

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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(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~~ of Plandome Heights

Village

Bill 1 of 2020

Local Law _____ of the year 20

(Insert Title)

A local law amending Section 140-13, "Planning Board," of the Code of the Village of Plandome Heights to transfer powers and duties of Planning Board to Board of Trustees

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

~~County~~

~~City~~

~~Town~~ of Plandome Heights

Village

Section 1. Legislative Intent. For the reasons set forth in the text of revised Clause "A." of Section 140-13 of the Code of the Village of Plandome Heights, as contained herein, the Board of Trustees has determined that the best interests of the Village and its residents are served by transferring the powers of the separate Planning Board of the Village to the Village Board of Trustees pursuant to NYS Municipal Home Rule Law § 10, and abolishing the separate Planning Board pursuant to NYS Village Law §3-310.

Section 2. Pursuant to NYS Municipal Home Rule Law § 10 and NYS Village Law §3-310, the Board of Trustees hereby amends Clauses "A" and "B." of Section 140-13 of the Code of the Village of Plandome Heights so that clauses "A" and "B." shall read in their entirety as follows:

A. "B. Legislative History. The Board of Trustees of the Village of Plandome

Heights recognizes that the Village consists almost entirely of building lots that are not able to be further partitioned or sub-divided as of right in light of the Village's zoning restrictions on lot dimensions. Furthermore, the Village has only very infrequently been presented with partitioning or subdivision applications for property in neighboring jurisdictions for which the Village has shared jurisdiction. As a result the Village is presented with applications for subdivision or partitioning on extremely rare occasions, such that many years may intervene between meetings of the Village Planning Board. Due to such infrequency of meetings and minimal need for the Planning Board function, the duly appointed members of the separate Planning Board heretofore established by Local Law No. 1 of 2004 of the Village do not have the opportunity to become familiar with current property and zoning issues within the Village or in neighboring jurisdictions, but are burdened by the obligation to satisfy annual training requirements which are rarely put to use. At the same time, the members of the Board of Trustees collectively meet regularly to address the many issues that arise in the Village, including those that pertain to property and zoning issues. The Trustees receive briefings and presentations relating to property, zoning and land use matters from time to time from the Village Attorney and the Village Building Inspector. In addition, through the Village's membership in the New York Conference of Mayors and the Nassau County Village Officials Association, the Trustees have access to property, zoning and land use materials and information from those organizations. Furthermore, in a small Village like Plandome Heights, there is an inherent difficulty in identifying and securing residents who are ready, willing and able to serve the Village in a voluntary, uncompensated role such as that of member of a separate Planning Board, and the interests of the Village are not served if such individuals do come forward and volunteer, only to serve on a Board that meets as infrequently as the Village's separate Planning Board.

B. Transfer of Powers and Duties of Planning Board to Board of Trustees. Effective upon the enactment of this provision, the separate Planning Board of the Village of Plandome Heights heretofore created by Local Law No. 1 of 2004 of the Village is hereby abolished pursuant to New York State Village Law § 3-310, and all powers and duties heretofore held by duly appointed and acting members of the separate Planning Board hereby abolished are transferred to the Board of Trustees of the Village, which shall have all powers of a village planning board pursuant to the provisions of the Code of the Village of Plandome Heights and the laws of the State of New York, including, without limitation, the powers of a planning board set forth under § 7-718 of the Village Law of the State of New York."

Section 3. Effective date. This local law shall take effect immediately.