

**AGREEMENT BETWEEN
CATTARAUGUS COUNTY PLANNING BOARD
AND
OF _____**

REFERRAL EXEMPTIONS

This Agreement is made on _____, 2009, by and between the **Cattaraugus County Planning Board**, having its principal offices at 303 Court Street, Little Valley, New York 14755, hereinafter referred to as "**County Board**", and the _____, a municipal corporation organized and existing under the laws of the State of New York, having its principal offices at _____, New York 14____, hereinafter referred to as "**Local Board**".

WITNESSETH

WHEREAS, Section 239-m (3)(c) of the New York State General Municipal Law (GML) authorizes the County Board and the referring Local Board to enter into Agreement to provide that certain proposed actions are of local, rather than inter-community or countywide concern, and consequently, not subject to the referral process of Section 239-m of the GML, and

WHEREAS, the purpose of this Agreement is to eliminate the review by the County Board of certain municipal zoning and planning action referrals from the Local Board which involve matters of a local, rather than inter-community or countywide concern and to reduce the time necessary for administrative review of the proposed action, and

WHEREAS, a determination by the County Board that a municipal zoning and planning action is of a local, rather than inter-community or countywide concern does not necessarily mean endorsement by the County Board of the proposed action as may be determined by the Local Board, and

WHEREAS, the County Board has endeavored to determine which types of municipal zoning and planning action referrals routinely receive a recommendation by it, which would indicate that said referrals are considered to be of a local, rather than inter-community or countywide concern, and

WHEREAS, the County Board has adopted a schedule of zoning and planning actions determined to be typically of a local, rather than inter-community or countywide concern, and such schedule is attached hereto as Exhibit A of this agreement, and

WHEREAS, the County Board reserves the right to subject any particular municipal zoning and planning action referral to full County Board review, even if the action appears to be solely of local concern based on the attached schedule of actions,

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties, the County Board and Local Board hereby agree:

1. Term of Agreement.

1.1 This Agreement shall commence immediately and may be terminated by either party at any time upon issuance of thirty (30) calendar days notice in writing of such intent to the other party.

2. Procedure.

2.1 A determination regarding whether such action involves a matter of local, rather than inter-community or countywide concern shall be made by the Local Board based on Exhibit A.

2.2 All referrals which are determined to be matter of inter-community or countywide concern will be subject to full County Board review pursuant to GML §239-m.

2.3 If the Local Board determines that a proposed action is a matter of local concern, then the Local Board shall file a notification of such determination with the municipal clerk within seven (7) days of such determination, for the public record.

2.4 The sole responsibility and discretion for determining what constitutes a matter of local rather than inter-community or countywide concern shall belong to the Local Board.

2.5 Notwithstanding the establishment of Exhibit A, the County Board reserves the right to subject any action to full County Board review upon notice to the Local Board.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Cattaraugus County Planning Board

, Chairman

Local Board

, Chairman

STATE OF NEW YORK
COUNTY OF CATTARAUGUS ss.:

On _____, **2009** before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York

STATE OF NEW YORK
COUNTY OF CATTARAUGUS ss.:

On _____, **2009** before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York

EXHIBIT A

The following list represents the schedule of municipal zoning and planning actions determined to be of local, rather than inter-community or countywide concern, adopted by the Cattaraugus County Planning Board pursuant to General Municipal Law Sections 239-l, 239-m and 239-n. Any municipal zoning or planning action which is characterized by one or more of the following are classified to be solely of local concern by the County Board in accordance with the attached agreement:

1. Any residential and/or commercial area variances involving building or accessory structure setbacks.
2. Any variance, site plan review or special use permit for an oversized sign, for additional signage in excess of what is permitted in a specific zone or any sign that exceeds the maximum allowed height and is no closer than 15 feet to the right-of-way of a State or County highway.
3. Any variance, site plan review or special use permit required for the conversion of a single family residence into a two family residence, where County Health Department approval is required of any on-site system serving such conversion.
4. Any variance, site plan review or special use permit required for any temporary use established pursuant to the provisions of local law or ordinance.
5. Any variance required for any fence including height, setback, materials or construction methods.
6. Any variance required pursuant to a Historic District Review that deals with architectural materials or features of an existing or new structure.
7. Any area variance required for the creation of an undersized parcel via the subdivision process, providing the Health Department has approved the on-site well and septic system locations.
8. Site plan or special use permit application where no modifications are proposed to the existing building footprint which would result in an expansion of greater than 10 percent of the total building area, or alter the existing highway access, storm water drainage plan or traffic pattern.
9. Any variance, site plan review or special use permit required to establish a permitted home occupation within an existing residence or accessory structure.
10. Any variance, site plan review or special use permit required for the replacement of an existing mobile home (as defined in the local law or ordinance) with another.

11. Any variance, site plan review or special use permit required to establish one additional residence on a single parcel provided that each residence is located in a manner that would under current zoning law or ordinance, allow for further sub-division.
12. Any variance, site plan review or special use permit required for the installation of any requirements pursuant to the American Disabilities Act of 1990 (Pub. L. 101-336), as amended.
13. Any variance, site plan review or special use permit required for the establishment of a residential use on the second floor of a structure whose ground floor is occupied by a business or commercial use, as defined in the local zoning law or ordinance.
14. Any variance, site plan review or special use permit required to establish a dwelling unit that is smaller in size than allowed by the local zoning ordinance.