

ARTICLE 9
ADMINISTRATION AND ENFORCEMENT

A. Planning Board:

1. Organization:

Pursuant to applicable provisions of the Village Law §7-718, the Village Board is hereby authorized to create a Planning Board consisting of five (5) members. No member of the Planning Board shall be a member of the Village Board of Trustees. The chairperson of such Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. In the absence of a chairperson the Planning Board may designate a member to serve as chairperson. The Village Board of Trustees may require members to complete training and continuing education courses. Compensation for members of the Planning Board will be determined by the Village Board by separate resolution.

a) Terms of Office:

The terms of members of the Planning Board first appointed shall be so fixed that the term of one (1) member shall expire at the end of the Village official year in which such member was initially appointed. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each official year thereafter. In other words, one (1) member shall serve one (1) year, one (1) member shall serve two (2) years, and one (1) member shall serve three (3) years, one (1) member shall serve four (4) years, and one (1) member shall serve five (5) years. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term of five (5) years. A vacancy occurring for reason other than by expiration of a term shall be filled by the Village Board of Trustees by appointment for the unexpired term only.

b) Removal of members:

After a public hearing, any member of the Planning Board may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Village Board of Trustees by Local Law.

2. Powers and Duties:

- a)** In addition to those other powers and duties assigned to it by law, the Planning Board is hereby empowered to perform the following functions:

- 1) Review Special Use Permits Applications for those uses specifically listed as requiring such a Special Use Permit in accord with the provisions of Article 8.
 - 2) Review site development plans for those uses requiring Site Plan Review in accord with Article 7.
 - 3) Review and submit advisory opinions concerning applications for variances and amendments to the zoning regulations, as required by Section B-1 of this Article and Article 11.
- b) Reports on Referred Matters:
- 1) The Village Board of Trustees may by resolution provide for the reference of any matter or class of matters, to the Planning Board before final action is taken thereon by the Village Board or other office or officer of said Village having final authority over said matter. The Village Board of Trustees may further stipulate that final action thereon shall not be taken until the Planning Board has submitted its report thereon, or has had a reasonable time, to be fixed by the Village Board in said resolution, to submit the report.
 - 2) The Planning Board may recommend to the Village Board of Trustees regulations relating to any subject matter over which the Planning Board has jurisdiction under this Zoning Law or any other statute, or under any Local Law of the Village. Adoption of any such recommendations by the Village Board of Trustees shall be by Local Law.
 - 3) The Planning Board has oversight over the preparation, upkeep, and administration of the Village of Victory Comprehensive Plan. In addition, the Planning Board shall have the full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the Village as it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefore.
- c) Planning Board Bylaws, Rules, and Regulations:
- The Planning Board shall have the power to make, adopt, and promulgate such written rules of procedure, bylaws, and forms, as it may deem necessary for the proper execution of its duties and to secure the intent of this Law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provision of this Law, or any other Law of the Village of Victory.

d) Consultant Review Fees:

The Planning Board may require an applicant for any review, permit or approval to deposit in escrow an amount established by the Planning Board to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application, permit or approval. The fees and/or costs charged by such engineer, consultant, or attorney in connection with such review will be charged against the sum deposited in escrow. Any amount remaining shall be returned to the applicant within thirty (30) days of final action on the application.

3. Procedure:

a) Meetings Minutes and Records:

- 1) All meetings of the Planning Board shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- 2) Meetings of such Planning Board shall be open to the public to the extent provided in article seven of the public officers law. Such board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

b) Voting Requirements:

Every motion or resolution of the Planning Board shall require for its adoption the affirmative vote of a majority of all the members of the Planning Board.

c) Public Hearing:

The Planning Board shall hold a public hearing for every special use permit application in accordance with Article 8. In addition, the Planning Board may hold a public hearing upon review of certain site plan applications that it determines are in the public interest, in accordance with Article 7.

d) Notice:

Notice of the public hearing shall be published in the official newspaper of the Village at least ten (10) days prior to the date of such hearing. At the time of submission of the application for a special use permit, the applicant shall submit, in addition to otherwise required documentation, the following:

- 1) A reproduced copy of the Tax Map or extract of the Tax Map depicting the parcel(s) of land in question and all lands within 500 feet distance from the perimeter thereof.
 - 2) A schedule of the names and addresses of the property owners within 500 feet distance from the perimeter of the parcel in question as ascertained from the office of the Town Assessor.
 - 3) Satisfactory proof that the property owners within 500 feet of the perimeter of the parcel have been notified in writing of the nature of the request for a special use permit (include a brief narrative). Such notification shall include the following written statement: "An application for a special use permit for lands within 500 feet of your property is being proposed" The permit application will be filed with the Code Enforcement Officer and may be reviewed by you during normal business hours at the Village Hall. Proof shall be deemed satisfactory for purposes hereof if the applicant provides evidence of mailing, by certified or registered mail, or certificate of mailing and files the receipts with the submission. Regular mail is not satisfactory notice.
 - 4) In the event that the applicant or a related company or corporation owns lands adjacent to the parcel in questions, then, in such event, the notice required herein shall be provided to property owners with 500 feet of the parcel adjacent to the parcel in question.
 - 5) For purposes of this Section only, the term "applicant" shall include owner, agent or applicant.
- e) Findings and Conclusions:
- 1) Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days.
 - 2) Within sixty-two (62) days after the public hearing, the Planning Board shall render its decision as to whether to issue the Special Permit and shall make a written report setting forth its findings and conclusions and the basis for its decision. The decision of the Board shall be filed within five (5) business days with the Village Clerk and a copy thereof mailed to the applicant.
- f) Additional Conditions:
- When issuing a Special Permit, the Planning Board may attach such conditions and safeguards as it deems necessary to further the intent of these regulations and to protect the public interest. Such conditions

may include a requirement that the Special Permit be periodically renewed. Such renewal shall only be withheld, following due public notice and hearings, upon a determination that the applicant has not complied with the provisions of the original application or with any conditions prescribed by the Board in conjunction with approval of such application. In such case, the applicant shall be granted a period of sixty (60) days within which to achieve full compliance with all conditions prior to revocation of the Special Permit.

g) Referrals to the Saratoga County Planning Board:

Any application for a Special Use Permit or Site Plan approval involving real property located within five-hundred (500) feet of any of the following shall be referred to the Saratoga County Planning Board prior to final action in accord with §§239-l and 239-m of the General Municipal Law:

- 1) The boundary of any Village or Town.
- 2) The boundary of any existing or proposed County of State park or other recreation area.
- 3) The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway.
- 4) The right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines.
- 5) The boundary of any existing or proposed County or State owned land on which a public building or institution is situated.
- 6) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agricultural and Markets Law, except this provision does not apply to the granting of area variances.

h) Time Allotted for County Review:

The Saratoga County Planning Board is obligated to respond in writing to the zoning referral within thirty (30) days of receipt of said referral. If the County fails to respond within the thirty (30) day time frame, the Planning Board is free to render a decision on the application.

i) Voting Requirements Upon Receipt of County Report:

Should the Saratoga County Planning Board recommend modification to or denial of the application, the Planning Board may only approve