

**AGREEMENT BETWEEN  
THE  
ORLEANS COUNTY PLANNING BOARD  
AND THE  
VILLAGE OF MEDINA**



**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 Medina shall be identical to that between the County and any other municipality.

III. Procedures

Upon the Village of Medina'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 Medina.

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 Medina. 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 Medina. 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

*Brian Napoli*

Date adopted by the Village of Medina: 13 April 2009

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**MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF MEDINA HELD IN THE TOWN OF SHELBY HALL  
ON APRIL 13, 2009, AT 7:00 PM**



**Present: Mayor Tabelski**

**Trustees Meier, Snyder, Irwin**

**DPW Supt Nowak, Code Officer Busch, Police Chief Avila',  
Fire Chief Zinkievich**

**Attorney Brooks**

**Mayor Tabelski called the meeting to order with the Pledge of  
Allegiance to the flag.**

**Mayor Tabelski opened the Public Hearing on the Restore NY  
Grant at 7:00 pm. The Mayor said that this grant encourages economic  
development and neighborhood growth by providing municipalities with  
financial assistance for revitalization of commercial and residential  
properties. The Mayor said that the area targeted for grant assistance was  
the neighborhood between St Mary's Church and the downtown area.**

**Mr Joseph Pascarella, owner of Joe's Mini Mart at 901 South  
Main Street, said he would like to be involved in this grant. Trustee  
Meier said that this grant was targeting a different area, but the Board  
would investigate other grants that would be applicable to his situation.**

**Ms Heather Weaver, 301 West Avenue, said that she would  
be interested in property improvements and asked about grantee  
qualifications. Meier said that there were no income requirements, but  
one would have to match the grant funds 50%.**

**Mr Mark Parker said that he had indicated interest, but had  
been told that minor improvements were not eligible; just total  
rehabilitation of the subject property. The Mayor said that he would get  
clarification of possible work that can be done.**

**The Public Hearing was closed at 7:15 pm.**

**Trustee Irwin noted that the date of the Village Election was March 18, not 17<sup>th</sup>.**

**On motion of Trustee Irwin, seconded by Trustee Snyder. That the Minutes of March 23, 2009, be approved with the above correction.**

**All Aye  
Carried.**

**On motion of Trustee Irwin, seconded by Trustee Meier. That the Minutes of April 6, 2009, be approved.**

**All Aye  
Carried.**

**Mayor Tabelski said that a letter from the U.S. Census Bureau notified the Village that their employees will be visiting every establishment to get a correct count for the 2010 census.**

**The Mayor said that Arbor Day ceremonies on April 24, 2009, will begin at 9:30 am with a ceremony at Rotary Park. Trees will be planted after the ceremony by the Village Tree Board and others.**

**Fire Chief Zinkievich said that he had distributed his monthly report, showing 186 total calls:**

<b>Ambulance calls</b>	<b>105</b>
<b>Hospital Transfers</b>	<b>51</b>
<b>Building Fires</b>	<b>1</b>
<b>Vehicle Fires</b>	<b>1</b>
<b>Motor Vehicle Accidents</b>	<b>8</b>
<b>Service Calls</b>	<b>12</b>
<b>Hazardous Conditions</b>	<b>2</b>
<b>Alarms</b>	<b>6</b>
<b>Training hours</b>	<b>144</b>

**Code Officer Busch said that he had distributed his monthly report. He said that the Orleans County Planning Board had suggested that the Village agree to exclude minor land-use issues from Board action.**

**Busch recommended that the Board concur with the County Planning Board, since the Village Planning Board already exempts such issues.**

**Busch said that the Planning Board had held a Public Hearing on landmark designation of 9 structures in the Village and was recommending that all 9 places receive this designation. Busch said that the next step in the process would be for the Village Board to hold a Public Hearing.**

**On motion of Trustee Meier, seconded by Trustee Snyder. That the Mayor be authorized to sign an agreement with the County that the Planning Board would exempt minor land issues from oversight.**

**All Aye  
Carried.**

**Supt Nowak reported that 20% of federal stimulus money would be available for green projects, and that Larsen Engineers had informed him that the Village could apply for radio-readable technology to replace its water meters, which would enable residents and Village workers to more quickly identify water leaks, thereby conserving water. Nowak said that this system would cost about \$956,000, of which the Village would have a 10% share.**

**Nowak said that the Village could build a cogeneration facility at the Sewage Treatment Plant that would use naturally produced methane gas to generate electricity. He said that this system, along with solar panels would reduce the \$67,000 electric bill at the Plant. Nowak said that Larsen Engineers had offered to supply an engineering assessment and help write the grant for \$2,000.**

**On motion of Trustee Meier, seconded by Trustee Snyder. That Larsen Engineers be hired at a cost of \$2,000 to provide an engineering assessment and grant application services to apply for this Green Innovation Grant Program; further, that the Mayor be authorized to sign the application for the GIGP for the project described in the application and also the certification on behalf of the applicant and in accordance with this Resolution.**

**All Aye  
Carried.**

**Mayor Tabelski said that the Medina Railroad Museum had made several requests for its Thomas the Tank Engine Event, including closing of a portion of West Avenue, use of the Senior Citizens' parking lot, and stationing of an ambulance near the Museum during the Event.**

**The Mayor said that the Board was in agreement with all the requests, despite the overtime incurred from having the ambulance on site. Some residents stated that the Railroad Museum should pay the overtime related to the ambulance coverage. The Mayor said that this event brought thousands of visitors to Medina each year.**

**On motion of Trustee Meier, that the Board agree to the requests from the Railroad Museum for the Thomas Event. Trustee Snyder said that he would second the motion, but he would like added to it that the Museum meet with Supt Nowak and the Board to assure that everything was cleaned up and restored to original condition. Trustee Meier said he would amend his motion to include this provision; seconded by Trustee Snyder.**

**All Aye  
Carried.**

**Mayor Tabelski said that he would notify the Railroad Museum of the conditions of the resolution.**

**Chief Avila' asked the Board for an Executive Session after the meeting to discuss the employment history of a certain person**

**Mayor Tabelski said that the Board needed to authorize the Restore NY application after the Public Hearing was held.**

**Trustee Snyder offered the following Resolution for adoption:**

**WHEREAS, the New York State Legislature, in the 2009 budget, has funded the "Restore NY Communities Initiative" Grant Program (Restore NY); and**

**WHEREAS, such program provides state monies for local rehabilitation, reconstruction, and demolition projects; and**

**WHEREAS, it is hereby determined to be in the best interest of the Village of Medina to apply for funds from such program for a rehabilitation and reconstruction project to eliminate blight and spur economic development in our downtown area; and**



**WHEREAS, a properly noticed and advertised public hearing was held, and all comments and testimony submitted have been duly considered by this Board; and**

**WHEREAS, the Board of Trustees has reviewed the attached property assessment list and has determined that the properties included are the best possible choices to receive Restore NY funding to assist in the continued revitalization of our downtown area; and**

**WHEREAS, the Village Board of Trustees hereby makes the following findings of fact:**

- 1. The proposed projects are consistent with existing local plans.**
- 2. The proposed financing is appropriate for the projects included in the grant application.**
- 3. The projects facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources;**
- 4. The projects develop and enhance our downtown area in a manner that will attract, create, and sustain employment opportunities;**

**NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby authorizes the Mayor to take all actions and execute all documents and application fees necessary to apply for available Restore NY grant funding for the properties contained in the attached property list.**

**Seconded by Trustee Irwin, put to a vote; the results of which are as follows:**

**All Aye  
Carried.**

**Mayor Tabelski said that the Village had bought 17 radios from EF Johnson Technologies, as those radios were the only ones compatible with the County system. He said that Attorney Brooks had drafted a resolution allowing the Village to purchase radios only from this Company without going to bid, as they were a single-source item.**

**Resolved by Trustee Meier as follows;**

**WHEREAS, for reasons of efficiency, economy, and compatibility, and pursuant to the authority conferred by Subdivision 5 of paragraph 103 of the General Municipal Law of the State of New York, the Village of Medina has heretofore determined that there is a need for standardization**



**in the purchase of a radio system and other associated equipment standardized to that manufactured by EF Johnson Technologies, and**

**WHEREAS, the Village of Medina currently needs additional radios and other associated equipment and is in possession of grant money to purchase such items, and**

**WHEREAS, EF Johnson Technologies is the sole source of the radio, radio system and radio equipment, and**

**NOW, THEREFORE, BE IT RESOLVED:**

**That the Mayor and/or Fire Chief be and hereby is/are authorized to contract for the purchase of radios, radio systems, and radio equipment from EF Johnson Technologies, without advertising for sealed bids as authorized by State Comptroller's Opinion 67-558 in situations where items can be purchased from only one (1) source, subject to approval of contract by the Village of Medina attorney.**

**Seconded by Trustee Snyder, put to a vote; the results of which are as follows:**

**All Aye  
Carried.**

**Chief Zinkievich said that bids for supplying the Village with a new ambulance had been reviewed by Attorney Brooks and him, and that he was recommending awarding the bid to Gorman Enterprises with a bid price of \$140,905.**

**The Mayor said that there was \$40,000 from this year's budget for this purchase, and the rest would be borrowed after June.**

**On motion of Trustee Meier, seconded by Trustee Snyder. That the bid for a new ambulance be awarded to Gorman Enterprises, for a bid price of \$140,905.**

**All Aye  
Carried.**

**Trustee Meier said that Jean O'Connell and Associates were proposing to do grant writing services for the Village for a flat annual fee of \$30,000. Meier said that this fee would include all grants the Village would apply for during the year, and O'Connell would also notify the**

**Village of any grants available. Trustee Meier said that the proposal was worth further consideration, and he would like to set up a meeting with Ms O'Connell to make a presentation at the next Board Meeting. The Mayor agreed.**

**Mayor Tabelski said that the first budget meeting would be Friday morning, April 17, at 8:00 am at the Clerk's Office. He said that the Fire Chief would present at 8:00, the Police Chief at 9:00, and Supt Nowak at 10:00.**

**On motion of Trustee Irwin, seconded by Trustee Meier. That a Public Hearing on the Budget for fiscal year 2009-2010 be held at 7:00 on April 27, 2009.**

**All Aye  
Carried.**

**On motion of Trustee Irwin, seconded by Trustee Meier. That the regular meeting be adjourned into Executive Session to discuss the employment history of a particular employee at 8:08 pm.**

**All Aye  
Carried.**

**Respectfully submitted,**

**E Margaret Crowley, CT**



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 Medina Board of Trustees )  
**Resolution No. CPB0509-06**

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

WHEREAS, the Village of Medina Board of Trustees entered into an Agreement with the Orleans County Planning Board on November 26, 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 Medina Board of Trustees adopted said revised Agreement on April 13, 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:	Gary Daum
County Planning Board Member who seconded the Motion to Adopt:	Ted Broekhuizen

Vote: 13 ayes - Brian Napoli, Tibbs Ahlberg, Dan Gleason, Tom Keeler, Dan Strong, Kevin Johnson, Ted Broekhuizen, Phil D'Agostino, Steve McAvoy, Larry Petrie, Kirk Myhill, Gary Daum, Paul Hendel

1 abstention Marty Busch

0 nays

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

James R. Bensley  
Acting Executive Secretary