

**RESOLUTION TO AUTHORISE STANDARD AGREEMENT BETWEEN THE  
ULSTER COUNTY PLANNING BOARD AND THE TOWN BOARD OF THE TOWN  
OF HURLEY REGARDING ACTIONS REQUIRED TO BE REFERRED TO OR  
POTENTIALLY REFERABLE TO COUNTY PLANNING**

Resolution No. \_\_\_\_\_

Moved By \_\_\_\_\_

Date: June 20, 2023

Seconded By \_\_\_\_\_

WHEREAS, New York State General Municipal Law, Section 239-m(3)(c), authorizes the Ulster County Planning Board to voluntarily enter into agreements with Cities, Towns, and Villages regarding certain proposed land use actions taken by the Town of Hurley Town Board (“Town Board”), the Town of Hurley Planning Board (“Planning Board”), and/or the Town of Hurley Zoning Board of Appeals (“ZBA”) that are of local, rather than inter-community or County-wide concern, and therefore are not subject to referral to the Ulster County Planning Board as would otherwise be required by Section 239-m and 239-n; and,

WHEREAS, this Agreement intends to eliminate the need for County review of certain actions as defined in the standard form agreement prepared by the Ulster County Planning Board which is here attached and incorporated by reference (the “239 Agreement”) and which do not have significant inter-community or County-wide impacts; and,

WHEREAS, the 239 Agreement between the Ulster County Planning Board and the Town Board shall be identical to that between the County and any other municipality in the County; and,

WHEREAS, upon the Town of Hurley’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 Ulster 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 the 239 Agreement. If the proposal does not fall within one of the categories listed in said agreement, it shall be submitted to the County Planning Board in the prescribed manner as currently occurs. If it does fall within one of the categories listed in said agreement, there will be no need for further involvement of or notice to the County Planning Board; and,

WHEREAS, the Planning Board and ZBA have already entered into the same agreement, thereby saving both the Town and County significant time and resources by streamlining more routine actions of those respective Boards; and,

WHEREAS, the 239 Agreement shall be effective immediately upon its passage by resolutions passed with a majority of both the Ulster County Planning Board and the Town of Hurley Town Board and its execution by the Chair of the Ulster County Planning Board and the Town Supervisor of the Town of Hurley; and,

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Hurley, that the Town Supervisor is hereby directed to execute on behalf of the Town Board the standard form 239 Agreement here attached; and,

BE IT FURTHER RESOLVED, that the Town Supervisor is directed to seek the Ulster County Planning Board to consider, agree by resolution to, and execute the same; and,

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby directed to give notice of the adoption and execution of this agreement by the Ulster County Planning Board and its entering into force thereby to the members and staff of the Town of Hurley Town Board, and the Town Clerk's Office; and,

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter the standard form agreement here attached once fully executed by all parties, along with the resolutions endorsing the same of both the Town Board of the Town of Hurley and the Ulster County Planning Board into the official records of the Town of Hurley.

Motioned by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

	AYE	NAY
Melinda McKnight, Supervisor	_____	_____
Peter Humphries, Deputy Supervisor	_____	_____
Michael Boms, Councilperson	_____	_____
Jana Martin, Councilperson	_____	_____
Gregory Simpson, Councilperson	_____	_____

**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), 2010 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\*

Actions listed below are exempt from the referral process.\*\*

Site Plans and Special Permits	
Within 500'	Outside 500'
<p>1) Re-occupancy or reuse of existing structures <b>as long as</b> the following conditions are met:</p> <ul style="list-style-type: none"> <li>- An increase in parking spaces is not required by local statute</li> <li>- Channelized access to State or County Road exists or is proposed</li> <li>- New site lighting, if proposed, utilizes full cut off luminaires and does not exceed IEA lighting levels.</li> </ul> <p>2) Accessory apartments</p> <p>3) Signage that meets local zoning requirements</p> <p>4) Accessory Residential Structures =&lt; 400 square feet****</p> <p>5) Wireless Telecommunication Facilities that are colocations per the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.***</p>	<p>All SEQRA Type II or Unlisted actions <b>as long as</b> the following conditions are met:</p> <ol style="list-style-type: none"> <li>1) Not a disturbance of one or more acres of land</li> <li>2) Not a structure greater than 100 feet in height</li> <li>3) Not a structure located in the 100-year floodplain</li> <li>4) Not a mining operation</li> <li>5) Not Building(s) with gross floor area &gt;= 4,000 square feet</li> <li>6) Not an Adult Use</li> <li>7) Not a substantial increase in size of a wireless telecommunication facility or tower per the Nationwide Agreement for the Collocation of Wireless Antennas</li> </ol>

Subdivisions	
Within 500'	Outside 500'
<p>Subdivisions that meet all of the following conditions:</p> <ol style="list-style-type: none"> <li>1) Fewer than 5 lots and</li> <li>2) Access roads and structures are not located within the 100-year floodplain</li> </ol>	<p>Subdivisions that meet all of the following conditions:</p> <ol style="list-style-type: none"> <li>1) Not a type 1 action</li> <li>2) Do not create greater than 5 acres of disturbance</li> <li>3) Access roads and structures are not located within the 100-year floodplain</li> </ol>

Area Variances	
Within 500'	Outside 500'
<p>Residential Side and Rear Yard Residential side and rear yard fence height Residential minimum lot size if central water and sewer is available Accessory Residential Structures =&lt; 400 square feet**** Accessory Apartment variances</p>	<p>All actions are exempt.</p>

Use Variances	
Within 500'	Outside 500'
<p>Uses where no physical expansion of structures, utilities, or facilities are necessary and/or does not occur on vacant lot.</p>	<p>All actions are exempt.</p>

\*If not noted in matrix, referral is required.

\*\*Exempt only if an agreement between the decision making body has been made with the UCPB. **Please note that all zoning statute or map amendments, comprehensive plans, moratoriums, and other land use related authorizations are NOT EXEMPT from referral under any circumstance.**

\*\*\*The Nationwide Programmatic Agreement for the Collocation of Wireless Antennas can be found at: <http://wireless.fcc.gov/releases/da010691a.pdf>

\*\*\*\*Accessory Residential Structures Includes - Non-habital sheds, garages, gazebos, pools, decks, and other similar structure for all residential uses.