

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

Of Shawangunk, Ulster County, New York

Local Law No. 2 of the year 2013

A local law INCREASING THE MEMBERSHIP OF THE PLANNING BOARD AND DECREASING THE TERMS OF ALL MEMBERS
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village

Of SHAWANGUNK, ULSTER COUNTY, NEW YORK as follows:

Be it Enacted by the Town Board of the Town of SHAWANGUNK as follows:

SECTION I – PURPOSE

The Town Board of the Town of Shawangunk, Ulster County, New York, hereby finds and determines that it is in the public interest to expand the membership of the Planning board of the Town of Shawangunk from five (5) members to seven (7) members and, as set forth herein, to decrease the terms of all members from five (5) years to three (3) years.

In the considered judgment of the Town Board, the enactment of this local law will have many significant benefits to the administration of the land use laws, regulations and policies of the Town. Among those benefits is the opportunity for increased participation by the citizens of the Town in the land use administration process. Additionally, increasing the membership of the Planning Board will decrease the cases where a quorum of the Board is not attainable due to absences and/or recusals. Moreover, the addition of two (2) members to the Planning Board will increase the diversity of the Board and provide the opportunity for additional perspectives as the Planning Board executes its important land use review and permitting authority.

Nothing in this local law is intended to alter the existing powers, duties and authority of the Town of Shawangunk Planning Board except in respect of its number of members and their terms of office.

SECTION II – AUTHORITY

The authority to enact this local law is based upon the general police powers of the Town Board to provide for the health, welfare and safety of the residents of the Town and the specific authority found in Article IX, Section 2 of the New York State Constitution, the Statute of Local Governments, Article 2 of the Municipal Home Rule Law, Article 16 of the New York State Town Law, specifically at Section 271 and the Zoning Law of the Town of Shawangunk. Additionally, the supersession powers hereby exercised are authorized generally by Section 10 of the New York State Municipal Home Rule Law and specifically at paragraph 1, subsections (ii) (a)(1) and (d)(3).

SECTION III – INCREASING THE MEMBERSHIP OF THE PLANNING BOARD

Pursuant to the authority cited above and in accord with Town Law Section 271 (1) and (6), the number of members of the Town of Shawangunk Planning Board hereby is increased from five (5) to seven (7).

Section 177-24(A) of the Zoning Law of the Town of Shawangunk, adopted on December 17, 2008 as Town of Shawangunk Local Law #3 of 2009, hereby is amended to delete the phrase "five members" and replace with the phrase "seven members".

Additionally, this local law expressly supersedes the existing provisions of New York State Town Law Section 271(6) (as adopted by Chapter 663 of the laws of 1992) that preclude any new members from taking part in the consideration of any pending application on file at the time of his or her appointment. The Town Board finds that due to the many pending and, in some cases, dormant, applications, newly appointed members are authorized to consider pending applications provided such members review the entire Planning Board file including all related minutes of all prior proceedings relative to each pending application. Notwithstanding, all new members shall have the right to abstain from such consideration in his or her best judgment.

SECTION IV – DECREASING THE TERMS OF ALL MEMBERS

As more specifically set forth below, the terms of all Planning Board members hereby are decreased from five (5) years to three (3) years provided that the terms of all existing members shall continue until expiration, resignation, removal per law, vacancy or death without regard to this Section IV of this local law. Upon the happening of any of the events listed in the preceding sentence, any new or reappointed member shall be appointed in accordance with this local law. The terms of no more than three (3) members shall expire in any one calendar year. To effect this requirement, during the transition period, defined as the period of time that elapses until all seven (7) members are appointed for three (3) year terms, the terms of newly appointed or reappointed members may be modified to achieve the purposes of this local law.