

Chapter 15

PLANNING BOARD

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 5-10-1993 as L.L. No. 3-1993; amended in its entirety 4-25-1994 by L.L. No. 2-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 119.

§ 15-1. Establishment.

- A. Pursuant to § 7-718 and Article 7 of the Village Law of the State of New York, there is hereby created and established a Planning Board of and for the Village of Champlain which shall consist of five members each to be appointed for a term of five years by the Village Board. The first appointments shall be for terms so fixed that one term shall expire annually and succeeding appointments shall be for five-year terms, all pursuant to the provisions of § 7-718 of the Village Law. The Chairperson shall be designated by the Village Board or, in the absence of such designation, may be selected by the Planning Board.
- B. The Planning Board shall select a Secretary and may employ its own attorney and staff and other experts as necessary and pay for their services and such other expenses as may be necessary and proper, but not in an amount exceeding the budgetary appropriation for the Planning Board made by the Village Board of Trustees.
- C. If any vacancy shall occur otherwise than by the expiration of term of any member of the Planning Board, the Mayor shall appoint the new member for the unexpired term, subject to the approval of the Board of Trustees.
- D. It is the intent of this chapter to establish and create a Planning Board pursuant to Article 7 of the Village Law and to empower said Board with all of the powers and duties and privileges as set forth in Article 7 of the Village Law as now exists and as the same may be amended from time to time, except that the Planning Board as of July 1, 1994, shall not have the power to enact, change, establish or develop a Comprehensive Plan for the growth and development of the Village of Champlain, which said power is hereby after said date reserved to the Village Board of Trustees pursuant to said Article 7 of the Village Law.

§ 15-2. Powers and duties.

The Planning Board does hereby have the following powers and duties:

- A. Until July 1, 1994, the Planning Board may prepare and change a Comprehensive Master Plan for the development of the area of the village, which plan shall show desirable growth and future development of the village all pursuant to § 7-722 of the Village Law, and after said date, this said power is reserved to the Village Board of Trustees.
- B. Review all subdivision applications pursuant to the subdivision laws and regulations of the village and the Village Code and, in conformity with same, approve, approve with modification or disapprove same.
- C. Review all site plan applications pursuant to the Zoning Laws of the village and the Village Code and as authorized by § 7-725-a of the Village Law.
 - (1) The Planning Board is hereby empowered to approve, approve with modification or disapprove site plans prepared to specifications of and in compliance with the Village Code and Village Zoning Laws¹ and this chapter.
 - (2) The Board has the power and authority to approve such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the said site.
 - (3) Site plans shall show all elements related to parking, means of access, screening, landscaping, architectural features, location and dimensions of buildings and structures, adjacent land uses and physical features meant to protect the site or to protect adjacent land and any elements required by the Zoning Law or other local laws of the village or Village Code.
 - (4) The Planning Board also is hereby granted the power, when reasonable, to waive any requirements for the approval, approval with modifications or disapproval of site plans submitted to the Board for approval. Any such waiver, however, may only be exercised by the Planning Board in the event any such requirements are found not to be in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.
 - (5) The Planning Board shall conduct a public hearing within 62 days from the day an application is received for site plan review. The Board shall give proper public notice of said hearing as required by § 7-725-a of the Village Law.
 - (6) The Board shall make a decision on the application within 62 days after such hearing unless said time is mutually extended by the Planning Board and the applicant.
- D. The Planning Board on its own motion or by referral from the Village Board of Trustees may recommend matters relating to proposed amendments to the Zoning Law of the village.

1. Editor's Note: See Ch. 119, Zoning.

- E. The Planning Board may make investigations, maps and reports, and recommendations in connection therewith, to the Village Board relating to the planning and development of the community and area of the village.
- F. The Planning Board may, on its own motion or by referral from the Village Zoning Board of Appeals, make recommendations to the said Zoning Board of Appeals on any site plan, on any matters properly brought before either Board or over which either Board has jurisdiction.
- G. Review all applications for soil removal or placement as required by this chapter. The Board is hereby empowered to approve, approve with modification or disapprove such applications. The Board has the power and authority to approve such reasonable conditions and restrictions as are directly related to and incidental to the proposed soil removal or placement. To grant such approval for soil removal or placement, the Board shall be satisfied that such soil removal or placement is found to be not detrimental to the public health, safety or general welfare and not inappropriate to the particular site, and provided that same does not degrade the general appearance of the site or the surrounding or adjacent lands, and further provided that the resulting appearance and final condition of the site, if said application were allowed, would be in an improved and a better aesthetically appearing condition than presently exists. A public hearing shall be required for all such applications for soil removal or placement.

§ 15-3. Site plan and subdivision approvals required.

- A. Site plan approval is required for the following land uses:
 - (1) All land use activities set forth in the Village Zoning Laws and Chapter 119 of the Village Code that require site plan approval.
 - (2) The removal or placement of soil, earth or rock upon or from any property in the village which exceeds in volume 300 cubic yards which is not associated with any construction activity or activity concerning the alteration or construction of a structure or building upon said property.
- B. Subdivision approval is required for all subdivisions pursuant to the subdivision laws and regulations and provisions of the Village Code.

§ 15-4. Procedure and rules of conduct.

- A. The Planning Board shall determine its own rules of conduct and procedure consistent with the applicable provisions of the Village Law of the State of New York, this chapter and the other provisions of the Village Code.
 - (1) The Planning Board shall comply with all provisions of Article 7 of the Village Law regarding all notification and hearing requirements.
 - (2) The Planning Board shall keep a record of all its transactions, findings and determinations, which record shall be a public record.
- B. Unless otherwise required by any other provision of this chapter or the Village Law or any other law and prior to any public hearing required by this chapter or the Village

Law or any statute, the Board shall mail notice of said hearing to the applicant at least 10 days before such hearing and shall give public notice of said hearing in a newspaper of general circulation in the village at least five days prior to the date thereof. Unless a different time is required by any other provision of Village Law or any other statute or any other provision of this chapter, the Board shall be required to make a decision on the application before it within 62 days after such public hearing or after the day the application is received if no public hearing is required to be held. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board.

- C. Any decision rendered by the Board shall immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. Nothing in this chapter shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.
- D. At least 10 days before any required hearing, the Board shall also mail notices thereof to any county or metropolitan or regional planning agency that may exist, all as required by § 239-m of the General Municipal Law.
- E. The Planning Board shall comply with all requirements of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR 617 as it may be amended from time to time.
- F. The Planning Board may require the applicant to meet with the Board prior to any required public hearing to preliminarily discuss the application and the details and elements of the application and to receive any additional information that may be requested by the Board.
- G. All decisions of the Planning Board shall be made in writing and in a form signed by the Chairman of the Planning Board or such other member of the Planning Board as said Board may select. All decisions shall state the findings of fact which were the basis for the decision. All decisions shall state fully any and all conditions, modifications or safeguards or requirements imposed and mandated by the Planning Board in granting any such approval or in granting any approval with modifications.
- H. All notices required to be sent or published pursuant to the law, unless required otherwise by any other provision of Village Law or the Village Code, shall contain the following information:
 - (1) Name and address of the applicant and the property owner and location of the property.
 - (2) The date, time and place of the hearing.
 - (3) A brief description of the application and the relief sought.

§ 15-5. Information required and application form.

- A. The applicant shall be required to provide to the Planning Board all information requested. A proper application form, as may be adopted by the Planning Board, shall

- be completed and signed by the applicant and also signed by the owner of the property if applicant is not the owner.
- B. All applications shall be submitted properly completed, together with the required filing fee, before the Board shall be required to act upon same.
 - C. The Planning Board, at any time, may require information from the applicant in addition to that required on the application form. The Planning Board may adopt its own requirements concerning the information to be submitted by an applicant that is required in order to process the application.
 - D. The Planning Board may also request such additional information of the applicant as may be required by the Board or as required by any other provision of the Subdivision Laws or Zoning Laws of the village that may be deemed pertinent and necessary by the Board in order to make an informed decision on the application.

§ 15-6. Filing fees.

The following are the filing fees that shall be required and shall be paid with the application:

- A. For site plan application: \$50.
- B. For subdivision application: \$100.
- C. For soil removal or placement: \$50.
- D. Any other matter requiring a decision of the Planning Board by any other provision of this chapter or the Village Code or Village Law not listed elsewhere: \$50.

§ 15-7. Penalties for offenses.

Unless another penalty is provided by law, any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuance of an offense for each day 24 hours] shall be deemed a distinct and separate violation.

§ 15-8. Injunctions.

The village may commence and maintain an action to restrain by injunction and may obtain an injunction for any violation of this chapter or any failure to comply with any of the provisions of this chapter.

§ 15-9. Stop orders.

Any activity or construction or any use conducted or performed without a valid permit or certificate of conformity or approval, where required, or not in conformity with the provisions of this chapter may be stopped, closed or halted at once by the Zoning Enforcement Officer with the issuance of a stop order, with the assistance, if deemed necessary, of any appropriate village officer or employee.