

**RESOLUTION NO. -2021, ADOPTING LOCAL LAW
NO. -2021, A LOCAL LAW TO ALLOW REGIONAL INPUT OF
PLANNING COMMISSION REFERRALS AND MEETINGS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on date a proposed local law entitled, "**A LOCAL LAW TO ALLOW REGIONAL INPUT OF PLANNING COMMISSION REFERRALS AND MEETINGS**" now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ALLOW REGIONAL INPUT OF PLANNING
COMMISSION REFERRALS AND MEETINGS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that major commercial development projects that are constructed in one town or village may have enormous and diverse impacts on neighboring municipalities.

This Legislature also finds that in many instances, residents are not afforded adequate input regarding a proposed development that will affect their community and their quality of life because they live on the wrong side an arbitrary town or village boundary.

This Legislature further determines that pursuant to provisions of state and county law, towns and villages in Suffolk County are required to refer certain zoning actions, subdivisions, and site plans which affect real property lying within 500 feet of the boundary of any town or village, to the Suffolk County Planning Commission for review and recommendation.

This Legislature also finds and determines that while towns and villages are required to refer to the Planning Commission zoning actions that affect property close to their boundaries, there is no ability for the neighboring towns and villages to share their comments as part of the formal record for the Commission to consider unless the neighboring municipalities share their comments with the referring municipality and request that it be part of the complete referral application to the Commission.

This Legislature also determines that giving residents an opportunity to be heard on large commercial development proposals pending in a nearby town or village is consistent with the goals of regional planning.

Therefore, the purpose of this law is to allow an adjoining municipality within 500 feet of a town or village boundary to interpose an objection to a proposed municipal zoning

action as defined in A14-14, special permits as defined in A14-22, variances as defined in A14-23, subdivision plats as defined in A14-24, site plans as defined in A14-25 within 20 days of the date that such referral has been filed with the County Planning Commission.

Section 2. Amendments.

Section A14-21 of the Suffolk County Administrative Code is hereby amended as follows:

A14-21. Zoning provisions, special permits, variances, subdivision plats and site plans applicable in areas within a certain distance from municipal boundaries

In addition to the other provisions of this article concerning municipal zoning actions, special permits, variances which are over 2 acres in size and are not associated with a single family residence, subdivision, subdivision plats and site plans, no zoning ordinance or local law, special permits, variances which are over 2 acres in size and are not associated with a single family residence, subdivision plats and site plans, nor any amendment of a zoning ordinance or local law, special permits, variances which are over 2 acres in size and are not associated with a single family residence, subdivision, subdivision plats and site plans, 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, special permits, variances which are over 2 acres in size and are not associated with a single-family residence, subdivision, subdivision plats and site plans. 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 via a resolution of their policy-making body to the zoning ordinance or local law or an amendment to the zoning ordinance or local law or special permits, variances which are over 2 acres in size and are not associated with a single family residence, subdivision, subdivision plats and site plans, within 20 days of the date that the ordinance, local law or amendment or special permits, variances which are over 2 acres in size and are not associated with a single family residence, subdivision, subdivision plats and site plans, 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. If the Planning Commission renders a resolution on the objection, the referring municipality may approve the resolution of the Planning Commission, or decline to adopt the resolution and approve the action as originally applied for, but only upon an affirmative vote of a majority plus one of the entire membership of the referring body that explicitly sets forth its reasons for not approving the Planning Commission's resolution.

Section 3. Applicability.

This law shall apply to matters referred to the Planning Commission occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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 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 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: