

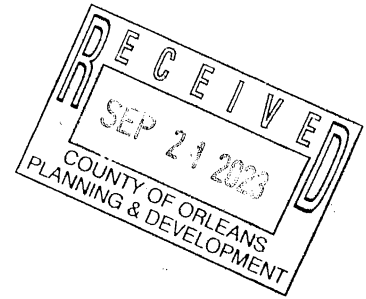


Zoning Referral Form

Orleans County Planning Board

mail or deliver to:

Orleans County Department of Planning and Development
14016 Route 31 West
Albion, New York 14411



Referrals can also be e-mailed to planningboard@orleanscountyny.gov

Please type or print in space provided, attaching extra sheets if necessary. Incomplete or missing information will result in delays in processing and review.

I. Information Regarding the Town or Village:

MUNICIPALITY: Holley

DATE: 9-14-23

PHONE: 638-6367

ADDRESS: 1 Wright St, Holley

NAME & TITLE OF SUBMITTING OFFICIAL: Sandra Heise - chr. ZAP

CONTACT E-MAIL ADDRESS: daisley48@aol.com

II. Type(s) of Proposed Action:

COMPREHENSIVE PLAN

AMENDMENT TO ZONING TEXT

AREA VARIANCE

USE VARIANCE

AMENDMENT TO ZONING MAP

SPECIAL USE PERMIT

SITE PLAN REVIEW

NEW ZONING ORDINANCE/LAW

III. Information Regarding the Site:

TAX PARCEL NUMBER: _____

STREET/ROAD NAME & ADDRESS NUMBER: 1282 W Albion St

NEAREST INTERSECTING ROAD: Geddes St

PRESENT ZONING DISTRICT: R-1

APPLICANT'S NAME AND PHONE: Nathan Merle unknown

OWNER'S NAME AND ADDRESS (IF DIFFERENT FROM APPLICANT): 1280 W Albion St

RELEVANT SECTION(S) OF ZONING ORDINANCE: Local Law #2 265-9

DESCRIPTION OF REQUEST: Use Variance already existing on property for lawn and garden. Wish to amend that to include service of other email engines

Signature of Submitting Official: Sandra Heise

This cover form should be attached to all detailed information and documents that the municipal board would utilize to adequately consider impacts. This typically includes additional narrative and at least a site plan map drawn to scale with a north arrow, lot lines and waterways, locations of existing and proposed structures and existing and proposed easements or rights-of-way, the zoning classification of adjoining properties, distance (in feet) of structural setbacks from lot lines, and completed Agricultural Data Statement and Environmental Assessment Form, where applicable.

WHEREAS, an application was filed by Nathan Merle

For a use variance: and,

WHEREAS, a public hearing was held on said application

On September 14, 2023; and,

WHEREAS, the Village of Holley Code, section

265.52(e) allows for a change in

Use under certain circumstances; and,

WHEREAS, the Village of Holley Planning Board

Has decided to allow a second generation

Use of the applicant's property as the

Purposed use is very similar to that

Use granted previously; and,

NOW BE IT RESOLVED that the application

Is granted with the conditions for it's use

Subject to approval of the Orlean's County

Planning Board.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Use Variance application</i>			
Project Location (describe, and attach a location map): <i>128 W Albion Street</i>			
Brief Description of Proposed Action: <i>desires use variance to repair 4 wheelers, side by sides, and snowmobiles</i>			
Name of Applicant or Sponsor: <i>Nathan Merte</i>		Telephone:	
		E-Mail:	
Address: <i>128 W Albion St</i>			
City/PO: <i>Holley</i>		State: <i>NY</i>	Zip Code: <i>14470</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<i>1.2</i>	acres
b. Total acreage to be physically disturbed?		<i>0</i>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0</i>	acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Yes, identify: _____	<input checked="" type="checkbox"/>		<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>		<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>		<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>		<input checked="" type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/>	NO	YES
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Sandra Hese</u> Date: <u>9-14-23</u> Signature: <u>Sandra Hese</u> Title: <u>Chr. ZAP</u>		

ZONING BOARD OF APPEALS

VILLAGE OF HOLLEY, NEW YORK

Application to Zoning Board of Appeals

Appeal No. _____

Date: 9/14, 2023

TO THE ZONING BOARD or APPEALS, HOLLEY, NEW YORK:

I (we) Nathan Melle Daniel Dill of 122 W. Albion St
(Name of Applicant) (Street and Number)

Holley NY HEREBY APPEAL TO THE
(Municipality) (State)

ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR/ ZONING OFFICER ON APPLICATION FOR BUILDING PERMIT NO. _____ DATED _____, 20_____

WHEREBY THE BUILDING INSPECTOR/ ZONING OFFICER DID

() GRANT TO: _____
() DENY (Name of Applicant for Permit)

OF: _____

- () A PERMIT FOR USE
- () A PERMIT FOR OCCUPANCY
- () A CERTIFICATION FOR CONTINUATION OF A NONCONFORMING USE

1. LOCATION OF THE PROPERTY: 122 W. Albion St, Holley, NY
(Street and Number) (Municipality) (State)

2. PRESENT ZONING CLASSIFICATION OF PROPERTY (Check Applicable one):
R-1 X R-2 _____ C-1 _____ M-1 _____ L-C _____

3. DESCRIPTION OF THE PROPERTY:

Existing workshop and show room on a lot 86.5 x 194.7.
Six existing parking spots.
Existing stockade fence separating neighboring properties.

4. PRESENT USE OF PROPERTY:

Lawn and Garden, small engine repair, sales of equipment and parts.

5. IMPROVEMENTS, IF ANY, PRESENTLY ON PROPERTY:

N/A

6. PROPOSED ADDITIONS OR CHANGES TO BE MADE TO THE PROPERTY, INCLUDING THE SIZE, COMPOSITION AND GENERAL CONSTRUCTION THEREOF:

No Changes

7. IS THE REQUIRED PLOT PLAN OF THE PROPERTY ATTACHED? Y IF NOT, EXPLAIN WHY NOT:

8. PROVISION (S) OF THE ZONING ORDINANCE (LOCAL LAW) APPEALED. Local Law No. 2
Article _____, SUBSECTION 265-9, PARAGRAPH _____ (indicate the article section, subsection and paragraph of the Zoning Ordinance appealed, by number. Do not quote the ordinance. _____)

9. TYPE OF APPEAL. Appeal is made herewith for:

- () An interpretation of the zoning ordinance (local law) or zoning map
- (X) A variance to the zoning ordinance (local law)

10. PREVIOUS APPEAL. A previous appeal () has (X) has not been made with respect to this decision of the building inspector or with respect to the proper.

Such appeal(s) was(were) in the form of: () a requested interpretation.
() a request for variance

and was (were) made in Appeal No. _____ dated _____ 20____
Appeal No. _____ dated _____ 20____

11. REASON FOR APPEAL (Complete relevant blank. Use extra sheet if necessary)

A. INTERPRETATION OF THE ZONING ORDINANCE. (LOCAL LAW) IS REQUESTED because:

Code Official interpreted the existing use variance to be specific to only lawn and garden equipment and I would like to service additional small engine machines.

B. A VARIANCE TO THE ZONING ORDINANCE (LOCAL LAW) IS REQUIRED for these reasons:

(1) STRICT APPLICATION of the ordinance (local law) would produce UNDUE HARDSHIP because:

In today's economy, I would not be able to sustain a business doing only lawn and garden equipment. I need to be able to service other types of equipment in the off-season.

(2) The variance would observe the spirit of the ordinance (local law) and would NOT CHANGE THE CHARACTER OF THE DISTRICT

because: I will not be making changes to the building or type of work being done in the building that would make it different than it is currently being used for.

Nathan Mills

(Signature)

Sworn to before me this 31st

day of August, 20 23

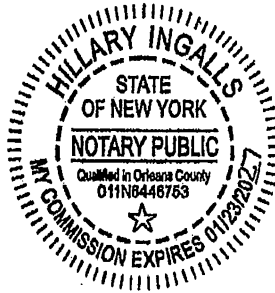
Hilary Ingalls
Notary Public

Dail H. Dill
(Owner Signature)

Sworn to before me this 14

day of September, 20 23

[Signature]
Notary Public



CLARE HAYNES
No. 01HA6148909
Notary Public, State of New York
Qualified in Oswego County
My Commission Expires July 3, 2026

128 W Albion Street
Holley, New York 14470

August 31, 2023

Zoning Board of Appeals
Village of Holley
Holley, New York 14470

Dear Zoning Board Members:

We are under contract to purchase the property at 122 W Albion Street and are seeking a Use Variance to continue using the site commercially. Although the property is in an R-1 zone, it has been used commercially since the 1960's. The property is very close to the commercial zone on the West side and the property backs up to Stockham Lumber Company on the South side.

My plan is to use the property for small engine repair including lawnmowers and snowblowers which are covered under the current Use Variance for the property. To help sustain the business, I would like to add small engine repair for 4-wheelers, side-by-sides, and snowmobiles. These additional pieces of equipment will not negatively impact the property or adjacent properties.

This will be a part time job for me as I get started but will eventually be my full-time job. My full-time hours of operation will be Monday – Friday, 8am-6pm, and Saturdays 8am-12pm.

All repair work would be done inside the existing workshop portion of the building. The drop off and pick up of most equipment would be done by appointment, which lowers the number of vehicles on the site from current numbers. There will be no tractor trailer deliveries. All equipment will be stored inside the building prior to, during, and after repair. If a client needs to leave a trailer, it will be stored on the gravel pad in the fenced area behind the building.

A flammable cabinet will be used to store flammable liquids. Used oil and gas will go into a 15-gallon drum on the existing containment pad. PIG Mat will be used to contain and clean up any liquid spills. All trash will be broken down for regular recycle and trash pick-up at the curb. Power washing to clean equipment will be done outside on the existing concrete pad at the back of the building.

The existing showroom door will be maintained as the client entrance. There is existing lighting at the entrance as well as an existing flood light onto the parking area. The existing wood fence along the neighboring property will be maintained to help provide a visual separation from the business. The existing parking spots along the front of the building will be maintained for client parking.

We hope you will consider our zoning appeal to continue to use the property at 122 W Albion Street for commercial business. We have lived in the house next door at 128 W Albion Street for over 19 years and have never had a problem with a business in this location. We would like to see this property maintained and not fall into disrepair. It also provides me the opportunity to run a business that can draw other people into the village limits to help sustain our community.

Sincerely,

A handwritten signature in black ink that reads "Nathan Merle". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Nathan Merle

122 W Albion Street

