

MEMORANDUM OF AGREEMENT
BETWEEN THE COUNTY OF ALBANY
AND THE TOWN OF BETHLEHEM

This Memorandum of Agreement is made by and between the County of Albany, a municipal corporation duly organized under the laws of the State of New York, acting by and through its County Executive, with its principal place of business at 112 State Street, Albany, New York 12207 (hereinafter, the “County”), and the Town of Bethlehem, a municipal corporation duly organized under the laws of the State of New York, acting by and through its Town Supervisor, with a principal place of business located at Town Hall, 445 Delaware Avenue, Delmar, New York 12054 (hereinafter, the “Town” and with the County, may be referred to individually as a “[P]arty,” and together as the “[P]arties”).

WITNESSETH:

WHEREAS, By Resolution No. 446 for 2007, the Albany County Legislature (hereinafter, the “Legislature”) authorized the County to enter into an agreement with the Towns of Colonie, Bethlehem, Guilderland, New Scotland and the City of Albany regarding the exemption of certain matters from referral to the Albany County Planning Board (hereinafter, the “Planning Board”); and

WHEREAS, By Resolution No. 73 for 2010, the Legislature amended Resolution No. 446 for 2007 to indicate that the Village of Voorheesville is added as a party to the agreement regarding exemption of certain matters from referral to the Planning Board; and

WHEREAS, By Resolution No. 254 for 2023, the Legislature authorized amendments to the Planning Board’s List of Non-Referral items to include EV charging stations, most fences, and installation and modification of certain new and existing signs; and

WHEREAS, By Resolution No. 358 for 2023, the Legislature amended Resolution No. 254 for 2023 by amending the Planning Board’s List of Non-Referral items and annexing the List of Non-Referral items to said Resolution; and

WHEREAS, By Resolution No. 116 for 2024, the Legislature authorized the County Executive to enter into agreements with the City of Albany, Town of Bethlehem, Town of Guilderland, Town of New Scotland, and Village of Voorheesville regarding the Planning Board’s List of Non-Referral items as annexed to said Resolution; and

WHEREAS, By Resolution No. 402 for 2024, the Legislature amended Resolution No. 116 for 2024 by adding “Town of Colonie” after “Town of Bethlehem” in the First Resolved Clause.

NOW THEREFORE, in consideration of the mutual benefits conferred by this Memorandum of Agreement, it is hereby understood and agreed by and between the County and the Town that the items identified on the Planning Board's List of Non-Referral Items, attached hereto and made a part hereof as "Exhibit A", shall be exempt from referral by the Town to the Planning Board provided that the Town shall continue to send to the Planning Board a summary list of all non-referrals showing project name, type of action, and location within 30 days of approval.

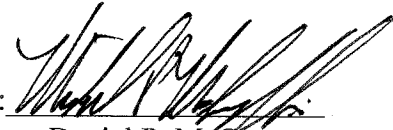
IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be signed the day and year first indicated below.

DATED: _____

9/11/24

COUNTY OF ALBANY

BY: _____



Daniel P. McCoy
County Executive

or

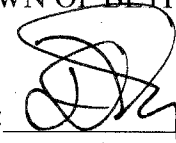
Michael P. McLaughlin
Deputy County Executive

DATED: _____

August 15, 2024

TOWN OF BETHLEHEM

BY: _____



David VanLuven
Town Supervisor

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the _____ day of _____, 2024, before me, the undersigned, personally appeared Daniel P. McCoy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the 14th day of September, 2024, before me, the undersigned, personally appeared Michael P. McLaughlin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

EUGENIA K. CONDON
Notary Public, State of New York
Registration No: 02CO4969817
Qualified in Albany County
Commission Expires July 23, 2026

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the 15th day of August, 2024, before me, the undersigned, personally appeared David VanLuven, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

KIMBERLEY A. WHITSITT
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02WH6420238
Qualified in Albany County
Commission Expires August 2, 2025

NOTARY PUBLIC

EXHIBIT “A”

LIST OF NON-REFERRAL ITEMS TO THE ALBANY COUNTY PLANNING BOARD

From the Planning Board and/or Planning and Economic Development Department:

Minor Site Plans for:

1. Temporary tents
2. Change in tenant or use
3. Storage sheds in all zoning categories except when there is a change to curb cuts on county or state roads
4. Façade changes to existing buildings
5. Replacement of wall signs on existing building

From the Zoning Board of Appeals and/or Planning and Economic Development Department:

1. Area Variances (i.e. yard setbacks, lot width, lot frontage) that relate to existing or proposed residential structures only, and are for the following types of construction or remodeling:
 - a. Additions
 - b. Decks
 - c. Swimming Pools
 - d. Sheds
 - e. Replacement of mobile homes, except those where a driveway has access to a county or state road
 - f. garages, except those where a driveway has access to a county or state road
2. *Area Variance related to signage,*
 - a. *Installation/replacement of free standing signs or changes to the existing signs including the ones that may require an area variance from the Town/City/Village, as long as the signs do not cause existing and/or proposed site visibility or pedestrian obstruction to the road or located in a County/ DOT ROW.*
 - b. *Signs that may require variance for internal or external illumination*

- c. Proposal for new signs or change in square footage for existing signs that are wall/building mounted.*
- 3. Use Variances for relocation of businesses within the same building.
- 4. *Accessory Structure - EV Charging Stations*
- 5. *Chickens – Special Use Permit and Variance to have chickens*
- 6. *Lot Line Adjustment that is,*
 - a. Not a part of subdivision review*
 - b. Does not create land lock parcels*
 - c. Does not create any land disturbance (disturbance over one acre will require a SWPPP review)*
- 7. *Fences (unless it is corner lot due to possible site distance issues)*

The Albany County Planning Board requires the Town/City/Village to send a summary list of all non-referrals showing project name, type of action, and location within 30 days of approval.

EXHIBIT A

LIST OF NON-REFERRAL ITEMS TO THE ALBANY COUNTY PLANNING BOARD EFFECTIVE 08/2024

From the Planning Board and / or Planning and Economic Development Department:

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3. Use Variances for relocation of businesses within the same building.
4. Accessory Structure - EV Charging Stations
5. Chickens – Special Use Permit and Variance to have chickens
6. Lot Line Adjustment that is,
 - a. Not a part of subdivision review
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