

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 Rensselaerville

FILED
STATE RECORDS

DEC 14 2016

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 16

A local law allowing for the Appointment of an Alternate Member
(Insert Title) of the Zoning Board of Appeals and Planning Board

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Rensselaerville

as follows:

Please see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2016 of the (County)(City)(Town)(Village) of Rensselaerville was duly passed by the Town Board on December 8, 2016, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Victoria H. Krak

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12-8-16



**RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD**

WHEREAS, the Town of Rensselaerville Town Board (the "Board") is considering a proposed revision to its Zoning Law to allow for the appointment of an alternate member of the Town's Planning Board (the "Action"); and

WHEREAS, the Board has reviewed the State Environmental Quality Review Act ("SEQRA") 6 NYCRR Part 617, and determined that the Project is subject to SEQRA; and

WHEREAS, by resolution on September 8, 2016, the Town Board determined this Project to be an Unlisted Action, declared its intent to be a Lead Agency for the purposes of Coordinated Review of the Project, and

WHEREAS, on or about September 13, 2016, the Town circulated a Notice of Intent and an Environmental Assessment Form to all Involved and Interested Agencies; and

WHEREAS, no agency objected within the statutory period to the Town Board of the Town of Rensselaerville's acting as Lead Agency in connection with the Action, and therefore the Town Board of the Town of Rensselaerville became Lead Agency by default; and

WHEREAS, the Town of Rensselaerville Town Board, as Lead Agency, has conducted a SEQRA review of the Project and reviewed the Environmental Assessment Form ("EAF") attached hereto as Exhibit A;

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, that pursuant to Part 617 of the SEQRA Regulations, the Town Board of the Town of Rensselaerville hereby confirms that it is Lead Agency for the SEQRA Review of the Action; and be it

FURTHER RESOLVED, that, the Town Board hereby adopts the EAF, attached hereto as Exhibit "A"; and be it

FURTHER RESOLVED, that, pursuant to Part 617 of SEQRA and based upon the Town Board's review of the EAF, the Lead Agency hereby determines that the Action will have no environmental impact and is thus an Unlisted Action; and be it

FURTHER RESOLVED that the Town Board of the Town of Rensselaerville hereby adopts a determination of Negative Significance under SEQRA (attached hereto as Exhibit "B"), determining that the proposed Project will not have a significant adverse effect on the environment, and directs the Town Clerk of the Town of Rensselaerville to take all necessary steps to publish this determination.

By motion made by J. Linn Lounsbury, and seconded by Marvin Cooke, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 9th day of December, 2016 as follows:

Supervisor Lounsbury	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilwoman Cooke	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilman Dolce	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilwoman Sedlmeir	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilman Wood	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Short Environmental Assessment Form

Part 1 - Project Information

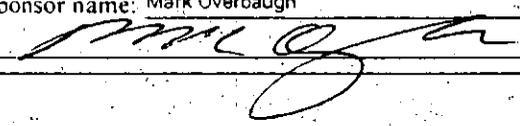
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Proposed Local Law No. 3 of 2016			
Project Location (describe, and attach a location map): n/a			
Brief Description of Proposed Action: The amendment of the Town's zoning law to permit the appointment of an alternate member of the Town's Planning Board.			
Name of Applicant or Sponsor: Mark Overbaugh, Building Inspector and Code Enforcement Officer		Telephone: 518-797-3798	
		E-Mail: moverbaugh@renseelaerville.com	
Address: 87 Barger Road			
City/PO: Medusa		State: NY	Zip Code: 12120
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		n/a acres	
b. Total acreage to be physically disturbed?		n/a acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		n/a acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): n/a			
<input type="checkbox"/> Parkland			

5. Is the proposed action:	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100-year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			
	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ N/A	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ N/A	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Mark Overbaugh</u> Date: <u>9/13/2016</u></p> <p>Signature: <u></u></p>		



**ALBANY COUNTY PLANNING BOARD
NOTIFICATION**

RECOMMENDATION DATE: October 20, 2016

Case #: 15-161002664
Applicant: Town of Rensselaerville-Local Law #3-alternate board member
Project Location: townwide
Referring Agency: Legislative Board
Considerations: A local law that is an amendment to the town zoning ordinance to provide for the appointment of an alternate member of the town planning board and include language to harmonize the provisions with the existing language in the code that provides for the alternate member of the zoning board of appeals. The provisions include training requirements and the description of the duty of an alternate board member.
ACPB Recommendation: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

Leslie Lombardo, Senior Planner for the
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is designated as a regulated Municipal Separate Storm Sewer System (MS4) and must comply with the provisions of the NY SPDES General Permit for stormwater discharges from Small MS4s (GP-0-10-002 or as amended) in accordance with the Clean Water Act. The NY SPDES General Permit for stormwater discharges from Construction Activity GP-0-15-002 or as amended is also required for activity with soil disturbances of one acre or more. The Clean Water Act requires Albany County to control point source discharges to ground water as well as surface waters.

449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 447-5644/FAX: (518) 765-3459

Victoria Kraker

From: Lombardo, Leslie <Leslie.Lombardo@albanycountyny.gov>
Sent: Monday, October 24, 2016 10:23 AM
To: Victoria Kraker
Subject: ACPB decision for Rensselaerville
Attachments: Rensselaerville decision.ACPB October 2016.docx

Vickie,

Attached is the recommendation letter from ACPB regarding the referral for the amendment to town code. Thank you.
Leslie

Leslie Lombardo, Senior Planner
Albany County Department of Public Works - Planning
449 New Salem Rd.
Voorheesville, NY 12186
(518) 447-5644, Fax (518) 765-3459 Leslie.Lombardo@AlbanyCountyny.gov

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**RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD**

WHEREAS, the Town Board has determined that it is desirable to amend the Town's Zoning Law to allow for the appointment of an alternate member of the Planning Board; and

WHEREAS, the Town Board has further determined that it is desirable for purposes of consistency and clarity to repeal the "Alternate Members of Zoning Board of Appeals Law" codified as Chapter 75 of the current Town Law and to amend the Town's Zoning Law to provide parallel provisions for the appointment of alternate members of the Zoning Board of Appeals and the Planning Board; and

WHEREAS, the Town Board conducted a public hearing on the attached proposed Local Law No. 3 of 2016 on October 11, 2016;

NOW THEREFORE, BE IT RESOLVED that the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, hereby enacts the attached Local Law No. 3 of 2016, which is incorporated herein.

By motion made by Valerie Lounsbury, and seconded by Margaret Sedlmeir,
the foregoing resolution was adopted by a majority of the members of the Town Board
of the Town of Rensselaerville on the 1st day of Dec, 2016 as follows:

Supervisor Lounsbury	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilwoman Cooke	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilman Dolce	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilwoman Sedlmeir	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Councilman Wood	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Town of Rensselaerville

Local Law No. 3 of 2016

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

Section 1. Title:

This law shall be known as the Alternate Members of Zoning Board of Appeals and Planning Board Law.

Section 2. Purpose and Intent:

The current Town Zoning Law allows for the appointment of an alternate member of the Zoning Board of Appeals, pursuant to the authority set out in Local Law No. 2 of 2008, known as the "Alternate Members of Zoning Board of Appeals Law" and codified in Chapter 75 of the current Town Law. It has been determined that the Planning Board would benefit from the same option of appointment of an alternate member. In addition, the harmonization of the provisions for alternate members for both the Zoning Board of Appeals and the Planning Board in the current Town Zoning Law would provide for consistency and clarity.

Section 3. Repeal:

The "Alternate Members of Zoning Board of Appeals Law" and codified in Chapter 75 of the current Town Law, is hereby repealed.

Section 4. Amendments Pertaining to the Zoning Board of Appeals:

Section 8(A) of Article XIII of the current Town Zoning Law is hereby amended as follows:

By amending Section 8(A)(2) to read as follows:

2. Training and Continuing Education. Every member of the Zoning Board of Appeals shall comply with all requirements for training and continuing education as set out in Town Law § 267 or any other provision of applicable law. The Town Board shall pay the reasonable expense of such training or continuing education.

By adding the following as new Section 8(A)(6):

6. Alternate Members
 - a. The Chairperson of the Zoning Board of Appeals, or in his or her absence, the acting Chairperson, shall designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board or to take the place of a member whose seat is vacant until such time such seat is filled by appointment of the Town Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals

meeting at which the substitution is made.

- b. Alternate members appointed by the Town Board shall regularly attend the scheduled meetings and/or work sessions of the Zoning Board of Appeals to which they may be designated so as to be available for designation when required and familiar with the applications and/or matters pending before such Board.
- c. Alternate members shall serve without compensation.
- d. All provisions of state law relating to Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any local law or ordinance relating to training and continuing education, shall also apply to alternate members.

Section 5. Amendments Pertaining to the Planning Board:

Section 9 of Article XIII of the current Town Zoning Law is hereby amended as follows:

By amending Section 9(A) to read as follows:

- A. Pursuant to §271 of the Town Law, the Planning Board shall consist of seven (7) members and one (1) alternate member appointed by the Town Board which shall also designate the Chairman thereof, in such manner and for such terms as provided in the Town Law. In the absence of a Chair, the Planning Board may designate a member to serve as acting Chair.

By re-designating Section 9(C) as 9(D), 9(D) as 9(E), and 9(E) as 9(F).

By adding the following as new Section 9(D):

D. Alternate Members:

1. The Chairperson of the Planning Board, or in his or her absence, the acting Chairperson, shall designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board or to take the place of a member whose seat is vacant until such time such seat is filled by appointment of the Town Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
2. Alternate members appointed by the Town Board shall regularly attend the scheduled meetings and/or work sessions of the Planning Board to which they may be designated so as to be available for designation when required and familiar with the applications and/or matters pending before such Board.

3. Alternate members shall serve without compensation.
4. All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any local law or ordinance relating to training and continuing education, shall also apply to alternate members.

By amending Section 9(F) (formerly Section 9(E)) to read as follows:

- F. Training and Continuing Education. Every member and alternate member of the Planning Board comply with all requirements for training and continuing education as set out in Town Law §271 or any other provision of applicable law. The Town Board shall pay the reasonable expense of such training or continuing education.

Section 6. Authority and Supersession:

This article is enacted by the Town Board of the Town of Rensselaerville pursuant to its authority to adopt local laws under the New York State Constitution, Article IX, and § 10 of the Municipal Home Rule Law and (i) with respect to the Zoning Board of Appeals, pursuant to the specific authority provided in Article 16, § 267, of the Town Law; and (ii) with respect to the Planning Board, pursuant to the specific authority provisioned in Article 16, § 271(15) of the Town Law. To the extent that said Town Law § 267(11), as to the Zoning Board of Appeals, and Town Law § 271(15), as to the Planning Board, provide authority for the use of alternate members where a regular member is unable to participate due to a conflict of interest, the Town Board hereby intends to supersede said section pursuant to its home rule powers to also allow alternate members to be substituted for regular members in cases of absences of regular members.

Section 7. Severability of Provisions:

Should any section or provision of this local law be declared null, void, voidable, or invalid, such finding shall not affect the validity of the remaining portions of this local law.

Section 8. Effective Date:

This local law shall take effect pursuant to the provisions of Town Law Section 264.