or subdivision action referred to the Planning Commission pursuant to this article, with the exception of comprehensive plans, shall be subject to a fee in accordance with the following fee schedule:

Referral Action	Review Fee
Subdivision, Residential	
Minor	\$50 per lot
Major	\$85 per lot
Condominium	\$50 per unit
Subdivision, Nonresidential	
Minor	\$55 per lot
Major	\$95 per lot
Attached unit projects (apartments)	\$50 per unit
Zoning Action	\$200 for first 5 acres + \$20/each additional acre
Change of zone	\$200 for first 5 acres + \$20/each additional acre
Site plan	\$200 for first 5 acres + \$20/each additional acre
Conditional Use	\$200 for first 5 acres + \$20/each additional acre
Variance	\$200 for first 5 acres + \$20/each additional acre
Area	\$200 for first 5 acres + \$20/each additional acre

Referral Action

Use

Resubmissions

Review Fee

\$200 for first 5 acres + \$20/each additional acre

50% of original fee

- B. The fee for an action referred to the Planning Commission may be reduced upon request of the Planning Department, pursuant to a duly enacted resolution of the County Legislature.^[3]

[3] *Editor's Note: The following sections, which followed this section, were deleted: Former §§ A14-27 through 14-34, regarding lease of property; the Division of Farmland Acquisition and Management; procedure for redemption and disposition of property under the Suffolk County Tax Act; conduct of hearings pursuant to the Eminent Domain Law; provisions required in instruments of conveyance when acquiring development rights in agricultural lands; leasing of surplus County property; and the procedure for leasing real property for County use, added 12-15-1998 by L.L. 8-1999, by amended, were repealed 2-7-2006 by L.L. No. 19-2006. Former §§ A14-35 and A14-36 were renumbered 12-5-2000 by L.L. No. 30-2000. See now §§ **A34-1** and **A34-2**.*

- C. The referral fee must be submitted to the Suffolk County Planning Commission at the time of application. Applications submitted without the payment of the requisite referral fee provided for in Subsection **A** will be deemed incomplete and will not be reviewed until such fee is paid.

[Added 10-6-2020 by L.L. No. 46-2020]

[1] *Editor's Note: Former § A14-26, Powers and duties of Transportation Advisory Board, derived from Charter Sec. 1337, as added 11-25-1980 by L.L. No. 30-1980, was repealed 4-20-1993 by L.L. No. 16-1993.*

[2] *Editor's Note: This local law was vetoed by the County Executive 12-27-2011, which veto was overridden by the County Legislature 2-7-2012.*

Select Language | ▼