



239 REVIEW BASICS

An overview of the 239 Review process in Oswego County

WHAT IS 239 REVIEW?

The term “239 Review” refers to Article 12-B, Section 239 of the General Municipal Law of New York. This law describes the duties of County Governments in regional and local planning processes.

239 Review is the process outlined in the law, which requires municipalities to refer certain specified actions to the County Planning Board for review and comment. The County is charged with issuing official comments that the municipality must consider in their local approval process.

WHEN IS 239 REVIEW REQUIRED?

Actions that potentially require review are:

- adoption or amendment of a comprehensive plan;
- adoption or amendment of a zoning ordinance or local law;
- issuance of special use permits;
- approval of site plans;
- granting of use or area variances; and
- other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

...but only when they are within 500 feet of:

- the boundary of any city, village or town; or
- the boundary of any existing or proposed county or state park or any other recreation area; or
- the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- 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
- the existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or
- the boundary of a farm operation located in an agricultural district.

Unsure? Use the [239 Review Mapper tool](#) we made!

WHO IS RESPONSIBLE FOR 239 REVIEW?

Staff in the Community Development and Planning Office are responsible for review of all 239 Review submissions for Oswego County. The Director of the Department issues the official comments.

The municipality, the reviewing/approving agency, or a designated municipal staff member is generally responsible for submitting to the County for 239 Review.



WHAT IS REQUIRED?

- Full Statement: Pursuant to section 239-M, a “Full Statement” is required, which includes, “All materials required by and submitted to the referring body as an application on a proposed action, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations...”
- 239 Review Submission Form: This form includes general and specific questions that will aid County Staff in review of the application. The form requires that the referring agency designate a point-of-contact that is knowledgeable about the action, who can answer questions, and will receive the official response.
- Agricultural Data Statement: This document is only required when an action would affect real property within 500 feet of a farm operation in an agricultural district. This brief document requests information regarding proximity to agricultural operations.
- Other Documents: The referring agency may submit additional documentation that it deems relevant to review of the application. Additionally, the Department reserves the right to request any additional information necessary to make an informed review of the action.

WHAT IS REVIEWED?

The 239 Review Law establishes that the following factors must be considered by the County:

- compatibility of various land uses with one another;
- traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
- impact of proposed land uses on existing and proposed county or state institutional or other uses;
- protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
- drainage;
- community facilities;
- official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and
- such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

WHAT TO EXPECT IN RESPONSE

You can expect one of the following as a response from the County:

- **No Significant Inter-Community or County-Wide Effect.** The action is consistent with local land use standards, and there are no effects that will cross municipal boundaries. The County may also offer non-binding, advisory comments for the referring body to consider. The County will return comments as soon as possible.
- **Approval:** All applicable local land use standards are met, the proposed action is consistent with local land use plans or regulations, and no other issues that are of County concern (as noted above) are involved.
- **Approval with Modification.** All applicable local land use standards are met, the proposed action is consistent with local land use plans or regulations, and any other issues that are of County concern are involved but can be easily addressed by mitigation measures.
- **Disapproval.** Applicable local land use standards are not met, the proposed action is inconsistent with or contrary to local land use plans or regulations, or other issues are present that are of County concern and cannot be mitigated.

Note: if the municipality acts contrary to a recommendation of Disapproval or Modification, then the municipality must vote in supermajority and give a written explanation of their rationale to the County.