

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Holley

Local Law No. 1 of the year 2024

**A LOCAL LAW AMENDING CHAPTER 265- 11 REGARDING SITE PLAN
REVIEW APPLICABLE TO CERTAIN USES AND ACTIVITIES**

Be it enacted by the Village Board of the Village of Holley

Village of Holley
County of Orleans
Local Law No. 1 of the year 2024.

**A LOCAL LAW AMENDING CHAPTER 265-11 OF THE VILLAGE OF HOLLEY
CODE PERTAINING TO SITE PLAN REVIEW**

Be it enacted by the Board of Trustees of the Village of Holley as follows:

WHEREAS, it is necessary to amend certain aspects of the Village of Holley Code from time to time.

NOW, THEREFORE be it resolved that the following proposed local law was published for public review in accordance with the Municipal Home Rule Law and the Village Law, and that a public hearing was held thereupon on the 9th day of January 2024, for the purposes of consideration of adoption of the proposed local law which reads as follows:

I. AMENDMENT: - Chapter 265-11 of the Village of Holley Code shall be modified by adding the following text as the first paragraph immediately before the current text:

Site Plan Review

Purpose.

The intent of this article is to set forth additional general standards applying to certain uses and activities. The nature of these uses and activities require special consideration of their impacts upon surrounding properties, the environment,

community character and the ability of the Village to accommodate development consistent with the objectives of this chapter.

Applicability.

Site plan review shall be required for all applications for zoning permits, zoning variances, or special use permits. No zoning permit shall be issued until all the requirements of this article and all other applicable provisions of this chapter have been met.

Exception: Those for single-family and two-family dwellings, for any additions thereto and for permitted accessory uses for single-family and two-family dwellings, unless located within an historical preservation district or a planned residential development district in which case site plan review shall be required.

Application procedure.

A. Applications for site plan review shall be in writing, shall be accompanied by a site plan, and shall be filed with the Zoning Enforcement Officer who shall refer such application and site plan to the Village Planning Board. The Zoning Enforcement Officer shall concurrently transmit a copy of the application and site plan to the County Planning Board for review when required under Article 12-B, § 239-m, of the General Municipal Law. The applicant should attend the Village Planning Board meeting to answer questions concerning the application.

B. Within 62 days of receipt of the complete application and site plan, the Village Planning Board shall render a decision to approve, approve with conditions, or deny, and shall forward the decisions to the Zoning Enforcement Officer unless the time period is extended by the mutual consent of the Village Planning Board and the applicant. Said 62-day time period shall commence at the time the complete application and site plan are first presented at a duly called Village Planning Board meeting. If the application is required to be referred to the County Planning Board in accord with Article 12-B, § 239-m, of the General Municipal Law, the Village Planning Board shall not act within the first 30 days following the referral to the County Planning Board unless the County Planning Board provides a written reply within the 30 days. If the Village Planning Board fails to act within said 62-day period or extension that has been granted, the site plan shall be considered approved.

C. Agricultural data statement.

(1) Site plan review applications for any project that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within

an agricultural district, shall be accompanied by an agricultural data statement prepared by the applicant.

(2) The Village Planning Board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the project on the agricultural district.

(3) Upon the receipt of such application by the Village Planning Board, the Secretary of such Board shall send written notice of such application, via certified mail, to the owners of land identified by the applicant in the agricultural data statements. The cost of mailing the notice shall be borne by the applicant.

(4) The agricultural data statement shall include the following information:

- (a) The name and address of the applicant;
- (b) A description of the proposed project and its location;
- (c) The name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and
- (d) A Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the data statement.

D. The Village Planning Board is hereby authorized to waive any of the requirements in this article for site plan review, if it finds that such requirements are not needed to protect public health, safety or general welfare, or are inappropriate to the particular site plan.

E. A full written record of the Village Planning Board minutes and decisions together with all documents pertaining to the case shall be filed in the office of the Zoning Enforcement Officer, and a copy shall be mailed to the applicant.

Preapplication conference.

A preapplication conference may be held between the Development Review Committee (as determined by the Village Board) and applicant to review the basic site design concept and generally determine the information to be required on the site plan.

Application for site plan approval.

An application for site plan approval shall be made, in writing, to the Zoning Enforcement Officer and shall be accompanied by information drawn from the

following checklist. The Village Planning Board may require additional information, if necessary, to complete its review.

A. Plan checklist for all site plans:

- (1) Title of drawing and revision number, including name and address of applicant and person responsible for preparation of such drawing.
- (2) North arrow, scale and date.
- (3) Boundaries of the property plotted to scale.
- (4) Existing watercourse and bodies of water.
- (5) Location of any slopes of 5° or greater.
- (6) Existing surface drainage patterns, proposed grading and proposed drainage patterns and the location of any proposed storm sewer drains.
- (7) Location, proposed use and height of all buildings and site improvements, including culverts, drains, retaining walls and fences.
- (8) Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
- (9) Location of outdoor storage, if any.
- (10) Description of the method of sewage disposal and location of the facilities.
- (11) Identification of potable water source. If water source is a well, indicate location.
- (12) Location, size and design and construction materials of all proposed signs.
- (13) Location and proposed development of all buffer areas, including existing vegetation cover.
- (14) Location and design of outdoor lighting facilities. Outdoor lighting must be dark sky compliant.
- (15) General landscaping plan.

B. As necessary, the Village Planning Board may require the following:

- (1) Provision for pedestrian access, if necessary.
- (2) Location of fire lanes and hydrants.
- (3) Use and occupancy of structure.
- (4) Other elements integral to the proposed development as considered necessary by the Village Planning Board.

Planning Board review of site plan.

The Planning Board's review of the site plan shall include, as appropriate, the following:

A. General considerations.

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls, including the maximum feasible redesign of private roads to conform to public access and rights-of-way.
- (2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) Location, arrangement, size and design and general site compatibility of buildings, lighting and signs.
- (5) Adequacy of stormwater and drainage facilities.
- (6) Adequacy of water supply and sewage disposal facilities.
- (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.
- (8) In the case of apartment complex or to other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.

(9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.

(10) Protection of solar access on adjacent or neighboring properties.

(11) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

(12) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding flooding and or erosion.

(13) Special attention to the productive use and access with backlot areas, indicating present and future intended uses.

(14) Consistency with the general intent of the Village's comprehensive master planning process.

B. Consultant review. The Planning Board may consult with the Zoning Enforcement Officer, Code Enforcement Officer, Fire Commissioners, Highway Departments, County Planning Department, other local and county officials, in addition to representatives of federal and state agencies, including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation, and with private architects and engineers. All consultant review costs shall be paid by the applicant.

C. Public hearing. The Village Planning Board may conduct a public hearing of the site plan if a public hearing is considered desirable by a majority of the Village Planning Board. A public hearing shall be conducted within 62 days of the receipt of the application. The Village Planning Board shall mail a notice of the public hearing to the applicant at least ten days prior to the date of the public hearing and shall give public notice in the official newspaper of the Village at least ten days prior to the date of the public hearing. Any such application shall be deemed received when the complete application and site plan are first presented at a duly called Village Planning Board meeting. If referral of the application to the County Planning Board is required in accord with Article 12-B, § 239-m, of the General Municipal Law, a copy of the hearing notice shall also be mailed to the County Planning Board at least ten days prior to the date of such public hearing. Decisions shall be rendered within 62 days following the public hearing.

The current text of 265-11 shall be the second paragraph of Chapter 265-11.

II. AUTHORITY: The Legislative body of the State of New York has granted authority to local government units to adopt and amend local laws from time to time as necessary. In addition, the Legislative body of the State of New York has

specifically deemed that the local government unit shall adopt a local law in certain situations. That, pursuant to such grant of authority, and pursuant to the provisions of Section 714 of the General Municipal Law of the State of New York, the Board of Trustees of the Village of Holley, being the local legislative body of such municipality, is empowered to adopt a local law creating and/or modifying previous provisions in the Village of Holley.

The Village of Holley Board of Trustees has authorized that these changes be made to the Village of Holley Code and that same be implemented into, and enforced as set forth in the Village of Holley Code.

III. EFFECTIVE DATE OF AMENDMENT: The amendment as described above shall become effective upon the filing of this local law in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed here, designated as local law No. 1 of 20 24 of the Village of Holley was duly passed by the Town Board on 2/13, 2024, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption referendum)

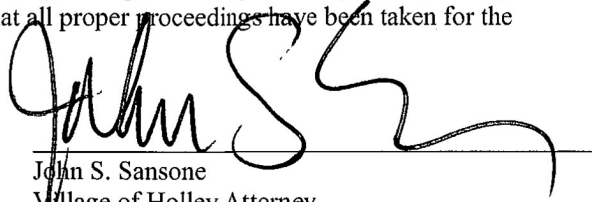
~~I hereby certify that the local law annexed hereto, designated local law No. _____ of 20____ of the County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____.~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney,
Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK)
)SS:
COUNTY OF ORLEANS)

I, the undersigned, JOHN S. SANSONE, ESQ., Village of Holley Attorney, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been taken for the enactment of the local law annexed hereto.



John S. Sansone
Village of Holley Attorney

Date: 2/28/24

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated local law No. _____ of 20__ of the County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

Clerk of the County legislative body, Village Clerk or officer designated by local legislative body

Date: 3/4/24

(Seal)