



Department of State
Local Government

COUNTY REFERRAL

Purpose

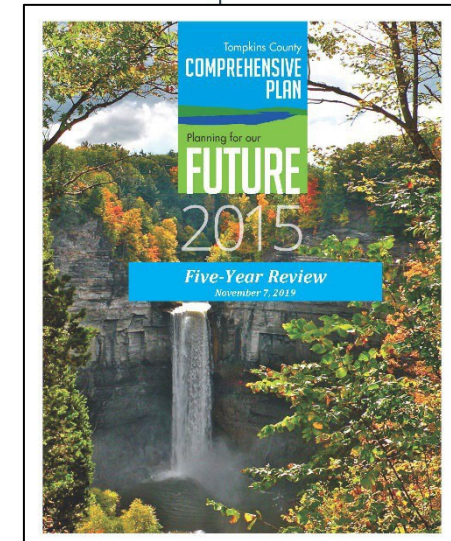
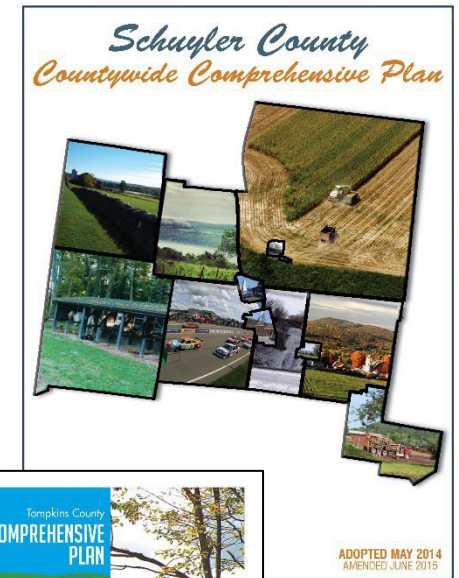
“ ... to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction.”

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

Optional GML § 239-n referral

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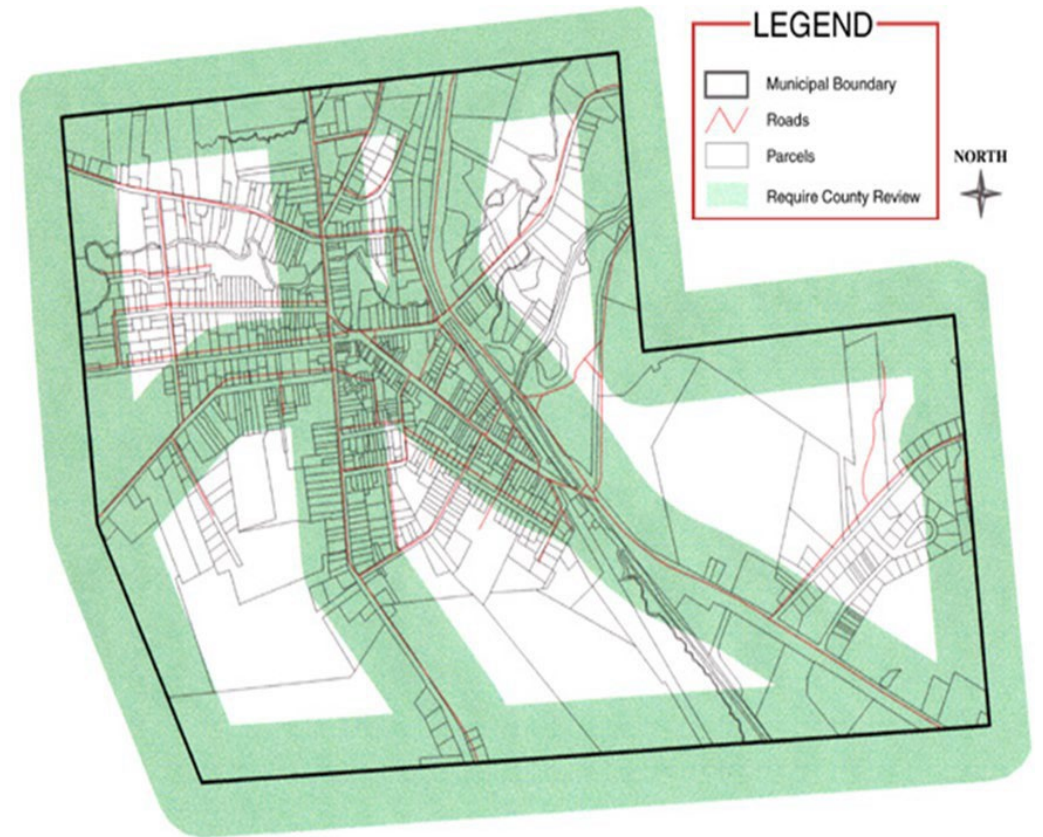
**NOT
REQUIRED
in
Dutchess
County**

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 Identifier Tool

- Quickly identify whether a parcel may require referral.
- **How to Use**
 - Search or zoom to your area of interest
 - Click a parcel
 - The tool automatically identifies any referral determinants for that parcel

Referral Identifier | Dutchess County NY

Find address or place

Referrals

When private or municipal actions that involve zoning fall within buffers of certain legislated geographic features, the action must be referred to Dutchess County Planning & Development for review ([NYS GML #239 L&M](#)). This tool helps identify which actions will require referral, based on the action's location.

Getting Started

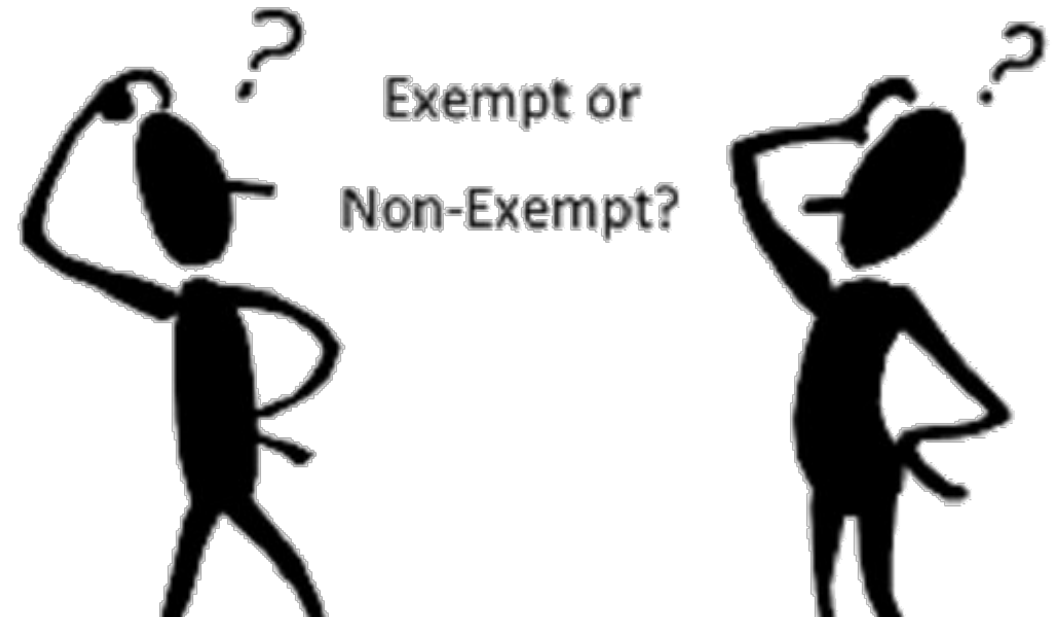
- 1 Use the searchbar or zoom in with your mouse wheel or +/- buttons to find your area of interest.
- 2 Click on a parcel of interest.
- 3 The program will automatically search for any determinants for the selected parcel.

Map Legend

| | |
|-----------------------|--------|
| Government Structures | |
| County | State |
| Municipal Lines | |
| Municipal | County |
| Government Recreation | |
| County | State |
| Roads | |
| County | State |
| Agriculture | |
| District/Farms | |

Referral exceptions

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



Nonreferral agreement examples

County and referring body may enter into written agreement to exempt certain actions from county referrals

- Area variances
- Site plan/special use permits for home businesses that comply with zoning
- Site Plan/SUP for co-location of telecommunications equipment on existing facility

Dutchess County IMA – updated 2026

These actions are exempted under our Inter-Municipal Agreement (IMA)

Administrative
Amendments (fees,
procedures, penalties,
etc.)

Special Permits, Use
Variances, and Area
Variances for
residential uses

Renewals or extensions
of previously approved
Site Plans or Special
Permits **with no
changes**

Sign Permits **not
requiring a variance**

Site Plans for single
family or duplex homes

Site Plans for ADUs,
carriage houses, or
accessory buildings
associated with a
single-family residence

3. REFERRALS TO BE ELIMINATED: The following actions shall be eliminated from the referral and review process:
- a. administrative amendments (zoning amendments regarding fees, procedures, penalties, etc.);
 - b. special use permits, use variances and area variances for residential uses;
 - c. renewals/extensions of site plans or special permits that have no changes from previous approvals;
 - d. sign permits where no variance is required;
 - e. site plans for single family homes;
 - f. site plans for duplex homes; and
 - g. site plans for ADUs/Carriage houses/accessory buildings when associated with an SFR.
4. REFERRALS NOT TO BE ELIMINATED: The following actions shall not be eliminated from the referral and review process:
- a. comprehensive/master plans;
 - b. zoning amendments (standards, uses, definitions, district regulations, etc.);
 - c. re-zonings involving all map changes;
 - d. other local laws and/or other authorizations adopted pursuant to zoning (wetlands, historic preservation, affordable housing, architectural review, etc.);
 - e. site plans (excluding single family homes, duplex homes, accessory buildings when associated with a Single Family residence); and
 - f. special permits, use variances, and area variances for all non-residential uses.

County Resolution No. 2025131

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:

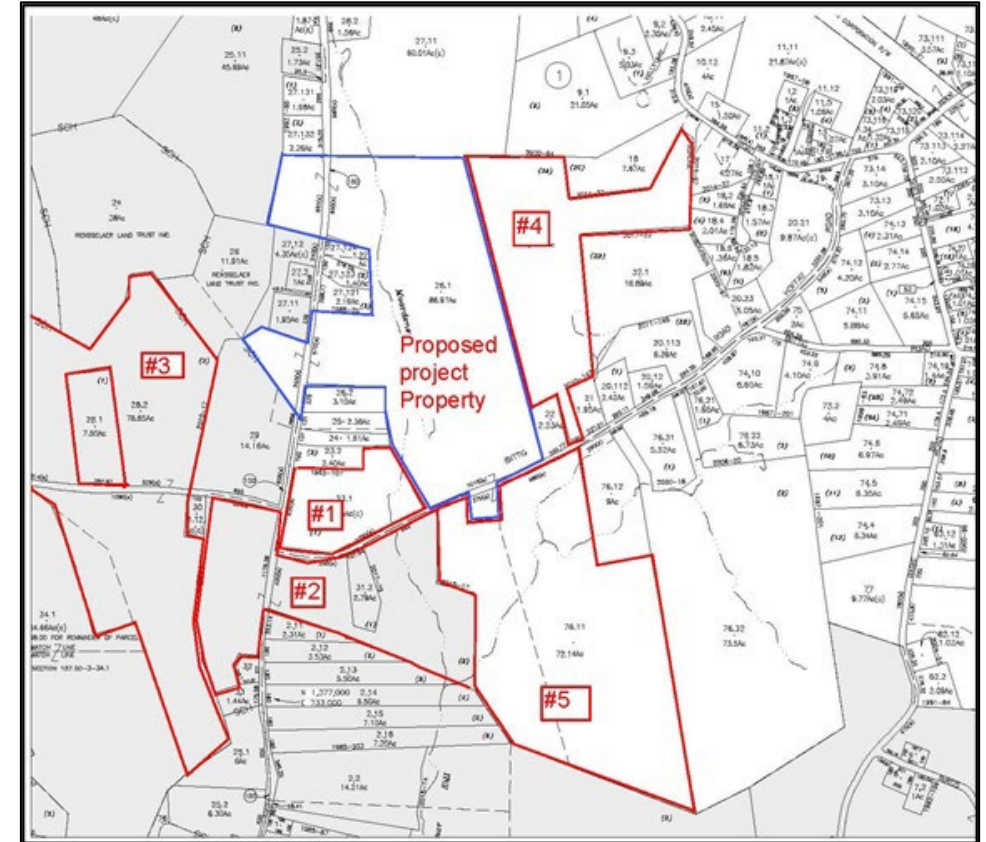
- County referral form
- Zoning district of property
- Copy of local comment or review

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

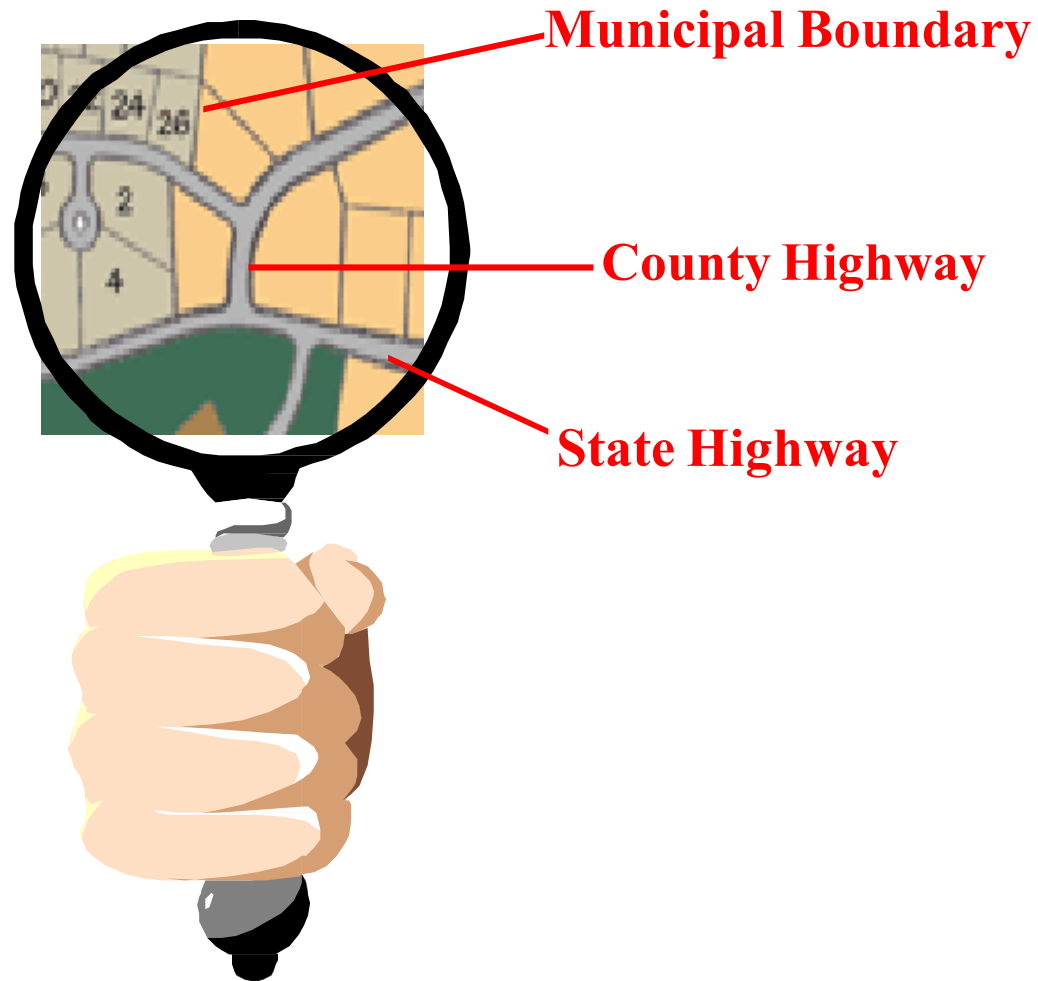


Referral timeline

- 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



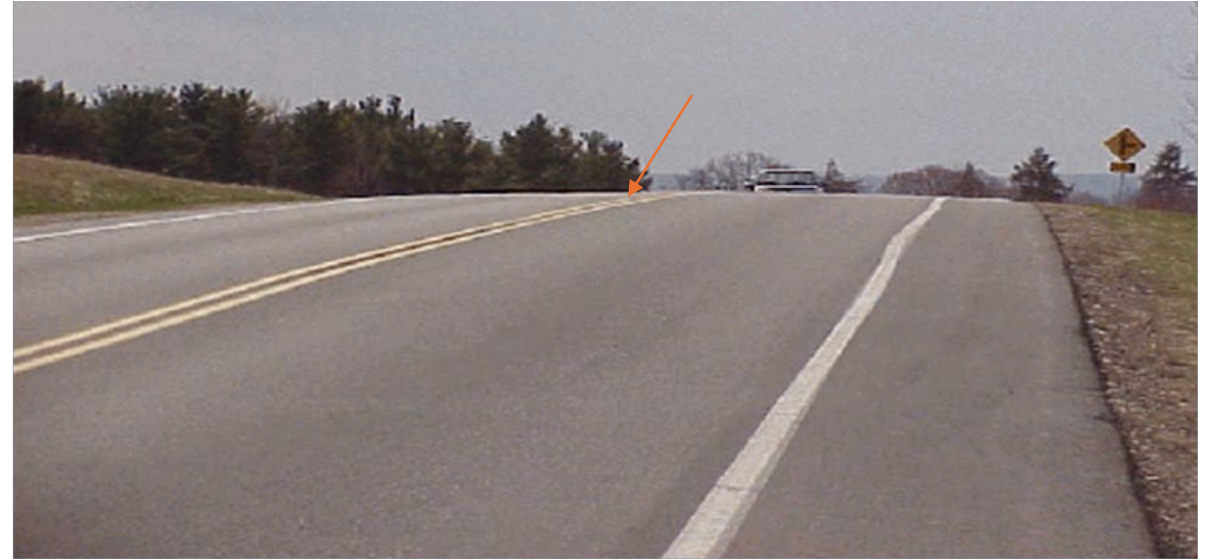
Examples of review areas:



- 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

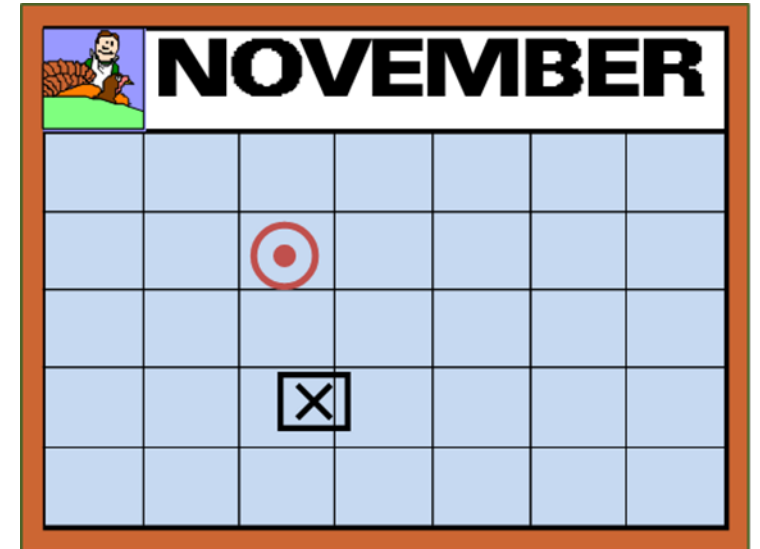
- Impact on traffic
- Impact on county or state institutions
- Impact on community character
- Impact on housing
- Impact on drainage & community facilities
- Consideration of official development policies
- Effect on public convenience, governmental efficiency, community environment

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

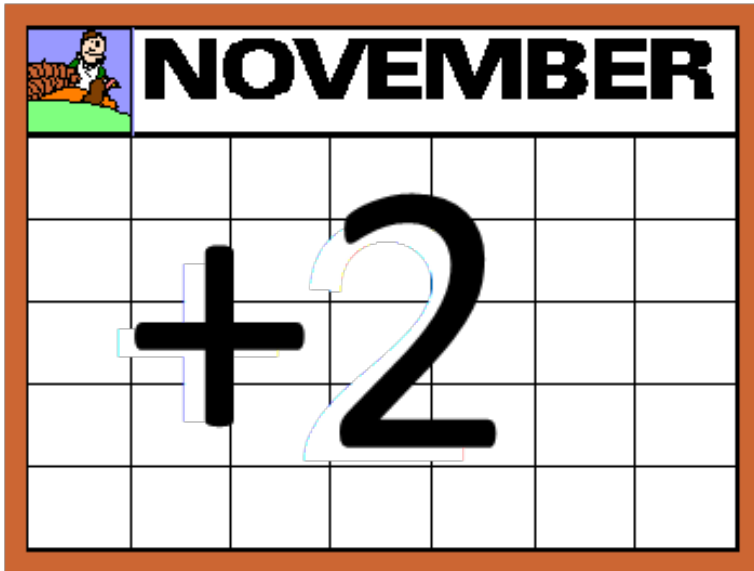
Timing of final approval

- 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



Types of Responses from Dutchess County

No Jurisdiction

The application is outside the designated geographic areas subject to County review.

No Authority

The County has no legal authority to review the application, most commonly for subdivision approvals.

Incomplete

The County cannot complete its review because required materials were not submitted. The application must be re-referred once complete.

Local Concern

No significant regional or intermunicipal impacts were identified. The matter is primarily of local concern.

Local Concern with Comments

Minor regional or intermunicipal concerns were identified. The local board should consider the County's comments in its decision.

Conditional

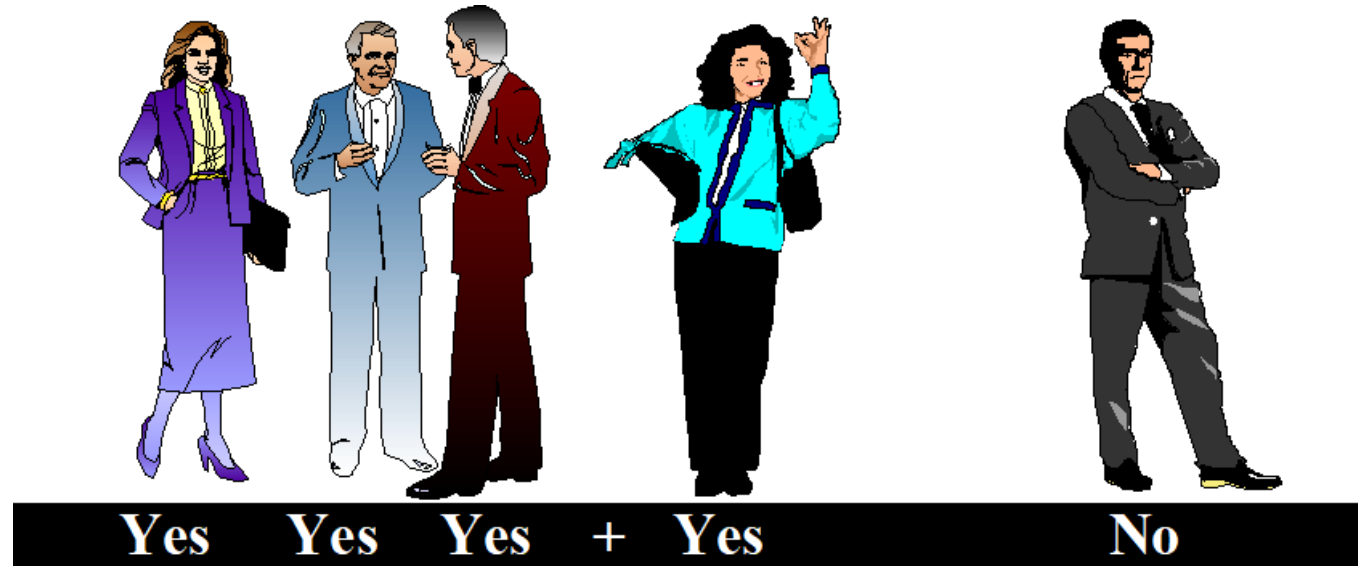
The proposal raises significant concerns. Specific conditions should be met before approval is granted.

Denial

The proposal conflicts with County policies or sound planning principles and is not recommended for approval.

Supermajority vote

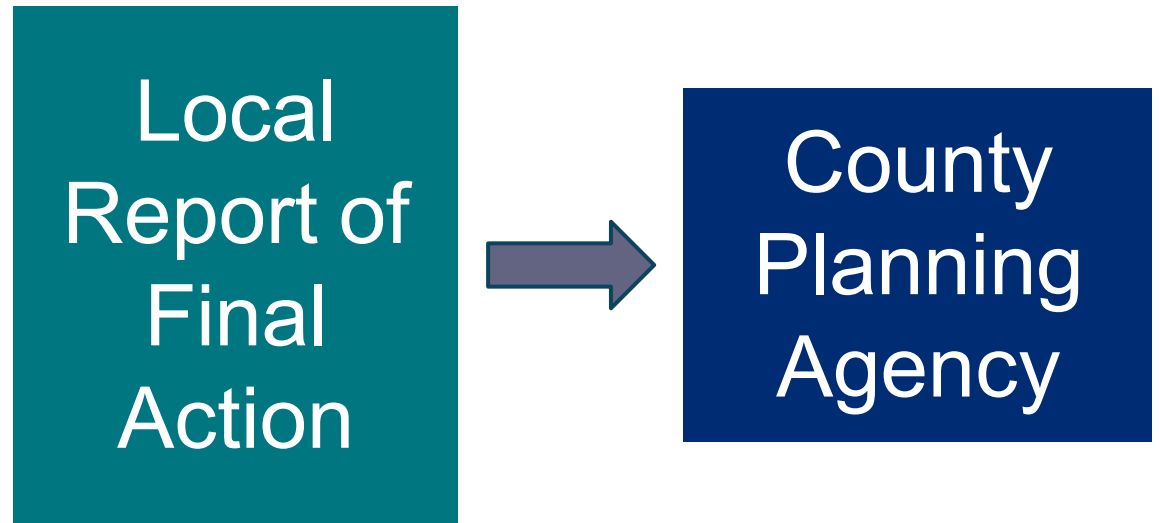
- If county planning board recommends disapproval of application, or approval with modification



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

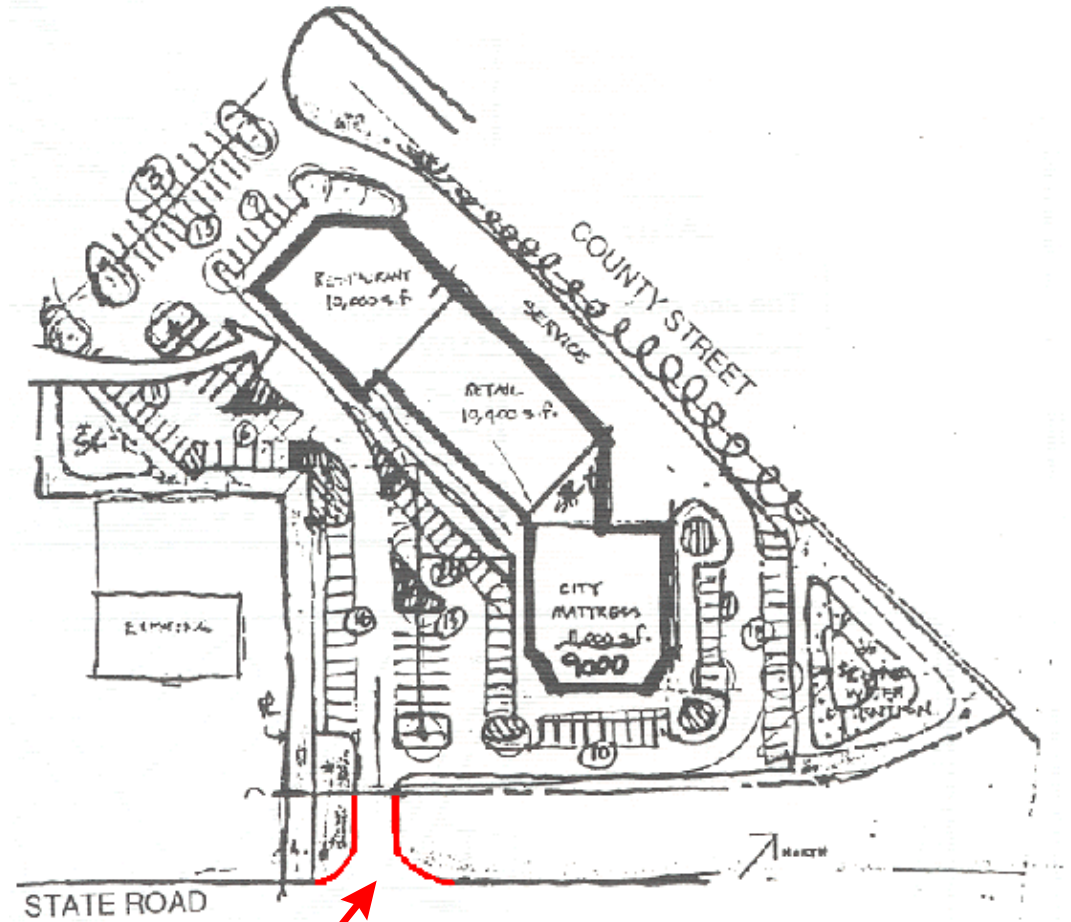
Report of final local action

- 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

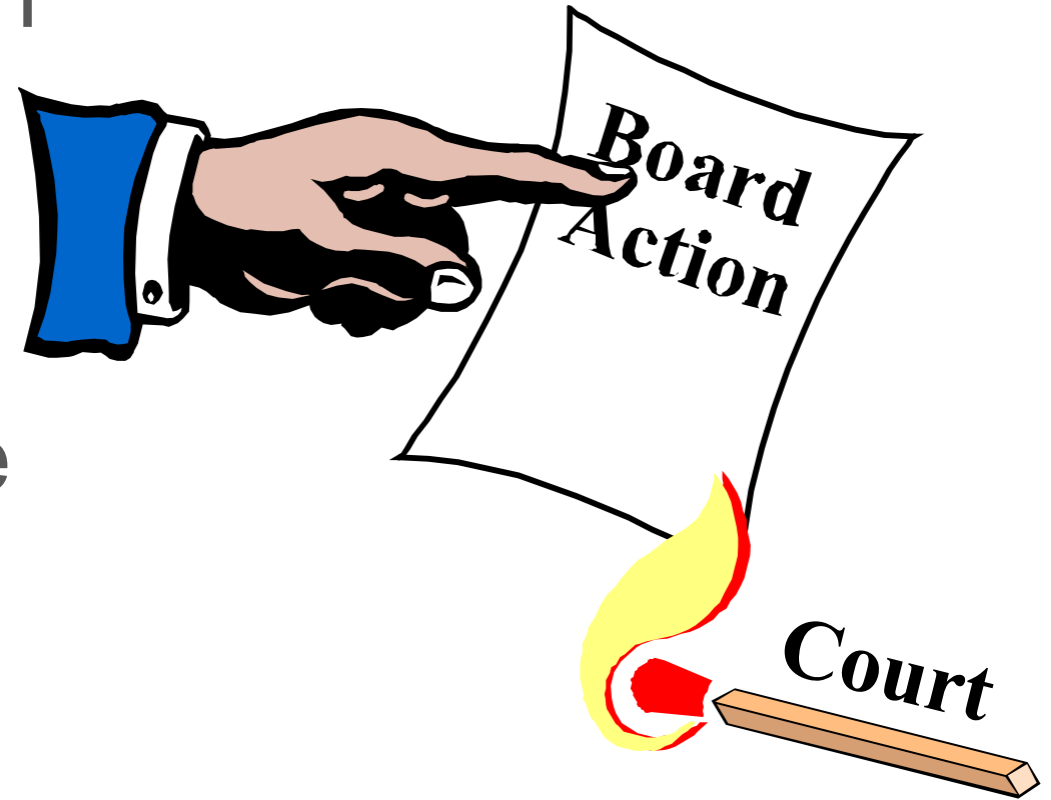
- Substantial (i.e., new access point on site plan), application should probably be re-referred to county planning agency
- Changes made in response to county recommendations do not have to be resubmitted



Proposed New
Access

Consequences of non-referral

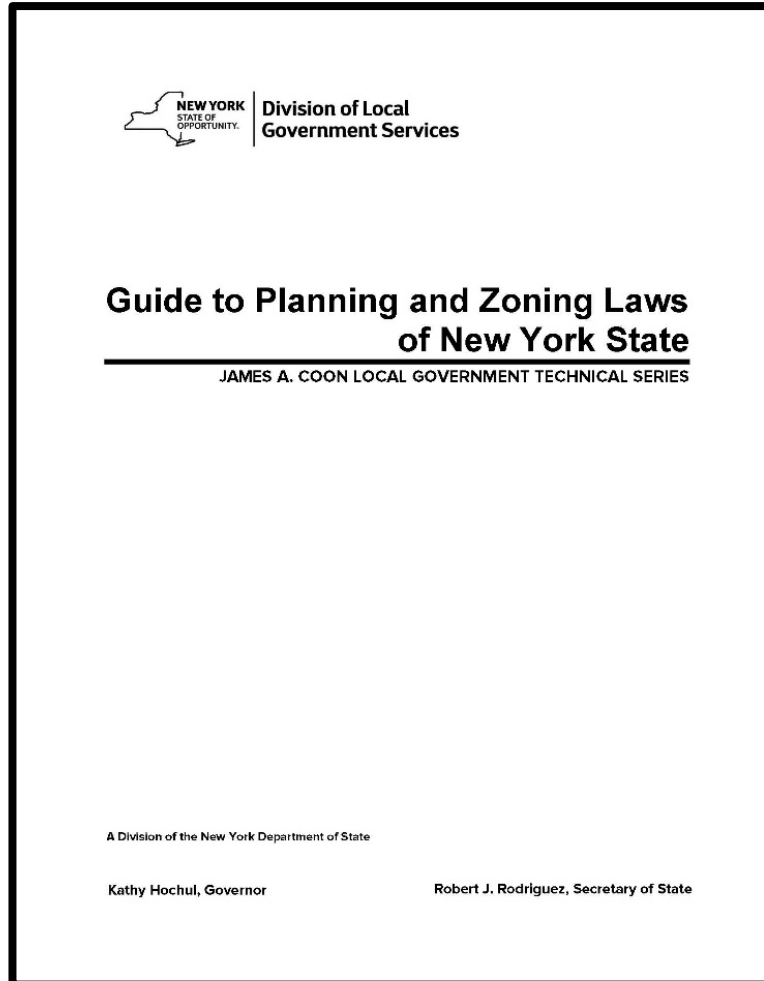
- Failure to refer an action subject to § 239-m or § 239-n review may invalidate municipal action
- Statute of limitations for failure to refer could be more than 30 days, particularly for adoption or amendment of zoning



Encouraging referrals

- Provide forms/guidance documents to local boards
- Provide checklists of items to be sent
- Provide clear deadlines
- Upon receipt of application, perform administrative review & immediately notify referring board if not complete
- Consider holding “special meetings” to accommodate urgent local matters
- Distribute copies of GML §§ 239 l, m, and n

Resources for guidance on NY State Laws



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



Department of State
Local Government

Division of Local Government Services

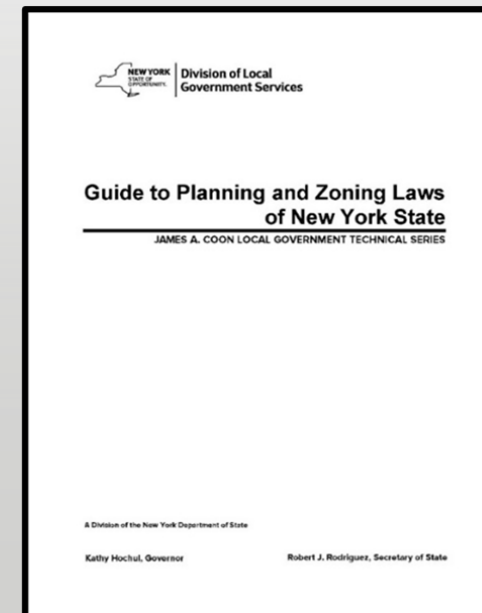
(518) 473-3355

localgov@dos.ny.gov

<https://dos.ny.gov/training-assistance>

Publications:

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





Department of State
Local Government

Referral Submission in Dutchess County

- GML 239 referrals are submitted through the County's Referrals and Major Projects (RAMP) online system.
- Referrals must be submitted by the reviewing municipality, not by the applicant.
- Step-by-step guide for using RAMP: [RAMP User Guide \(PDF\)](#)
 - 6 pages, easy to follow

RAMP Quick Guide

This guide shows you how to create a new referral in Dutchess County's Referral and Major Projects (RAMP) portal.

1 Go to RAMP

Log into RAMP with your username and password.

apps.dutchessny.gov/RAMP



Don't have a username?

Reach out to your County-assigned planner if you think you need access to RAMP. You can find your assigned planner on our [online directory](#), or feel free to use our general plandev@dutchessny.gov email.

Can't remember your password?

Use the *I Forgot My Password* tool if you don't remember or need to reset your password. Enter your email address to recover your password.

2 Start a New Referral

To submit a new referral, select **Create a New Referral**.

This will bring you to the GML 239 Referral Submission Form

Create a New Referral

3 Complete the Submission Form

Fill out all required fields on the GML-239 Referral Submission Form.

- **Municipality:** Auto-populates with your Town, Village, or City.
- **Referring Agency:** Select the board responsible for the submission.
- **Tax Parcel Lot Number(s):** For site-specific projects, enter the parcel number(s). Some referrals (e.g., Comprehensive Plans or local laws) may not have an associated parcel number.
- **Address of Property:** Auto-populates based on the parcel number entered.
- **Referral Name:** Provide a concise, descriptive title for the submission.
- **Applicant:** Enter the applicant's name.
- **Applicant Email:** Enter the applicant's email address, if available.
- **Date Response Requested:** If a response is needed sooner than the standard 30-day review period, specify a requested date. We will make reasonable efforts to accommodate it.

Questions

We're here to help — no question too small.

Dutchess County Planning & Development

dutchessny.gov/planning

plandev@dutchessny.gov

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