

TOWN OF HURLEY
LOCAL LAW NO. 3 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 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. The Town Board shall also, at their discretion, designate a member to act as Chairperson, and a Vice Chairperson to act in his or her absence.
- B. Members of the Planning Board shall be required to regularly attend regular and workshop Planning Board meetings unless where they have been excused from attendance with good cause, and to attend, within one year after appointment to the Planning Board, the annual school of the New York State Planning Federation or an equivalent training program accepted as such by the Town Board. After their first year as a member of the Planning Board, the requirements of § 271 Subdivision 7-a of the Town Law shall govern the training required of members of the Planning Board.
- C. The Town Board shall have the power to remove a member of the Planning Board for cause after affording the member of the Planning Board the opportunity for a public hearing before the Board. The failure of a member of the Planning Board to attend more than five regular and/or workshop meetings of the Planning Board in any one-year period or to comply with minimum requirements related to training for members of the Planning Board as set forth in Subsection B of this section or of any applicable state laws shall constitute cause for removal. Nothing herein shall limit any other cause that the Town Board may find to be grounds for removal. Any member of the Planning Board aggrieved by their removal by the Town Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
- D. The provisions of this section are determined to be consistent with the Town Law. If 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 Chairperson or Vice Chairperson or should both members be absent from a meeting of the Planning Board which otherwise has a quorum, the members of the Planning Board shall designate an Acting Chairperson who will serve as Chairperson for all effective purposes until one is so designated by the Town Board.

§ 45-3 Employment of staff and experts.

The Planning Board shall have the power and authority to employ experts and 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 the Planning Board by the Town Board.

§ 45-4 Adoption of procedural regulations.

The Planning Board may adopt rules and regulations with respect to procedures before it and regarding any subject matter over which it has jurisdiction under this chapter or any other local or state statute subject to the approval of the Town Board in the manner set out by § 271 Subdivision 13 of the Town Law before coming into effect.

§ 45-5 Powers and duties.

The Planning Board shall have and exercise all powers conferred upon it by the provisions of the Town Law or other applicable state or local laws 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 §§ 271 through and including 281 of the Town Law and acts amendatory thereof.

§ 45-6 Filing of a certificate with the 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 of the Town Law.

§ 45-7 Approval of plats within the Town outside the limits of an incorporated village.

The Planning Board of the Town of Hurley is authorized and empowered to approve plats within the Town pursuant in accordance with such procedure as provided in §§ 276 through and including 279 of the Town Law, and the Town Clerk is hereby instructed to immediately file a certificate with the Clerk of the County of Ulster, New York, 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 of the Town Law upon the enactment of this chapter.

§ 45-8 Alternate members.

- A. Alternate members of the Planning Board may be appointed by the Town Board and designated by the Chairperson of the Planning Board in accordance with the provisions of this section when a regular member of the Planning Board is unable to participate in an application or matter before the Planning Board as set forth herein.
- B. In addition to the seven members of the Planning Board, the Town Board shall appoint two additional alternate members to the Planning Board who shall serve for two years terms, and whose terms shall end on the last day of alternating years. The alternate members initially appointed by the Town Board after the enactment of this chapter shall be appointed for terms set by the Board which shall be not less than six and not more than thirty months in length to ensure the terms of the alternates thereafter appointed are staggered one year apart going forward for terms of two years each. The Town Board upon appointment shall designate one alternate member of the Planning Board as the “First Alternate Planning Board Member,” and shall so designate the other as the “Second Alternate Planning Board Member.”
- C. The Chairperson of the Planning Board may but is not required to, as illness, absence, or conflicts of interest by Planning Board members necessitate, designate one or both alternate members of the

Planning Board to participate in the consideration of a certain matter or application before the Planning Board in place of a regular member of the Planning Board from that point in any or all specific matters before the Planning Board going forward. The Chairperson shall alternate between the alternate members from one to the next of the different matters that come before the Planning Board 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 a regular member of the Board. Such designation shall be entered into the minutes of the Planning Board meeting at which the substitution is made.

- 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, local law, or ordinance relating to training, continuing education, compensation, and attendance which apply to regular members of the Planning Board since they may be called upon unexpectedly to participate in the business of the Planning Board.

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 the 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: May 16, 2023