

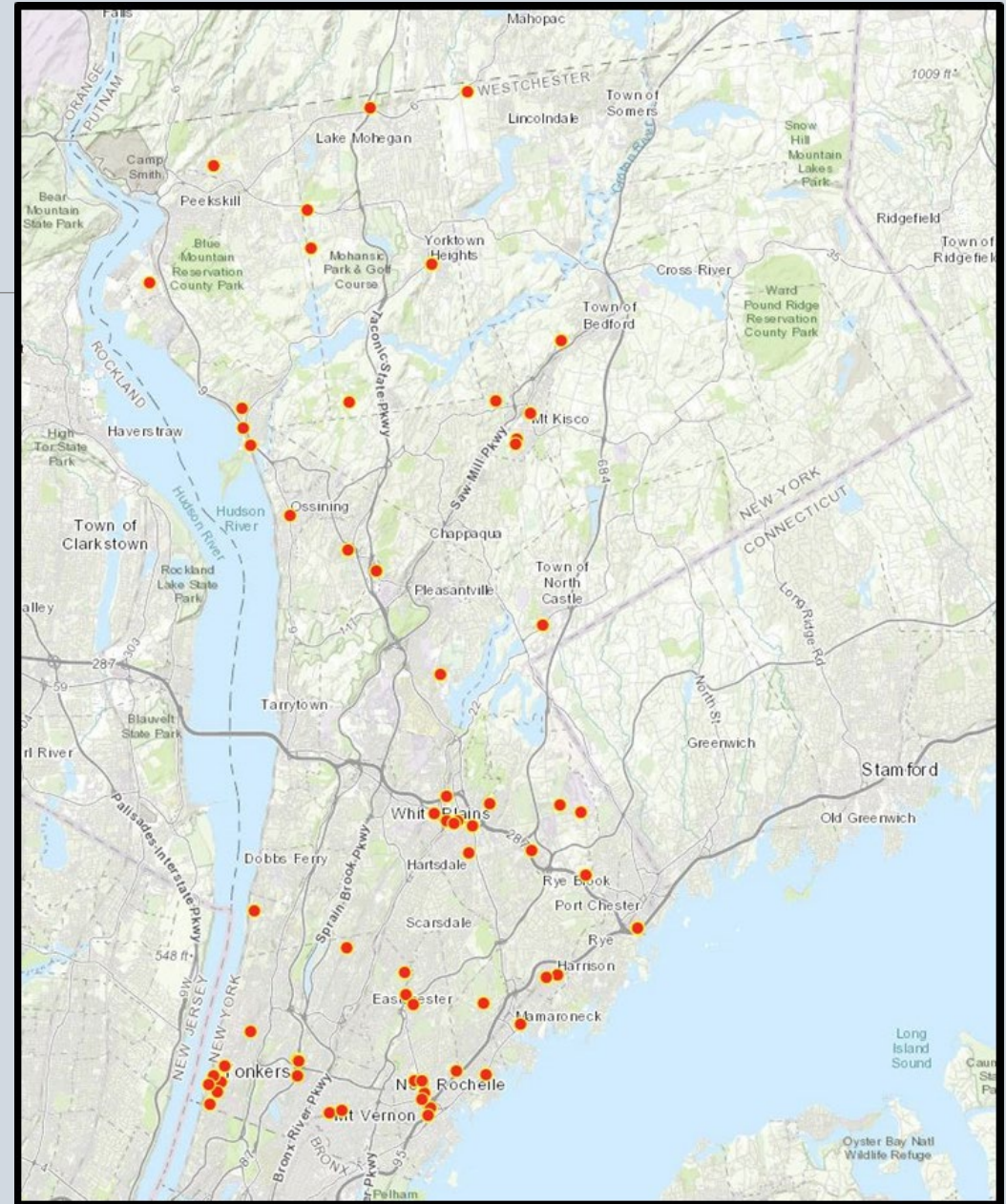
# County Planning and Zoning Referrals

Westchester Municipal Planning Federation  
2025 Land Use Training Institute



# What are Referrals?

- Westchester County Planning Board
- Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code
- 45 municipalities
- 450+ Submissions per year



# Why do counties review planning and zoning matters?

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- NYS General Municipal Law – “To bring pertinent inter-community and county-wide planning, zoning, site plan, and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction”
- Westchester County Administrative Code – “To aid in maintaining a high level of effectiveness of municipal action...and [to bring] pertinent intercommunity and county-wide considerations to the attention of such municipal agencies”
- Section 239-L, M, and N of NYS General Municipal Law provides statutory framework. County Administrative Code overlays additional requirements

# Referral Considerations

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- Patterns for Westchester and Westchester 2025
- Referral considerations can include various issues:
  - Land Use Compatibility
  - Capital Plans
  - State and County Facilities
  - Housing
  - Environmental Protection
  - Green Infrastructure
  - Community Character
  - Stormwater Management
  - Watershed Protection
  - Emergency Services
  - Commercial Development
  - Shared Services
  - Transportation
  - Impacts Beyond Borders

# How do referrals work?

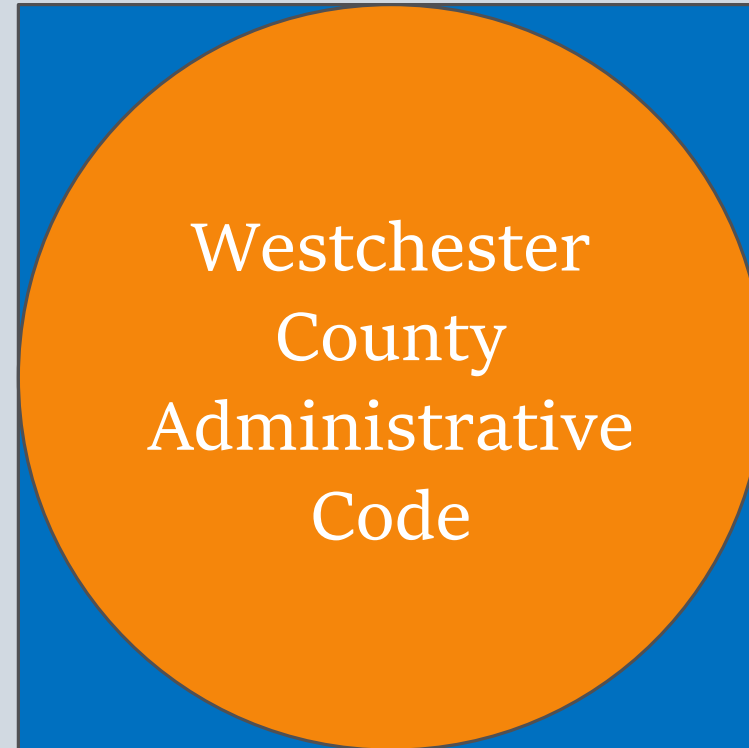
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NYS GML 239  
L, M, and N

Westchester  
County  
Administrative  
Code

# How do referrals work?

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Two sets of laws – 1980's court decisions concluded that the provisions of both laws apply. If there is a conflict, the County Code takes precedence

# Referral Requirements

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- NYS Law: Referral of certain planning and zoning actions from municipalities to a county planning agency or regional planning council
- Submission must be made before the public hearing is closed
  - Planning Board
  - Zoning Board of Appeals
  - Town Board, Village Board, City Council
- A “Full Statement” must be submitted
- Municipality must submit the referral

# What gets referred?

- Comprehensive Plan
- Zoning Map or Zoning Code Ordinance
- Special Permit or Zoning Use Variance changing the use classification of the property
- Zoning Area Variance decreasing the front yard setback, minimum street frontage, or average lot width of a property that abuts a state or county road or park
- Subdivision Plat involving a new street connecting to a state or county road, or drainage system connecting to a county stream channel
- Adoption or amendment of an Official Map
- Approval of Site Plans\*\*\*

## 1. ACTIONS THAT REQUIRE REFERRAL OF COMPLETE APPLICATIONS TO THE WESTCHESTER COUNTY PLANNING BOARD<sup>1</sup>

Submission should include complete application material as submitted to local board or full text/map of zoning code and comprehensive plan amendments.

<u>TYPE OF PLANNING/ZONING ACTION</u>	<u>LOCATIONAL TRIGGER FOR REFERRAL</u>
<b>COMPREHENSIVE PLAN</b> Adoption or amendment.	Affecting land anywhere in municipality.
<b>ZONING ORDINANCE OR MAP</b> Adoption or amendment.	Affecting land anywhere in municipality.
<b>SUBDIVISION PLAT</b>	Where new street or drainage line will connect directly into state or county road or county drainage channel.
<b>SITE PLAN<sup>2</sup></b> Proposing 5,000 square feet or more of new or renovated floor area or 10,000 square feet or more of land disturbance.	Affecting property within 500 feet of: <ul style="list-style-type: none"> <li>• The boundary of a city, town or village</li> <li>• The boundary of an existing or proposed state or county park or any other state/county recreation area</li> <li>• The right-of-way of an existing or proposed state or county road</li> <li>• An existing or proposed county drainage channel line</li> <li>• The boundary of state- or county-owned land on which a public building/institution is located or</li> <li>• The boundary of a farm located in an agricultural district.</li> </ul>
<b>SPECIAL USE PERMIT/USE VARIANCE</b> Changing use classification of property and proposing 5,000 square feet or more of new or renovated floor area or 10,000 square feet or more of land disturbance.	Affecting land anywhere in municipality.
<b>OFFICIAL MAP</b> Adoption or amendment.	Affecting streets or drainage lines connecting directly into state or county road or county drainage channel.

<sup>1</sup>This table is provided for convenience. The actual language of statutes involved must be checked to determine which actions to refer.

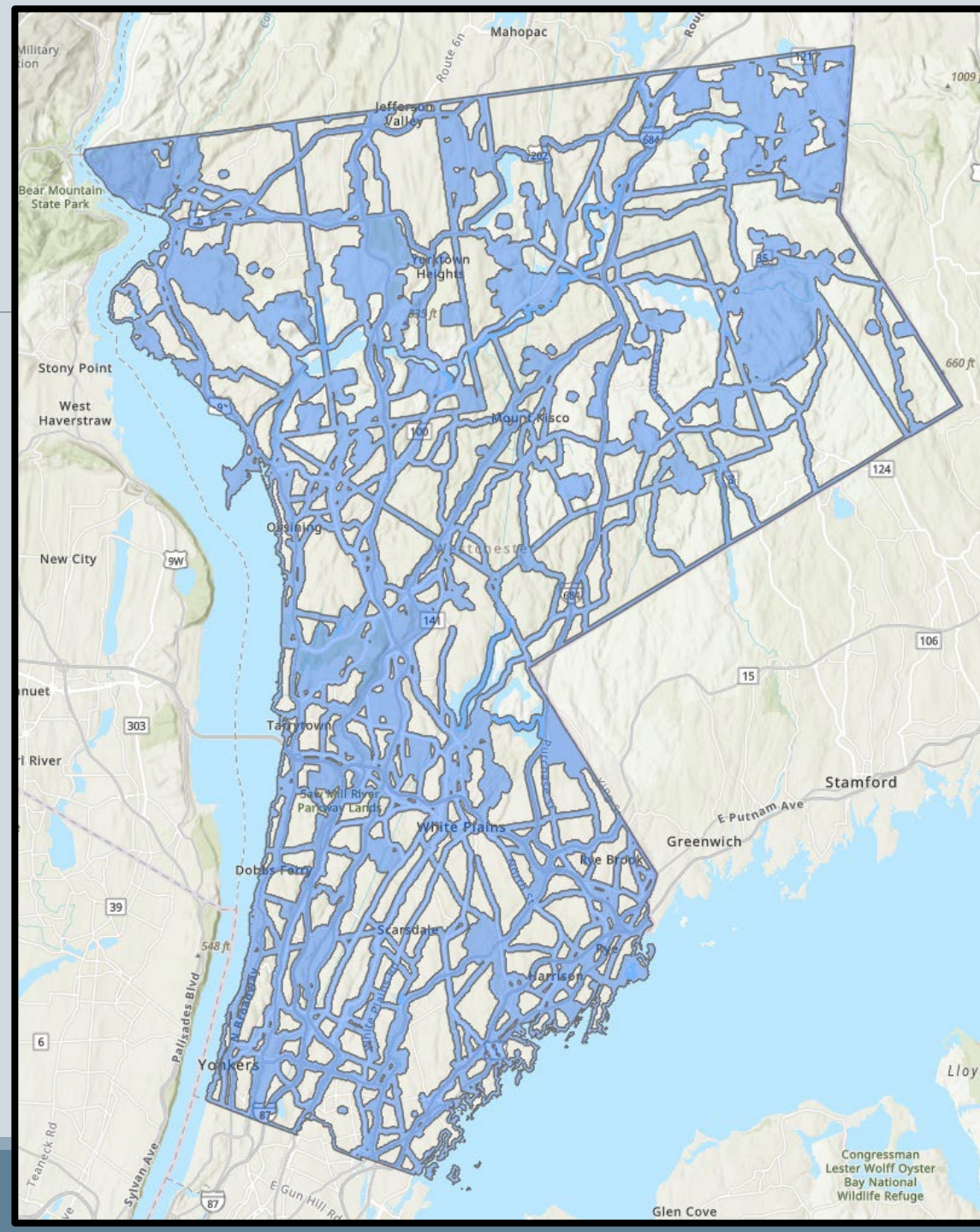
<sup>2</sup>Additional requirement of NYS General Municipal Law; notice to be provided 30 days prior to agency action.



# What gets referred?

\*\*\* Site Plan actions are only jurisdictional if they apply to property within 500 feet of:

- The municipal boundary
- The boundary of a state or county park
- The right-of-way of a state or county road
- The right-of-way of a county stream or drainage channel
- State or county land on which a public building is situated
- The boundary of a farm located within an agricultural district



# Notification Only

- Expedited review of smaller referable actions
- Submission of application documents is not needed, only submission of notification form
- Applicable to site plan, special use permit, and use variance referrals that affect less than:
  - 5,000 square feet of new or renovated floor area
  - 10,000 square feet of site disturbance.
- Also applicable to all referable zoning area variance actions
- If the application was given a positive SEQR declaration, a full referral is required

## 2. ACTIONS THAT REQUIRE NOTIFICATION ONLY TO THE WESTCHESTER COUNTY PLANNING BOARD<sup>1</sup>

Notification should consist of e-mail to [muniref@westchestergov.com](mailto:muniref@westchestergov.com) stating: type of action, title of action, address and statement that action falls within County Planning Board category that requires "Notification Only." An e-mail acknowledgement will be sent at receipt. (FAX communication may be substituted.) A standard submission form is available at [www.westchestergov.com/planning](http://www.westchestergov.com/planning).

<u>TYPE OF PLANNING/ZONING ACTION</u>	<u>LOCATIONAL TRIGGER FOR REFERRAL</u>
<p><b>SITE PLAN<sup>2</sup></b> Proposing less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.</p> <p><i>(Exception – actions that have been given a Positive Declaration pursuant to SEQR must be referred as complete application.)</i></p>	<p>Affecting property within 500 feet of:</p> <ul style="list-style-type: none"> <li>• The boundary of a city, town or village</li> <li>• The boundary of an existing or proposed state or county park or any other state/county recreation area</li> <li>• The right-of-way of an existing or proposed state or county road</li> <li>• An existing or proposed county drainage channel line</li> <li>• The boundary of state- or county-owned land on which a public building/institution is located or</li> <li>• The boundary of a farm located in an agricultural district.</li> </ul>
<p><b>SPECIAL USE PERMIT/USE VARIANCE</b> Changing use classification and proposing less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.</p> <p><i>(Exception – actions that have been given a Positive Declaration pursuant to SEQR must be referred as complete application.)</i></p>	<p>Affecting land anywhere in municipality.</p>
<p><b>ZONING VARIANCE</b> Decreasing front yard setback. Decreasing minimum street frontage. Decreasing average width.</p>	<p>Affecting property abutting state or county road or park.</p>

<sup>1</sup>This table is provided for convenience. The actual language of statutes involved must be checked to determine which actions to refer.

<sup>2</sup>Additional requirement of NYS General Municipal Law; notice to be provided 30 days prior to agency action.

# How To Submit?

- New Online Referral Form
- Guides you through the notification/full referral thresholds and different types of referable actions.
- Submission directly into our database
- Provides County with better data, and a map of all submitted referrals
- Secure link to the County's cloud storage provider
- No more paper!

## Referral notification

Name of Action:

## Contact Information

Name of Local Contact:

Type of Referring Agency:

<input type="radio"/> City/Common Council	<input type="radio"/> Town Board	<input type="radio"/> Village Board
<input type="radio"/> Planning Board	<input type="radio"/> Zoning Board of Appeals	<input type="radio"/> Other

Phone Number:

Email Address:

[Please see the list of actions requiring full referral to the Westchester County Planning Board here](#)

[Please see the list of actions requiring Westchester County Planning Board notification only here](#)

Name of Municipality:

# When To Submit?

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- County advises referrals be sent 30 days before the public hearing of the municipal board.
- State and County Law determines Referral Timelines:

## **30 DAYS BEFORE FINAL ACTION**

- Comprehensive Plans
- Site Plans

\*Note – major actions may be requested to be presented at the County Planning Board’s monthly meeting.

## **10 DAYS BEFORE PUBLIC HEARING**

- Zoning Ordinance
- Special Permit
- Use Variance
- Area Variance
- Subdivision
- Official Map

# What about SEQR?

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- Westchester County Planning Board is usually an **Interested Agency**.
- County Board of Legislators may be an **Involved Agency**:
  - New Homes Land Acquisition funding
  - Housing Implementation Funding
  - Community Development Block Grant projects
  - Sewer District Extensions
  - Expansion of Cemeteries
- County Planning Board will respond to Lead Agency and EIS submissions.

# Referral Responses

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- After submission, a confirmation or notification only receipt will be emailed
- Full Referral letter emailed after review
  - Letter can state action is of Local Determination, provide comments regarding the action, or recommend disapproval of the action.
- County Planning Board acts in an advisory capacity
- Planning Board response letters can include forwarding recommendations to other County or State departments or agencies.
- Comment letters are delivered weekly, and ratified at the monthly Board Meetings
- If no letter is provided after the timeline expires, the municipal board may take action.

# Report of Final Action

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- After the municipal board approves a resolution, notification should be provided to the County Planning Department.

**Westchester County Referrals: PKS-25-002**

Zoom to

**660 Main Street**

New multi-family residential building near downtown Peekskill. The site currently hosts the historic two-story Chancy Depew House, which provides five residential units. The House is proposed to remain facing Main Street, with the proposed building located behind an existing access drive that acts as a common driveway for buildings in the vicinity.

The proposed building would be two stories and consist of nine townhomes. Each residence would have a separate one-car garage and front-door access from the basement, connecting to the access drive. Due to the elevation of the site, the rear yard area would be accessed from the first floor, and would utilize retaining walls to manage the slope. 16 additional parking spaces would be located along the front of the building, accessed from the drive, and would add to the existing 10 spaces provided for the House to total 35 spaces on the site. Landscaping would be installed to screen the proposed building from Main Street and reinforce the historic House building's frontage. Zoning area variances would be required for unit count and side yard setback.

County of Westchester, Westchester County GIS, State of New Jersey, Esri, HERE, Garmin, NGA, USGS, NPS

Powered by Esri

< 1 of 10 >

**Referral Comments**

**Consistency with County Planning Board policies**

The County Planning Board's long-range planning policies set forth in Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in Patterns for Westchester: The Land and the People, adopted December 5, 1995, call for directing new development to existing centers where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic vitality. We appreciate that the proposed plan follows these strategies, and that the applicant proposes to utilize an existing large lot to create additional housing. We also appreciate that the historic building would remain a feature along Main Street, with updated landscaping provided in the front yard.

Last edited by mvv\_Planning on 2/3/2025, 3:23 PM.

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Search by Referral ID or Name

Filter Referrals

Municipality:

Referral Letter sent to municipality between:  and

Referral status:

Referral Letter Date

- LAR-25-003** : Battery Energy Storage System Moratorium  
**Response Type:** Local Determination **Issued on:** 2/10/2025
- YTN-25-001** : Tobacco Control Law  
**Response Type:** Comment **Issued on:** 2/4/2025
- MMV-25-001** : Washingtonville R-2F District  
**Response Type:** Comment **Issued on:** 2/4/2025
- NRO-N25-001** : 736 Main Street  
**Response Type:** Local Determination **Issued on:** 2/4/2025
- DBF-25-002** : MDR Zones Accessory Dwelling Units  
**Response Type:** Local Determination **Issued on:** 2/3/2025
- PKS-25-002** : 660 Main Street  
**Response Type:** Comment **Issued on:** 2/3/2025
- MMV-25-002** : Land Use Approvals Moratorium  
**Response Type:** Comment **Issued on:** 2/3/2025
- PEL-25-001** : Pelham Funeral Home  
**Response Type:** Comment **Issued on:** 2/3/2025
- NSM-25-001** : Wheelhouse Group  
**Response Type:** Comment **Issued on:** 2/3/2025



# When in doubt, ask!

Avoid potential Article 78 procedures,  
but also avoid extra paperwork!



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