



Department of State
Local Government

COUNTY REFERRAL

Purpose

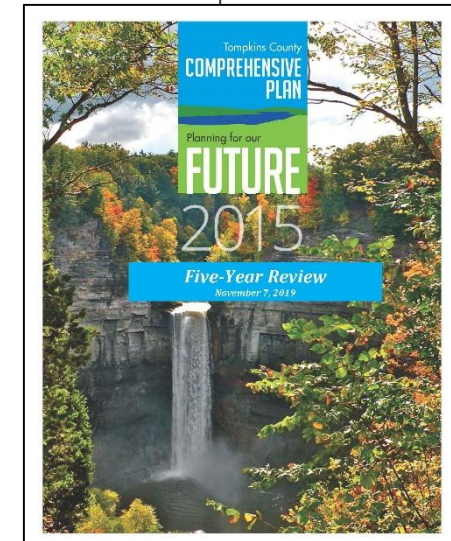
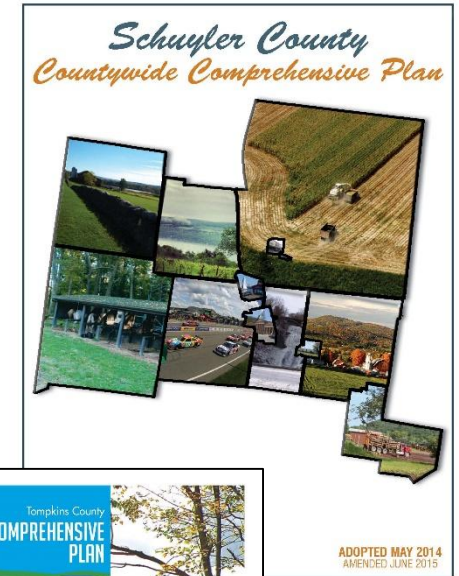
“ ... to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction.”

General Municipal Law
GMU §§ 239 l, m & n

Municipal benefits

County planning agency may:

- Provide professional assistance to local boards
- Identify potential inter-municipal impacts
- Ensure proper legal procedures are followed better preserving local board decisions
- Recommend needed, but possibly controversial modifications or disapprovals



County planning agency

County legislative body determines “county planning agency” for purposes of

General Municipal Law 239-m & 239-n review

Examples include:

- County planning board, department, director or commissioner
- Others as designated by county legislative body

Public body

- May not conduct business without quorum present
 - At least a majority of the full membership of the board, including any absences or vacancies
 - New York General Construction: Article 2 § 41 Quorum and Majority
- Subject to Open Meetings Law
 - Access
 - Notice to the public & media
- Make agenda and/or documents available prior to meeting
 - Online if practicable

NYS Public Officers Law
Article 7 § 100-111

Limitations on members

- If also a member of a local referring body
 - May NOT vote or participate in county deliberations on referrals from the local board on which they serve
 - General Municipal Law § 239-c

Subject to GML § 239-m referral

- Comprehensive plan
- Zoning adoption or amendment
- Use & area variances
- Special use permits
- Site plans
- Other authorizations under zoning

Referring body:

- Planning board
- ZBA
- Governing board

Optional GML § 239-n referral

- County option to require subdivision applications to be referred
- Check with the County – it's often obvious from their referral form whether subdivisions are reviewed

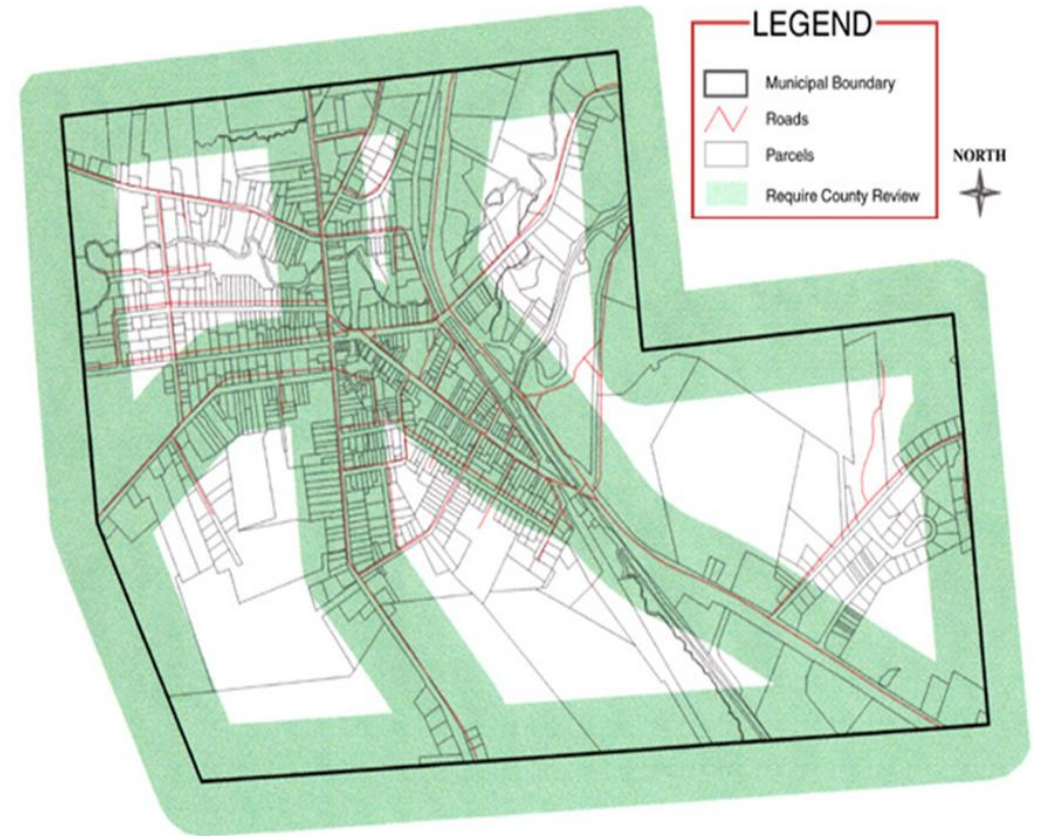
About half of
all NYS
counties
require
referrals of
subdivision
applications

Subject to GML § 239-nn referral

- Inter-municipal referral requirement for Special Use Permit, Use Variance, Site Plan, or Subdivision applications that fall within 500 feet of an adjacent municipality
- Notify clerk of adjacent municipality via mail or email at least 10 days prior to public hearing

Refer if within 500 feet:

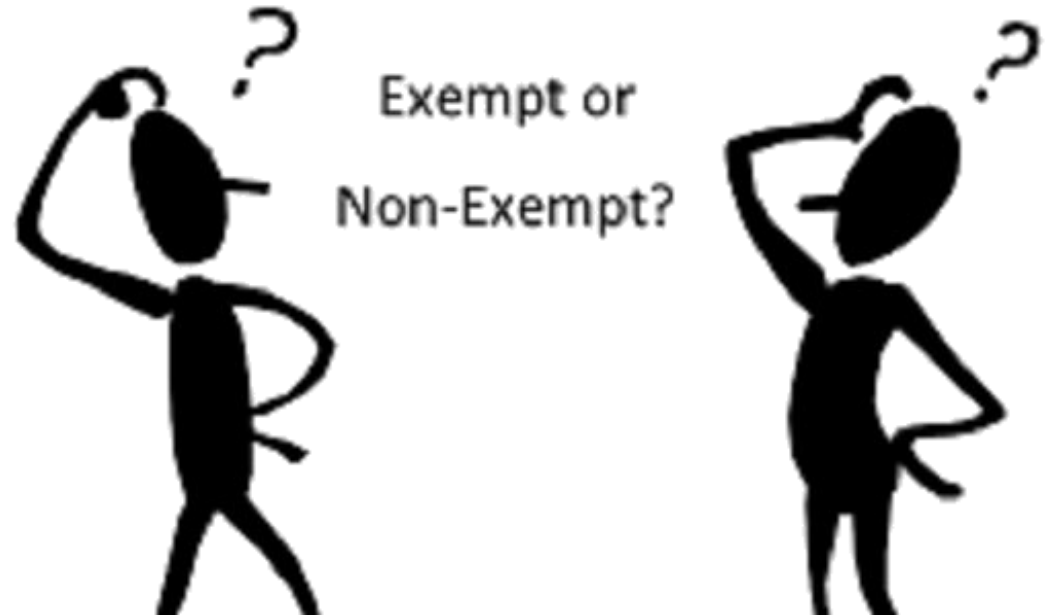
- Municipal boundary
- Boundary of state or county park or recreation area
- R-O-W of state or county road
- R-O-W of county-owned stream or drainage channel
- Boundary of state or county land on which a public building is located
- Boundary of a farm operation that is in a state agricultural district



Areas shaded require county review

Referral exceptions

- Interpretations
- Area variances relative to farm operation in a State Agricultural District
- Items exempted by agreement between county planning agency & referring body



Submission to County – “Full Statement”

- Locally required submission materials:
 - Application on a proposed action
 - All other materials required by and submitted to referring body
 - Municipality sponsored action materials (ex: zoning amendment or adoption)
- Agricultural information -- Agricultural Data Statement if applicable
- Environmental information -- SEQRA Environmental Assessment Form (EAF) Part 1

Full Statement: additional materials

County planning agency and referring body may draw up an agreement to increase submission standards of full statement

Examples:

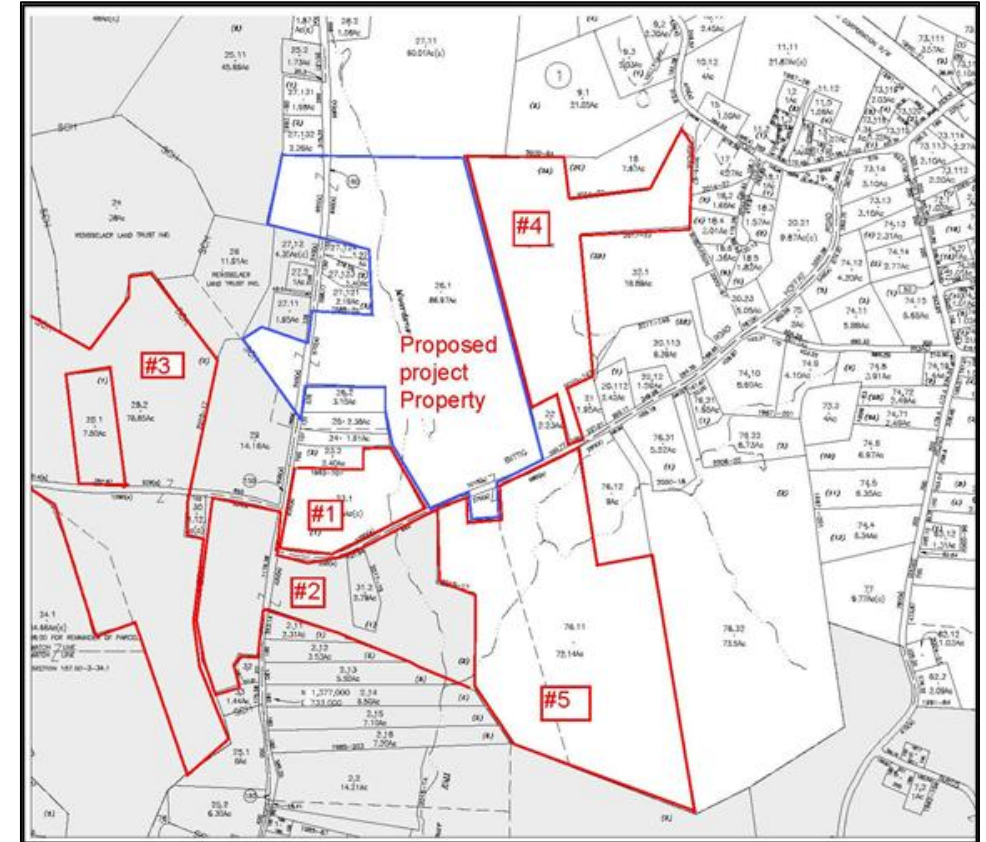
- County referral form
- Zoning district of property
- Copy of local comment or review

If no agreement,
county can write
recommended
submission
standards

Agricultural Data Statement

For review board to evaluate potential impacts on nearby farm operations

- Trigger: Subdivision, site plan, special use permit, use variance application within a State Agricultural District or within 500 ft. of a farm operation in a State Agricultural District
- Include map showing project and farm operation(s)
- NYS Agriculture & Markets Law Article 25 AA, Section 305-a; Town Law § 283a; Village Law § 7-739



SEQRA- State Environmental Quality Review Act

“Full statement” must include:

- Part I environmental assessment form (EAF)
 - Short form for Unlisted (and Type 2, if EAF required locally); or
 - Full (long) form for Type I & Unlisted
- Any other materials required by referring body in making their determination of significance (within 20 days)
- County doesn't need determination of significance in full statement in order to respond
 - Matter of Batavia First v. Town of Batavia, 2006

Receipt of full statement

- Clock ticking: 30-day review period begins with receipt of “full statement”
- “Received” by county in accordance with county planning agency rules and regulations in respect to person, place and period of time for submission
- If no county rules apply: “receipt” occurs on day referral is postmarked or received by hand

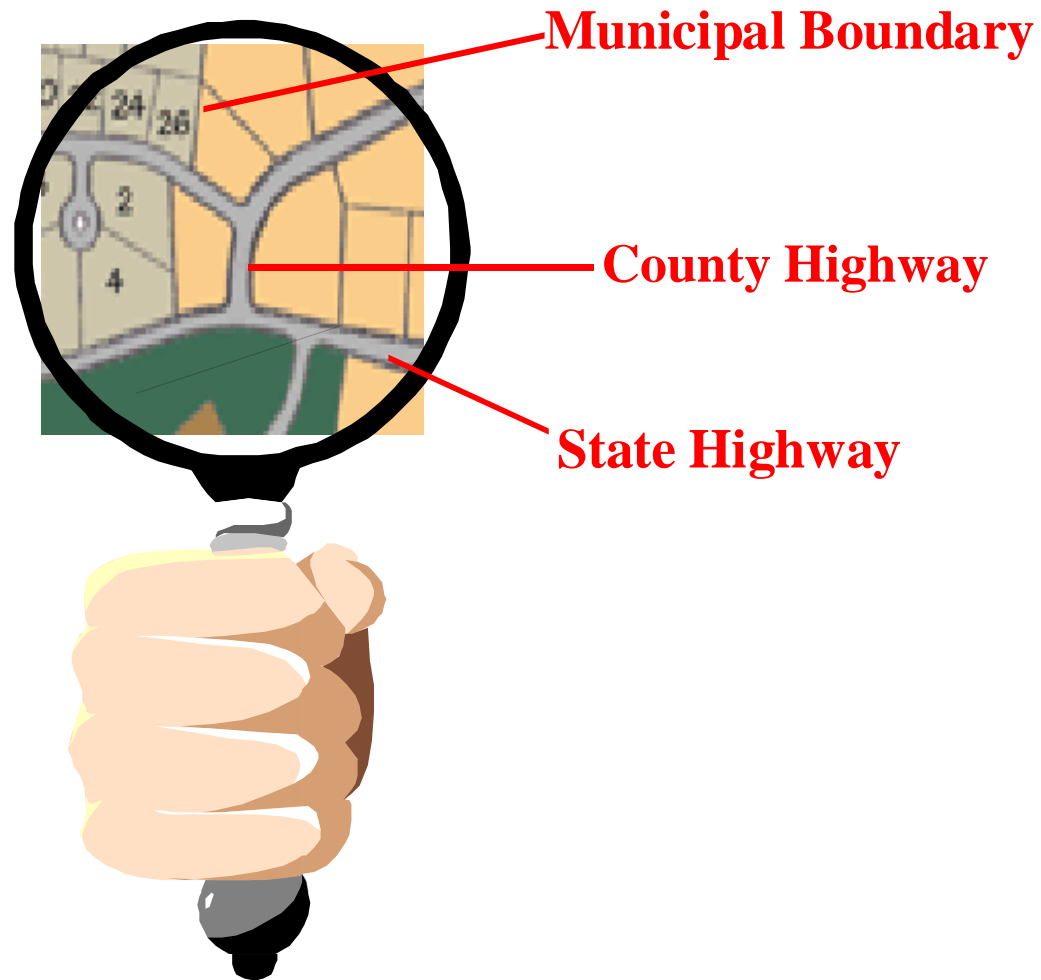


Referral timeline

- Special Use Permit and Site Plan:
 - Send full statement at least 10 days prior to public hearing
- Variance:
 - Send at least 5 days prior to public hearing
- Site Plan:
 - If no local public hearing needed, send before final action can be taken
- Subdivision:
 - Send only where authorized by county legislative body



Examples of review areas:



- Compatibility of land uses
- Traffic and bike/ped impacts
- Community character
- Drainage
- Development policies & comprehensive plans

Example: corridor development

- Location
- Uses and build-out
- Access points
- Topography
- Drainage
- Community character
- Signage



Sight Distance vs. Traffic Speed



Potential items for comment

County
Planning
Agencies
may also
offer
helpful
advice

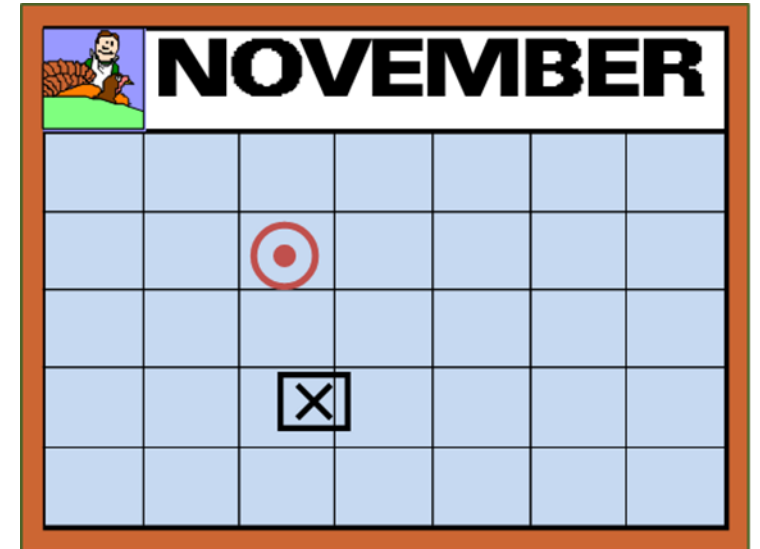
- Impact on traffic
- Impact on county or state institutions
- Impact on community character
- Impact on housing
- Impact on drainage & community facilities
- Consideration of official development policies
- Effect on public convenience, governmental efficiency, community environment

Review period

- Referring body cannot act until the earlier of following occurs:
 - Referring body receives report of county planning agency;

OR

- 30 days have passed after county's receipt of full statement



Period can be longer if agreed to by county and referring body

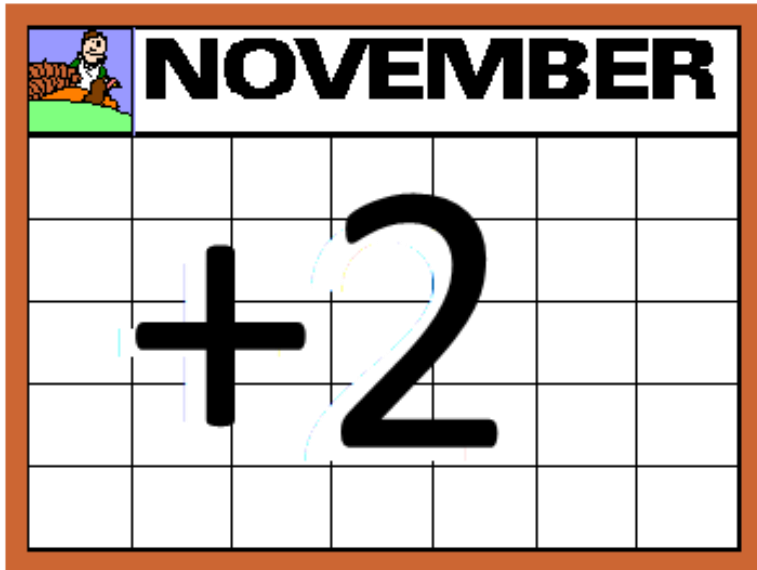
Timing of final approval

- May referring body condition its final approval on the county's positive recommendation?
- Referring body may not take early vote on action and condition it on the county planning agency's subsequent positive recommendation!

NO!



Two-day rule



- After 30 days, the referring body may act by a simple majority vote if they have not received a county report
- Two-day exception requires consideration even after 30 days have passed, but at least 2 days before meeting where decision is made

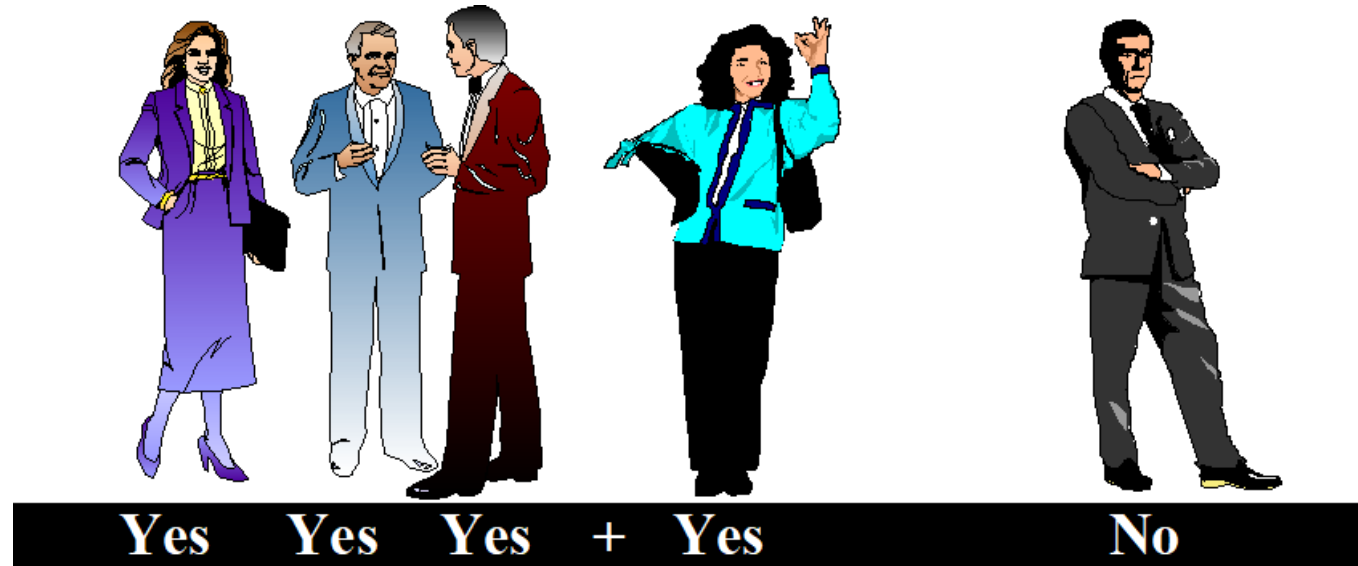
Recommendations

- County options:
 - Approval
 - Modification
 - Disapproval
 - No significant county-wide or inter-community impact
- County must include reasons for recommendation



Supermajority vote

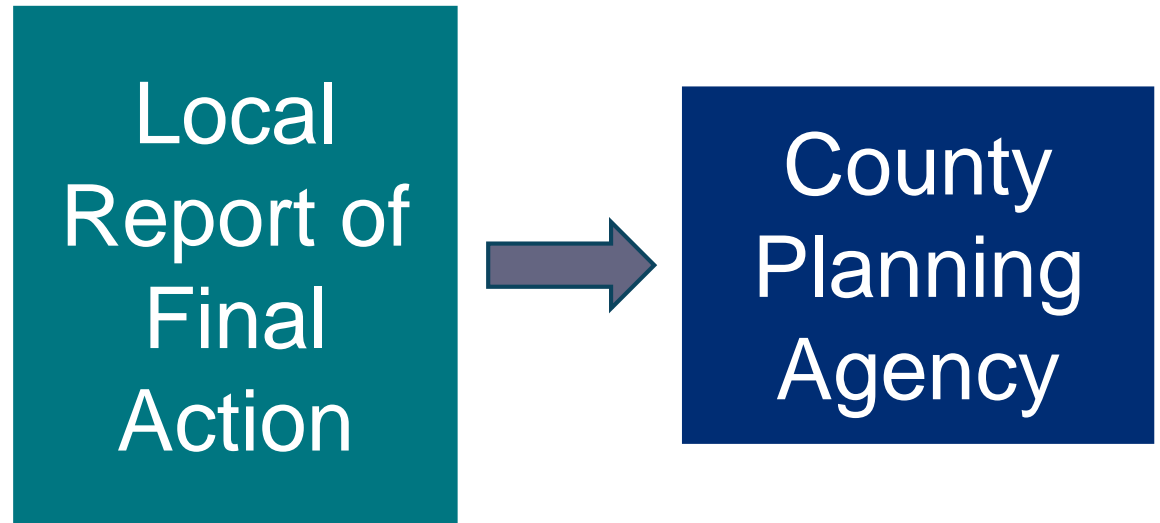
- If county planning board recommends disapproval of application, or approval with modification



- Referring body may only act contrary to that recommendation by a majority plus one vote

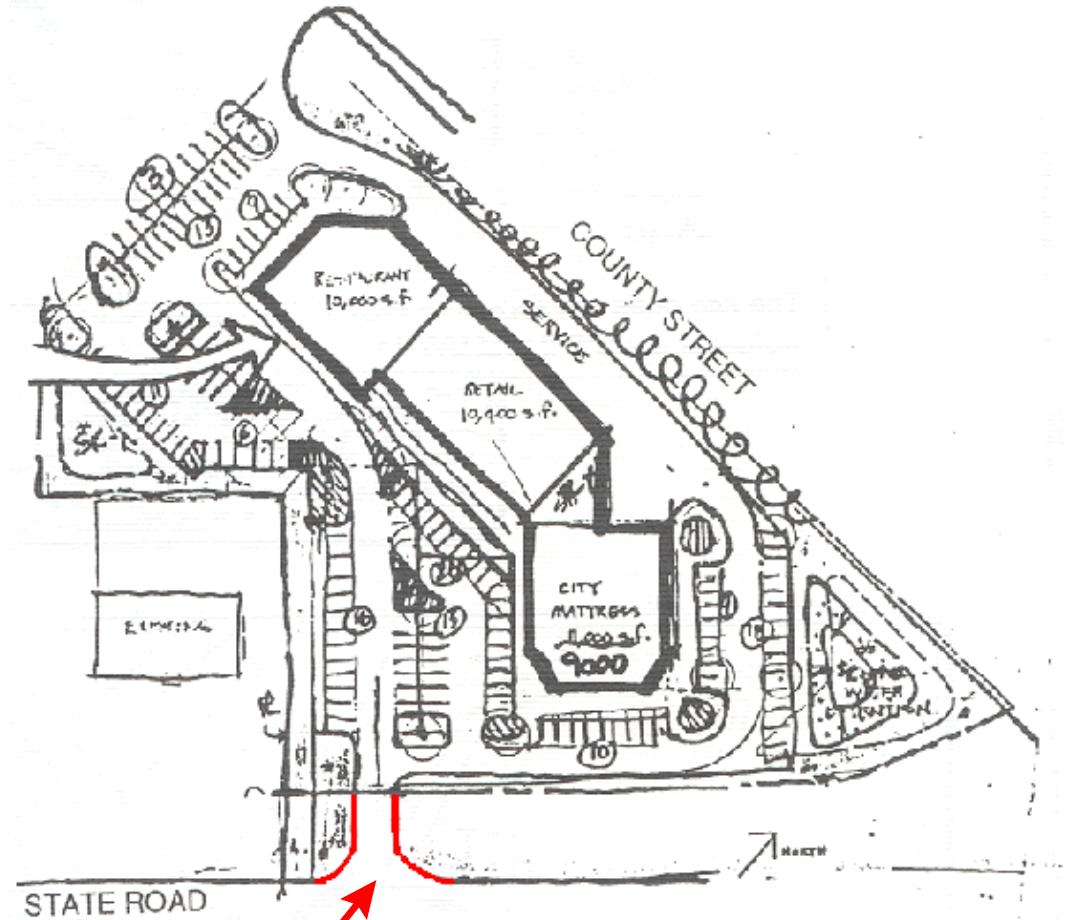
Report of final local action

- Referring body must file a report of final action with county planning agency
- If referring body acts contrary to recommendation of modification or disapproval, it must include reasons in report



Changes after referral

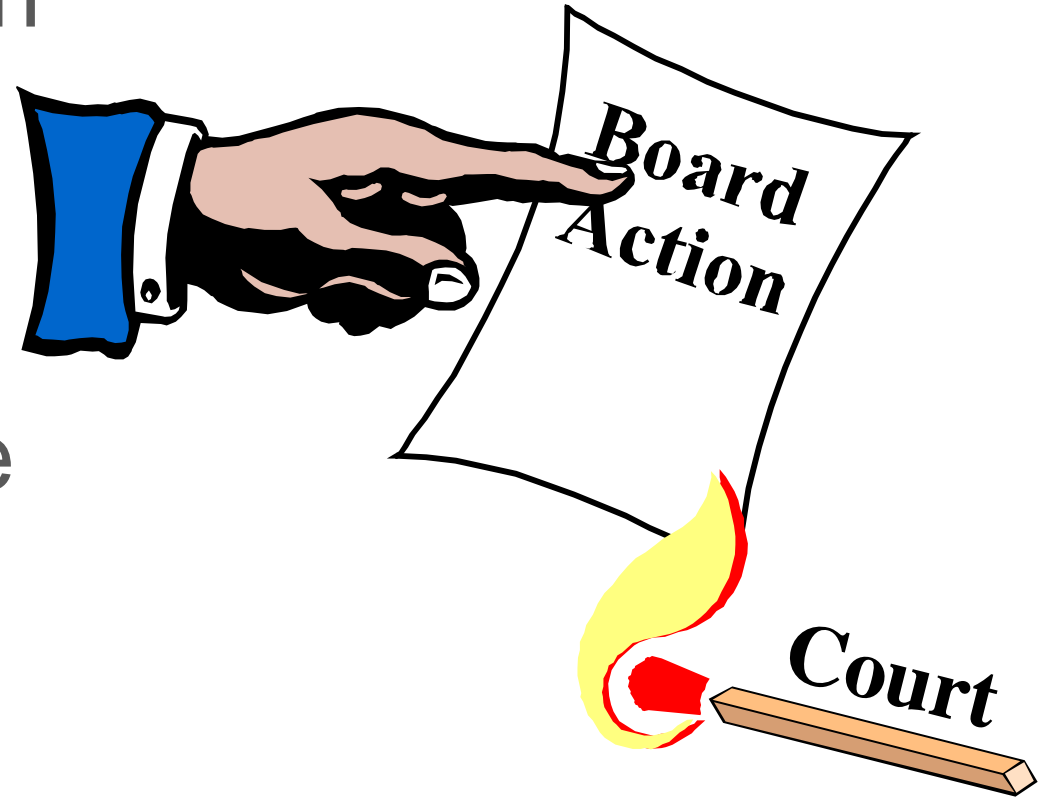
- Substantial (i.e., new access point on site plan), application should probably be re-referred to county planning agency
- Changes made in response to county recommendations do not have to be resubmitted



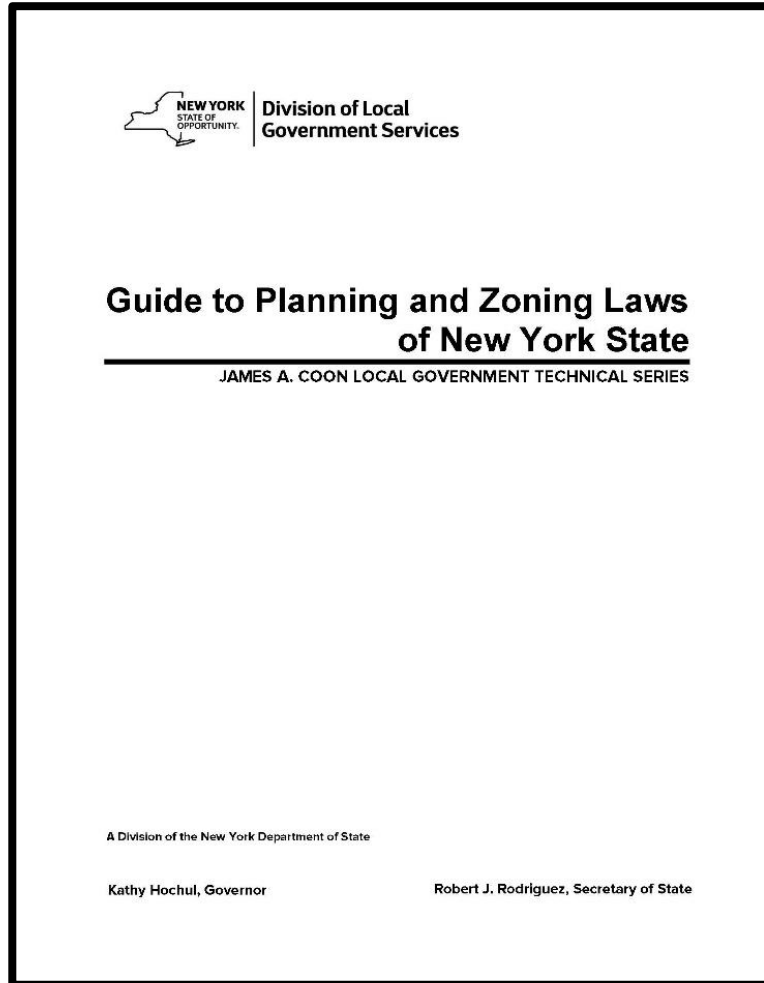
Proposed New
Access

Consequences of non-referral

- Failure to refer an action subject to § 239-m or § 239-n review may invalidate municipal action
- Statute of limitations for failure to refer could be more than 30 days, particularly for adoption or amendment of zoning



Resources for guidance on NY State Laws



<https://dos.ny.gov/publications>

J. Ryan McMahon, II
County Executive



Martin Voss
Chairperson

Onondaga County Planning Board





Onondaga County Planning Board

4 Types of Cases:

- Exempt Actions
- Administrative Reviews
- Full Board Reviews
- Informal Reviews



Onondaga County Planning Board

What actions are considered “exempt” from review?

A municipality may enter into an agreement with the OCPB and designate certain low impact actions as being of local, rather than intermunicipal or county-wide concern. In that instance, the designated action would not be subject to referral.

Exempt Actions

- Area Variances for:
 - Residential setbacks or lot depth
 - Building Height
 - Residential accessory structure
 - Reduction of parking spaces
- Subdivisions for:
 - Creation of up to 3 lots
 - Combination of lots
 - Lot Line adjustments
- Site Plans and Special Permits for:
 - Co-located telecommunications equipment
 - Façade or interior building changes
 - Change of tenant
 - Residential accessory structures
 - On-premises signs
- Administration and Fees
- Interpretation of Language



Onondaga County Planning Board

What actions are eligible for expedited “administrative review”?

The Board finds certain actions subject to referral under New York State General Municipal Law §§239-m and n to be routine in nature with minimal and well understood intercommunity and/or county-wide concerns, and delegates review of said actions to the Director of Planning.

Administrative Review Actions

- Moratoriums
- Area Variances
- Subdivisions, involving:
 - creation of up to 5 lots
 - creation of any number of lots, where each resulting lot is 10 acres or more.
- Site Plans and Special Permits, involving:
 - minor changes to parking not affecting square footage (restriping, EV chargers, add up to 3 spaces)
 - site fencing
 - commercial accessory structures (up to 1,000 sf)
 - off-premises signs
 - residential accessory uses (dwelling units, home occupations, etc)





Onondaga County Planning Board

Some Notes...

- We have a ‘Cheat Sheet’!
- All related actions subject to highest applicable level of review.
- You can always request full Board review.
- We encourage concurrent referrals.
- Most recs come within 12-14 days.
- Timing is important.
- We want your feedback!

OCPB Referrable Actions Breakdown By Review Type

Action Type	GML 239 Referrable Action			
	Exempt from Review	Administrative Review	Referral to County Planning for Staff Level Review	Onondaga County Planning Board Full Review
Area Variance	Residential front, side, or rear yard setbacks or lot depth (sole referrable action)			
	Building height (sole referrable action)			
	Residential accessory structures (sole referrable action)			
	Reduction in the number of parking spaces (sole referrable action)			
	Variances in combination with a related referral requiring Board review			
Subdivision	Any other area variance	x		
	Creation of up to 3 lots (sole referrable action)	x		
	Combination of lots (sole referrable action)	x		
	Lot line adjustments (sole referrable action)	x		
	Creation of 4-5 lots			x
Special Permit or Site Plan	Creation of 6 or more lots		x	
	Creation of 6 or more lots where each resulting lot is 10 acres or more	x		
	Creation of 6 or more lots where any resulting lot is less than 10 acres	x		
	Subdivision actions in combination with a related referral requiring Board review			
	Co-location of telecommunication equipment and accessories on existing structures established project boundaries		x	
Zoning Actions	Minor or interior building modifications and accessories within prior		x	
	Minor changes to an existing parking area not affecting square footage	x		
	Installation of EV chargers, addition of up to 3 spaces			x
	Exterior changes limited to fencing			
	A change of tenant in an existing building (no other site changes)	x	x	
	Commercial accessory structures			
	On-premises signs (up to 1,000 sf)		x	
	Off-premises signs (not requiring variance)	x	x	
	Residential accessory uses (including dwelling units and home occs)	x		
	All other special permits and site plans			
Other	Site plans or special permit actions in combination with a related referral requiring Board review			
	Administration and fees			
	Interpretations of language			
	Moratoriums, and extensions thereto			
	Use variances			
Other	Zone change			
	All other zoning actions	x		
	Plan amendment / adoption			
	Map amendment / adoption	x		
	Text or Local Law adoption			

Please note, this table is an unofficial summary, refer to agreements/policies to make official determinations.


Revised 12/2024



Onondaga County Planning Board

New Reports!

Resolution

 **Onondaga County Planning Board**
 J. Ryan Molitahon, II
 COUNTY EXECUTIVE

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD
 Meeting Date: 1/28/2026
 OCPB Case # Z-26-15

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m, and n, has considered and reviewed the referral for a SITE PLAN from the Town of Clay Planning Board at the request of Wetzel BESS A&B for the property located at 7846 & 7850 Goguen Road, and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Wetzel Road (Route 252), a county/highway, and

WHEREAS, the applicant is proposing construction of (2) 5 MW Battery Energy Storage Systems (BESS) on two parcels totaling 2.65 acres in an Industrial (I-1) zoning district, and

WHEREAS, the proposed action is further summarized in the attached staff report and may be subject to additional county, state, and/or federal regulations, which may be cited in the staff report; the municipality and applicant are advised to contact the appropriate agencies to ensure these regulations are met, as applicable, prior to or as a condition of municipal approval of the project; this is not an exhaustive list of permit requirements by agencies, but is intended to represent some of the most common regulations; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

- The Onondaga County Department of Water Environment Protects requires the municipality to ensure that no construction of permanent structures occurs which may encroach in to the county easement or affect the county infrastructure. The applicant must relocate utility poles from the county easement and submit revised plans to the Department's Collection Systems Director for review prior to local approval.
- The Onondaga County Department of Water Environment Protects requires a permit from Plumbing Control for a sanitary disconnection, or as a condition of, municipal approval.

The Board encourages the municipality to consider adopting a comprehensive Battery Energy Storage Systems (BESS) ordinance for this unique land use, with regulations for fire safety, siting, required distance from residential uses, screening and definitions. The County Planning Department can assist in offering best practices approaches upon request.

For agency contacts and additional information about advisory notes, please visit: <http://ongov.net/planning/ocpreources.htm>
 335 Montgomery Street, Syracuse, NY 13202 Phone: 315.435.2611
 Email: countyplanning@ongov.net Website: ongov.net/planning/ocpb.htm


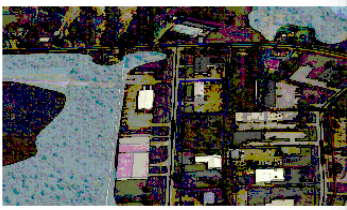
Staff Report

ONONDAGA COUNTY PLANNING BOARD STAFF REPORT JANUARY 28 2026 Z-26-15
 Case Number: Z-26-15 Keyword: Battery Energy Storage System (B
 Related Case: Z-26-16 Applicant: Wetzel BESS A&B
 Referring Board: Town of Clay Planning Board Location: at 7846 & 7850 Goguen Road
 Type of Action: SITE PLAN Tax Map ID: 087-01-53.

RECOMMENDATION: Modification

JURISDICTION:
 General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Wetzel Road (Route 252), a county highway

SUMMARY:
 the applicant is proposing construction of (2) 5 MW Battery Energy Storage Systems (BESS) on two parcels totaling 2.65 acres in an Industrial (I-1) zoning district

STAFF REVIEW:

Concurrent Reviews: Special permit referral (Z-26-16) for this proposed Battery Energy Storage System (BESS).

Nearby Uses/Setting: The area is characterized by a mix of industrial and commercial land uses, south of Wetzel Road, a county highway, and between CSX rail lines. Nearby uses include a sign company, an exhibit design and fabrication company, and a construction/demolition company.

Existing Site Layout: The site contains two parcels, both with frontage on Goguen Drive. The northern parcel contains an existing building parking lot and driveway to Goguen Drive with cross access to the parking lot and facility to the north. Per aerial imagery, the vacant southern parcel contains trees and shrubs.

Proposed Site Layout: Per the Site Layout Plan dated 12/22/25, the BESS will be constructed at the center of the site, across the parcel boundary. The six BESS units will be installed on a fenced-in gravel area along with the associated electrical equipment. Two sets of overhead electrical lines will connect the fenced-in area to utility poles along the Goguen Drive frontage and to two interconnection points on existing utility poles across Goguen Drive.

Per the plans, the existing building and driveway to Goguen Drive will remain with the southern portion of the existing parking lot to be removed to contain the BESS.

Project Detail: Per the Project Narrative dated 1/20/26, the applicant is proposing construction of "two 5 MW AC, 4-hour duration BESS", noting the final battery size "will be dependent upon National Grid study results".

Per the Project Narrative, the BESS would cover 20,600 sq ft and would require 17 utility poles to be installed to allow utility interconnection.

Access: The existing driveway from Goguen Drive will remain. No new driveways are proposed.

Easements: Per the Site Layout Plan, 20'-wide utility easements occur along the Goguen Drive frontage, along the boundary between parcels, and along the rear site boundary. The fenced-in area will occur across the utility easement and utility poles are to be installed within the utility easement along Goguen Drive. Per the Site Layout Plan, the "existing gas line to be field located prior to pole installation".


Stormwater: Per the Environmental Assessment Form (EAF) dated 12/29/25, 0.83 acres of the site will be disturbed by the proposed project. Stormwater mitigation is not addressed in the referral materials.

ADVISORY NOTE: Per the NYS Department of Conservation (NYSDEC), any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit. The municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval.

Drinking Water: A new connection to public drinking water is proposed to serve the site.

For agency contacts and additional information about advisory notes, please visit: <http://ongov.net/planning/ocpreources.htm>
 335 Montgomery Street, Syracuse, NY 13202 Phone: 315.435.2611
 Email: countyplanning@ongov.net Website: ongov.net/planning/ocpb.htm

Report of Final Action

 **Onondaga County Planning Board**
 J. Ryan Molitahon, II
 COUNTY EXECUTIVE

GML 239 Final Action Report

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). The OCPB has provided this form to facilitate this reporting requirement.

Municipal Board: Town of Clay Planning Board Type of Action: SITE PLAN
 Applicant: Wetzel BESS A&B OCPB Case #: Z-26-15
 Site Address: at 7846 & 7850 Goguen Road OCPB Date: 1/28/2026
 OCPB Recommendation: Modification

Local Board Action: Approved Disapproved Withdrawn Other

Local Board Action Date: _____
 Did the local board act? in agreement with all OCPB recommendations?
 (check all that apply) contrary to all some of the modifications or disapproval recommendations?
 contrary to all some of the comments?
 to Disapprove the project for reasons other than those set forth by the OCPB?

Reasons for Contrary Actions (Required):
 Per GML 239, a referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter must also set forth the reasons for the contrary action in such report. Please explain contrary actions and reasons below. Additional feedback as well as meeting minutes are also encouraged.

Please return completed report to countyplanning@ongov.net

For agency contacts and additional information about advisory notes, please visit: <http://ongov.net/planning/ocpreources.htm>
 335 Montgomery Street, Syracuse, NY 13202 Phone: 315.435.2611
 Email: countyplanning@ongov.net Website: ongov.net/planning/ocpb.htm



Onondaga County Planning Board

What's an Advisory Note?

Advisory notes are a type of informal comment intended to remind applicants and municipalities of any federal, State, or local regulations, such as approvals and permits, which may be required for a project.

While these advisory notes concern regulatory requirements, they are generally not anticipated by the Board to require substantial changes as part of agency review and thus do not rise to the level of modification for purposes of County Board review. However, the OCPB recommends that these regulatory requirements be met prior to local project approval.

Wastewater:

A new connection to the public sewers is proposed to serve the site which is located in the Wetzel Road Wastewater Treatment Plant and Sawmill Pump Station service areas.

ADVISORY NOTE: The Onondaga County Department of Water Environment Protection (OCDWEP) requires capacity assurance due to an anticipated increase in use. Additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer. The Capacity Assurance Form and approval process can now be found online: <http://ongov.net/wep/connections.html>



Onondaga County Planning Board

Coming Soon! Referrable Areas Mapping

Onondaga County GIS on the Web
www.spatial.vhb.com/onondaga/





Onondaga County Planning Board

Questions? Comments?

Rachel Woods, OCPB Planner
Robin Coon, Administration
Megan Costa, Dep Director for Planning

www.onondaga.gov/planning/ocpb/

countyplanning@onondaga.gov





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