

AGREEMENT BETWEEN
THE
ORLEANS COUNTY PLANNING BOARD
AND THE
VILLAGE OF LYNDONVILLE



EXEMPTING CERTAIN MINOR LAND USE ACTIONS
FROM
COUNTY PLANNING BOARD REVIEW

MARCH 2009
(DATE OF FIRST REVISION)

*ENABLING LEGISLATION: NY STATE GENERAL MUNICIPAL LAW, ARTICLE 12-B,
SECTION 239-M.3.(C) AS AMENDED BY THE LAWS OF 1991*

AGREEMENT EXEMPTING CERTAIN MINOR LAND USE ACTIONS
FROM COUNTY PLANNING BOARD REVIEW

I. Authority

In accordance with New York State General Municipal Law, Article 12-B, Section 239-m.3.(c) of the Laws of 1991, the Orleans County Planning Board is authorized to voluntarily enter into agreements with towns and villages that certain proposed land use actions are of local, rather than inter-community or County-wide concern, and therefore are not subject to referral to the Orleans County Planning Board as would otherwise be required by Section 239-m.

II. Purpose

It is the intent of this agreement to eliminate the need for local referral, and thus County review and recommendation, of actions which do not have significant inter-community or County-wide impacts as defined herein. By eliminating referral of such minor land use actions, the permitting process is expedited for the applicants, with a corresponding reduction in administration on the part of both the municipality and the County Planning Board. And as County population and development continue to increase, the agreement will afford greater opportunity for the County Planning Board to focus on more consequential referrals, as well as large scale, long-term planning priorities. It is furthermore the desire of the County Planning Board that this agreement be entered uniformly among municipalities to maintain a fair and efficient process. That is, the agreement between the Orleans County Planning Board and Village of Lyndonville shall be identical to that between the County and any other municipality.

III. Procedures

Upon the Village of Lyndonville's receipt of a proposal by an applicant, it is the responsibility of the municipal official(s) who is charged with submitting referrals to the County Planning Board to determine if an application is exempt from referral to the County Planning Board. This determination shall be based on those actions specifically listed in Section IV ("Minor Land Use Actions Exempt from Referral to the County Planning Board") of the agreement. If a proposal does not fall within one of the categories listed in Section IV, it shall be submitted to the County Planning Board in the prescribed manner. If it does fall within Section IV, there is no need for further involvement of or notice to the County Planning Board.

IV. Minor Land Use Actions Exempt from County Planning Board Review

1. Projects which require an area variance(s), provided it is not:

- a. also subject to special use permit, or**

- b. also subject to site plan approval, with the exception that site plans as provided in paragraph 4 herein shall be categorically exempt from County Planning Board review, or
 - c. for a principal structure on a parcel which adjoins a lot in another town or village in Orleans County.
- 2. Projects which require an area variance(s), site plan review and/or special use permit for:
 - a. sign(s) or fence(s)
- 3. Projects requiring a special use permit or site plan approval on real property within 500 ft. of the boundary of a farm operation within an agricultural district as defined by Article 25AA of agriculture and markets law, provided that such projects would not otherwise qualify for submittal to the County Planning Board under Section 239-m. of General Municipal Law.
- 4. Projects which require site plan review for the following, regardless of whether an area variance(s) or special permit is also required:
 - a. the construction of one, two, or three-family residence(s), or the construction of their accessory structures, or
 - b. the partitioning of a parcel into one or more other parcels, or the reconfiguration of an existing parcel, or the combination of separate parcels into one or more parcels

V. Optional Review

Notwithstanding the previous section, nothing shall prevent the municipality from submitting any application to the County Planning Board for its review and recommendation as would be required under Section 239-m of General Municipal Law if this agreement were not enacted.

VI. Effective Date

This agreement shall be effective immediately upon its passage by majority resolutions of **both** the County Planning Board and the Village of Lyndonville.

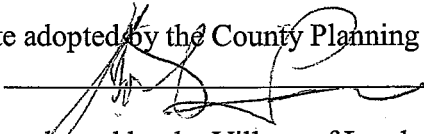
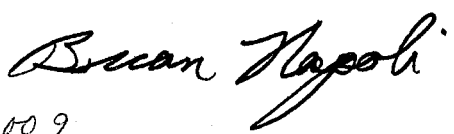
VII. Amendment

Any amendment to the agreement becomes effective immediately upon passage of a majority resolution of **both** the County Planning Board and the Village of Lyndonville. Upon such action, the amended version succeeds previous editions of the agreement.

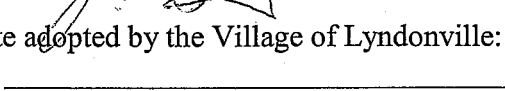
VIII. Termination

This agreement can be terminated at any time without cause by majority resolution of **either** the County Planning Board or the Village of Lyndonville. Notice of such termination should be made in writing within ten days of the resolution to the other party which entered into this agreement. Upon termination, the municipality shall resume responsibility for sending all eligible referrals to the County Planning Board as otherwise established in Section 239-m.

Date adopted by the County Planning Board:

 May 28, 2009 

Date adopted by the Village of Lyndonville:

 May 11, 2009



Brian Napoli, Chairman

COUNTY OF ORLEANS

Tibbs Ahlberg, Vice-Chairman

PLANNING BOARD

14016 Route 31 West
Albion, New York 14411-9382
(585) 589-3198

(Orleans County Planning Board – Village of Lyndonville Board of Trustees)
Resolution No. CPB0509-05

**Resolution to Revise Agreement Exempting
Certain Minor Actions from County Planning Board Review**

WHEREAS, the Village of Lyndonville Board of Trustees entered into an Agreement with the Orleans County Planning Board on November 11, 1996 for the purpose of Exempting Certain Minor Land Use Actions from County Planning Board Review, and

WHEREAS, the Orleans County Planning Board has requested amendments to said Agreement to provide further exemptions from County Planning Board Review, including site plan review for the construction of homes on individual lots as well as all subdivision of real property; and

WHEREAS, the Village of Lyndonville Board of Trustees adopted said revised Agreement on May 11, 2009; now, therefore be it

RESOLVED, that the Orleans County Planning Board similarly adopts said revised Agreement, rendering it effective immediately.

County Planning Board Member who made the Motion to Adopt: Kirk Myhill
County Planning Board Member who seconded the Motion to Adopt: Larry Petrie

Vote: 14 ayes - Brian Napoli, Tibbs Ahlberg, Dan Gleason, Tom Keeler, Dan Strong, Kevin Johnson, Ted Broekhuizen, Phil D'Agostino, Steve McAvoy, Marty Busch, Larry Petrie, Kirk Myhill, Gary Daum, Paul Hendel

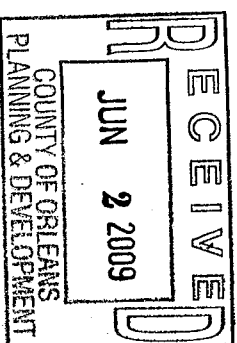
0 abstentions

0 nays

Adopted May 28, 2009 at the Regular County Planning Board Meeting, Albion, New York.

James R. Bensley
Acting Executive Secretary

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, May 11, 2009 at the Village Hall. The meeting opened at 7:00 p.m.



PRESENT: MAYOR Marc F. Scarr
 TRUSTEES: Wirt E. Bane
 Steve McAvoy

 William Scribner
 James Whipple
 David C. Schubel
Attorney for the Village Dan Wolfe
Code Enforcement Officer Terry M. Woodworth
Supt. of Public Works Danny Woodward
Fire Chief

Other people present – Todd Barker, Kim Barker, Carla Woodworth, Michael Hefferon and Shannon Gominiak

RESOLUTION NO. 2009-27
APPROVAL OF THE MINUTES

On motion of Bill Scribner seconded by Wirt Bane be it resolved that the minutes of the April 13, 2009 meeting be approved. Voted and carried.

REPORTS

Terry M. Woodworth –

- Terry explained the problem with a tree that was hung-up on the water intake, while the divers were removing the tree they also inspected the intake, and found that the screen was smashed. A new screen is being made and will be installed as soon as possible.
- Terry reported that just about all of the water meters have been switched to touch read. Planning to do the next billing using this system. Billing program in the office is compatible with a few modifications.
- Asked Marc to send a letter to the Town of Yates thanking them for the use of the remote reader.
- Summer help. Asked if an ad could be run requesting applications for summer help, would like to hire someone for the 1st of June.
- Terry presented proposals from Chatfield Engineers for Engineering services related to the WTP Clearwell Valve Replacement and the Lyndonville Dam Erosion Protection.

Fire Co. –

- Danny reported that the storage barn should be completed by the end of the month.
- There are 9 fire police that need to take the oath of office Danny asked if it could be done at a monthly meeting.

David Schubel – The Village needs to send a copy of the resolution approving the agreement with the County Planning Board in regard to site plan review issues.

Dan Wolfe – nothing

Jim Whipple – nothing

Steve McAvoy – nothing

Wirt Bane – nothing

William Scribner – Bill reminded everyone to buckle-up. State Police and Sheriff Departments will be doing seat belt checks.

Marc F. Scarr – nothing

RESOLUTION NO. 2009-28

ENGINEERING SERVICES PROPOSAL FOR WTP CLEARWELL VALVE REPLACEMENT

On motion of Jim Whipple, seconded by Steve McAvoy it is HEREBY authorized to accept the proposal for engineering services from Chatfield Engineers in the amount of \$1,000.00. Voted and carried.

RESOLUTION NO. 2009-29

ENGINEERING SERVICES PROPOSAL FOR THE LYNDONVILLE DAM EROSION PROTECTION

On motion of Jim Whipple, seconded by Bill Scribner it is HEREBY authorized to accept the proposal for engineering services from Chatfield Engineers in the amount not to exceed \$880.00. Voted and carried.

RESOLUTION NO. 2009-30

AGREEMENT BETWEEN THE ORLEANS COUNTY PLANNING BOARD AND THE VILLAGE OF LYNDONVILLE EXEMPTING CERTAIN MINOR LAND USE ACTIONS FROM COUNTY PLANNING BOARD REVIEW.

On motion of Jim Whipple seconded by Wirt Bane it is HEREBY authorized to accept the agreement between the Orleans County Planning Board and the Village of Lyndonville exempting certain minor land use actions from the County Planning Board review as proposed by the County Planning Board. Marc Scarr is HEREBY authorized to sign said agreement on behalf of the Village of Lyndonville. Voted and carried.

RESOLUTION NO. 2009-31

TRANSFER OF FUNDS WITHIN THE BUDGET

On motion of Jim Whipple seconded by Steve McAvoy the Clerk-Treasurer is HEREBY authorized to transfer funds within the 2008-09 Village Budget.

General Fund:

From: A1990.4 Contingent Fund \$2,500.00
To: A5110.1 Streets P/S \$2,500.00

Water Fund:

From: F1990.4 Contingent Fund \$10,000.00
To: F8330.1 Purifications P/S \$2,000.00
To: F8340.1 Transmission P/S \$4,000.00
To: F8340.4 Transmission Cont. \$4,000.00

RESOLUTION NO. 2009-32

PAYMENT OF THE MONTHLY BILLS

On motion of Steve McAvoy, seconded by Wirt Bane the Clerk-treasurer is HEREBY authorized to pay the monthly bills as follows. Voted and carried.

Vouchers between 11644 and 11649 for the month of April, 2009

General Fund	19,662.04
Water Fund	3,182.17
Sewer Fund	1,978.25

Vouchers between 11660 and 11714 for the month of May, 2009

General Fund	17,487.25
Water Fund	6,399.57
Sewer Fund	7,288.02

Year end meeting will be held on Wednesday, May 27th at 6:00 p.m.