§ 239-e. County official map. 1. Legislative intent. It is the general intent of this section and section two hundred nine-f of this chapter to enable counties to utilize certain regulatory powers which are essential for providing for orderly growth and development, for affording adequate facilities for the safe, convenient, and efficient means for traffic circulation including the vehicular movement of goods, for protecting the public against flood damage, and for providing needed space for public development. Such purposes are declared to be in promotion of the safety, convenience, and general welfare of the community.

2. Purpose. The county legislative body may adopt an official map in order to facilitate the planning and development of roads and drainage systems and sites for public development. County official maps shall be designed to assist in the protection of rights-of-way that will be needed for widened, realigned or new roads; protect drainage systems; and protect sites for public development. Such county official map shall serve as a basis for the adoption and administration of regulations for the control of development along or otherwise related to roads, drainage channels and sites for public development.

3. Content. The county official map shall show existing and proposed rights-of-way for drainage systems and for county roads as established pursuant to article six of the highway law. Such map shall be consistent with any county comprehensive plan adopted or amended pursuant to this article. In counties where the county legislative body has adopted such county comprehensive plan, the official map may also include:
rights-of-way required for any proposed transportation network; and
sites for any proposed county, state or federal development facilities, including parks, drainage courses, water courses, and public buildings. No state or federal development facility shall be included, changed or deleted in the official map until approved by the appropriate state or federal agency.

4. Adoption, amendment. After the conduct of a public hearing, as hereinafter provided, the county legislative body may adopt an official map covering the entire county, or portions thereof, and amend such map whenever it may deem it to be in the public interest.

(a) Notice, hearing. A public hearing shall be held on any proposed adoption of, or amendment to, the official county map. Notice of such hearing shall be published at least ten days prior to such hearing in a newspaper of general circulation in the county. Written notice shall be given to the appropriate state or federal agency for the development facilities affected.

(b) Referral to county planning board. Prior to adopting or amending a county official map, the county legislative body shall refer such proposed change to the county planning board, if any, and the county superintendent of highways or commissioner of public works for report thereon within thirty days of such reference.

(c) Referral to municipalities. The county legislative body shall refer such proposed amendment to the legislative body and planning board of each municipality within the county, which may report thereon to the county legislative body and to the county planning board. If the municipal legislative body disapproves by resolution such proposed amendment, the county legislative body may not so amend the official map except by a two-thirds vote of said body. In counties where the county legislative body has adopted a county comprehensive plan, the county legislative body may change the official map by a majority vote notwithstanding such municipal disapproval so long as the change is in accordance with the county comprehensive plan.

5. Effect. (a) The official county map shall be final and conclusive with respect to the location, width and dimensions of all rights-of-way and sites as shown thereon. The county official map shall be deemed to be in addition to, or an amendment of, the official map of any municipality. If a municipality does not have an official map, the county official map as it affects such municipality shall be considered to be the official map of such municipality, and all provisions of law applying to municipal official maps shall be applicable in the case of county official maps where they affect municipalities. The adoption of a county official map shall in no way supersede or otherwise substitute for highway maps or procedures adopted pursuant to the state highway law. No permit shall be issued for any building in any right-of-way or site, shown or laid out on a county official map, except in accord with the appeal procedures herein.

(b) All county land acquisitions and public improvements shall be in accordance with the county map and any comprehensive plan adopted or amended pursuant to this article.

6. Filing. Certified copies of such county official map and all amendments thereto shall be sent to each municipality, the secretary of state, and appropriate state and federal agencies affected, within ten days of the date of adoption.

7. Appeals. If the land within a right-of-way or site shown or laid out on the county official map is not yielding a fair return on its value to the owner, the owner may appeal to the zoning board of appeals, if any, or other board established by the municipality in which the land is situated to issue variances or make exceptions in zoning regulations.

(a) Notice, hearing. Notice of a public hearing on such appeal shall be published in a newspaper of general circulation in the municipality at least ten days prior to such hearing. Notice of such hearing shall also be given at least ten days in advance by a registered letter to the superintendent of highways or commissioner of public works, to the clerk of the county legislative body, and to the county planning board and those state and federal agencies affected.

(b) Conditions. The zoning board of appeals or other board authorized by the municipal legislative body to issue building permits shall, by the vote of two-thirds of its members in accordance with the provisions of section two hundred thirty-nine-f of this article, have the power to grant a permit for a building in such right-of-way or site which will as little as practicable increase the cost of acquiring such right-of-way or site or tend to cause a change of the county official map. Such board may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the county and of the municipality in which such building is located.

(c) Court review. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or other board authorized by the municipal legislative body to issue building permits may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such appeal shall be taken in the same manner and pursuant to the same provisions as appeals

from the decisions of such zoning board of appeals or other authorized board.