

## ZONING

### *125 Attachment 2*

#### **Town of Owego**

#### **Zoning Appendix**

**[Editor's Note: The following is the complete text of § 239-m of the General Municipal Law and is included here for reference only. Consult New York State Statute for current text.]**

#### **§ 239-m. Notice of certain proposed municipal zoning actions to be submitted to county, metropolitan or regional planning agency; report thereon; final action.**

In any city, town or village which is located in a county which has a county planning board, commission or other agency, hereinafter referred to as a county planning agency, or, in the absence of a county planning agency, which is within the jurisdiction of a metropolitan or regional planning commission, board or other agency, duly created pursuant to the provisions of law, hereinafter referred to as a metropolitan or regional planning agency, each municipal body which has jurisdiction to adopt or amend zoning regulations, or to issue special permits or grant variances pursuant to such regulations, shall, before taking final action on certain of such matters, refer the same to such county, metropolitan or regional planning agency. 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.

The matters covered by this section shall include: (a) any municipal zoning regulation, or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of 500 feet from the boundary of any city, village, or town, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from 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, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; and (b) any special permit or variance affecting such real property within such distance of 500 feet. The term "proposed" shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county plan adopted pursuant to subdivision two of section 239 of the general municipal law or adopted on an official map pursuant to section 239-g of such law.

Within 30 days after receipt of a full statement of such referred matter, the county, metropolitan or regional planning agency to which referral is made, or an authorized agent of said agency, shall report its recommendations thereon to the referring municipal agency, accompanied by a full statement of the reasons for such recommendations. If such planning agency fails to report within such period of 30 days or such longer period as may have been agreed upon by it and the referring agency, the municipal body having jurisdiction to act may do so without such report. If such planning agency disapproves the proposal, or recommends modification thereof, the

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municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

Within seven days after final action by the municipal agency having jurisdiction on the recommendations, modifications or disapproval of a referred matter, such municipal agency shall file a report of the final action it has taken with the county, metropolitan or regional planning agency which had made the recommendations, modifications or disapproval.

[Added L.1960, c. 1041, § 1; amended L.1961, c. 835, § 2; L.1967, c.296, § 1; L.1968, c. 962, § 1; L.1969, c. 1068, § 1]