

Local Law Filing

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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.

Town of Farmington, Ontario County, New York

Local Law no. 7 of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled "Boards, Committees and Commissions," by adding Article V, "Planning Board (PB) Duties and Responsibilities."

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 9, Article V, of the Town Code of the Town of Farmington to be entitled "Planning Board (PB), Duties and Responsibilities" is hereby established and shall read in its' entirety as provided for within this Local Law as follows:

§9-1. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article V, Sections 9-1 through 9-12 and is entitled the "Town of Farmington Planning Board (PB), Duties and Responsibilities."

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§9-2. Purpose.

The purpose of the Town of Farmington Planning Board (PB) is hereby established to:

- A. Administer the provisions of Article 16, §§ 271, 272-A, 273, 274-A, 274-B, 276, 277, 278, 279 and 283-A New York State Town Law; and the provisions contained in Chapters 144 (Articles I through VI) and 165 (Articles IV through X) of the Town of Farmington Town Code, as further specified herein; and
- B. Administer the applicable provisions within article 8 of the New York State Environmental Conservation Law (ECL); and
- C. Establish and maintain effective communications with the various Town Boards, Committees and Commissions; and
- D. To identify specific goals, objectives and implementation actions contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and
- E. To recommend appropriate land use regulations for the community to be contained in the Town Code of Farmington Town Code; and

§9-3. Intent.

The intent of these regulations is to identify the Town of Farmington Planning Board (PB), established by Local Law No. 2 of 2001, is hereby further established to provide information to the residents of the Town, the Town Board, Town Zoning Board of Appeals, Town Environmental Conservation Board, the Town Agriculture Advisory Committee, the Town Recreation Advisory Board, the New York State Department of Transportation, the Ontario County Department of Public Works, the Ontario County Department of Planning, the Ontario County Planning Board, the Ontario County Soil and Water Conservation Agency, the New York

State Department of Environmental Conservation, the New York State Department of Agriculture and Markets, the New York State Department of Health and the New York State Department of Parks, Recreation and Historic Preservation on issues relating to sustaining, promoting, and identifying land use and related needs within the Town.

§9-4. Function of the Planning Board (PB).
The function of the Town Planning Board includes but is not limited to the following:

- A. To prepare reports and recommendations upon request(s) received from the Town Board, the Town Zoning Board of Appeals, the Town Environmental Conservation Board, the Town Agricultural Advisory Committee, the Town Code Enforcement Officer and the Town Director of Planning and Development; and
- B. To participate with the members of the Town Board's Town Operations Committee in the preparation of the annual review of and the preparation of the implementation actions report identified in the latest edition of the adopted "*Town of Farmington Comprehensive Plan;*" and
- C. To administer the provisions contained within Chapter 144 of the Town of Farmington Town Code, entitled "Subdivision of Land;" and
- D. To administer the provisions contained within Chapter 165 of the Town of Farmington Town Code, entitled "Zoning;" and
- E. To participate with members of the Town of Farmington Comprehensive Plan Update Committee during the public participation process involved with amendment to the latest edition of the "*Town of Farmington Comprehensive Plan;*" and
- F. To contribute to sustaining the established high standards for development that are part of the Town's ongoing planning program, its' reviews and decisions upon development projects, and related land use issues, by providing consistent and accountable services to the community; and

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- G. To maintain training certification of each of its members by requiring at least the minimum number of hours established by the Town Board; and
- H. To advise and recommend to the Town Board, the Planning Board's needs for Annual Operating Budgets; and
- I. To educate the public of the importance and need for planning programs and services, by including but not limited to, articles contained in the Town of Farmington Newsletter and information posted on the town's website.
- J. To seek legal and professional advice from established experts upon a matter pending before the Planning Board for its' review and action.

§9-5. Membership; terms of office; vacancies.

- A. There shall be five (5) members of the Town of Farmington Planning Board (PB) appointed by the Town Board.
- B. There may be one (1) Alternate Member appointed by the Town Board to serve the needs of the Town of Farmington Planning Board (PB).
- C. All members of the Town of Farmington Planning Board and any Alternate Member shall be residents of the Town of Farmington and at least 21 years of age.
- D. The Planning Board shall have the power and authority granted by the Town Board to employ experts and a clerk and to pay for their services; and to provide for such other appropriation that may be authorized therefor by the Town Board for the Planning Board.
- E. Town Board Members Ineligible. No person who is a member of the Town Board shall be eligible for membership on the Town Planning Board.
- F. Town Board Member Liaison. There shall be one (1) member of the Town Board assigned by the Town Board to serve as liaison to the Town Planning Board.

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- G. Planning Board Membership. The terms of members of the Planning Board shall be fixed so that the term of one member shall expire at the end of the calendar year in which such member was initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. The terms of all members shall expire at the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Planning Board.
- H. Vacancies on the Planning Board. Any vacancy shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term.
- I. To be eligible for reappointment to the Planning Board, such member shall have completed the training requirements of the Town.
- J. To be eligible for reappointment to the Planning Board, such member shall have participated in at least eighty percent (80%) of the scheduled meetings during said term of Office.
- K. Removal of members. The Town Board shall have the power to remove, after public 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 Town Board by local law or resolution.
- L. Members of the Planning Board shall serve with a stipend amount approved by the Town Board.

§9-6. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

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§9-7. Officers and Board Meeting Dates.

- A. The Planning Board, each year at its' Organizational Meeting, shall designate the date, time, and place of the Planning Board Meetings for said calendar year. The Town Board shall appoint the Planning Board Chairperson who shall serve a term that expires on December 31st of said calendar year.
- B. Once appointed the Planning Board Chairperson may appoint an Alternate Chairperson to serve in the Chairperson's absence. The Alternate Chairperson shall be appointed for a term that expires on December 31st of said calendar year.
- C. Additional meetings may be called by the Chairperson as needed.

§9-8. Duties and responsibilities of the Planning Board.

The powers and duties of the Town Planning Board shall include, but not be limited to:

- A. The Planning Board shall perform duties assigned to it by resolution of the Town Board.
- B. The Planning Board shall participate in the periodic updates to the Town of Farmington Comprehensive Plan, the Town of Farmington Parks and Recreation Master Plan Updates and the Town of Farmington Farmland Protection Plan Updates, and the town's Open Space Index is maintained.
- C. The Planning Board may conduct studies, surveys, and inventories of planning programs within the Town and such other studies and surveys as may be necessary to carry out the general intent of this chapter.
- D. The Planning Board shall contribute articles for the periodic Town of Farmington Newsletters.
- E. The Planning Board may suggest amendments to the Town's website.

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- F. The Planning Board shall maintain maps, reports, and other publications to support the necessary research of the ECB into local environmental conditions.
- G. The Planning Board may request legal and/or professional assistance once authorized by the Town Board in the preparation of any report or decision.
- H. The Planning Board shall present an annual operating budget for the Town Board's review and approval.

§9-9. Planning Board Review Process.

Any matter referred to the Planning Board for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Director of Planning and Development, the Town Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the Planning Board, the Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board's meeting on the matter. With the advice and consent of a majority of the Planning Board members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the Planning Board to act on such referral.

§9-10. Quorum.

A quorum for meeting of the Planning Board shall be three (3) members participating either in person or via remote video conference. The Planning Board is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-11. Planning Board Reports.

The Planning Board shall submit an annual report to the Town Board not later than ten (10) business days following the Planning Board's Organizational Meeting of each year, concerning the activities and work of the Planning Board during the previous year and that planned for the coming year.

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§9-12. Planning Board Rules of Procedure.

The Planning Board, at their organizational meeting each year shall review and adopt Rules of Procedure for their meetings. Once adopted, the Rules of Procedure may be amended only by a majority vote of the full membership of the Planning Board. Said adopted Rules of Procedure shall remain in effect until replaced the following year by Planning Board action. The adopted Rules of Procedure shall be maintained on the town's website.

Section 2: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 3: 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 number 7 of 2023, of the Town of Farmington, was duly passed by the Town Board on _____, 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 number _____ of 2023 of the Town of Farmington was duly passed by the _____ on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2023, 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 number _____ of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by _____ on 2023. 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 _____ 2023, 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 number _____ of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by the _____ on 2023. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2023, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 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 _____ 2023, became operative.

* 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.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the County of _____ State of New York, having been submitted to the electors at the General Election of November 2023, 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.

Clerk of the Town

(Seal)

Date: _____