

Local Laws of 2022

LOCAL LAW NO. 1 OF 2022

A LOCAL LAW AMENDING SECTIONS 16-3, 16-4, 88-4, 88-8, and 105-56 OF THE CODE OF THE TOWN OF URBANA, NEW YORK RELATING TO PLANNING AND ZONING

BE IT ENACTED by the Town Board of the Town of Urbana, New York, as follows:

Section 1. Sections 16-3 and 16-4 of the Town Code of the Town of Urbana, NY, are amended to read as follows:

§ 16-3 **Training requirements for Planning Board.**

A.

All Planning Board members shall attend training programs at an appropriate level during their term of office, approved in the manner herein provided.

B.

After prior discussion and consultation with the Planning Board Chairman, the Town Board shall establish, by resolution, a list of approved programs and the required minimum hours of attendance, to satisfy the requirements of Subsection A. The Town Board may, from time to time, modify and amend the list of approved programs by resolution, after prior discussion and consultation with the Planning Board Chairman.

C.

The Town Board shall choose programs which relate to the duties of Planning Board members. These may include courses, workshops or training programs sponsored by groups such as the New York State Association of Towns, the New York State Department of State or certified training providers, the New York State Department of Environmental Conservation, the New York Planning Federation or other appropriate entities.

D.

All training provided pursuant to this article shall be at the Town's expense.

By June 30th of each year, members of the Planning Board shall file with the Town Clerk proof of their attendance at any training programs required by this article.

E.

Noncompliance with the minimum requirements relating to training shall be deemed a proper cause for removal from office. A Planning Board member who fails to attend the programs as provided in this article and specified pursuant to the resolutions promulgated

thereunder shall be subject to removal following the procedures set forth in Town Law § 271.

§ 16-4 Training requirements for Zoning Board of Appeals.

A.

All Zoning Board of Appeals members shall attend training programs at an appropriate level during their term of office, approved in the manner herein provided.

B.

After prior discussion and consultation with the Zoning Board of Appeals Chairman, the Town Board shall establish, by resolution, a list of approved programs and the required minimum hours of attendance, to satisfy the requirements of Subsection A. The Town Board may, from time to time, modify and the list of approved programs by resolution, after prior discussion and consultation with the Zoning Board of Appeals Chairman.

C.

The Town Board shall choose programs which relate to the duties of the Zoning Board of Appeals members. These may include courses, workshops or training programs sponsored by groups such as the New York State Association of Towns, the New York State Department of State or certified training providers, the New York State Department of Environmental Conservation, the New York Planning Federation or other appropriate entities.

D.

All training provided pursuant to this article shall be at the Town's expense.

E.

By June 30th of each year, members of the Zoning Board of Appeals shall file with the Town Clerk proof of their attendance at any training programs required by this article.

F.

Noncompliance with the minimum requirements relating to training shall be deemed a proper cause for removal from office. A Zoning Board of Appeals member who fails to attend the programs as provided in this article and specified pursuant to the resolutions promulgated thereunder shall be subject to removal following the procedures set forth in Town Law § 267.

Section 2. Sections 88-4 and 88-5 of the Town Code of the Town of Urbana, NY, are amended to read as follows:

§ 88-4 Authority of Planning Board.

A.

The Town Board hereby delegates to the Planning Board the authority to review, pursuant

to this chapter, including any amendments and modifications thereof, all site plans for those land uses and activities within the Town of Urbana as set forth herein. Specifically, the Planning Board shall have the power to review and approve, approve with modification or disapprove site plans for commercial, industrial and any other development or land use or lands and buildings and for open land uses and for any change in use or intensity of use which will or will be most likely to affect the characteristics of the site in terms of parking, means of access, loading and/or unloading of goods, equipment and/or persons, drainage, utilities or other municipal services.

B.

Before application for any permit as required by the Town for the construction or reconstruction of, addition to or additional development or redevelopment of a commercial building, industrial building or other development of or use of land or land and buildings, signs as part of sites to be developed or redeveloped or open land uses, the owner shall submit a plan or map of the site to the Code Enforcement Officer for its review for its completeness and compliance with the Zoning regulations, at which time the application will be forwarded to the appropriate Board for its review and approval. Each plan or map which is finally approved and which has been endorsed by the Chairman of the Planning Board shall be filed in the official Planning Board file and in the Town Clerk's Office, together with the required number of additional copies as required.

C.

Any person who is uncertain as to the applicability of this chapter to a given land use may contact the Code Enforcement Officer with questions as to the applicability of this chapter.

§ 88-5 Applicability of review requirements.

All land use activities within the Town are subject to site plan review and approval before being undertaken, except the following:

A.

Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this chapter.

B.

Ordinary repair or maintenance or interior alterations to existing structures or uses.

C.

Nonstructural agricultural or gardening uses.

D.

Code Enforcement Officer compliant applications; are One and Two Family residential applications compliant with the current Zoning Law and do not need an Area Variance, and are not Home occupations on Residential lots.

Section 3. Section 88-8 of the Town Code of the Town of Urbana, NY, is amended to read as follows:

§ 88-8 Definitions.

A.

As used in this chapter, the following terms shall have the meanings indicated:

FAMILY

One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

LAND USE ACTIVITY

Any construction of any other activity which changes the use or appearance of land or a (Commercial or Industrial) structure or the intensity of use of (Commercial or Industrial) land or a structure or land and structure in conceit "Land use activity" shall explicitly include but not be limited to the following: expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways and excavations for the purpose of extracting soil or mineral deposits.

ONE-FAMILY DWELLING

A complete, self-contained, residential unit for permanent habitation by one family only and containing one or more rooms and facilities for living, including cooking, sleeping and sanitary needs.

SHORELINE

The mean high water mark of any lake, pond, river or permanent stream.

STRUCTURE

Construction, installation, or placed such as buildings, sheds, signs, tanks and any additions and alterations on land to facilitate land use and development or subdivision of land, thereto.

STRUCTURE, ACCESSORY

Any structure designed to accommodate an accessory use but detached from the principal structure, such as a freestanding garage, garden house or similar facility; also included in this definition is a dock, deck or other structure, with or without the presence of any principal structure, which is located on the land and leads to a place in the water where a boat is or may be moored or provides access for fishing or for any other use, recreational or otherwise.

TWO-FAMILY DWELLING

Two complete, but not separate, self-contained residential units, each intended for permanent habitation by one family only, in a single structure having a common roof, wall and ceiling and containing separate rooms and facilities for living, including cooking, sleeping and sanitary needs.

WATERFRONT AREA

That area bounded generally by the Inlet on the west and the north border of Champlain Beach on the east.

B.

Any term used in this chapter which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

Section 4. Section 105-56 of the Town Code of the Town of Urbana, NY, is amended to read as follows:

§ 105-56 **Advisory opinions of Planning Board.**

Upon receipt of a completed application the Zoning Officer after determining that the application needs a variance from the Zoning Board of Appeals, shall forward the application to the Planning Board for its advisory opinion. The Planning Board shall submit in written form their advisory opinion within 5 days to the Planning Board Secretary to be attached to the variance application. The applicant shall be sent to the Zoning Board of Appeals to set a hearing date. The advisory opinion shall be read into the minutes at the Public hearing.

Section 5. This Local Law shall take effect immediately upon its filing in the Office of the New York State Secretary of State.