

AUG 18 2017

REAL PROPERTY TAX SERVICE
PLANNING DEPARTMENT

AGREEMENT BETWEEN THE YATES COUNTY PLANNING BOARD
AND THE
TOWN/VILLAGE OF Middlesex

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 this 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.

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

The municipal planning and zoning actions listed in this section have been determined to be of a local rather than inter-community or countywide concern and shall be exempt from review by the County Board. However, any action that constitutes a Type I action under the New York State Environmental Quality Review Act (SEQRA) shall be subject to review by the County Board.

The following local actions do not require referral to the Yates County Planning Board:

1. Area variance(s) for front, rear and/or side yard setback(s) except for yard setback variance(s) abutting County or State property, a State or County highway right of way, or a municipal boundary.
2. Area variance(s) pertaining to the height, size, type and location of a fence or sign as except when proposed sign or fence are along a county or state highway.
3. Single family site plan review except when site has slope of 15% or greater and/or site is in a municipalities' lakefront zoning district.
4. Area variance(s) for an addition(s) to an existing single unit dwelling on an existing nonconforming lot of record.
5. Area variance(s) for floor area for accessory structure(s) and/or principal building(s).
6. 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).
7. Area variance(s) and/or Special Use Permit(s) for a home occupation(s) as long as the use does not have direct access to a County or State highway
8. Interpretations of the municipal zoning ordinance.
9. Special Use Permit(s) and/or variance(s) required for the installation of any requirement(s) mandated by State (e.g., New York Codes, Rules and Regulations (NYCRR), NYS Uniform Fire Prevention and Building Code, etc.) or Federal law (e.g., American Disabilities Act of 1990, etc.).
10. 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.
11. Special Use Permit(s) for a change of commercial use (e.g., bank to a real estate office) in an existing building not involving any change in building footprint and with no change in vehicular access onto a State or County highway.¹
12. Subdivision of a lot of record creating fewer than five (5) lots, which shall include the remainder of the original lot of record and no new public roads are proposed to be created that directly access unto a County or State highway, and such lots conform to the applicable provisions of the local Subdivision Law and the Zoning Law.
13. Minor lot-line adjustments on existing lots; subdivision 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.
14. 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.
15. (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:

7/27/2017

Certified by David Granzin, Chairman:

David Granzin

Date:

9/18/2017

Date adopted by the Town/Village of Middlesex Board:

8/10/17

Certified by Lynnette J. Miller, Town Clerk (Deputy)

Date:

8/15/17

(seal)

