

VILLAGE OF UPPER NYACK
LOCAL LAW #3 of 2022

A Local Law establishing and continuing the Planning Board of the Village of Upper Nyack.

BE IT ENACTED by the Board of Trustees of the Village of Upper Nyack (the “Village Board”) as follows:

SECTION I: PLANNING BOARD ESTABLISHMENT; ORGANIZATION; POWERS AND DUTIES.

1. Establishment. The Planning Board previously established pursuant to the Village Law of the State of New York (the “Village Law”) is hereby continued with all powers and duties prescribed by law and by this local law. Such powers and duties are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Planning Board conferred upon it by the Village Law or any other local law.

2. Organization.

2.1. The Planning Board shall have five (5) regular members and one (1) alternate member.

2.2. Each regular member shall serve a term of five (5) years; each alternate member shall serve a term of two (2) years.

2.3. Members and the chairperson and vice chairperson of such Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. The term of office for the chair and vice chair shall be for one (1) year.

2.4. Alternate Member. The Chair of the Planning Board shall assign the alternate member to an application when a regular member of said Board has a conflict of interest which would otherwise prevent five (5) members of said Board from considering any pending matter. Once designated to serve on an application, the alternate member shall have the same powers and duties as regular members of the Board until the application is concluded. Any determination of said Board consisting of an alternate member shall have the same weight and be entitled to the same authority as the act or deed of the regular Planning Board and all laws, statutes and regulations shall apply and be applied with equal force and effect.

2.5. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint the new member for the unexpired term.

2.6. Membership of the Planning Board may be increased or decreased in accordance with Section 7-718 of the Village Law.

2.7. Removal of members. The Mayor shall have the power to remove, after any required hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Village Board of Trustees by local law.

3. Member Qualification.

3.1.1. Each Planning Board members shall be at least 18 years of age.

3.1.2. Each Planning Board members shall be a resident of the Village of Upper Nyack.

3.1.3. No person who is a member of the Village Board of Trustees shall be eligible for membership on the Planning Board.

3.1.4. Planning Board members shall complete all required training as provided in Section 7-718 (7a) of the Village Law.

3.1.5. Planning Board members shall comply with any other qualification for service as set forth in any other federal, state or local law.

4. Powers and Duties; Planning Board and Chair.

4.1. Powers and Duties of the Planning Board.

4.1.1. The Planning Board shall have those powers, responsibilities and duties granted to it pursuant to local laws, ordinances or resolutions adopted by the Village Board of Trustees as they may be from time to time amended, including, but not limited to the power to review and approve, approve with modification, or deny: (a) site plan applications (Zoning Law, Art. 10); (b) special use permit applications and renewal applications (Zoning Law Art. 9); (c) tree removal permit applications pursuant to the Village's Tree Preservation Law; and (d) Subdivision applications pursuant to the Village's Subdivision Law.

4.1.2. The Planning Board may periodically review the Village's Comprehensive Plan and make recommendations thereon to the Village Board of Trustees.

4.1.3. The Planning Board shall also have the authority to make recommendations from time to time to the Village Board of Trustees or any other Board, Officer or Agency of the Village on any planning-related matter.

4.1.4. The Planning Board shall determine its own rules of conduct and procedures consistent with applicable provisions of the Village Law and this local law.

4.1.5. The Planning Board shall have the power and authority to employ experts, advisors, and stenographers and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the Village Board of Trustees for the Planning Board. The Planning Board may also require

applicants to establish an escrow account to pay for review of any application by an expert as deemed necessary by the Planning Board in accordance with the terms, conditions and limitations set forth in Village Zoning Law Section 13.2 as it may be from time to time amended.

4.1.6. The Planning Board shall also have all other and further powers and duties as provided under the Village Law or any other local law of the Village of Upper Nyack.

4.2. Powers and Duties of the Chairman; Vice Chairman.

4.2.1. The Chairman of the Planning Board shall establish the agenda for and call the meetings of the Planning Board and shall be authorized to sign site plans, subdivision plats and special permits on behalf of the Planning Board after it grants final approval.

4.2.2. The Chairman of the Planning Board shall also have all other and further duties as provided under the Village Law or by local law, ordinance or resolution of the Board of Trustees, or by rule of the Planning Board.

4.2.3. In the absence or inability of the Planning Board Chairman, the Vice Chairman shall assume all of the responsibilities and duties of the Chairman.

5. Quorum and Decision.

5.1. Quorum. The presence of a majority of the members of the Planning Board shall be necessary to decide any matter before it.

5.2. Vote. Unless otherwise provided by law, the concurring vote of a majority of the members of the Planning Board as fully constituted shall be necessary to effect any decision or determination in favor of the applicant.

5.3. Default Denial. An application to the Planning Board that fails to obtain the votes of a majority of the members of the full board to approve the application shall be deemed denied.

SECTION II: SEVERABILITY.

If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION III SUPERSESSION.

Superseding Other Laws. All ordinances or parts of ordinances or local laws or parts of local laws, or State laws which conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

SECTION IV: EFFECTIVE DATE.

This Local Law shall take effect upon the later of April 15, 2022 or the filing in the Office of the Secretary of State.