

FAQ: New GML 239-l/m Referral Exemptions

Update November 2, 2015

Q: Can I stop sending in the exempted referrals now?

A: No. This won't go into effect until 2016, and then only if your municipality has entered into a formal municipal agreement with Dutchess County.

Q: How does my municipality go about entering into a formal municipal agreement with Dutchess County to exempt certain referrals?

A: A sample municipal agreement is available on our website at:

www.co.dutchess.ny.us/CountyGov/Departments/Planning/17336.htm, or you can contact our office directly at 845-486-3600 or plandev@dutchessny.gov.

Q: Which types of referrals would no longer need to be sent to County Planning?

A: Referrals that fall under the following parameters would no longer need to be referred:

- Administrative Amendments (zoning amendments about fees, procedures, penalties, etc.);
- Special Permits, Use Variances, and Area Variances for residential uses; and
- Renewals/Extensions of Site Plans or Special Permits that have no changes from previous approvals.

Q: Which referrals would still need to be circulated to County Planning?

A: Anything that doesn't meet the criteria listed above would still need to be sent in, including but not limited to:

- Comprehensive/Master Plans;
- Zoning Amendments (standards, uses, definitions, district regulations, etc.);
- Rezoning;
- Other proposed local laws and/or other authorizations adopted pursuant to zoning (wetlands, signs, historic preservation, affordable housing, architectural review, etc.);
- Site Plans (all);
- Any action that constitutes a Type 1 action under SEQRA, and
- Special permits, use variances, and area variances for all non-residential uses.

Q: Should we continue to use the same Referral cover sheet?

A: No. We have developed a new Referral cover sheet that clearly delineates which actions must still be referred and which ones are exempt. Once there is a signed municipal agreement in place between your municipality and County Planning, you should start using this new cover sheet.

Q: What if our Board would like feedback on a project that falls under the new exemptions? Can we still have County Planning review it?

A: Yes, there will be an option on the new Referral cover sheet to indicate that the project is exempt but is being circulated to County Planning for informal review/comments.

Q: What if my municipality chooses not to sign a municipal agreement with the County regarding Referral exemptions?

A: Without a signed agreement allowing your municipality to stop sending in certain referrals as outlined above, you would continue to send in all referrals that meet the criteria as outlined in GML 239-l/m under state law, and you would continue to use the original Referral cover sheet rather the revised sheet that separates exempt and non-exempt actions.

Q: Is there only one opportunity to enter into a municipal agreement for Referral exemptions or can my municipality make this decision any time?

A: There is no deadline to enter into a municipal agreement with County Planning regarding referral exemptions, though we encourage municipalities to do so sooner rather than later so we can all benefit from the labor, paperwork, and timeline reductions these exemptions should facilitate.

Q: How long is the municipal agreement good for?

A: The agreement is for one year with four one-year automatic renewals for a total of five (5) years. At that point the County will review the exemptions list and negotiate new municipal agreements, possibly for a similar term.

Q: Who should I call with questions about referral exemptions?

A: Call the Dutchess County Department of Planning and Development at 845-486-3600 and you will be directed to someone who can answer your specific questions.