

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 DEERPARK

Local Law No. ~~3~~ 4 of the year ~~2017~~ 2018

A local law REDUCING THE NUMBER OF MEMBERS FROM SEVEN (7) TO FIVE (5) OF THE
(Insert Title)
DEERPARK PLANNING BOARD IN THE TOWN OF DEERPARK, ORANGE COUNTY,
NEW YORK

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of DEERPARK as follows:

SEE ANNEXED PAGES

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

(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 2017 of the ~~(County)(City)~~(Town)(Village) of DEERPARK was duly passed by the TOWN BOARD on DECEMBER 4, 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ 2017, 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.

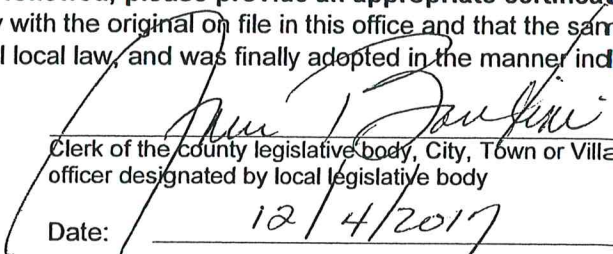
6. (County local law concerning adoption of Charter.)

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 _____ above.

(Seal)


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

Date: _____

12/4/2017

LOCAL LAW NO. 3 OF 2017
2018
A LOCAL LAW REDUCING THE NUMBER OF MEMBERS
FROM SEVEN (7) TO FIVE (5) OF THE DEERPARK PLANNING BOARD
IN THE TOWN OF DEERPARK, ORANGE
COUNTY, NEW YORK

Section 1. Purpose. It is recognized that the Planning Board of the Town of Deerpark serves a valuable purpose to the citizenry of the Town. It is also recognized that the Planning Board requires a significant time commitment from its members. The Town Board of the Town of Deerpark recognizes that it has had difficulty in staffing the positions of the Planning Board, both in positions of regular members and in the position of alternate member. Specifically, the Deerpark Planning Board has been operating without any alternate members for several years. In addition, the Planning Board has been operating with only Six (6) appointed regular members, one (1) of whom has been unavailable due to illness/injury for approximately one (1) year. Further, the Town Board also recognizes that the quorum requirements resulting from a seven (7) member board are sometimes difficult to satisfy, particularly where there are only Five (5) “reliable”, regular members.

Section 2. Legislative Findings.

A. New York State Town Law, Section 271, Subdivision 7, provides for a mechanism by which a Town which has seven (7) members on the planning board may by local law or ordinance, decrease the membership to five (5) members. Such a change, if adopted, takes effect upon the next two (2) expirations of terms.

B. The Town of Deerpark Town Board has determined that it would be in the best interest of Town of Deerpark residents to have a fully functional and complete Planning Board. As a result, the Town Board believes that it would be in the best interests of the Town to reduce the membership of the

Planning Board consistent with Town Law in order to accomplish the stated purposes of the Town Board.

C. This action is exempt under SEQR pursuant to 6 NYCRR Section 617.5(c)(30) as an action involving the creation or modification of the establishment of the Planning Board.

Section 3. Planning Board Membership Reduced.

A. The Town Board of the Town of Deerpark, County of Orange, State of New York, hereby reduces the membership of the Planning Board of the Town of Deerpark, County of Orange, State of New York, from Seven (7) members to Five (5) members.

B. The reduction shall take effect upon the next two (2) expirations of terms, to wit: December 31, 2017 and December 31, 2018.

C. Prospective terms of members of the Deerpark Planning Board shall hereinafter be established to be Five (5) years in duration, effective with the next appointment, to wit: January 1, 2020.

D. The purpose of this reduction is to ensure that a fully operational and complete Planning Board shall be in place for the consideration of land use applications moving forward.

Section 4. Supersession.

A. Town Law Section 271, Subdivision 7, is hereby utilized and invoked to reduce the membership of the Town of Deerpark Planning Board.

Section 5. This Local Law shall take effect immediately.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS

THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

NOTICE OF PUBLIC HEARING

TOWN OF DEERPARK
COUNTY OF ORANGE
STATE OF NEW YORK

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Deerpark, Orange County, New York, on the 6th day of November, 2017, a proposed Local Law #3 of the Year 2017, entitled "A Local Law Reducing the Number of Members from Seven (7) to Five (5) of the Deerpark Planning Board in the Town of Deerpark, Orange County, New York".

The full text is on file for public review at the Office of the Town Clerk, Route 209, Huguenot, New York, during regular business hours.

THEREFORE, pursuant to the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Deerpark will hold a public hearing on the aforesaid proposed Local Law in the Town Hall, Route 209, Huguenot, New York, at 7:00 p.m. on the 4th day of December, 2017, at which time all interested persons will be heard.

DATED: Nov. 6, 2017

BY ORDER OF THE TOWN BOARD

FLORENCE T. SANTINI, Town Clerk