

AGREEMENT TO EXCEPT REFERRAL AND REVIEW OF  
CERTAIN LOCAL ZONING AND SUBDIVISION APPLICATIONS

Draft: December 1992

I. Authority

In accordance with Sections 239-m and 239-n of Article 12-B of the General Municipal Law of the State of New York, as amended by the Laws of 1991, Wayne County is authorized to enter into agreements with each municipality in Wayne County to except the County Planning Board referral and review of certain local zoning and subdivision actions otherwise required by Section 239m and n of NYS General Municipal Law.

II. Purpose

The purpose of this agreement is to eliminate the need for local referral and county review of certain local zoning and subdivision actions that do not have intermunicipal or countywide impacts.

III. Local Zoning and Subdivision Actions to be Excepted from Referral and Review

All matters listed in Sections 239-m and 239-n of Article 12-B of the General Municipal Law of the State of New York shall be submitted for review and recommendation by the County Planning Board in accordance with the criteria and guidelines set forth in Sections 239-1, 239-m and 239-n, except the following actions shall, with the execution of this agreement, be excepted from referral and review by the County Planning Board.

1. Permits for temporary structures and temporary signs used during construction.
2. Setback variances for accessory structures such as swimming pools, storage sheds, garages and the location of freestanding signs and for additions to residential buildings, unless the variance would allow the structure to be closer to a county or state highway or abutting county or state land than the existing principal structure.
3. Reductions in minimum floor area requirements and lot coverage requirements.
4. Subdivision plan amendments where no additional lots are created and where there is no change to access points and no new access points are proposed to county or state roads.

- 5. Dimensional variances for fences unless the fence is on a portion of the property adjacent to a county or state highway or the boundary of other county or state land or drainage channel or unless the fence is to be located in an area of special flood hazard.
- 6. Variances or permits to illuminate signs as long as the illumination is from a constant (non-flashing, non-intermittent) source.

IV. Optional Review

Nothing shall prevent the municipal board having jurisdiction over local zoning and subdivision actions excepted from referral and review by the County Planning Board by this agreement, from submitting such matters to the County Planning Board for review prior to taking final action. Once such matters are received by the County Planning Board, the review authority conferred on the County Planning Board under Section 230-m and 239-n shall be in force.

VI. Conditions of Agreement

- 1. Activate Agreement - in order to have this agreement take force, it must be signed by the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality. The agreement may be amended with the approval of the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality.
- 2. Termination of Agreement - If the County Planning Board finds that to carry out the purposes of review as listed in Section 239-1 of the General Municipal Law of the State of New York, an amendment to this agreement is needed and the municipality fails to agree with the amendment, the agreement may be terminated by resolution of the County Planning Board by providing written notification of termination to the chief elected official of the municipality. The municipality may terminate this agreement at any time by having the chief elected official submit a notice of termination in writing to the County Planning Board. Upon the termination of this agreement, all local zoning and subdivision actions subject to the review of the County Planning Board under Sections 239-m and 239-n of the General Municipal Law of the State of New York, shall be submitted to the County Planning Board in accordance with the requirements of Sections 239-m and 239-n.

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Chairman, Wayne County Board of Supervisors

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Date

James G. Elliot  
Supervisor/Mayor of the  
Town/Village of Palmyra

3/30/93  
Date