

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON MARCH 7, 2024 AT 6:00 P.M.

RESOLUTION #6-100/2024

To adopt Local Law No. 1 of 2024 to amend the Town of Henrietta Code regarding training and attendance requirements for members of the Zoning Board of Appeals and Planning Board and the appointment of alternate members to said Boards.

On Motion of
Councilmember Bellanca

Seconded by
Councilmember Page

WHEREAS, the Town of Henrietta has established a Planning Board pursuant to New York State Town Law § 271 and a Zoning Board of Appeals pursuant to New York State Town Law § 267, including the ability to name alternate members who may serve with full powers of a Board member in the event of a conflict of interest by one or more of the Board members; and

WHEREAS, the Town believes it is beneficial to extend this ability for alternate members to serve in the event of an absence of one or more of the Board members, and may do so through the application of New York State Municipal Home Rule Law § 10 and New York State Statute of Local Governments § 10; and

WHEREAS, the Town wishes to allow for the removal of current Planning Board or Zoning Board of Appeals members who fail to meet the State required minimum training levels as established in New York State Town Law § 271 and § 267, respectively, or who have repeatedly missed meetings for said Boards; and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, specifically to establish training and attendance requirements and to have the ability to appoint alternate members of the Planning Board and Zoning Board of Appeals who can serve either due to conflicts of interest with or in the absence of a current Board member.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts said Local Law No. 1 of 2024 to amend the Henrietta Town Code at Chapter 295 to add training and attendance requirements for the Planning Board and Zoning Board of Appeals and to add the ability to appoint alternate members to the aforementioned Boards.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Duly put to a vote:	
Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

LOCAL LAW NO. 1 OF 2024 TO AMEND THE TOWN OF HENRIETTA CODE REGARDING TRAINING AND ATTENDANCE REQUIREMENTS FOR MEMBERS OF THE ZONING BOARD OF APPEALS AND PLANNING BOARD, AND THE APPOINTMENT OF ALTERNATE MEMBERS TO SAID BOARDS.

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of the Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 1 of 2024 to Amend the Town of Henrietta Code to establish training and attendance requirements for members of the Zoning Board of Appeals and Planning Board and to provide for the appointment of alternate members of said Boards, and its purpose is to ensure that, to the extent possible, each Board has a full complement of properly trained, voting members at each meeting of the respective Boards in which action is to be taken on an application.

Section III Legislative Intent and Finding

This Local Law is adopted to advance and protect the public health, safety, and welfare the Town of Henrietta by ensuring that, to the extent possible, each meeting of the Zoning Board of Appeals and the Planning Board are attended by a full complement of properly trained voting members able to take action on an application before it.

Section IV. Legislation and Codification

The following legislation is hereby enacted and implemented, including to be codified in the Henrietta Code as set forth herein, and which legislation, Code and provisions/amendments shall read as set forth herein:

Chapter 295 of the Henrietta Town Code is hereby amended at Section 295-60 to include the following language:

Each member of the Planning Board shall complete the annual training requirements of the Town Law no later than November 15 of the calendar year and shall be required to attend not less than eighty percent (80%) of the regularly scheduled and conducted meetings of the Planning Board unless otherwise waived or modified by resolution of the Town Board.

Chapter 295 of the Henrietta Town Code is hereby amended at Section 295-61 to include the following language:

Each member of the Zoning Board of Appeals shall complete the annual training requirements of the Town Law no later than November 15 of the calendar year and shall be required to attend not less than eighty percent (80%) of the regularly scheduled and conducted meetings of the Zoning Board of Appeals unless otherwise waived or modified by resolution of the Town Board.

Chapter 295 of the Henrietta Town Code is hereby amended to add Article XVII:

Article XVII Alternate Members of the Planning Board and Zoning Board of Appeals

§ 295-76 Title; Applicability

- A. The title of this article is Appointment of Planning Board and Zoning Board of Appeals Alternate Members
- B. This Article shall apply to the appointment, terms, functions, and powers of alternate members appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of Henrietta.

§ 295-77 Declaration of Policy

It is sometimes difficult to maintain a quorum on the Town Planning Board and Zoning Board of Appeals because members are ill, on extended vacation, have an unavoidable absence, or find that they have a conflict-of-interest situation on a specific matter before such Board. In such instances official business cannot be conducted, which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this Article.

§ 295-78 Definitions

For the purpose of the Article the following words and phrases shall have the meaning ascribed to them in this Article:

Alternate Member: An individual appointed by the Town Board to serve when a member is unable to participate in a matter before the respective Board, as provided herein.

Member: An individual appointed by the Town Board to serve on the Town Planning Board or the Zoning Board of Appeals pursuant to provisions of the local law or ordinance which first established such Board.

Planning Board: The Planning Board of the Town of Henrietta, established by the Town Board pursuant to the provisions of § 271 of the Town Law.

Zoning Board of Appeals: The Zoning Board of Appeals of the Town of Henrietta, established by the Town Board pursuant to provisions of § 267 of the Town Law.

§ 295-79 Authorization; Effect

- A. The Town Board of the Town of Henrietta hereby enacts this Article to provide a process for appointing “alternate” members of the Planning Board and the Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.
- B. The Town Board or other duly authorized appointing authority shall appoint alternate members for a term of three years, which term shall end on December 31 of the third year after the date of their appointment.
- C. The chairpersons of the Planning Board and the Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate in an application or matter before the Board. When so designated, the alternate member shall have the same powers and responsibilities of such member of the Board.
- D. All provisions of state law relating to Planning Board and Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law relating to training shall also apply to alternate members.

§295-80 Supersession of Town Law

- A. This Article is hereby 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 inconsistencies between this Article and § 271 of the Town Law relating to the appointment of alternate members to the Town Planning Boards and § 267 of Town Law relating to the appointment of alternate members to Town Zoning Board of Appeals.

Section V. Validity and Severability

If any clause, sentence, paragraph, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect immediately upon filing in the office of the New York State Secretary of State.