

Town of Westerlo
Local Law No. 1 of 2007

Local Law creating the Town of Westerlo Planning Board, consisting of 5 (five) members, one of which shall serve as chairman thereof.

Be it enacted by the Town Board of the Town of Westerlo as follows:

ARTICLE I

Creation of Authority

The Town of Westerlo Town Board, pursuant to the powers granted to it under Article 16, §271 of the Town Law of the State of New York, hereby creates a five (5) person Planning Board to be known as the “Westerlo Planning Board” [Planning Board]. The Planning Board shall have all the powers and duties provided to it under the Town Law of the State of New York, the Westerlo Zoning Law, the Subdivision Regulations of the Town of Westerlo, prior Resolutions, ordinances and local laws of the Town of Westerlo and any other laws, rules or regulations, either state or local, and ordinarily exercised by a Planning Board, including but not limited to: the power to prepare a master/comprehensive plan, the powers delegated to a Planning Board under the Town Law of New York State, the power to enter into escrow agreements with applicants for professional services to be rendered on behalf of the Town and to be paid by the applicant, the power to approve existing unauthorized subdivisions as authorized by the Town of Westerlo Local Law No. 4 of 1992, the power to adopt rules and regulations, the power to act as agency or lead agency and perform the duties and make decisions in those actions that are required by the State Environmental Quality Review Act, any rules and regulations thereunder, and any and all other powers or authority authorized for Planning Boards.

Once officially appointed, the Planning Board shall immediately assume, and the Town Board shall be deemed to have transferred to it, all the powers, duties, authority, rights and actions exercised by the Town Board pursuant to Local Law No. 5 of 1992

ARTICLE II

Transfer

The Westerlo Planning Board shall, upon the appointment of all five members thereof, assume, exercise and perform all the powers and duties heretofore exercised and performed by the Westerlo Town Board with the same authority and power and without any lapse of jurisdiction.

Any matters, applications, hearings or decisions pending, duly filed or under consideration by the Town board, as of midnight of the day on which all members of the Planning Board have been appointed, shall continue to be entertained and processed to conclusion by the Planning Board.

ARTICLE III

Appointment and Compensation of Members

Pursuant to Article 16, §271 of the Town Law of the State of New York the Town of Westerlo Town Board shall appoint the members of such planning board and designate the chairperson thereof. The terms of members of the planning board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the board.

Each member shall be compensated as provided for in the annual budget of the Town of Westerlo. Said compensation shall be approved by the Town Board at its annual organizational meeting held the first Tuesday following January 1.

ARTICLE IV

Training of Members

The members of the Planning Board shall be required to complete training and continuing education courses in accordance with New York State Law.

ARTICLE V

Severability

The Provisions of this local law are severable. If any provision of this local law or its application to any person or circumstance is held invalid, such invalidation shall not invalidate those portions of this local law which can be given effect without the invalid provision or application of this local law.

ARTICLE VI

Effective Date

This local law shall be effective upon filing with the New York Secretary of State and the actions and changes provided for herein shall take place on the specific times and dates provided for herein.

This Local Law supersedes all provisions of Local Law No. 5 of 1992.