

**Memorandum of Agreement between the
_____ (Referring Body)**

**&
Ulster County Planning Board**

**Actions Not Subject to Submittal Under General Municipal Law
Article 12B, Sections 239-m & 239-n
and Ulster County Code Section C-51**

THIS AGREEMENT, made the ____ day of _____(month), 2009 between the ULSTER COUNTY Planning Board, a county planning agency established pursuant to General Municipal Law 12b having its principal office and place of business at 244 Fair Street, Kingston, New York 12401, hereinafter referred to as "UCPB," and the _____ (Referring Body) established pursuant to _____ having their principal offices at _____(address).

WITNESSTH:

Whereas, General Municipal Law 239-m, 3(c) allows for County Planning Boards to enter into written agreements with municipalities to amend the delivery period for referrals.

Whereas, the UCPB is desirous to have additional time to review comprehensive plans, zoning statutes, local laws, and Type I Actions under SEQRA.

Whereas, Ulster County Code §C-51 provides for referral of certain planning actions to the Ulster County Planning Board, and

Whereas, Ulster County Code §C-51 permits a County Planning Board to enter into agreements with the referring body for certain proposed actions that are determined to be of local rather than inter-community or county-wide concern, and

Whereas, the UCPB is desirous of streamlining the county review process and has developed a list of actions that have been determined to be of local rather than inter-community or county-wide concern.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

Deadlines for Certain Actions: The Ulster County Planning Board and the (Municipality) Local Governing Body, Planning Board, and ZBA agree to the attached Schedule A – Referral Deadlines.

Actions not Subject to Referral: The Ulster County Planning Board and the _____(referring body) agree that the attached **Schedule B – Actions not Subject to Referral**, are deemed to be of local concern and will not be required to be submitted to the Ulster County Planning Board under Ulster County Code §C-51.

Submittal for Review: Nothing in this agreement shall prevent the _____(referring body) from submitting projects, at their discretion, not subject to referral under this agreement to the UCPB for review under Ulster County Code §C-51.

Schedule B Modifications – UCPB: The UCPB shall have the right to remove or otherwise modify any or all referral requirements contained in Schedule B by providing in writing the revisions

to Schedule B signed and dated by the Chairman of the UCPB to the Chairman of the (Municipality) Planning Board. The revisions will take effect 10 days after receipt of such notification.

Term of Agreement: The Parties agree that the term of the agreement shall be for the duration of the applicability and viability of the UCPB administration of Ulster County Code §C-51 on which it rests. Any of the parties may cancel their participation in the agreement by providing written notice to the other parties.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on or about the day and year first above written.

_____ **(Referring Body)**

_____ Chairman,
Attach approving resolution

_____ Date

Ulster County Planning Board

_____ Chairman,
Attach approving resolution

_____ Date

SCHEDULE A
Ulster County
&
(Municipality) Local Governing Body and (Municipality) Planning Board and (Municipality)
Zoning Board of Appeals

Actions Requiring Referral at least 30 Calendar Days Prior to the Monthly Meeting of the Ulster County Planning Board

Comprehensive Plans
Zoning Statue and Map Amendments
Other Land Use Related Authorizations
Any Action that Constitutes a Type One Action under SEQRA

Schedule B: Referral Submittal Reference Matrix

Type of Referral	Referral Requirements
Site Plans and Special Permits	Within 500 Feet Referral Required - Except For:
	Re-occupancy or reuse of existing structures meet one or both of the following conditions:
	~ An increase in parking spaces is not required by local statute and channelized access to state or county road exists or is proposed
	~ New site lighting, if proposed utilizes full cut off luminaires and does not exceed IESNA lighting levels
	Erection of signs that meet zoning requirements
	Accessory apartments
	Outside 500 Feet Referral Required - Only For:
	Buildings with gross floor area > = 4,000 square feet
	Projects With land disturbance > = 1 acre
	Adult uses
	Mining operations
	Structures greater than 100' in height
	SEQRA Type 1 actions
Structures located within the 100-year Flood Plain	
Area Variances	Within 500' Referral Required - Except For:
	Residential rear yard
	Residential side yard
	Residential fence height - not in front yard
	Residential minimum lot size - If central water or sewer is available
	Outside 500 Feet Referral Not Required.
Use Variances	Within 500 Feet Referral Required - Only For:
	Physical expansions of existing structures/utilities/facilities and/or new uses established on vacant sites.
	Outside 500 Feet Referral Not Required.
Subdivisions	Within 500 Feet Referral Required - Except For:
	Total number of lots less than 5 and no lots located in the 100-year floodplain.
	Outside 500 Feet Referral Required - Only For:
SEQRA Type 1 actions or where land disturbance is greater than 5 acres and/or lots located in the 100-year floodplain.	
Adoptions and/or Amendments to: <ul style="list-style-type: none"> • Zoning Statutes, Zoning Maps, • Comprehensive Plans, • Moratoriums • Other Land Use Related Authorizations 	All are required.