

AGREEMENT

THIS AGREEMENT, made this 6 day of JULY, 2018, by and between the COUNTY OF DUTCHESS, a municipal corporation with offices at 22 Market Street, Poughkeepsie, New York 12601 (hereinafter referred to as the "COUNTY") and TOWN OF WASHINGTON, a municipality within Dutchess County, whose address is PO Box 667, 10 Reservoir Drive, Millbrook, New York 12545, (hereinafter referred to as the "MUNICIPALITY").

WITNESSETH:

WHEREAS, New York State General Municipal Law Section 239 requires local municipalities to refer applications for certain planning and zoning actions to the Dutchess County Department of Planning & Development for review, and

WHEREAS, the New York General Municipal Law Section 239 further requires the County to assess all such applications as to whether the requested action would have a "county wide" or "inter-community" impact and comment on same, and

WHEREAS, the current referral process results in the processing of applications each year from towns, villages, and cities to the County, a portion of which have neither county-wide or inter-community impact, and

WHEREAS, New York State General Municipal Law authorizes the County to enter into agreements with local municipalities in order to determine which, if any, of the local municipal actions subject to referral may be deemed strictly matters of local determination, and therefore, not subject to the referral process, and

WHEREAS, the County hereby proposes 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. TERM OF AGREEMENT: This Agreement shall be effective January 1, 2016, and shall terminate on December 31, 2016, unless otherwise terminated as set forth herein. The term of this Agreement shall be extended automatically for a successive year, for a total of five (5) years. If either party decides to terminate this Agreement, either party shall send a written

notice of termination to the other party at least thirty (30) days before the end of any term. This Agreement shall terminate upon thirty (30) days written notice by either party to the other.

2. PAYMENT: None.

3. REFERRALS TO BE ELIMINATED: The following actions shall be eliminated from the referral and review process:

- a. administrative amendments (zoning amendments regarding fees, procedures, penalties, etc.);
- b. special use permits, use variances and area variances for residential uses; and
- c. renewals/extensions of site plans or special permits that have no changes from previous approvals.

4. REFERRALS NOT TO BE ELIMINATED: The following actions shall not be eliminated from the referral and review process:

- a. comprehensive/master plans;
- b. zoning amendments (standards, uses, definitions, district regulations, etc.);
- c. rezonings;
- d. other proposed local laws and/or other authorizations adopted pursuant to zoning (wetlands, historic preservation, affordable housing, architectural review, etc.);
- e. site plans (all); and
- f. special permits, use variances, and area variances for all non-residential uses.

5. NOTICES: Except as otherwise provided in this Agreement, notice required to be given pursuant to this Agreement shall be made in writing and addressed to the following or such other person as the parties may designate:

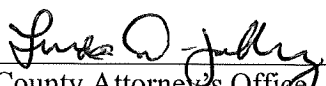
Commissioner of Planning & Development
Dutchess County Dept. of Planning & Development
27 High Street
Poughkeepsie, NY 12601

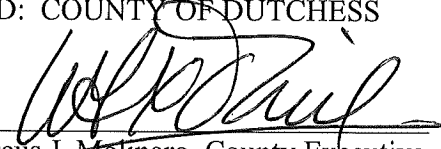
Town of Washington
Att: Supervisor
PO Box 667, 10 Reservoir Drive
Millbrook, NY 12545

6. ENTIRE AGREEMENT: The term of this Agreement, including any attachments, represent the final intent of the parties. Any modifications, rescission or waiver of the terms of this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded in this Agreement.

APPROVED AS TO FORM:


ACCEPTED: COUNTY OF DUTCHESS



County Attorney's Office

BY: 
Marcus L. Molinaro, County Executive
William F.X. O'Neil

APPROVED AS TO CONTENT:

MUNICIPALITY: Deputy County Executive


Eoin Wrafter, Commissioner of
Planning & Development

X
BY: 
Gary Ciferri, Supervisor

16-0613-12/16-PL

7/6/18

On a motion made by Councilman De Bonis and Councilman Audia introduced the following Resolution for Planning Board and Zoning Board of Appeals Submissions to Dutchess County Planning:

**RESOLUTION
AUTHORIZING ENTERING INTO AGREEMENT WITH DUTCHESS
COUNTY REGARDING CERTAIN REFERRALS PURSUANT TO THE GENERAL MUNICIPAL LAW**

WHEREAS, New York State General Municipal Law Section 239 requires local municipalities to refer applications for certain planning and zoning actions to the Dutchess County Department of Planning & Development for review; and

WHEREAS, New York State General Municipal Law authorizes the County to enter into agreements with local municipalities in order to determine which, if any, of the local municipal actions subject to referral may be deemed strictly matters of local determination, and therefore, not subject to the referral process, and

WHEREAS, the County hereby proposes to eliminate the necessity of the County's review and comment on the following local actions:

- a. administrative amendments (zoning amendments regarding fees, procedures, penalties, etc.);
- b. special use permits, use variances and area variances for residential uses; and
- c. renewals/extensions of site plans or special permits that have no changes from previous approvals.

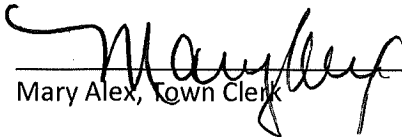
NOW, THEREFORE, BE IT RESOLVED, that the Administrator is authorized to enter into the attached Inter Municipal Agreement with Dutchess County to eliminate the requirement to refer certain actions to the Dutchess County Planning Department for review.

The vote was as follows:

- Supervisor Ciferri: Aye
- Councilman Turletes: Aye
- Councilman Audia: Aye
- Councilman De Bonis: Aye
- Councilman Murphy: Aye

Adopted May 10, 2018

The above resolution is a true and correct copy of the resolution in the Town Board meeting of My 10, 2018.



 Mary Alex, Town Clerk