



**Regular meeting of the Planning Board and Zoning Board of Appeals, Village of Lyndonville was held on Wednesday, April 21, 2021 at the Village Hall. Meeting by teleconference via Zoom, the meeting opened at 6:00 PM**

**ON MOTION** of Zoning Board of Appeals Member Holland, seconded by Zoning Board of Appeals Member Avery, to approve the new retail store project at 30 North Main Street – Central Business Zoning District TM# 25.13-1-43/44 area variance and SEQR resolution type II action.

Vote: 3 Ayes (Avery, Holland, Woodworth); 0 Nays; 0 Abstain

- **Zoning Board of Appeals Decision Sheet – Area Variance:**

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  - Variance of +/- 3 feet for the retaining wall in Zone “A” and requiring a variance of +/- 1 foot for the retaining wall in Zone “B”
  - Exemptions from requiring vegetative screening to separate the commercial district and the residential property line to the East.
  - Variance of 19.5 feet for the rear setback from the residential district to the East.

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**Subject Property Address:** 30 North Main Street      **Tax Account #:** 25.13-1-43/44  
**Zoning District:** Central Business District (CBD)

**Agenda Item:**

- Retaining wall height and fence heights in Zone "A" of +/- 9 feet above ground level and in Zone "B" of +/- 7 feet, requiring a variance of +/-3 feet for the retaining wall in Zone "A" and requiring a variance of +/-1 foot for the retaining wall in Zone "B", pursuant to §604.C - Fence Building and Maintenance Regulations of the Zoning Regulations of the Village of Lyndonville.
- Visual Screening is not proposing any vegetative screening to separate the commercial district and the residential property line to the East. There is a 20-foot waterline easement that is at the eastern section of the property line that does inhibit the ability to place screening on the Eastern Lot line. Requiring to allow the applicant to be exempt from this regulation pursuant to §502. E.1 - Other Provisions and Requirements - Buffer Strip of the Zoning Regulations of the Village of Lyndonville. Applicant will install and maintain a fence in lieu of a vegetative screen due to the relocated Village water main.
- Setback from Residential District is proposed that a 1 story retail building be built 30.5 feet from the residential district requiring a variance of 19.5 feet for the rear setback from the residential district to the East, pursuant to §502. E.3 - Other Provisions and Requirements - Residential Lot Line of the Zoning Regulations of the Village of Lyndonville.

**ZONING BOARD OF APPEALS - RESOLUTION 2021-4**  
**AREA VARIANCE FOR THE 30 NORTH MAIN STREET TAX ID #25.13-1-43/44**

**ON MOTION** of Zoning Board of Appeals Member Avery, seconded by Zoning Board of Appeals Member Woodworth, to approve the area variances as stated pending the project must receive approval from the flood plain manager of the Village of Lyndonville, New York, failure to receive this approval will render this decision void.

Vote: 3 Ayes (Avery, Holland, Woodworth); 0 Nays; 0 Abstain

**ON MOTION** of Planning Board Member Hughes, seconded by Planning Board Member Chaffee, to open the Planning Board meeting and continue the public hearing from March 9, 2021 for an application for the Broadway Group, LLC for 30 North Main Street, Lyndonville, NY at 6:16pm.

Vote: 4 Ayes (Chaffee, Gawne, Hughes, Vann); 0 Nays; 0 Abstain

- Project Manager Hinman asked if the Planning Board had any questions on the project.

**ON MOTION** of Planning Board Member Hughes, seconded by Planning Board Member Gawne, to close the public hearing from March 9, 2021 for an application for the Broadway Group, LLC for 30 North Main Street, Lyndonville, NY at 6:17pm.

Vote: 4 Ayes (Chaffee, Gawne, Hughes, Vann); 0 Nays; 0 Abstain

- Project Manager Hinman noted all concerns regarding storm water have been met. Project Manager Hinman noted the retaining wall has been slightly relocated in the plans to accommodate the flood plain concerns. Project Manager Hinman noted the request to place a yard hydrant was agreed to. Project Manager Hinman noted the Village Attorney is reviewing all the legal documents at this time.

**PLANNING BOARD - RESOLUTION 2021-11**  
**30 NORTH MAIN STREET NEW RETAIL STORE PROJECT PRELIMINARY SITE PLAN APPLICATION**  
**SEQR RESOLUTION – DESIGNATING LEAD AGENCY**

**WHEREAS**, the Village of Lyndonville Planning Board (hereinafter referred to as Planning Board) has on Wednesday, February 24, 2021 declared its intent to be designated the Lead Agency for the 30 North Main Street-New Retail Store Project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board has provided written notices to this effect to the involved and interested agencies; and

**WHEREAS**, the Planning Board has not received any written objections from the involved agencies to the Board’s being designated as the lead agency under the SEQR Regulations; and

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**WHEREAS**, the Planning Board has previously determined that it is the most appropriate agency to ensure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board does hereby designate itself as the lead agency for the Action identified above herein;

**ON MOTION** of Planning Board Member Chaffee, seconded by Planning Board Member Hughes, to approve the 30 North Main Street new retail store project preliminary site plan application SEQR resolution designating lead agency.

Vote: 4 Ayes (Chaffee, Gawne, Hughes, Vann); 0 Nays; 0 Abstain

- Project Manager Hinman explained parts 1, 2 and 3 of the SEQR.

**PLANNING BOARD - RESOLUTION 2021-12**

**30 NORTH MAIN STREET NEW RETAIL STORE PROJECT PRELIMINARY SITE PLAN APPLICATION  
SEQR RESOLUTION – DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE**

**WHEREAS** the Village of Lyndonville Planning Board (hereinafter referred to as Planning Board) has determined the above referenced Action to be an Unlisted Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

**WHEREAS**, the Planning Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

**WHEREAS**, the Planning Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

**WHEREAS**, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

**NOW THEREFORE BE IT RESOLVED**, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Short Environmental Assessment Form; and

**BE IT FINALLY RESOLVED** that the Planning Board does hereby make a Determination of Non-Significance on said Action, and the Planning Board Chairman is hereby directed issue the Negative Declaration as evidence of the Planning Board determination of environmental non-significance.

**ON MOTION** of Planning Board Member Hughes, seconded by Planning Board Member Chaffee, to approve the 30 North Main Street new retail store project preliminary site plan application SEQR resolution determination of environmental significance.

Vote: 4 Ayes (Chaffee, Gawne, Hughes, Vann); 0 Nays; 0 Abstain

- Project Manager Hinman presented the Planning Board with the site plan resolution.

**PLANNING BOARD - RESOLUTION 2021-13**

**30 NORTH MAIN STREET NEW RETAIL STORE PROJECT PRELIMINARY SITE PLAN APPLICATION  
SITE PLAN APPROVAL RESOLUTION**

**WHEREAS**, the Village of Lyndonville Planning Board (hereinafter referred to as Planning Board), is also considering a Site Plan approval for the demolition of the existing structure and redevelopment of the site, including a 7,500 square foot retail store, new parking lot, relocating and connection to public utilities, and stormwater management on approximately 1.03-acre property. The property will include the lot consolidation of parcels 25.13-1-44 and 25.13-1-43 located on North Main Street (New York Route 63) in the Village of Lyndonville, Orleans County, New York, and as described in the Site Plans dated August 25, 2020 and last revised March 16, 2021 and all other relevant information submitted as of February 11, 2021 and April 7, 2021 (the current application); and

**WHEREAS**, this application was required to be forwarded to Orleans County Planning Board for review and comments were received; and

**WHEREAS**, the Planning Board has classified the above referenced Action to be an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, in compliance with NYS Village Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Planning Board on April 21, 2021; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approve the requested Site Plan with the following conditions:

1. The Applicant shall obtain a Building Permit and Certificate of Appropriateness within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void.
2. Village approval of and proof of filing of all easements with the County Clerk is required prior to issuance of permits.
3. Flood Plain Administrator Permit is required for site plan approval.

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4. Site Plan approval is conditioned on the Drainage Calculations for the project having addressed all comments of the Village Engineer letter dated February 23, 2021.
5. After completion, the Applicant shall provide to the Village of Lyndonville Code Enforcement Officer a post-construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
6. All consultants' fees for review of application are to be reimbursed by the applicant to the Village prior to the issuance of permits.
7. NYSDOH and NYSDOT permits are to be obtained and provided to the Village of Lyndonville prior to issuance of permits.
8. Agreement completed between Village and applicant for inspection of relocated water main.

**ON MOTION** of Planning Board Member Hughes, seconded by Planning Board Member Chaffee, to approve the 30 North Main Street new retail store project preliminary site plan application site plan approval.

Vote: 4 Ayes (Chaffee, Gawne, Hughes, Vann); 0 Nays; 0 Abstain

**PLANNING BOARD – NEW BUSINESS:**

- 29 South Main Street – Site Plan Review Application – Nothing was submitted

**ZONING BOARD OF APPEALS – NEW BUSINESS:**

- 87 South Main Street – Area Variance – Side setback of 5' instead of 10' – The Zoning Board of Appeals set May 5, 2021 at 2:00pm for the public hearing.
- The Planning Board set the next meeting for May 19, 2021 at 6:00pm.
- Chris from the Broadway Group inquired who gives the approval on the certificate of appropriateness and if any action needed to be taken this evening. Code Enforcement Wolfe noted it's a joint effort with Planning Board and Code Enforcement.

**PLANNING BOARD - RESOLUTION 2021-14**

**APPROVE THE CERTIFICATE OF APPROPRIATENESS FOR THE 30 NORTH MAIN STREET**

**ON MOTION** of Planning Board Member Chaffee, seconded by Planning Board Member Hughes, to approve the certificate of appropriateness for 30 North Main Street.

Vote: 4 Ayes (Chaffee, Gawne, Hughes, Vann); 0 Nays; 0 Abstain

- Project Manager Tara Mathias from the Broadway Group thanked the Planning Board, Zoning Board, Clerk-Treasurer Woodworth and Project Manager Hinman and everyone involved with the project. Planning Board Member Hughes inquired what the timeline was for the project. Project Manager Mathias noted they plan to break ground in June or July and hope to have the store operational by the end of the year. Zoning Board of Appeals Chairman Woodworth thanked Project Manager Hinman and Project Manager Mathias for assisting the Boards through this project. Code Enforcement Wolfe thanked MRB Group and Clerk-Treasurer Woodworth for everything through the project.

**ON MOTION** of Planning Board Member Chaffee, seconded by Planning Board Member Gawne, to adjourn the meeting at 6:39PM.

Vote: 4 Ayes (Chaffee, Gawne, Hughes, Vann); 0 Nays; 0 Abstain

**ON MOTION** of Zoning Board of Appeals Member Holland, seconded by Zoning Board of Appeals Member Avery, to adjourn the meeting at 6:39PM.

Vote: 3 Ayes (Avery, Holland, Woodworth); 0 Nays; 0 Abstain

*Teri M. Woodworth*  
Clerk-Treasurer, Planning/Zoning Clerk