

LOCAL LAW NO. 3 OF THE YEAR 2024

Purpose

The purpose and subject of this Local Law is to rescind and replace Local Law No. 1 of 2007 as follows: 1) Abolish the Town Planning Board, 2) Transfer all Planning Board functions and duties to the existing Zoning Board of Appeals, 3) Rename the Zoning Board of Appeals to the "Planning Board/Zoning Board of Appeals", and 4) Amend the Town of Westerlo Code where necessary to effectuate these changes.

Authority

The Town Board of the Town of Westerlo as Legislative Body for the Town of Westerlo hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Legislative Intent

The intent of this Local Law is to abolish the Planning Board and transfer its functions to the Zoning Board of Appeals which will result in a streamlined review process for applicants and promote economic development by providing a more efficient and coordinated land use review process within the Town of Westerlo. Coordination of land use review functions pursuant to this Local Law will maintain the highest standards of review and approval as required by applicable state and local laws and regulations which will continue to protect and enhance the Town of Westerlo, its citizens, its environment, and its economy.

THE TOWN BOARD OF THE TOWN OF WESTERLO HEREBY ENACTS LOCAL LAW NO. 3 OF THE YEAR 2024 AS FOLLOWS:

SECTION 1

The Town of Westerlo Planning Board created pursuant to Local Law No. 1 of 2007 is hereby abolished.

SECTION 2

The Town of Westerlo Zoning Board of Appeals shall hereafter be known as the Town of Westerlo "Planning Board/Zoning Board of Appeals". All references to either the Zoning Board of Appeals or Planning Board located within the Town of Westerlo Code shall be replaced with the term "Planning Board/Zoning Board of Appeals".

SECTION 3

All functions, duties and authority of the former Planning Board, including but not limited to authority conferred by Regulation for Site Plan Review and Subdivision of Land, and all applicable state and local regulations are hereby vested with the Planning Board/Zoning Board of Appeals.

SECTION 4

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/Zoning Board of Appeals and designate the

chairperson thereof. The membership of the existing Zoning Board of Appeals, now to be known as the Planning Board/Zoning Board of Appeals shall remain five (5) members. One alternate member may be appointed on an annual basis by the Town Board and shall serve in the absence of a regular member. All future appointments shall be for a term of five (5) years. 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.

SECTION 5

The Planning Board/Zoning Board of Appeals 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 and/or Zoning Board of Appeals, including but not limited to: the power to prepare a master/comprehensive plan, the powers delegated to a Planning Board and/or Zoning Board of Appeals 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 and/or Zoning Boards of Appeal.

SECTION 6

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

SUPERCESSION

The Town of Westerlo hereby exercises its authority pursuant to New York State Municipal Home Rule Law to supersede any conflicting state or local laws contrary to this Local Law.

SEVERABILITY

If any portion of this Local Law or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remaining portions of this Local Law.

EFFECTIVE DATE

This Local Law shall become effective immediately upon filing with the NYS Secretary of State in conformity with NYS Municipal Home Rule Law. This Local Law supersedes all provisions of Local Law No. 1 of 2007.