

A LOCAL LAW REGARDING THE PLANNING BOARD

Adopted: 11/28/49

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE,
NEW YORK, AS FOLLOWS:

Section 22-1 ESTABLISHMENT OF BOARD; APPOINTMENTS; TERMS OF OFFICE;
(amended 5/20/64)

Under the authority of the Village Law, Section 179(f), the Board of Trustees is hereby authorized and empowered to appoint a Planning Board of five (5) members, and shall have authority to remove any member of such Planning Board for cause and after public hearing. The respective terms of the members of the Board first appointed shall be one (1), two (2), three (3), four (4), and five (5) years from and after their appointment. Their successors and the successors of those in office at the time this section as hereby amended takes effect shall be appointed for the term of five (5) years from and after the expiration of the term of their predecessors in office; provided, however, that the members first appointed as successors to members of any such Board now in office who are officials of the village and who were appointed as such members because of being officials of the village, shall be appointed for terms of such period of years, not more than five (5), as shall integrate with the terms of successors to other members of such Board in such manner that after the expiration of the terms of office of members now in office, the term of one (1) member of the Board shall expire each year. The members of such Board in office at the time this section as hereby amended takes effect shall continue in office until the end of the term for which they were appointed and their successors have been appointed as provided in this section as so amended and have qualified. If vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

Section 22-2 MEMBERS TO SERVE WITHOUT PAY

Such members shall receive no payment for their services as members of the Board. The municipal officials on such Board, shall not, by reason of membership thereon, forfeit their right to exercise the powers, perform the duties or receive the compensation of the municipal office held by them during such membership..

Section 22-3. CHARIMAN

The chairman of the Board shall be designated by the Mayor or on failure to do so shall be elected from and by its own members.

Section 22-4. EMPLOYMENT OF EXPERTS

The Planning Board shall have the power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made for such Board.

Section 22-5 RULES AND REGULATIONS

The Planning Board may adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this ordinance or any other statute, after public hearing by the Planning Board and subject to the approval of this legislative body.

Section 22-6 MASTER PLAN; PUBLIC HEARINGS

A. The Planning Board shall prepare and may change a comprehensive master plan for the development of the entire area of the village, which master plan shall show existing and proposed streets, bridges and tunnels and the approaches thereto, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts,* pierhead and bulkhead lines, waterways and routes of public utilities and such other features existing and proposed as will provide for the protection and improvement of the village and its future growth and development, and will afford adequate facilities for the public housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population. The master plan and all modifications thereof shall be on file in the offices of the Director of Public Works and the Village Clerk.

B. The Planning Board may advertise and hold public hearings when it desires, notice of which hearings shall be advertised at least once in a newspaper of general circulation in the village and by posting a notice of hearing in at least three (3) prominent places at least five (5) days before each such hearing.

Section 22-7. FINAL JURISDICTION

The authority having final jurisdiction over any matter in which said Village Planning Board also has jurisdiction in accordance

* See Ch. 40, Zoning

with the aforementioned laws shall not proceed to such final action until such Planning Board has made its final report thereon to such authority, but if such Planning Board shall not have made its final report thereon within ninety (90) days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the Board of Trustees from granting, in any specific case, such longer period as it may fix within which said Board may make its final report, and if such longer period is granted, the authority have final jurisdiction shall not in the absence of such report, proceed to final action until that longer period shall have elapsed.

Section 22-8. APPROVAL OF PLATS

A. No plan, plat, or description showing the layout of any highway, or street upon private property or of building lots in connection with or in relation to such highways or streets within the limits of this municipality shall be received for record in the office of the Clerk of this County, until a copy shall have been filed with the said Planning Board and it has certified with relation to its approval or its refusal to approve. Before such approval shall be given, formal offers of cession of all streets, highways and parks not marked by notation on the plat as being retained under private ownership shall be filed with the Board and public hearing shall be held by the Planning Board advertised as directed in Section 22-6. The Planning Board may thereupon approve, modify, and approve, or disapprove of such plat. The approval required by this section or refusal to approve shall take place within forty-five (45) days from and after the time of submission of the plat to the Board for approval; otherwise such plat shall be deemed to have been approved and the certificate of the village as to the date of submission of that plat for approval and the failure of the Board to take action within such time shall be issued by the Village Clerk on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval herein required. The ground of refusal shall be stated in the records of the Board. The approval by the Planning Board or the certificate of the village as to the date of submission of the plat and the failure to the Planning Board to take action thereon within forty-five (45) days shall expire ninety (90) days from the date of such approval or of such approval or of such certificate, unless within such ninety (90) day period such plat shall have been duly filed or recorded by the owner in the office of the County Clerk.

The Village Clerk is hereby authorized and charged with the duty of filing in the office of the County Clerk a certificate showing that the said Planning Board has been so authorized and that the Village Clerk shall issue the aforementioned certificate of failure to take action as aforesaid.

B. Before the approval by the Planning Board of a plat, such plat shall show in proper cases and when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes. In approving such plats, the Planning Board shall require that the streets and highways shall be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings and to be coordinated so as to compose a convenient system conforming to the master plan; that the land shown on such plats shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other means; that suitable monuments have been placed at such block corners and other necessary points as may be required by the Board and the location thereof is shown on the map of such plat: that the parks shall be of reasonable size for neighborhood playgrounds or other recreational uses; that all streets or other public places shown on such plats shall be suitable graded and paved and that sidewalks, street lighting standards, curbs, gutters, street trees, water mains, sanitary sewers and storm drains or combined sewers shall be installed in accordance with standards, specifications and procedure acceptable to the appropriate municipal departments or that alternatively a performance bond sufficient to cover the full cost of the same as estimated by the Planning Board or other appropriate municipal department designated by the Planning Board shall be furnished to the municipality by the owner, provided, however, that the Planning Board may waive, subject to appropriate conditions and guarantees for such period as it may determine, the provision of any or all such improvements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interests of the public health safety and general welfare. Such performance bond shall be issued by a bonding or surety company approved by the Board of Trustees or by the owner with security acceptable to the Board of Trustees and shall also be approved by the Board of Trustees as to form, sufficiency and manner of execution. Such performance bond shall run for a term to be fixed by the Planning Board, but in no case for a longer term

than three (3) years, provided, however, that the term of the performance bond may be extended by the Planning Board with consent of the parties thereto. If the Planning Board shall decide at any time during the term of the performance bond that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond or that required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the face amount of such bond, the Planning Board, after due notice and public hearing may modify its requirements for any or all such improvements and the face value of such performance bond shall thereupon be reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced proportionately. In the event that any required improvements have not been installed within the term of the performance bond, the Board of Trustees may thereupon declare the performance bond in default and collect the sum remaining payable thereunder and upon receipt of the proceeds thereof, the village shall install such improvements as are covered by such performance bond and commensurate with the building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

C. In making such determination regarding streets, highways, parks and required improvements, the Planning Board shall take into consideration the prospective character of the development, whether dense residence, open residence, business or industrial.

D. Insofar as provisions of law other than those in this ordinance require approval of a plat, map or plan of land as a prerequisite of its record, or to allow it to be recorded, said provisions shall not be in force insofar as they apply to plats, maps or plans of land within the limits of this municipality.

Section 22-9. APPLICATIONS OF ZONING REGULATIONS.

The Planning Board is authorized and empowered, simultaneously with approval of such plat mentioned in Section 22-8, to confirm the zoning regulations of the land so platted as shown on the official zoning maps of the village*, or to make such reasonable change therein as may be necessary or proper to improve or protect the interests of the village in its public health, safety and general welfare.

*On file in the Village Clerk's Office. See chapter 40, Zoning

Section 22-10 VALIDITY OF ORDINANCE

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 22-11 EFFECTIVE DATE

This ordinance shall take effect immediately.