

INTRODUCTION

This Development Review Guide, by the Monroe County Planning & Development Department (“County Planning”), was developed to provide clarity to the referral and review process required by New York State General Municipal Law §239-I, m & n. This law, commonly referred to as GML §239, was established to encourage and coordinate inter-community and county-wide planning and zoning decisions between local municipalities and county planning officials.

This Guide has three components, which describe:

1. What types of projects need to be referred to County Planning?
2. How to submit Development Review Referrals?
3. How County Planning processes and reviews these projects?

COUNTY REVIEW AUTHORITY

What types of projects need to be referred to County Planning

1. State Law (GML § 239-M) states that the following proposed actions shall be subject to referral:

- Adoption or amendment of a comprehensive plan;
- Adoption or amendment of a zoning ordinance or local law;
- Issuance of special use permits;
- Approval of site plans;
- Approval of subdivisions;¹
- Granting of use or area variances; or
- Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

2. Geographical: GML §239 states that local projects must be referred if they affect real property within five hundred feet (500') of any of the following:

- The boundary of any city, village or town;
- The boundary of any existing or proposed county or state park or any other recreation area;
- The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- 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;
- The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- The boundary of a farm operation located in an agricultural district.

¹ GML §239-n states that the local board must refer applications for preliminary and/or final subdivision approval. Sketch plans are also referable if the local board votes to approve them. Even if sketch plans are not required to be referred, County Planning encourages local Boards to refer sketch plan applications so that we may offer comments early in the review process.

3. **Airport Review - Monroe County Charter Section C5-4A:**

Municipalities are required to submit land use proposals in the vicinity of the Greater Rochester International Airport to the County Planning for review and approval, per County Charter Section C5-4A. The purpose is to allow the county to consider impacts such as aircraft hazards and noise on the public as well as proposed structure heights on aircraft safety. The review area includes, but not limited to:

- 1 Mile Buffer of the Airport Property;
- Runway Protection Zones;
- Approach and Departure Corridors;
- Day-Night Average Noise Level Contours;
- Structures higher than an imaginary surface extending outward and upward from the runway at a slope of 100 to 1 (Guideline 100 feet or higher) within 7 miles of the Airport.

Please refer to [Airport Review Area Map](#) to check if your proposed project is located in the Airport Review Area. If your project is in the review area, please fill out the 'Airport Referral Information' section. If you are not sure, please [contact us](#).

4. **Advisory Review - Monroe County Charter Section C5-4C:**

Monroe County has advisory review authority over land use and land subdivision in its advisory review area, defined as: within ¼-mile of the shoreline of Lake Ontario and Irondequoit Bay and within the hundred-year floodplain of the Genesee River, Irondequoit Creek, Black Creek, Little Black Creek, Oatka Creek, Honeoye Creek, Red Creek and Salmon Creek. County Planning has the right to make advisory comments on land use and land subdivision actions that fall within this area.

Please refer to [County Review Authority Maps](#) to check if your proposed project requires County Development Review. If you are not sure, please [contact us](#).

Agreement to Exempt Zoning and Subdivision Matters

Monroe County has an agreement with many municipalities, whereby specifically stated matters that are normally referred to County Planning are exempted. The agreement **does not** apply to our airport review authority and advisory review areas.

You can find the list of exemptions in intergovernmental agreement used by Monroe County in [Appendix A: IMA Schedule A](#). If your municipality is interested in obtaining an exemption agreement with Monroe County please [contact us](#).

REFERRAL APPLICATION & SUBMITTAL PROCESS

How to submit Development Review Referrals

County Planning has developed an online application portal for applicants/applicant agents and municipalities to fill in the application and upload project documents to submit development review referrals. Applicants and Municipalities should use the online form to upload project information and supporting files through the online portal. When the submission is received and check as completed, an automated confirmation e-mail will be sent back to the municipality indicating materials have been received and that the 30-day County review period has commenced.

If at any time after submitting the original review materials new application materials are provided or changes are made, those materials must be provided to County Planning for review and uploaded into the online system.

If a municipality requires assistance in submitting documents through the online system, please contact the Monroe County Department of Planning and Development.

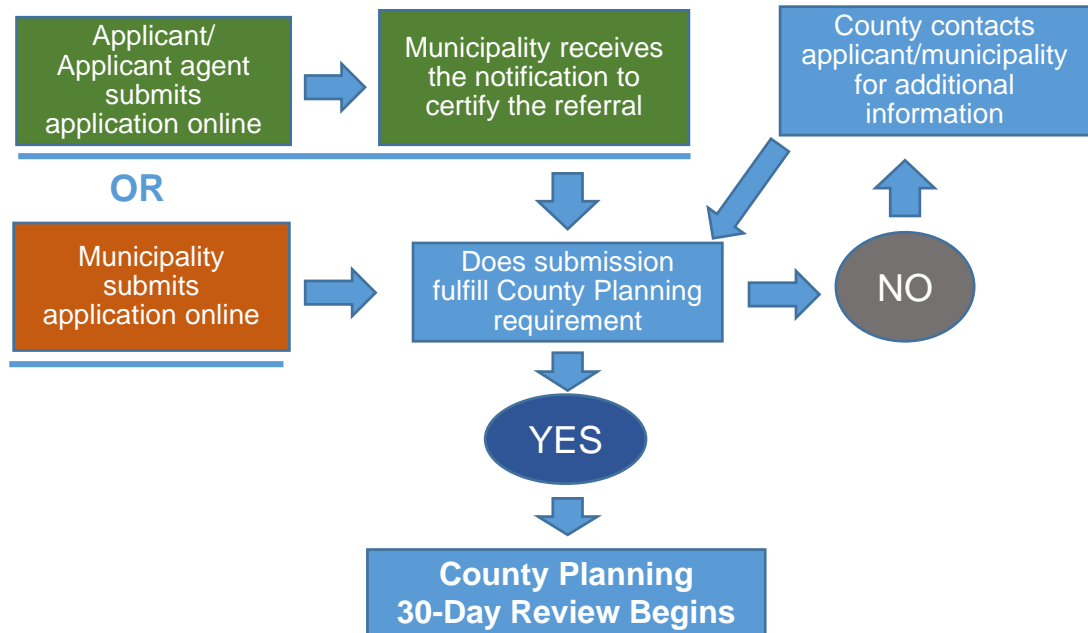
Submit Application Online: <https://cip.monroecounty.gov/drc>

Monroe County Development Review Online Application

The screenshot shows the login page for the Monroe County Development Review Online Application. At the top, there is a navigation bar with links for "Public Log In", "New Account", and "County Log In". The main heading is "Development Referral Forms Login". A green banner indicates "Login required". Below this, a section titled "Why do I need an account?" lists benefits: saving unfinished forms, revising incomplete forms, viewing submitted forms, and getting notified of approvals. There are input fields for "Username" and "Password", followed by a "Login" button. A "Register New Account" button is also present. At the bottom, there is a "Lost Password? Enter Your Username or Email:" section with an input field and a "Recover Account" button.

Please see the [Monroe County Development Review Online Manual](#) (Appendix B)

ONLINE APPLICATION PROCESS



Online Submission General Steps:

For General Public

1. General Public are able to create an online login account to create an application;
2. If the application is created by the applicant/owner or Applicant agent, the application will be sent to the project designated municipality for confirmation;
3. Once the Municipality certifies the application, County Planning will receive the application, and determine if it is a complete application;
4. If the application is determined as complete by County Planning, the 30-Day review begins; If the application is marked as incomplete, County Planning shall contact the applicant/municipality for additional information. Once all the required information is fulfilled, the 30-Day review begins.

For Municipalities

1. Each municipality will be provided log in accounts for its officers by County Planning;
2. Municipality will receive an email if an application is submitted for that municipality, and its municipal officer has to certify the application in order for County Planning to review the application;
3. To add a new referral: the Municipality officer login to the online portal to add new referrals to create a new application;
4. If the application is determined as complete by County Planning, the 30-Day review begins; If the application is marked as incomplete, County Planning shall contact the municipality for additional information. Once all the required information is fulfilled, the 30-Day review begins.

The applicant/applicant agent or municipality is required to mail one paper copy of the entire application, including the online application form and all attachments to County Planning, within 7 days after the application is submitted online.

DEVELOPMENT REVIEW PROCESS

How County Planning processes and reviews these projects

1. County Planning General Process:

Monroe County Planning Staff will review the materials to determine if the application is complete. If it is complete, the County has 30 days to reply. If incomplete, we will contact the sender to finish. If the matter is simply a local concern, we will acknowledge such and reply accordingly. If the project requires review by the Development Review Committee (DRC), it will be distributed to the committee. We will aggregate committee responses and send a reply within 30 days².

2. Development Review Committee consists mainly of:

- Monroe Co. Department of Planning & Economic Development;
- Monroe Co. Department of Health;
- Monroe Co. Department of Transportation;
- Monroe Co. Department of Environmental Services;
- NYS Department of Transportation; and
- NYS Department of Environmental Conservation
- Other County Departments as required, including but not limited to: Parks, Real Property, Airport Authority, and Public Safety.

3. County Review Guiding Principals:

- Potential negative inter-community or county-wide impacts, including: wetlands, streams, flood plains, natural areas, public health, state/county roads, traffic impacts, sidewalk access, trails, public transit services, and pedestrian connections;
- Land Uses: protection of community character, impact of proposed land uses, and compatibility of various land uses with one another;
- Agricultural Districts: Article 25AA of the New York State Agriculture and Markets Law, titled Agricultural Districts ([hyperlink to the law](#)), provides counties with the opportunity to create agricultural districts for the purpose of protecting and promoting the agriculture industry;
- Airport Review Area: to consider impacts such as aircraft hazards and noise on the public as well as proposed structure heights on aircraft safety.

4. Delivery of the Development Review Response

Referrals are reviewed by County Planning staff and a response report will be emailed to the municipal officer who certified the application, copied the applicant and the applicant agent. Referrals are reviewed by County Planning staff and Development Review Committee, who will provide comments and submit to the municipality and applicant. In the report, the reviewer will provide advisory comments that are intended to alert the board to a situation they may not be aware of, offer suggestions on whom to contact if an additional permit or review is needed, or to provide guidance based on best practices.

² Typically, County Planning spends less time than the allowed 30 days for review, however it sometimes requires the full 30 days. It is helpful if the application includes key dates for project review, such as public hearing dates, review packet distribution date, etc.

5. What Does the Municipality Need to Do After County Review?

Please be aware that Development Review Responses do not waive the applicant from the review, approval or permit issuing authority of any other County agency or of any State or Federal agency. This includes, but is not limited to, permits from the Monroe County Departments of Transportation, Environmental Services, or Public Health; New York State Department of Environmental Conservation; or the Army Corps of Engineers, Federal Aviation Administration, etc.

Per GML §239, if County Planning 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.

Per GML §239, the municipality is required to inform County Planning about the final action taken within 30 days of taking such final action. You can upload Minutes, Resolutions, or other proof of the final action; or send us an email with the same information. If County Planning fails to make a recommendation within thirty days of receiving a referral, the municipality may take final action on the proposed action without the County Planning's recommendation.

Please refer to the [New York State General Municipal Law 239-l, m, & n](#) (Appendix C) for the full description.

Questions about the Process?

It is the intent of County Planning to update this guide as needed in order to provide a clear and streamlined process to address any questions or concerns about the referral application and submittal process.

Please direct any comments or questions to:

DRC Manager
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50 West Main Street, Suite 1150
Rochester, NY 14614
585 753-2000
DevelopmentReview@monroecounty.gov