

Laura Curran
County Executive

Kenneth G. Arnold
Commissioner

Sean Sallie
Deputy Commissioner



Marty Glennon
Chair

Jeffrey Greenfield
1st Vice-Chair
Leonard Shapiro
2nd Vice Chair
Neal Lewis
3rd Vice Chair
Jerome Blue
Ronald J. Ellerbe
Rick Shaper
Lisa Warren

Nassau County Department of Public Works Planning Commission

1194 Prospect Avenue
Westbury, New York 11590-2923
516-571-9600
www.nassaucountyny.gov

Zoning Referral Jurisdiction **Frequently Asked Questions [FAQs]**

- 1. Nassau County Planning Commission Hearings Dates and Agendas can be found online at: <https://www.nassaucountyny.gov/2900/Nassau-County-Planning-Commission-Public>**
- 2. What actions are subject to referral pursuant to GML NYS 239m?**
 - Amendments to Zoning Code that have zoning, land use and planning implications.
 - Comprehensive planning studies.
 - Development moratoria and moratoria extensions.
 - Special use, conditional use, special exception approval.
 - Use and area variances.
 - Change of zone request.
 - Site plan approvals.
- 3. What are the location triggers for NCPC review of a land use action pursuant to GML NYS 239m?**
 - Within 500 feet of a municipal boundary.
 - Within 500 feet of a County or State roadway.
 - Within 500 feet of County or State park or recreation area.
 - Within 500 feet of a county-owned right-of-way stream or drainage channel or recharge basin.
 - Within 500 feet of County or State-owned land on which a public building or institution is situated.
- 4. What documents are required by the NCPC that would constitute a full state statement in the referral process?**
 - SEQRA classification and determination of environmental significance (if available) and completed environmental assessment form or other material required of the referring body for it to make its determination of environmental significance pursuant to SEQRA.
 - Denial letter from the building department, if applicable.
 - Site plan/alignment plan with zoning information.
 - Radius map.
 - Property survey.
 - Additional maps may also be requested in addition to the site plan/alignment plan such as landscaped plans, lighting plans, building elevations, contour maps, circulation plans depending on the project.
 - Additional documents may also be required depending on the scope and location of the project.

5. When is a Traffic/Parking Study requested for a referral?

- The NCPC, at its discretion, may request a Traffic/Parking Study for a project depending on its scope and location as well as the degree of the parking shortfall that may result. Referrals for proposals that have a significant parking deficiency and/or are adjacent to signalized County road intersections should include a Traffic/Parking Study.

6. What should be included when referring an Amendment to the Zoning Code?

- Those portions to be Zoning Code to be amended or added should be highlighted.
- The intent or reason for the Amendment to the Zoning Code.
- SEQRA classification/documentation.

7. What are the recommendations that the NCPC returns to the referring municipality and what is the Planning Commission Resolution turn-around period?

- The NCPC recommendations are as follows: **Denial, Modification, Local Determination, Local Determination with a letter** (that may express support of a project, articulate concerns or issues the NCPC may have with a project that it would want the referring municipality to be made aware), **Request Additional Information** (a referral is deemed incomplete with the NCPC requesting additional information such as a Parking Analysis or other pertinent information not included in the referral that the NCPC may require for it to make the most informed recommendation).
- Staff of the NCPC normally turns a NCPC Resolution around within a few days of the NCPC hearing which typically falls within the required 30-day referral turn-around period

8. What is the difference between GML 239M, GML 239N and GML239F?

- **239M** – Referral of municipal land use/zoning actions that are brought to the NCPC if they fall within the Commission’s jurisdictional purview as described above
- **239N** – Referral of proposed subdivision plats that are brought to the NCPC if they fall within the Commission’s jurisdictional purview as described for 239M referrals
- **239F**- Review of development projects by the **County Department of Public Works** that are located along County roads with special consideration given to the location and function of curb-cuts and the provision of safe ingress and egress onto county roads. **The NCPC has no jurisdiction over 239F**

9. Are 239M (Zoning) referrals subject to a public hearing by the NCPC?

- 239M referrals are not subject to public hearing by the NCPC. However, municipal representation can make a presentation to the NCPC at the work session with prior notification to staff.

10. How much lead time should be provided for a referral to be placed on the NCPC Zoning Agenda?

- NCPC hearings/zoning presentations are held on a Thursday. Municipalities should submit referral to the NCPC no later than seven (7) days prior to hearing (normally, by the Thursday of the week prior to the NCPC hearing) to allow enough time for field visits, staff write-ups for each case and preparing the draft Zoning Agenda that initially gets distributed on the Thursday of the off-week. It should be noted that the NCPC yearly calendar is on-line and NCPC Agenda and Zoning Agenda are normally posted on the website on the Tuesday of the week of the NCPC hearing. NCPC hearings are generally held once every three weeks.

11. If a subdivision is located within an incorporated village, does it need to be approved by the NCPC?

- Pursuant to NYS RPL 334a and the Nassau County Charter Section 1610, the NCPC has concurrent subdivision jurisdiction in areas within three hundred (300) feet of an incorporated village boundary. Conversely, an incorporated village has jurisdiction outside of their boundary and within three hundred (300) feet of the boundary of such village.

12. Do referring municipalities have the option to streamline the Zoning Referral Process?

- Pursuant to NYS GML 239M, referring municipalities are able to enter into an agreement with the County planning body where certain land use action are of local rather than community-wide or county-wide concern such as, but not limited to, the following: local laws that do not relate to zoning, land use or general planning matters, additions to residentially developed properties that may trigger and area variance, site plan review for individual residential lots, the development of a single and separate lot that may or may not require area an variance, minor additions to non-residential properties that do not trigger parking or area variance and the installation of telecommunication antennas on buildings or water towers. Municipalities who wish to enter into an agreement with the County for streamlining zoning referrals, please download the application package at: <https://www.nassaucountyny.gov/DocumentCenter/View/4040/ZoningReferralsStreamliningIMATemplate12111?bidId=>