

Resolution #33 - Exempting Certain Referrals Mandated by General Municipal Law Section 239-m

WHEREAS, General Municipal Law Section 239-m requires that certain zoning actions be referred to the County Planning Board before any action is taken by the city, town or village having jurisdiction, and

WHEREAS, many of these mandated referrals have no identifiable countywide or inter-community impact, and

WHEREAS, General Municipal Law, Section 239-m-3-c, allows the municipality having jurisdiction and the County Planning Board to enter into an agreement that exempts certain actions from mandatory referral, and

WHEREAS, the Columbia County Planning Board has determined that the following actions will not have an identified countywide or inter-community impact:

1. Any area variance seeking relief from a front yard, side yard or rear yard setback on an existing or prior approved parcel.
2. Any variance, site plan review or special 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.
3. Any variance, site plan review or special permit required for the conversion of a single family residence into a two family residence, providing provisions are included in the local ordinance for Health Department approval of any on-lot system serving such conversion.
4. Any variance, site plan review or special permit required for any temporary use established pursuant to the provisions of the local ordinance.
5. Any variance required for any fence including height, setback, materials or construction methods, except that no fence required by the N.Y.S. Uniform Fire Prevention and Building Code shall be the subject of any variance considered by the local Zoning Board of Appeals.
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 sub-division process, providing the Health Department has approved the on-lot well and septic system locations.
8. Any variance, site plan review or special permit required for the expansion of an existing business or commercial use providing the expansion is located in the side or rear yard of the parcel and that the expansion does not exceed 50% of the existing building size.
9. Any variance, site plan review or special permit required to establish a permitted home occupation within an existing residence or accessory structure.
10. Any variance, site plan review or special permit required for the replacement of an existing mobile home with another.
11. Any area variance, site plan review or special permit required for the erection of any permitted accessory structure or use within the required side or rear yards of an existing parcel.
12. Any variance, site plan review or special permit required to establish more than one residence on a single parcel providing that each residence is located in a manner that would allow for a theoretical sub-division at a future date.
13. Any variance, site plan review or special permit for a mining operation of a scale that would not require a Mined Land Reclamation Permit from NYSDEC.
14. Any action by a local municipal board that would establish a temporary developmental moratorium providing the length of the moratorium does not exceed three (3) months.
15. Any area variance, site plan review or special permit required for the installation of any type of radio communication antenna, but not including cellular or digital telephone towers or other person wireless communications facilities.
16. Any variance, site plan review or special permit required for the installation of any requirements pursuant to the American Disabilities Act.
17. Any variance, site plan review or special permit required for the creation of a pond, provided no NYSDEC permit is required due to the limited size and/or location of the pond.
18. Any variance, site plan review or special 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.

19. Any variance, site plan review or special permit required to establish a dwelling unit that is smaller in size than allowed by the local zoning ordinance.
20. Any variance, site plan review or special permit required to establish a second or subsequent business entity, not exceeding 10,000 square feet, operated by the owners or and located on an active farm operation.

NOW, THEREFORE BE IT

RESOLVED that the Town Board of the Town of Germantown does hereby concur that the aforementioned exemptions to not have an identified countywide or inter-community impact and agree that such actions shall no longer be referred to the Columbia County Planning Board for review and recommendation, and be it further

RESOLVED, that the Town Board of the Town of Germantown, hereby reserves the right to request a review and recommendation on any of the aforementioned exempt action, if in their opinion such review and recommendation are warranted due to the specific circumstances of the requested action.

Motion to approve the resolution was made by Councilman Westmore with a second by Councilwoman Snyder.

Supervisor Brown: Aye

Councilman Craig: Aye

Councilman Westmore: Aye

Councilwoman Snyder: Aye

Councilman Mortenson: Aye