

TOWN OF HURLEY
LOCAL LAW NO. __ OF THE YEAR 2023

A LOCAL LAW AMENDING THE TOWN OF HURLEY CODE
TO ADD CHAPTER 45 REGARDING THE ORGANIZATION
OF THE TOWN PLANNING BOARD

BE IT ENACTED by the Town Board of the Town of Hurley as follows

SECTION 1. ENACTMENT OF CHAPTER 45

Chapter 45 is hereby added to the Town Code as follows:

CHAPTER 45 Planning Board

§ 45-1 Establishment; composition; terms; training; removal.

- A. There shall be a Town Planning Board appointed by the Town Board, which shall consist of seven members to serve for successive years with their terms to commence and to end as set forth by the Town Board at the time of the appointment of such members.
- B. Members of the Planning Board shall be required to regularly attend regular and workshop Planning Board meetings and to attend, in their first year after appointment to the Planning Board, the annual school of the New York State Planning Federation or an equivalent training program as approved by the Planning Board Chairperson.
- C. The Town Board shall not remove a member of the Planning Board except for cause and only after public hearing before the Board. Failure to attend more than five regular and/or workshop meetings of the Planning Board in one calendar year or to comply with minimum requirements related to training for members of the Planning Board as set forth in Subsection B of this section shall constitute cause for removal. Nothing herein shall limit any other cause which may be grounds for removal.
- D. The provisions of this section are determined to be consistent with the Town Law. In the event that any provision hereof is held to be inconsistent by any court of competent jurisdiction, this chapter shall supersede such provision of the Town Law, including but not limited to § 271, Subdivision 9 of the Town Law.

§ 45-2 Election of officers.

Upon failure of the Town Board to appoint a Chairman, the members of the Planning Board are to elect a Chairman.

§ 45-3 Employment of staff and experts.

The Planning Board shall have the power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper, not exceeding the appropriations that may be made for such Board.

§ 45-4 Adoption of procedural regulations.

The Planning Board may adopt rules and regulations in respect to procedures before it and in respect to any subject matter over which it has jurisdiction under this chapter or any statute after public hearing by such Board and subject to the approval of the Town Board.

§ 45-5 Powers and duties.

A. The Planning Board shall have and exercise the following powers and duties:

- (1) To prepare and change a land use map for the development of the entire area of the Town of Hurley subject to Town Board approval and only after public hearing, and to make investigations and reports relative to the planning of the Town and its future growth and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.
- (2) To approve all plats showing any streets or highways within the Town of Hurley.
- (3) To approve or disapprove changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's office, subject to Town Board approval and only after public hearing.
- (4) To approve or disapprove the laying out of, closing off or abandonment of such streets, highways or public areas under and subject to the provisions of the Town and highway laws, subject to Town Board approval and only after public hearing.

B. The Planning Board shall also exercise all other powers conferred upon it by the provisions of the Town Law and shall pass upon all matters which may be referred to it from time to time by resolution of the Town Board. It shall conduct hearings and perform its duties in accordance with such procedure as provided in §§ 272 through 281, inclusive, of the Town Law and acts amendatory thereof.

§ 45-6 Filing of certificate with County Clerk.

The Town Clerk of the Town of Hurley shall file with the Clerk of the County of Ulster a certificate, certifying that the Planning Board of the Town of Hurley has been authorized to approve plats showing new streets or highways in accordance with the provisions of § 276, as amended, of the Town Law.

§ 45-7 Approval of plats within Town outside limits of incorporated city or village.

The Town Planning Board of the Town of Hurley is hereby authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, within the Town, and the Town Clerk is hereby instructed to immediately file a certificate of the passage of this chapter with the Clerk of the County of Ulster, New York.

§ 45-8 Alternate members.

- A. Alternate members of the Planning Board may be appointed by the Town Board and designated by the Chairman of the Planning Board in accordance with the provisions of this section when a regular member of the Planning Board is unable to participate on an application or matter before the respective board as set forth herein.
- B. The Town Board shall appoint two alternate members to the Planning Board whose terms shall end on alternating years. They shall normally serve for a term of two years unless their terms end the same year, in which case the Town Board shall appoint one of them for a one-year term. One alternate member shall be designated as the "first alternate Planning Board member," and the other alternate member shall be designated as the "second alternate Planning Board member." No more than two alternate members may serve at any time on the Planning Board. The term of any alternate member shall cease on December 31 in the year after the appointment of that member regardless of whether he or she has served a full 24 months except when they are appointed for a one-year term, in which case their term shall cease on December 31 in the year of the appointment.
- C. The Chairperson of the Planning Board may designate one of the alternate Planning Board members to substitute for a member of the Planning Board when such member is unable to participate on an application or matter before the Board due to conflict of interest, illness or absence. The Chairman shall

rotate between the first and second alternate members unless one of them is unable or unwilling to act, in which case the Chairperson shall designate the remaining alternate member to act. When designated, the alternate member shall possess all the powers and responsibilities of such regular member of the Board. Such designation shall be entered into the minutes of the Planning Board meeting at which the substitution is made. Alternate members shall attend every meeting since they may be a needed at a moment's notice.

- D. All provisions of state and local laws relating to Planning Board eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of New York State Town Law or a local law or ordinance relating to training, continuing education, compensation and attendance shall apply to alternate members.

SECTION 2. SUPERSESSION OF NEW YORK STATE TOWN LAW

This local law is adopted pursuant to the provisions of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to §10 of the New York State Municipal Home Rule Law, to supersede any inconsistent provisions of §271 of the New York State Town Law relating to the appointment of members and alternate members to town planning boards.

SECTION 3. SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION 4. CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 5. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

SECTION 6. EFFECTIVE DATE

This Law shall become effective upon filing with the New York State Secretary of State.

Adopted: _____, 2023

RESOLUTION TO ADOPT LOCAL LAW
REGARDING PLANNING BOARD ORGANIZATION

Resolution No. _____
Date: April 18, 2023

Moved By _____
Seconded By _____

WHEREAS the Town Board has been asked by the Planning Board to authorize the appointment of alternate members; and

WHEREAS the Town Board wishes to take this occasion to propose a chapter in the Town Code to recognize the existence of the Planning Board and provide for its organization, including the appointment of alternate members; and

WHEREAS the proposed local law is an administrative restructuring reflecting the desire of the Planning Board to more efficiently consider applications brought before it; and

WHEREAS on January 17, 2023, the Town Board declared itself the lead agency under the State Environmental Quality Review Act and its implementing regulations (SEQRA) and declared that the proposed action is exempt from SEQRA pursuant to 6 NYCRR 617.5(c)(26) and (33) as a routine administrative action which has no impact on the environment; and

WHEREAS on January 17, 2023, the Town Board instructed the Town Clerk to circulate the draft local law to the Town of Hurley Building Department, Conservation Advisory Committee, Climate Smart Task Force and Planning Board and to the Ulster County Planning Board, for report and recommendation to the Town Board within thirty days; and

WHEREAS, the proposed Local Law received no comments from any of the above referrals; and

WHEREAS, the Ulster County Planning Board responded on February 1, 2023 that the UCPB did not reach a quorum at their meeting and that as of the adoption of this resolution, 30 days have lapsed and the GML referral requirement for the proposed local law had been met. The other agencies that the proposed law was referred to had no response; and

WHEREAS, on February 21, 2023, a public hearing on the draft Local Law was held at which all those who wished to be heard were permitted to speak or submit written comments;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Hurley hereby adopts the Local Law amending the Town Code to add Chapter 45 regarding the organization of the Town Planning Board, and directs the Town Clerk to file the Local Law with the Secretary of State.

	AYE	NAY
Melinda McKnight, Supervisor	_____	_____
Peter Humphries, Deputy Supervisor	_____	_____
Michael Boms, Councilperson	_____	_____
Jana Martin, Councilperson	_____	_____
Gregory Simpson, Councilperson	_____	_____