

**TOWN OF HOLLAND
TOWN BOARD MINUTES
May 12, 2021**

PUBLIC HEARING- LOCAL LAW NO. 1-2021 8:00pm

Amendments to the codes of the Town of Holland- no public comments, the Public Hearing closed at 8:04 p.m.

REGULAR TOWN BOARD MEETING- Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:04 p.m., open to the public and practicing safe social distancing amid the Covid 19 virus crisis at the Holland Town Hall, 47 Pearl St., Holland, NY 14080. Roll Call followed.

Town Board Members Present:

- Councilwoman Roberta Herr
- Councilwoman Karen Kline
- Councilman William Kolacki
- Councilman Geoff Hack
- Supervisor Michael Kasprzyk

Other Officials Present:

- Town Clerk Jill M. Zientek
- Attorney Ronald Bennett
- Code Enforcer Michael Sluce
- Building Inspector Justin Quant
- Town Engineer Dave Pratt
- Bookkeeper Peg Koss
- Planning Board Marty Regan

APPROVAL OF TOWN BOARD MEETING MINUTES

RESOLUTION # 38-2021

Motion made by Councilman Hack and seconded by Councilwoman Kline to approve the April 2021 Town Board Minutes.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

SUPERVISOR’S REPORT

A. Local Law No. 2021-1- AMENDMENTS TO THE TOWN OF HOLLAND CODES

RESOLUTION # 39-2021

**RESOLUTION FOR APPROVAL OF
LOCAL LAW INTRO. NO. 1-2021**

WHEREAS, the Town Board has conducted an extensive review of the Codes of the Town of Holland, and

WHEREAS, Local Law Intro. No. 1-2021 as prepared in Local Law amending the various Chapters of 64, 83 and 120 regulating the use of property, and

WHEREAS, on the 12th day of May, 2021 a Public Hearing was held providing the opportunity for input from interested parties, and

WHEREAS, the Town of Holland has reviewed in detail Local Law Intro. No. 1-2021 for adoption of such amendments.

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board of the Town of Holland does hereby approve Local Law Intro. No. 1-2021 amending Chapters 64, 83 and 120 of the Codes of the Town of Holland; and be it further

RESOLVED, that the Town Clerk is directed to file a certified copy of said Local Law with the New York Secretary of State and General Code Publishers.

DULY ADOPTED, this 12th day of May 2021, by the following vote:

| | |
|---------------------|-----------|
| Supervisor Kasprzyk | Voted-Aye |
| Councilwoman Kline | Voted-Aye |
| Councilwoman Herr | Voted-Aye |
| Councilman Hack | Voted-Aye |
| Councilman Kolacki | Voted-Aye |

**TOWN OF HOLLAND
LOCAL LAW NO. 1-2021**

A LOCAL LAW, TO AMEND LOCAL LAW 2-1988 KNOWN AS “THE CODES OF THE TOWN OF HOLLAND”, ADOPTED BY THE TOWN BOARD ON JULY 13, 1988 BY AMENDING CHAPTERS 64, 83 AND 120 SECTIONS 120, 64 AND 83 REGULATING THE USE OF PROPERTY.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to amend Local Law 1-1988 known as “Adoption of Code” adopted by the Town Board of the Town of Holland on July 13, 1988, as amended, relating to the terms and provisions of Chapters 64, 83 and 120 regulating the use of property.

SECTION 2. SECTION 120-3 OF THE ZONING CODE

Section 120-3 of the Zoning Code of the Town of Holland is amended and/or changed as follows:

1. Commercial Kennel: An establishment in which more than three (3) dogs, more than six months old, are housed, groomed, bred, boarded, trained or sold.

2. Farm: A parcel or parcels of ten or more acres in a permitted district devoted to farming as a primary use which may consist of one or more parcels which may or may not be contiguous to each other.

3. Refuse Dumpsters: All dumpsters serving permanent uses shall be secured in a fenced area of not less than six feet high.

4. Camping Ground: Land used on a seasonal basis for the accommodation of tents, trailers or other non-dwelling arrangements. This term does not include mobile home courts or permanent type structures which penetrates ground by more than ten inches.

SECTION 3. SECTION 120-51 OF THE ZONING CODE

Section 120 of the Zoning Code of the Town of Holland is amended by adding the following:

§120-51-G Lighting: No person, corporation, partnership or association of persons shall use or operate or permit to be used or operated on their premises artificial lighting or illumination which unreasonably disturbs the sleep, comfort and repose of other residents or inhabitants in the vicinity, either by reason of the power or intensity or the location of said artificial lighting or illumination.

SECTION 4. SECTION 120-56 OF THE ZONING CODE

Section 120-56 of the Zoning Code of the Town of Holland regarding dumping of garbage and rubbish is amended as follows:

Section 120-56 Dumping of Garbage and Rubbish: There shall be no dumping of tires, electronics, hazardous waste or other items as may be determined by the Town from time-to-time.

SECTION 5. SECTION 120-64 OF THE ZONING CODE

Section 120-64 of the Zoning Code of the Town of Holland regarding signs is amended as follows:

Section 12-64(E)(7) Address Signs: Address signs shall be required in a size determined by the Town, clearly visible and reflective to be posted on all properties. The Town shall complete the installation as required. The cost of the signs shall be included with the Building Permit fee.

Failure to comply shall subject you to enforcement.

SECTION 6. CHAPTER 102-6(D)(3) OF THE ZONING CODE

Chapter 102-6(D)(3) of the Zoning Code of the Town of Holland shall be amended by adding the following:

Any proposed fencing and/or screening for said project shall be a berm, living fence or actual fence to camouflage for aesthetics.

SECTION 7. CHAPTER 83-15 OF THE MOBILE HOMES CODE

Chapter 83-15 of the Mobile Homes Code of the Town of Holland shall be amended by deleting the first sentence and substituting the following:

Each mobile home lot shall be provided with a garbage tote.

SECTION 8. CHAPTER 64-21 OF THE DOG CODE

Chapter 64-21 of the Dog Code of the Town of Holland shall be amended regarding Kennel Area as follows:

Kennel Area: The Kennel License shall require a minimum of three acres which shall be located a minimum of five hundred feet in R-A and R-2 Districts and at least two hundred feet in an R-1 District from adjoining properties. Proof of notice at least ten (10) days prior to the consideration of a Special Use Permit of all property owners located within a minimum of the districts hereinbefore stated.

SECTION 9. CHAPTER A126 Amended. FEES FOR SERVICE

Chapter A126 fees for service is amended as follows:

All fees and fines for violation of the Codes of the Town of Holland shall be determined by resolution of the Town Board as amended from time-to-time with a listing of such fees and fines set forth in this section.

SECTION 10. CHAPTER A126-1 OF THE FEES FOR SERVICES CODE

Chapter A126-1 is amended by adding the following service fees which will be deleted from each of the referenced Chapters and transferred to Chapter A126-1:

| | |
|----------------|-----------------------------|
| Chapter 120-78 | Zoning Fees |
| Chapter 55-8 | Building Zoning Permit Fees |
| Chapter 83-6 | Mobile Homes Fees |
| Chapter 83-31 | Mobile Homes Fees |
| Chapter 102-9 | Solar Energy System Fees |
| Chapter 104-6 | Subdivision of Land Fees |
| Chapter 104-7 | Subdivision of Land Fees |

Chapter A126-2 is amended by adding the following:

- A. Intent of the Code: It is the intent of the Town of Holland, as an exercise of its police power, to promote the general health, safety and welfare of the residents and inhabitants of the Town of Holland by enacting this article for the adoption and enforcement of the New York State Building and State Energy Conservation Construction Code as described and contained in Article 18 of the New York State Executive Law.
- B. Written Orders and appearance tickets. In addition to and not in limitation of any power otherwise granted by law, the Town of Holland and its employees and authorized agents shall have the power to order, in writing, the remedying of any condition found to exist in, on or about any building in violation of the Uniform Fire Prevention and Building Code and to issue appearance tickets for violations of the Uniform Code.
- C. Penalties for offenses. Any person having been served, either personally or by registered mail, with an Order to Remedy any condition found to exist in, on or about any building in violation of the Uniform Fire Prevention and Building Code or the Energy Conservation Construction Code who shall fail to comply with such Order within the time fixed by the regulations promulgated by the Secretary pursuant to Subdivision 1 of § 381 of the

Executive Law, such time period to be stated in the Order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the Uniform Code or any lawful Order of the Town of Holland, its employees or authorized agents made thereunder regarding standards for construction, maintenance or fire-protection equipment and systems shall be punishable by a fine of not more than \$250 per day in violation or imprisonment not exceeding 15 days for each offense, or by both such fine and imprisonment, or as determined by resolution of the Town Board from time-to-time.

- D. Zoning Code Enforcement and Remedies. Chapter 122-3 of the Zoning Code of the Town of Holland is amended to state that all fines and imprisonment for violation of sections of the Zoning Code of the Town of Holland shall be listed in this section. Such fees, fines and imprisonment may be amended from time-to-time by resolution of the Town Board.

SECTION 11. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Holland and filing with the Secretary of State.

- B. Resignation acceptance- Willie O'Dell- Zoning Board of Appeals
C. Holland Historical Society Open House and Ribbon Cutting- May 29, 2021, at 10:00am- at 7 S. Main Street.

COMMITTEE REPORTS

Buildings- Councilman Kolacki reported the Town Hall parking lot is being repaved and the drainage fixed.

Cemetery- Councilman Hack reported a shed has been ordered for the cemetery and the mowing looks very nice.

Town Park & Community Center- Councilman Hack reported new shrubs have been installed at the Community Center.

Planning Board- Councilwoman Kline reported (3) Special Use Permits were discussed at the May Planning Board meeting.

Beautification- Councilwoman Herr reported the flowerpots have been placed on Main Street for the summer. They will be filled with plants once weather permits.

COMMUNICATIONS

- A. Planning Board minutes

BUILDING/ZONING OFFICER –Justin Quant. Report submitted.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. Councilwoman Kline requested an update on the Order to Remedy at 130 Taylor Heights regarding the motocross track. The Zoning Officer will inspect the property for compliance.

DOG CONTROL OFFICER – William Newell. Report submitted.

GRANT WRITER – Jill Zientek- Community Van is on order through CDBG grant funds received.

HIGHWAY SUPERINTENDENT AND FACILITIES- Jason Simmons. Report Submitted.

RESOLUTION #40-2021

Councilman Kolacki motions to declare the Kubota RTV as surplus inventory and can be disposed of. Councilwoman Kline seconds the motion.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

NEW BUSINESS

- A. Special Use Permit-Cross Creek Enterprises LLC- 7286 Olean Rd.-Subway Restaurant- referred to the Planning Board

OLD BUSINESS-

- A. Special Use Permit-Mutka- 7612 Olean Rd- Chickens

RESOLUTION # 41-2021

Motion made by Councilwoman Kline and seconded by Councilman Kolacki to approve the special use permit for Derek and Chelsea Mutka-7612 Olean Rd with the following conditions:

1. All birds must be kept on the property.
2. Feed must be kept in a sealed container that is rodent proof.
3. Proper disposal of manure
4. Limit of 12 – no roosters

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

- B. Special Use Permit- Mike Biasillo- 13750 Parker Rd- Online car sales

RESOLUTION # 42-2021

Motion made by Councilman Kolacki and seconded by Councilman Hack to approve the special use permit for Mike Biasillo- 13750 Parker Rd -online car sales with the following conditions:

1. No cars parked in front of house.
2. On-line sales only
3. Only signage allowed is what is required by the state.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

- C. Special Use Permit- Mike Jankowiak-7286 Olean Road- sporting goods store

RESOLUTION # 43-2021

Motion made by Councilwoman Kline and seconded by Councilman Kolacki to approve the special use permit for Mike Jankowiak at 7286 Olean Rd for a sporting goods store.

5 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED.

TOWN ATTORNEY – Ronald Bennett

TOWN CLERK – Jill M. Zientek

PAYMENT OF VOUCHERS - The following vouchers were presented for payment:

Abstract 5

General District Claims
forth in Abstract A-5

in the amount of \$13,687.46

Highway District Claims
as set
forth in Abstract DA-5

in the amount of \$44,915.29

Water District Claims
as set
forth in Abstract SW-5

in the amount of \$2,625.50

Light District Claims
as set
forth in Abstract SL-5

in the amount of \$960.04

Garbage District Claims
as set
Forth in Abstract SR-5

in the amount of \$25,003.53

Trust and Agency Claims
as set
forth in Abstract TA-5

in the amount of \$8,097.92

RESOLUTION # 44-2021

Motion made by Councilman Hack and seconded by Councilwoman Herr, resolve the Town of Holland pay the preceding vouchers.

5 YEA / 0 NAY / 0 ABSTAIN
MOTION CARRIED

COMMENTS FROM THE PUBLIC- Greg Putney, Wagner Rd and Jamie Carney, Ward Rd both spoke in objection with the use of pesticides in eradicating the Japanese Knotweed on Wagner Road that has previously been discussed. Environmental, Agricultural and Water concerns were discussed. The Board will investigate the complaints and get more information before proceeding.

ADJOURNMENT –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 8:47 p.m. in honor of Cassandra Russell.

RESPECTFULLY SUBMITTED,

Jill M. Zientek
Holland Town Clerk