

## AGREEMENT

THIS AGREEMENT, made this 7<sup>th</sup> day of February 2023, by and between the COUNTY OF ORANGE, a municipal corporation with offices at 255 Main St. Goshen, New York 10924 (hereinafter referred to as the "COUNTY") and Village of Highland Falls, a municipality within the County of Orange, whose address is 303 Main Street Highland Falls, NY 10928 (hereinafter referred to as the "MUNICIPALITY").

### *WITNESSETH:*

WHEREAS, New York State General Municipal Law Article 12-B requires local municipalities to refer applications for certain planning and zoning actions to the Orange County Department of Planning for review, and

WHEREAS, the intent of Article 12-B, Sections 239-l, -m and -n of the New York General Municipal Law is bring to the attention of municipalities pertinent inter-community and county-wide planning, zoning site plan, and subdivision considerations as identified in General Municipal Law Section 239-l(2), and

WHEREAS, the current referral requirements in General Municipal Law Section 239-m, -n mandate the referral of many actions that are unlikely to implicate inter-community and county-wide considerations, diverting time and attention away from projects with more significant inter-community and county-wide considerations and, and

WHEREAS, it is within the interests of the above parties to reduce the number of referrals to allow the County to address more timely and effectively projects that more likely implicate inter-community and county-wide considerations and to allow local municipal review boards to streamline their review and approval of those remaining projects that are more likely to have only local impacts and considerations,

NOW, THEREFORE, as authorized by General Municipal Law Sections 239-m(3)(c) and 239-n(3)(b), the parties agree as follows:

1. TERM OF AGREEMENT: This Agreement shall be effective as of the date of the Agreement set forth above. The term of this Agreement shall be one year, but shall extended automatically for successive years thereafter, up to a total of five (5) years,

unless otherwise terminated as set forth herein. If either party chooses to terminate this Agreement, that party shall send a written notice of termination to the other, by certified, return receipt requested, or electronically. This Agreement shall terminate thirty (30) days after written notice of termination is received by either party from the other.

2. REFERRALS TO BE ELIMINATED: The following actions shall be exempt from the NYS GML 239 l, m and n referral, review and reporting process:

Type of Referral	Actions listed below are exempt from the referral process
Site Plans and Special Permits	<ol style="list-style-type: none"> <li>1. Site Plan and/or Special Permit application for construction of a single-family or du-plex home on an approved building lot in compliance with applicable zoning laws;</li> <li>2. Change in use of existing structures provided the following conditions are met: <ul style="list-style-type: none"> <li>• Suitable access to State or County Road exists or is proposed;</li> <li>• The intensity of the use change does not significantly increase the traffic demands on nearby State or County roadways, nor significantly increase the water or sewer demands, from such demands of the prior use.</li> <li>• New site lighting, if proposed, utilizes full cut off luminaires and does exceed IEA recommended lighting levels; and</li> </ul> </li> <li>3. Sign applications that comply with local zoning requirements.</li> </ol>
Subdivisions	Residential Subdivisions that meet all the following conditions: <ul style="list-style-type: none"> <li>• Fewer than 5 lots, and</li> <li>• Access roads and structures are not located within the 100-year floodplain.</li> </ul>
Area Variances	<ul style="list-style-type: none"> <li>• Residential side and rear yard; and</li> <li>• Residential side and rear yard fence height.</li> </ul>
Use Variances	Uses where no physical expansion of structures, utilities, or facilities is necessary and no significant increase in traffic or water/sewer use is planned.

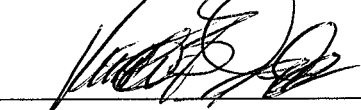
3. NOTICES: Except as otherwise provided in this Agreement, notice required to be given pursuant to this Agreement shall be made in writing and addressed to the following or such other person as the parties may designate:

OC Commissioner of Planning  
Orange County Dept. of Planning  
124 Main St.  
Goshen, NY 10924

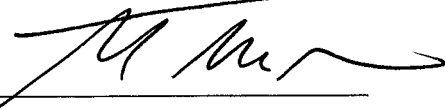
Village of Highland Falls  
303 Main Street  
Highland Falls, NY 10928

4. ENTIRE AGREEMENT: This is a fully integrated agreement and no prior or simultaneous oral or written agreements or representations have any force or effect. Any modifications, rescission or waiver of the terms of this Agreement must be in writing and executed and by all parties to this Agreement.


APPROVED AS TO FORM:

By:   
Richard B. Golden, County Attorney

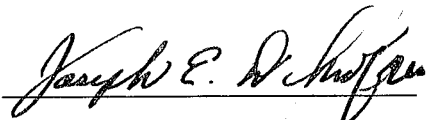
ACCEPTED: COUNTY OF ORANGE

By:   
Stephen M. Neuhaus, County Executive

APPROVED AS TO CONTENT:

By:   
Alan J. Sorensen, Commissioner  
Department of Planning

ACCEPTED: MUNICIPALITY

By:   
Name: Mayor Joseph D'Onofrio  
Title: *MAYOR*

By: \_\_\_\_\_

Name:

Title: Planning Board Chair

By:   
Name:

Title: Zoning Board Chair

**RECEIVED**

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ORANGE COUNTY PLANNING