ENVIRONMENT
REVISED 09/04/2025

RESOLUTION NO. 2025131

RE: AUTHORIZING MUNICIPAL CORPORATION AGREEMENTS FOR THE ELIMINATION OF THE NECESSITY OF COUNTY'S REVIEW AND COMMENT ON CERTAIN LOCAL ACTIONS PURSUANT TO GENERAL MUNICIPAL LAW SECTION 239

Legislators D'AQUANNI, POLASEK, CASWELL, PAOLONI, and GORMAN offers the following and moves its adoption:

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 nor 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, by Resolution No. 2015246, the County eliminated 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, and

WHEREAS, the Department herein proposes to add the following actions to be eliminated from County review: a) sign permits where no variance is required, b) site plans for single family homes, c) site plans for duplex homes, d) site plans for Accessory Dwelling Units/Carriage houses/accessory buildings when associated with a Single Family Residence, and

WHEREAS, the attached proposed agreement is for use between the referring body or other duly authorized body of a city, town or village and the Dutchess County Department of Planning & Development, which provides that certain proposed actions are of local rather than

County wide concern and therefore, exempt from the New York State General Municipal Law Section 239 referral process, and

WHEREAS, based on the foregoing, the Department of Planning & Development has determined that the proposed Agreement (1) constitutes a Type II Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not result in any significant adverse environmental impacts, and

WHEREAS, it is necessary for the Legislature to approve such municipal corporation agreements and to authorize the County Executive or her designee to execute the said agreements, now therefore be it,

RESOLVED, that this Legislature hereby approves the proposed municipal corporation agreement so that the Department of Planning & Development shall eliminate the need for review and comment on such local actions and authorizes the County Executive or her designee to execute such agreements in substantially the same form as attached hereto.

CA-087-25
LDF/rjw
G-1648
08/07/2025
Fiscal Impact: None.

APPROVED
Sue Serino
SUSAN J. SERINO
COUNTY EXECUTIVE
Date 9/9/2025

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2025, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2025.

DUTCHESS COUNTY SEAL

Leigh Wager
LEIGH WAGER, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Jennifer Cocozza Prepared On: July 29, 2025

SUE SERINO
COUNTY EXECUTIVE

EOIN WRAFTER, AICP
COMMISSIONER

DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

To: Gregg Pulver, Assistant County Executive
From: Eoin Wrafter, Commissioner EW
Date: 8/5/2025
Re: Resolution Request - Inter-municipal Agreements to Exempt Certain GML 239 Referrals

New York State General Municipal Law §239 requires municipalities to refer certain matters of planning and zoning to the County for review and recommendation. The primary intent of the law is to assess whether proposals will have a "county-wide" or "inter-municipal" impact, and to afford the County an opportunity to identify and make recommendations regarding such concerns. In Dutchess County, the Planning Department performs the review and makes written recommendation(s) to all 30 Dutchess County municipalities.

NYS law also gives counties the ability to enter into agreements with municipalities to exempt certain actions from review that are of local, rather than inter-community or county-wide concern (GML 239-m (3)(C)). As our current IMAs are set to expire 12/31/2025, the planners convened to discuss adding actions to our existing list of exemptions to be incorporated into the new agreements. After careful consideration, we are asking that four (4) additional actions be added, which requires legislative approval. They include:

- Sign Permits where no variance is required
- Site Plans for single family homes
- Site plans for duplex homes
- Site plans for ADUs/Carriage houses/accessory buildings when associated with an SFR

We consistently return these actions to municipalities without comment. Adding these to the list of exempt actions will save municipalities time on their end as they wouldn't need to do unnecessary paperwork on their end in making the referral to us, as well it will save time as municipal boards would not need to wait for our response (we have up to 30 days).

For clarification, the Department would continue to review the following classes of actions as they would more likely generate comments of county-wide or inter-municipal concern:

- Comprehensive/Master Plans;
- Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- Rezonings involving all map changes;
- Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.);
- Site Plans (excluding single family homes, duplex homes, accessory buildings when associated with a single family residence); and
- Special Permits, Use Variances, and Area Variances for all non-residential uses

For reference, the resolution that authorized the initial list of exempt actions is Resolution 2015246.

AGREEMENT

THIS AGREEMENT, bearing the date set forth on the signature page, 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 _____, a municipality within Dutchess County, whose address is _____ _____, (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, pursuant to Resolution Nos. 2015246 and _____, the County Legislature authorized municipal corporation agreements for the elimination of the necessity of the County's review and comment on such local actions pursuant to General Municipal Law Section 239, and

WHEREAS, it is hereby mutually agreed by and between the parties hereto as follows:

1. TERM OF AGREEMENT: This Agreement shall be effective as of the date of January 1, 20____ and shall terminate on December 31, 20___, unless otherwise terminated as set forth herein. The term of this Agreement shall be extended automatically on an annual basis, for a total not to exceed five (5) years from the original agreement date. 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;
c. renewals/extensions of site plans or special permits that have no changes from previous approvals;
d. sign permits where no variance is required;
e. site plans for single family homes;
f. site plans for duplex homes; and
g. site plans for ADUs/Carriage houses/accessory buildings when associated with an SFR.

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. re-zonings involving all map changes;
d. other local laws and/or other authorizations adopted pursuant to zoning (wetlands, historic preservation, affordable housing, architectural review, etc.);
e. site plans (excluding single family homes, duplex homes, accessory buildings when associated with a Single Family residence); 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
85 Civic Center Plaza, Suite 107

Poughkeepsie, NY 12601

Town/Village/City of _____
Att: Supervisor/Mayor
Address_____
City/State/ZIP

6. COUNTERPARTS; SIGNATURES TRANSMITTED BY ELECTRONIC MEANS: This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one agreement, and any of the parties hereto may execute this Agreement by signing any such counterpart. A facsimile or signature transmitted by electronic means applied hereto or to any other document shall have the same force and effect as a manually signed original. This provision contemplates giving legal force and effect to copies of signatures. This provision does not contemplate the use of "electronic signatures" as regulated by New York State Technology Law Article 3, "Electronic Signatures and Records Act."

7. 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:

_____
County Attorney's Office

ACCEPTED: COUNTY OF DUTCHESS

BY: _____
County Executive

APPROVED AS TO CONTENT:

_____
Eoin Wrafter, Commissioner
Dept. of Planning & Development

MUNICIPALITY:

BY: _____
Name:
Title:

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 7 - Hyde Park and Pleasant Valley	Truitt*	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston*		
District 3 - LaGrange	Polasek*		
District 16 - Fishkill and Beacon	Valdés Smith*		
District 9 - City of Poughkeepsie	Atkins*	Absent	
District 1 - Town of Poughkeepsie	Gorman		
District 4 - Hyde Park and Town of Poughkeepsie	Lawler		
District 5 - Town of Poughkeepsie	D'Aquanni (C)		
District 6 - Town of Poughkeepsie	Kaul		
District 13 - East Fishkill and Wappinger	Paoloni (VC)		
District 18 - City of Beacon and Fishkill	Page	Absent	
District 24 - Dover and Pawling	House		

Present: 10
Absent: 2
Vacant: 0

Resolution: ✓
Motion: ____

Total : 10 (Yes) 0 (No)
Abstentions: 0

2025131 AUTHORIZING MUNICIPAL CORPORATION AGREEMENTS FOR THE ELIMINATION OF THE NECESSITY OF COUNTY'S REVIEW AND COMMENT ON CERTAIN LOCAL LAW ACTIONS PURSUANT TO GENERAL MUNICIPAL LAW SECTION 239

SEPTEMBER 4, 2025

Roll Call Sheets

District	Last Name	YES	NO
District 7 - Hyde Park and Pleasant Valley	Truitt	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston		
District 3 - LaGrange	Polasek		
District 16 - Fishkill and Beacon	Valdés Smith		
District 9 - City of Poughkeepsie	Atkins	Absent	
District 1 - Town of Poughkeepsie	Gorman		
District 2 - LaGrange, Pleasant Valley & Town of Poughkeepsie	Travelpiece		
District 4 - Hyde Park and Town of Poughkeepsie	Lawler		
District 5 - Town of Poughkeepsie	D'Aquanni		
District 6 - Town of Poughkeepsie	Kaul		
District 8 - City and Town of Poughkeepsie	Brendli		
District 10 - City of Poughkeepsie	Johnson		
District 11 - Clinton, Pleasant Valley, and Rhinebeck	Kearney		
District 12 - East Fishkill	Metzger		
District 13 - East Fishkill and Wappinger	Paoloni		
District 14 - Wappinger and Town of Poughkeepsie	Versaci	Absent	
District 15 - Wappinger	Faust		
District 17 - Town and Village of Fishkill	McHoul		
District 18 - City of Beacon and Fishkill	Page		
District 19 - North East, Stanford, Pine Plains, Milan & Red Hook	Drago		
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn		
District 21 - East Fishkill	Caswell		
District 22 - Beekman and Union Vale	Garito		
District 23 - Pawling, Beekman and East Fishkill	Rolison		
District 24 - Dover and Pawling	House		

Present: 23 Resolution: ✓ Total : 23 0

Absent: 2 Motion: ___ Yes No

Vacant: 0 Abstentions: 0

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SEPTEMBER 8, 2025