

AGREEMENT BETWEEN THE YATES COUNTY PLANNING BOARD  
AND THE

TOWN/VILLAGE OF Middlesex

COPY

Agreement Exempting Certain Minor Land Use Actions from Yates County  
Planning Board Review

I. Authority

In accordance with New York State General Municipal Law, Article 12-B, Section 239 m.3. (c) of the Laws of 1991, the Yates County Planning Board is authorized to voluntarily enter into agreements with Towns and Villages that certain proposed land use actions are of local, rather than inter-community or County-wide concern, and therefore are not subject to referral to the Yates County Planning Board as would otherwise be required by Section 239-m and n.

II. Purpose

It is the intent of this Agreement to eliminate the need for County review of certain actions which do not have significant inter-community or County-wide impacts as defined herein. The Agreement between the Yates County Planning Board and the Town/Village of Middlesex Board shall be identical to that between the County and any other municipality.

III. Procedures

Upon the Municipality's receipt of a proposal by an applicant, it is the responsibility of the municipal official(s) who is charged with submitting referrals to the Yates County Planning Board to determine if an application is exempt from referral to the County Planning Board. This determination shall be based on those actions specifically listed in Section IV ("Minor Land Use Actions Exempt from Referral to the County Planning Board") of the Agreement. If a proposal does not fall within one of the categories listed in Section IV, it shall be submitted to the County Planning Board in the prescribed manner. If it does fall within Section IV, there is no need for further involvement of or notice to the County Planning Board.

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PLANNING DEPARTMENT

#### **IV. Minor Land Use Actions Exempt from Yates County Planning Board Review**

Accessory structures, as defined by the municipality, which require an area variance to setback requirements (rear, side or front), **provided the variance does not propose the structure be closer to a county or state highway or municipal boundary than the existing principal structure.**

- Accessory Structure may include above and in-ground pools, sheds sized at or below 12 x 16, single-car garages, and car ports.

Projects which require an area variance(s) and/or special use permit for sign(s) or fences(s) **except when proposed sign or fence are along a county or state highway.**

Single family site plan review **except when site has slope of 15% or greater and/or site is in a municipalities' lakefront zoning district.**

Minor lot-line adjustments on existing lots; **resubdivision where no additional lots are created and there is no change to access points and no new access points are proposed on county or state roads.**

Subdivision of land into two lots that meet all applicable local municipal code requirements **and** dissolution of a lot line to create one conforming lot.

Administrative and fee amendments to the zoning code (i.e., general provisions, permit procedures, powers and duties of local boards and officers, penalties for offenses, public hearing requirements, organization, and amendment procedures).

Interpretations of the municipal zoning ordinance.

Projects requiring a special use permit or site plan approval on real property within 500 feet of the boundary of a farm operation within an agricultural district as defined by Article 25AA of Agricultural and Markets Law, provided that such projects would not otherwise qualify for submittal to the County Planning Board under Section 239-m. of General Municipal Law.

(Village of Penn Yan only) Subdivision of land within the boundaries of the Yates County IDA Horizon Business Park, T.A. #61.36-01-1.1 **NOTE:** Subsequent site plans shall not be exempt from referral.

#### **V. Optional Review**

Notwithstanding the previous section, nothing shall prevent the municipality from submitting any application to the County Planning Board for its review and recommendation as would be required under Section 239-m and n of General Municipal Law if this Agreement were not enacted.

VI. Effective Date

This Agreement shall be effective immediately upon its passage by majority resolutions of **both** the Yates County Planning Board and the Town/Village of Middlesex Board.

VII. Amendment

Any amendment to the Agreement becomes effective immediately upon passage of a majority resolution of **both** the Yates County Planning Board and the Town/Village of Middlesex Board.

VIII. Termination

This Agreement can be terminated at any time without cause by majority resolution of **either** the Yates County Planning Board or the Town/Village of Middlesex Board. Notice of such termination should be made in writing within ten days of the resolution to the other party which entered into this agreement. Upon termination, the municipality shall resume responsibility for sending all eligible referrals to the Yates County Planning Board as otherwise established in Section 239-m and n.

Date adopted by the Yates County Planning Board: June 24, 2010

Certified by James Ritter, Chairman: James R Ritter

Date: 7/2/2010

Date adopted by the Town/Village of Middlesex Board: 7/8/2010

Certified by Karen A. Pette, Town Clerk

Date: 7/8/2010

(seal)