

Local Law #1 of 2019

A LOCAL LAW TO AMEND CHAPTER 180 OF THE CODE OF THE TOWN OF WESTMORELAND TO CREATE A JOINT ZONING BOARD OF APPEALS AND PLANING BOARD AND TO ABOLISH THE TOWN'S EXISTING ZONING BOARD OF APPEALS AND PLANNING BOARD

WHEREAS, a public hearing was held on October 23, 2018 regarding the efficiencies of combining the Zoning Board of Appeals and the Planning Board of the Town of Westmoreland; and

WHEREAS, at a special meeting of the Town Board on October 23, 2018, a motion was advanced by Councilperson Hebbard, seconded by Councilperson Seymour to eliminate the existing Planning and Zoning Boards position numbers (PTWML-011, PTWML-012, PTWML-032, PTWML-033, PTWML-034, PTWML-0035, PTWML-036, PTWML-037, PTWML-038, PTWML-039) into one seven (7) man board. All Board members voted AYE and the motion was declared carried.

WHEREAS, the Town Board now wishes to affirm this previous vote and confirm the details of this consolidation, therefore upon motion by Supervisor Eisnor, seconded by Councilperson Hebbard, with all board members voting Aye, it is hereby affirmed; therefore

BE IT ENACTED by the Town Board of the Town of Westmoreland that this Local Law amends Chapter 180 of the Code of the Town of Westmoreland, as follows:

SECTION 1. AUTHORITY

This local law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law Sec. 10 and NY Town Law Sec. 267 and Sec. 271.

SECTION 2. LEGISLATIVE INTENT

The purpose of this local law is to streamline the administration and increase the efficiency of land use, planning and zoning review in the Town of Westmoreland by consolidating the Zoning Board of Appeals and the Planning Board and creating a seven-person Joint Zoning Board of Appeals/Planning Board.

SECTION 3. SUPERCESSION OF CONFLICTING STATE LAWS

Pursuant to Municipal Home Rule Law Sec. 10, this Local Law shall supersede NY Town Law Secs. 267 and 271 and any other state laws to the extent this Local Law conflicts with it.

SECTION 4. CONFLICT WITH THE CODE OF THE TOWN OF WESTMORELAND

To the extent that the Code of the Town of Westmoreland is inconsistent with or conflict with the provisions of this Local Law, the terms of this Local Law shall control. Wherever the terms "Zoning Board of Appeals", "Zoning Board" or "Planning Board" shall appear, such terms shall hereafter mean and refer to the Joint Zoning Board of Appeals/Planning Board as established by this local law.

SECTION 5. CREATION OF JOINT TOWN BOARD OF APPEALS/PLANNING BOARD

A. Administrative Provisions

- (1) The Town of Westmoreland Joint Board of Appeals/Planning Board is hereby established so that the objectives and administration of Chapter 180 and other relevant provisions of the Code of the Town of Westmoreland are fully and equitably achieved.
- (2) The Town Board shall appoint seven (7) members to the Joint Zoning Board of Appeals/Planning Board. The initial appointments to the Joint Board shall be such that the term of one (1) member shall expire each consecutive year. Thereafter, members of the Joint Board shall be appointed by the Town Board for staggered four (4) year terms.
- (3) The Town Board shall appoint one of the members of the Joint Zoning Board of Appeals/Planning Board to act as Chairperson, to preside at all meetings and hearings, to supervise the affairs of the Joint Board and to fulfill the functions of that office.
- (4) A Secretary of the Joint Zoning Board of Appeals/Planning Board shall be designated by the Town Board on an annual basis. The secretary shall keep minutes of all the Joint Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall keep records of all the Joint Board's official actions.

B. Powers and Duties

- (1) The Joint Zoning Board of Appeals/Planning Board shall be authorized to hear all land use, planning and zoning matters within the Town of Westmoreland. The Joint Board shall have all the power and authority of the previously constituted Zoning Board of Appeals and Planning Board as set forth in the Code of the Town of Westmoreland. NY Town Law and the General Municipal Law when considering all land use, planning and zoning matters.

SECTION 6. ZONING BOARD OF APPEALS ABOLISHED

The Town of Westmoreland Zoning Board of Appeals as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new Town of Westmoreland Joint Zoning Board of Appeals/Planning Board.

SECTION 7. PLANNING BOARD ABOLISHED.

The Town of Westmoreland Planning Board as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new Town of Westmoreland Joint Zoning Board of Appeals/Planning Board.

SECTION 8. SEVERABILITY

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, entity or circumstance, shall be judged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision

or part of this Local Law or in its application to the person, entity or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

SECTION 9. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State.