

MINUTES
VILLAGE OF HOLLEY
72 Public Square
Board of Trustees
Public Hearing
June 14, 2016 6:30 P.M.

Present: Mayor Kenney, Trustees: Sorochty, Carpenter, & Lynch, R. Vendetti

Absent: Trustee Nenni

Public Present: S. Heise, J. DeFillips, K. Wiley, K. Neale, M. Seeler, D. Seeler, K. Gabalski
(Orleans Hub)

PLEDGE OF ALLEGIANCE

Motion by Trustee Carpenter and seconded by Trustee Sorochty to begin the Public Hearing at 6:30p.m.

Motion carried X

Motion by Trustee Sorochty and seconded by Trustee Carpenter that the agenda as presented be adopted.

Motion carried X

DISCUSSION:

- Intersection Parking at the Industrial Park
- Planning/Zoning Board Consolidation – K. Neale spoke regarding zoning being separate board and encourage us to try different ways to recruit members
- Mobile Home Moratorium

Motion by Trustee Sorochty and seconded by Trustee Carpenter to approve:

Motion carried X

**A LOCAL LAW AMENDING SECTION 243-11 OF THE VILLAGE OF HOLLEY CODE
PERTAINING TO PARKING, STANDING AND STOPPING**

Local Law No. 1 of the Laws of 2016 of the Village of Holley

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

WHEREAS, it is in the public interest for the Village of Holley to delineate restrictions on areas for parking, standing and stopping within the confines of the Village of Holley, and

WHEREAS, section 243-11 of the Official Code of the Village of Holley currently sets forth restrictions on parking, standing and stopping within the Village of Holley, and

WHEREAS, this proposed amendment modifies the current text of section 243-11 of the Code of the Village of Holley as it pertains to parking, standing and stopping, and

NOW, THEREFORE be it resolved that the following proposed local law be published for public review in accordance with the Municipal Home Rule Law and the Village Law, and that a public hearing be held thereupon on the 12th day of April, 2016, for the purposes of consideration of adoption of the proposed local law which reads as follows:

I. AMENDMENT: - Applicable sections of LL 243-11 of the Village of Holley Code are replaced with the following text:

Under (C) Parking prohibited in designated locations. The parking of vehicles is hereby prohibited in any of the following locations.

ADD subsection (15) - *50 feet from an intersection in all directions in EDA park.*

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 order to protect the health, safety and welfare of the persons and properties within such local municipality. 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 territories into the zoning districts of 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.

Motion by Trustee Sorochty and seconded by Trustee Lynch to approve:
Motion carried X

**A LOCAL LAW CONSOLIDATING THE VILLAGE OF HOLLEY PLANNING BOARD AND
VILLAGE OF HOLLEY ZONING BOARD OF APPEALS**

LOCAL LAW NO. 2 OF THE YEAR 2016

BE IT ENACTED BY THE VILLAGE OF HOLLEY BOARD OF TRUSTEES AS FOLLOWS:

SECTION 1 – PURPOSE

The purpose of this Local Law is to increase the efficiency and administration of land use, planning and zoning review in the Village of Holley by consolidating and creating a Joint Zoning Board of Appeals/Planning Board for the Village of Holley.

SECTION 2 – AUTHORITY

This Local Law is being enacted pursuant to authority conferred by NYS Village Law and NYS Municipal Home Rule Law.

SECTION 3 – SUPERCESSION

This Local Law shall supersede any provisions of village, state or local law to the extent this local law conflicts with contrary provisions and to the extent allowable by the NYS Municipal Home Rule Law and the NYS Constitution.

SECTION 4 – ABOLITION OF PLANNING BOARD AND TRANSFER OF CERTAIN FUNCTIONS TO THE JOINT ZONING BOARD OF APPEALS

The Village of Holley Planning Board as currently constituted and comprised is hereby abolished. All functions of the Planning Board are hereby transferred to the Zoning Board of Appeals to be now known hereafter as the Joint Zoning Board of Appeals/Planning Board. All references to either "Planning Board" or "Zoning Board of Appeals" contained within the Code of the Village of Holley Code shall be replaced with the term "Joint Zoning Board of Appeals/Planning Board."

Functions transferred include review of subdivision plats pursuant to authority conferred by NYS Village Law Article 7 and Village of Holley Code Article IX.

SECTION 5 – MEMBERSHIP UPON THE JOINT ZONING BOARD OF APPEALS/PLANNING BOARD

The Joint Zoning Board of Appeals/Planning Board shall consist of 5 members (and up to 2 alternates). Membership will be comprised initially from existing selected members from the Zoning Board of Appeals and Planning Board for the remaining length of their current terms of office. Any new or additional members shall be appointed pursuant to NYS Village Law Section 7-718(1). The initial term for one new member shall be six (6) years and the initial term for the second new member shall be seven (7) years except appointments to fill a vacancy shall be for the remainder of the vacancy's term.

SECTION 6 – POWERS AND DUTIES

The Joint Zoning Board of Appeals/Planning Board shall be the sole land use board within the Village of Holley and shall be authorized to hear all planning and zoning matters within the Village of Holley. The Joint Zoning Board of Appeals/Planning Board shall have all the power and authority of the previously constituted and comprised Zoning Board of Appeals and Planning Board as set forth in the Village of Holley Code, Village Law or other state law when considering all planning and zoning matters.

SECTION 7 - CONTINUING EDUCATION AND TRAINING

Each member of the Joint shall complete such training and continuing education as shall be required by law or as mandated by the Village of Holley Board of Trustees.

SECTION 8 – SEVERABILITY

The provisions of this Local Law are severable. If any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Local Law.

SECTION 9 – EFFECTIVE DATE

This Local Law shall become effective upon the filing with the NYS Secretary of State.

Motion by Trustee Lynch and seconded by Trustee Carpenter to approve:
Motion carried X

**A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE INSTALLATION OF
MOBILE HOMES OUTSIDE MOBILE HOME PARKS**

LOCAL LAW NO. 3 OF THE YEAR 2016

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

SECTION I PURPOSE AND INTENT

The purpose of this Local Law is to establish a moratorium on the installation, construction or development of mobile homes outside mobile home parks. The intent of this Local Law is to provide a temporary, interim measure to halt the further development of mobile home until such time as the Village has had an opportunity to research the options for regulation of such facilities and to develop, consider and enact a local law establishing regulations for the installation of mobile homes in all residential districts. The Village desires to enact such a local law in order to preserve and protect the aesthetic and visual resources of, and the property values within, the Village by providing certain regulations and restrictions on the location, size and siting of mobile homes within the Village, while complying with Sections 600 through 612 of New York Executive Law 21-B. During the period in which the moratorium established by this Local Law is in effect, the Village will evaluate the restrictions concerning mobile homes that are necessary or appropriate to so preserve and protect the aesthetic and visual resources of, and the property values within, the Village.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

SECTION III DEFINITIONS

As used in this Local Law, the following terms shall have the meanings indicated:

A. Mobile Home: A factory-manufactured home, built on a permanent steel-framed chassis and designed to be transported to a site in one or more sections, which is intended to be used as permanent living quarters by a single family unit when connected to the required plumbing, heating, and electric utilities. For the purposes of this Ordinance, the removal of transport wheels and/or the anchoring of the mobile home to a permanent foundation shall not remove it from this definition. This term shall also include manufactured homes, single-wide manufactured homes, and double-wide manufactured homes.

SECTION IV MORATORIUM, RESTRICTIONS AND PROHIBITIONS

From the effective date of this Local Law forward, until the next to occur of (i) the repeal of this Local Law, (ii) the enactment of a local law by the Village regulating mobile homes outside mobile home parks, or (iii) the date six (6) months from the date of enactment of this Local Law, it shall be unlawful for any person to install, construct or develop a mobile home on any property outside of a mobile home park in the Village of Holley.

SECTION V APPEAL

In the event that any owner of any property located in the Village determines that they are aggrieved by the moratorium imposed by this Local Law, said owner may apply to the Village's Board of Zoning Appeals to seek a use variance for the construction of a mobile home on their property, and the Board of Zoning Appeals shall review such appeal in accordance with the procedural and substantive requirements of a use variance appeal.

SECTION X PENALTIES FOR OFFENSES

Any person who, themselves or by an agent or employee, shall violate any of the provisions of this Local Law, shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense. Each day's violation shall constitute a separate offense.

SECTION XI SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Holley in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Ordinance of the Village of Holley, are deemed to be in conflict with the moratorium imposed by this Local Law, the terms of this Local Law shall govern and control.

SECTION XII PARTIAL INVALIDITY

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION XIII EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board.

Motion by Trustee Sorochty and seconded by Trustee Carpenter to adjourn Village of Holley Board of Trustee Public Hearing at 6:53p.m.

Motion carried X