

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 Volney

FILED
STATE RECORDS

DEC 14 2023

DEPARTMENT OF STATE

Local Law No. 3 of the year 2023

A local law amending Local Law No. 1 of the year 2021 and Local Law No. 3
(Insert Title)
of 2022, to add Section XIII: PLANNING BOARD to the Zoning Law
of the Town of Volney.

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

County City Town Village
(Select one:)

of Volney as follows:

SECTION 1: TITLE

This shall be known as Local Law 3 of the year 2023, a local law amending Local Law No. 1 of the year 2021 and Local Law No. 3 of 2022, to add Section XIII: Planning Board to the Zoning Law of the Town of Volney.

SECTION 2: LEGISLATIVE INTENT

It is the intent of this local law to amend Local Law No. 1 of the year 2021 and Local Law No. 3 of 2022 adding in Section XIII which establishes a five (5) member Planning Board for the Town of Volney.

The Zoning Law for the Town of Volney is hereby amended to provide a new Section XIII: Planning Board as follows:

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

SECTION XIII: PLANNING BOARD

A. Intent/Findings

The Town Board of the Town of Volney recognizes that many present day development, planning, zoning and subdivision matters requiring Town Planning Board review require considerably more education, expertise and detailed review than may have been required in the past, including when and where appropriate, the appointment of liaisons and/or committees to be assigned to particular applications, projects and sensitive areas of the Town. Due to the foregoing, as well as the comprehensive nature of Planning Board review and approval authority over Town residents' property and affairs, more Town residents should have an opportunity to and indeed should become more involved in Town planning and zoning and Planning Board matters. Accordingly, a five (5) member Planning Board is proposed as being better suited to the foregoing tasks. This will allow more and a greater variety of Town residents to potentially become involved.

In addition, although Town Law §271 provides some authority for appointment of a chairperson, recording secretary and professional consultants, no specific policies have previously been established by the Town of Volney in this regard.

In order to address member illness', absences, conflicts of interest and the like, the Town Board also desires to establish alternate member positions to serve not only in the case of a conflict of interest (as specifically permitted under Town Law §271) but also to address situations where illness, incapacity or absence require that an alternate member serve. This is especially important where a majority plus one vote of the Planning Board is required to override certain Oswego County Planning Board determinations pursuant to General Municipal Law §239.

The State of New York recognized the importance of both meeting attendance and training in its last amendments to the Planning Board Statute (§271 of the Town Law). Accordingly, it is also the purpose of this Article to encourage Planning Board members to attend their respective Board Meetings and to obtain training and education to enhance their ability to carry out their official duties. Last, it is the intention of the Town Board that specific written policies and procedures be established and applied by the Planning Board in order to promote fairness, uniformity and economy in administration.

- B. Establishment of Five (5) Member Board; Terms – The Planning Board of the Town of Volney shall hereafter be comprised of five (5) members.
- C. Pending Applications – No additional member shall take part in the consideration of any matter for which an application was on file with the Planning Board at the time of his or her appointment. This prohibition shall not apply to any successors or alternate members.
- D. Chairperson and Recording Secretary – The Planning Board shall consider the appointment of a recording secretary and may also consider, as applicable, the interim appointment or reappointment of an acting chairperson. Otherwise, annually at the Town Board's organizational meeting, or within thirty (30) days thereafter, the Town Board

shall appoint a chairperson. Upon failure of the Town Board to appoint such chairperson within thirty (30) days of such organizational meeting, the Planning Board may designate the interim acting chairperson to serve for the remainder of the calendar year or until the Town Board makes such appointment, whichever date is earlier. All meetings of the Planning Board shall be held at the call of the chairperson.

- E. Attendance, Education and Training Requirements – All members of the Planning Board shall be required to attend a minimum of 75% of Planning Board meetings scheduled within a calendar year. Noncompliance with such minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office. All members of the Planning Board shall be required to attend a minimum of two (2) hours in relevant training courses within one (1) year from the date of their initial appointment to such Board and thereafter attend training sessions of not less than two (2) hours every one (1) year thereafter. Noncompliance with such minimum requirements relating to training shall be deemed a proper cause for removal from office. The costs of such seminars, workshops or continuing education courses for designated shall be a Town charge. All such training sessions shall be approved in advance by the Town Board. Training sessions which relate to the duties of members of the Planning Board may include programs offered by the New York State Department of State, New York State Association of Towns, New York State Department of Environmental Conservation, the Oswego County Planning Board, the New York State Planning Federation and other such entities, as well as in-house updates for seminars. The Town Board, after discussion with the Chairperson of the Planning Board, shall annually designate and approve in advance such seminars, workshops or continuing education courses which may be offered within a reasonable distance and which may be helpful, or of assistance to the Planning Board in carrying out its functions in a timely, fair and lawful manner. In the event a member does not maintain the required training or attend 75% of all the regularly scheduled meetings and special meetings, the Town Board shall have the full discretion and authority to decide whether or not to remove such member from the Planning Board. The Town Board shall consider whatever factors it believes to be relevant in making this determination, including the reasons for the failure to maintain such training or for such absences, but the Town Board shall not be required to accept any proffered excuse or reason for nonattendance, but shall act as it sees reasonably fit in light of the surrounding circumstances. The Town Board shall not be required to hold a public hearing prior to taking any such action to remove a member.
- F. Procedures – The Planning Board shall promulgate such specific written rules, regulations and procedures as are reasonably necessary to administer the duties and responsibilities delegated to it hereunder pursuant to statute, local law, ordinance or Town Board resolution. Pursuant to Town Law §271, as may be amended from time to time, such rules, regulations and procedures promulgated by the Planning Board hereunder may be adopted only after public hearing and are subject to the provisions, including any restrictions, in this Local Law and to final approval by the Town Board; and same shall thereafter become effective upon filing in the Town Clerk's Office.
- G. Duties – The Planning Board is authorized with and to have and perform all duties and powers identified in Article 16 of the Town Law, including without limitation §271, as it may from time to time be amended, subject to the provisions hereof.

SECTION 3: AMENDMENT; SUPERSESION

This Local Law No. 3 of 2023 of the Town of Volney is enacted pursuant to authorization under Town Law §271, and Municipal Home Rule Law §10 and shall amend Local Law No. 1 of the year 2021 and Local Law 3 of 2022, and shall supersede any and all state laws, or decisions, resolutions, policies, procedures or local laws or ordinances established or adopted by the Town Board or Town Planning Board and in particular, but without limitations shall supersede those portions of §271, including those remaining portions of subsections superseded hereby shall be a remain in full force and effect.

SECTION 4: ILLEGALITY; SEVERABILITY

Should any part or provision of or any section of this Local Law or the application thereof to any person or circumstances be rendered void, invalid or unenforceable by any court of competent jurisdiction, or for any other reason, such determination shall be confined in its operation to the section, part, provision or application thereof directly involved in the controversy in which such determination shall have been rendered and shall not affect or impair the validity of, nor render void, invalid or unenforceable any other section, provision or part of any section or provision in this Local Law or the application thereof to other persons or circumstances. Further, that such court of law, in determining that any provision, section or part of this is illegal or unenforceable, shall nevertheless modify and enforce same in a manner intended to best effect the intent of the Town Board in adoption of such invalid, void or unenforceable provisions, parts or sections.

SECTION 5: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

(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 2023 of the ~~(County)(City)(Town)(Village)~~ of Volney was duly passed by the Town Board on October 19, 2023, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) 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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

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) (Name of Legislative Body) (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 1 above.

Carol Kerrier

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

Date: October 20, 2023

(Seal)

