

**GENERAL MUNICIPAL LAW SECTION 239 REFERRAL EXEMPTION
AGREEMENT BETWEEN COUNTY OF SULLIVAN
AND**

AGREEMENT made as of the ____ day of _____, 2019, consists of the following terms and conditions:

WITNESSETH:

WHEREAS, General Municipal Law Sections 239-l, m and n (GML 239) require that certain planning and zoning actions be referred to the Sullivan County Division of Planning before any action is taken by the municipality having jurisdiction; and

WHEREAS, the General Municipal Law Section 239 further requires the County to assess all such implications as to whether the requested action would have a “countywide” or “inter-community” impact and to comment on same; and

WHEREAS, the current referral process results in the ongoing processing and review of applications from Sullivan County’s 21 municipalities, a portion of which have neither countywide or inter-community impact: and

WHEREAS, General Municipal Law, Section 239-m-3-c, authorizes the County to enter into agreements with local municipalities in order to exempt actions deemed to be of strictly local concern from mandatory referral; and

WHEREAS, in an effort to improve governmental efficiency, Sullivan County and _____ propose to eliminate the necessity of the County’s review and comment on such local actions; and

WHEREAS, it is hereby mutually agreed by and between the parties hereto as follows:

1. **PARTIES:** This Agreement is by and between the County of Sullivan, a municipal corporation of the State of New York with its offices at the Sullivan County Government Center, 100 North Street, Monticello, New York 12701, hereinafter, designated as "County" and the _____ with an address of _____, hereinafter designated as “Municipality”.
2. **TERM OF AGREEMENT:** This agreement shall be effective _____, 2019 through _____, 2020, unless otherwise terminated as set forth herein. This Agreement shall renew annually, for up to four (4) additional years, unless either party provides written notice to the other at least thirty (30) days before the end of any term.
3. **EXEMPTIONS:** The actions attached in Schedule A shall be eliminated from the General Municipal Law Section 239 referral and review process, pursuant to Resolution No. ____-19.
4. **REFERRALS NOT TO BE ELIMINATED:** The following actions shall not be eliminated from the referral and review process:
 - a) Land use plans including comprehensive plans, master plans, and neighborhood, district or corridor plans;
 - b) Amendments to the municipal zoning code or zoning district map;
 - c) Other proposed local laws and/or authorizations adopted pursuant to zoning (wetlands,

- historic preservation, affordable housing, moratoria, etc.);
- d) Site plan review, except for the exemptions detailed in item 3 above;
- e) any action that constitutes a Type 1 action under SEQRA; and
- f) Special permits, use variances, and area variances for all non-residential uses and multi-family developments.

5. **REVIEW REQUEST:** The Sullivan County Division of Planning reserves the right to request a review and recommendation on any of the aforementioned exempt actions, if in their opinion such review and recommendation are warranted due to the specific circumstances of the requested action.
6. **TERMINATION:** Either party may terminate this Agreement upon thirty days prior written notice to the other.
7. **MODIFICATION:** This Agreement may be modified only by a writing signed by both parties.
8. **AUTHORIZATION:** This Agreement is authorized by Resolution No. ____-19, adopted by the Sullivan County Legislature on _____, 2019.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date noted above.

[MUNICIPALITY]

By: [Supervisor/Mayor]

COUNTY OF SULLIVAN

By: Joshua Potosek, County Manager

APPROVED AS TO FORM

By: Assistant County Attorney

Schedule A
Local Actions Exempt from the GML-239 County Referral Process

Town/Village Board Actions	Planning Board Applications	Zoning Board of Appeals Applications
	<ul style="list-style-type: none"> • Renewals or extensions of site plan approvals or permit approvals where neither the project nor the applicable zoning has changed since the previous approvals • Site plan review or special permits required for the: <ul style="list-style-type: none"> ○ installation of any improvements pursuant to compliance with the American Disabilities Act; ○ establishment of a residential use on the second floor of a structure whose ground floor is occupied by a business or commercial use; ○ establishment of a permitted home occupation within an existing residence or accessory structure; ○ erection of a permitted accessory structure or use within the required side or rear yards of an existing single-family residence ○ a single-family residence, including setbacks for garages, pools, or other accessory structures unless a requested setback variance is adjacent to a State or County-owned parcel (i.e. public facility, park, etc.), exclusive of State or County highways • 2-lot subdivisions or lot line adjustments that will not create a landlocked or inaccessible parcel due to environmental constraints, and where safe access to each parcel, with DPW or DOT-approved site distance has been demonstrated 	<ul style="list-style-type: none"> • Area variances for lot size or lot width, if the required lot line setbacks can still be maintained • Area variances required for the: <ul style="list-style-type: none"> ○ installation of any improvements pursuant to compliance with the American Disabilities Act; ○ establishment of a residential use on the second floor of a structure whose ground floor is occupied by a business or commercial use; ○ establishment of a permitted home occupation within an existing residence or accessory structure; ○ erection of a permitted accessory structure or use within the required side or rear yards of an existing single-family residence: ○ a single-family residence, including setbacks for garages, pools, or other accessory structures unless a requested setback variance is adjacent to a State or County-owned parcel (i.e. public facility, park, etc.), exclusive of State or County highways
Requests for lead agency as set forth in the provisions for the State Environmental Quality Review (SEQR)		