

**AGREEMENT BETWEEN**  
**THE**  
**ORLEANS COUNTY PLANNING BOARD**  
**AND THE**  
**TOWN OF YATES**



**EXEMPTING CERTAIN MINOR LAND USE ACTIONS**  
**FROM**  
**COUNTY PLANNING BOARD REVIEW**

**OCTOBER 1996**  
**(DATE OF ORIGINAL PRINTING)**

*ENABLING LEGISLATION: NY STATE GENERAL MUNICIPAL LAW, ARTICLE 12-B,  
SECTION 239-M.3.(C) AS AMENDED BY THE LAWS OF 1991*

**AGREEMENT EXEMPTING CERTAIN MINOR LAND USE ACTIONS  
FROM COUNTY PLANNING BOARD REVIEW**

**I. Authority**

In accordance with New York State General Municipal Law, Article 12-B, Section 239-m.3.(c) of the Laws of 1991, the Orleans County Planning Board is authorized to voluntarily enter into agreements with towns and villages that certain proposed land use actions are of local, rather than inter-community or County-wide concern, and therefore are not subject to referral to the Orleans County Planning Board as would otherwise be required by Section 239-m.

**II. Purpose**

It is the intent of this agreement to eliminate the need for local referral, and thus County review and recommendation, of actions which do not have significant inter-community or County-wide impacts as defined herein. By eliminating referral of such minor land use actions, the permitting process is expedited for the applicants, with a corresponding reduction in administration on the part of both the municipality and the County Planning Board. And as County population and development continue to increase, the agreement will afford greater opportunity for the County Planning Board to focus on more consequential referrals, as well as large scale, long-term planning priorities. It is furthermore the desire of the County Planning Board that this agreement be entered uniformly among municipalities to maintain a fair and efficient process. That is, the agreement between the Orleans County Planning Board and Yates Town Council shall be identical to that between the County and any other municipality.

**III. Procedures**

Upon the Town of Yates'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 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 Section IV ("Minor Land Use Actions Exempt from Referral to the County Planning Board") of the agreement. If a proposal does not fall within one of the categories listed in Section IV, it shall be submitted to the County Planning Board in the prescribed manner. If it does fall within Section IV, there is no need for further involvement of or notice to the County Planning Board.

**IV. Minor Land Use Actions Exempt from County Planning Board Review**

**1. Projects which require an area variance(s), provided it is not:**

- a. also subject to special use permit or site plan approval, or**

- b. for a principal structure on a parcel which adjoins a lot in another town or village in Orleans County.
- 2. Projects which require an area variance(s) and/or special use permit for:
  - a. sign(s) or fence(s)
- 3. Projects requiring a special use permit or site plan approval on real property within 500 ft. of the boundary of a farm operation within an agricultural district as defined by Article 25AA of agriculture and markets law, provided that such projects would not otherwise qualify for submittal to the County Planning Board under Section 239-m. of General Municipal Law.

V. Optional Review

Notwithstanding the previous section, nothing shall prevent the municipality from submitting any application to the County Planning Board for its review and recommendation as would be required under Section 239-m of General Municipal Law if this agreement were not enacted.

VI. Effective Date

This agreement shall be effective immediately upon its passage by majority resolutions of **both** the County Planning Board and the Yates Town Council.

VII. Amendment

Any amendment to the agreement becomes effective immediately upon passage of a majority resolution of **both** the County Planning Board and the Yates Town Council.

VIII. Termination

This agreement can be terminated at any time without cause by majority resolution of **either** the County Planning Board or the Yates Town Council. Notice of such termination should be made in writing within ten days of the resolution to the other party which entered into this agreement. Upon termination, the municipality shall resume responsibility for sending all eligible referrals to the County Planning Board as otherwise established in Section 239-m.

Date adopted by the County Planning Board: Arthur A. Head 12-19-96

Date adopted by the Yates Town Council: Russell Martini



*Arthur Hendel, Chairman*

**COUNTY OF ORLEANS  
PLANNING BOARD**

*Jean Benson, Vice-Chairwoman*

14016 Route 31 West  
Albion, New York 14411  
(716) 589-3198

(Orleans County Planning Board - Yates Town Council)

**Resolution Exempting Certain Minor Actions  
from  
County Planning Board Review**

WHEREAS, the Orleans County Planning Board offered an Agreement to the Yates Town Council for the purpose of Exempting Certain Minor Land Use Actions from County Planning Board Review, and

WHEREAS, the Yates Town Council adopted said Agreement on November 14, 1996 by majority vote;

NOW, THEREFORE, BE IT RESOLVED that the Orleans County Planning Board similarly adopts the Agreement, making it effective immediately.

County Planning Board Member who made the Motion to Adopt: Lynn Canham  
County Planning Board Member who seconded the Motion to Adopt: Stephen Freeman

Adopted December 19, 1996 at the Regular County Planning Board Meeting, Albion, New York.

Vote: 12 ayes; 0 nays; 5 absent (Ronald Tower, James Keeler, George Callard, Shawn Michaloski, Sherry Norman).

James R. Bensley  
Acting Executive Secretary