

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 42-2023 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198 (ZONING), ARTICLE XVII (PLANNING BOARD APPROVALS), SECTION 117 (TERM OF OFFICE; PROCEDURAL RULES AND REGULATIONS)

Resolution for Town Board Meeting Dated January 3, 2024

The following resolution was offered by: **COUNCILMAN FERRO**

And seconded by: **SUPERVISOR SMYTH**

WHEREAS, Section 198-117 of the Town Code addresses certain procedural rules and attendance requirements for Planning Board members; and

WHEREAS, the current requirement for an eighty-five percent attendance rate can be difficult to achieve in the event of certain illness, vacation and employment schedules; and

WHEREAS, Section 198-117 currently does not provide for alternate members for the Planning Board in the event of a Planning Board member’s absence; and

WHEREAS, the proposed changes to Section 198-117 will provide for the ability to have a full board of seven members to hear applications before the Planning Board; and

WHEREAS, pursuant to 6 NYCRR section 617.5(c)(26) adopting regulations amending the code is a Type II action and no further SEQRA review is required at this time.

NOW, THEREFORE,

THE TOWN BOARD, having held a public hearing on the 12th day of December, 2023 at 2:00 p.m. to consider adopting Local Law Introductory No.42-2023 amending the Code of The Town of Huntington Chapter 198 (Zoning), Article XVII (Planning Board Approvals), Section 117 (Term of office; procedural rules and regulations), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 42-2023 amending the Code of the Town of Huntington, Chapter 198 (Zoning) Article XVII (Planning Board Approvals), Section 117 (Term of Office; Procedural Rules and Regulations) as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 8-2024
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE XVII (PLANNING BOARD APPROVALS)

Section 1. Chapter 198 (Zoning), Article XVII (Planning Board Approvals), Section 117 (Term of office; procedural rules and regulations) of the Code of the Town of Huntington, is hereby amended as follows:

CHAPTER 198
ZONING
ARTICLE XVII
PLANNING BOARD APPROVALS

* * *

§ 198-117 Term of office; procedural rules and regulations.

(A) The Planning Board shall consist of seven (7) members who shall be appointed by the Town Board for a term of seven (7) years to be staggered pursuant to § 271 of the Town Law. The Town Board shall designate a chairperson and Vice-Chairperson thereof for an annual term. No member of the Planning Board shall be for more than two (2) full terms of office. Term limits shall apply to appointments made after the effective date of this section. It is the intention of the Huntington Town Board to expressly supersede and/or expand on the provisions of § 271(1) and § 271(5) of the Town Law as they relate to the appointment of a Vice-Chairperson and the establishment of term limits by virtue of the powers conferred upon it in § 10(1)(d)(3) of the Municipal Home Rule Law. In addition to the powers conferred upon him by the Town Law and General Municipal Law, the Chairperson shall call the meetings to order; establish the procedural rules of conducting the meetings and hearings; conduct the hearings; schedule meetings; and call for a vote on applications. In the absence or inability of a Chairperson to fulfill such duties, the Vice-Chairperson shall serve in the place of the Chairperson.

(i) Alternate membership. There shall be two (2) alternate members of the Planning Board. Said alternates shall be appointed by resolution of the Huntington Town Board for a term of two (2) years and shall be compensated per diem at the rate established by the Town Board. Whenever it appears that a member of the Planning Board is unable to participate in an application due to a conflict of interest or disability or unavailability, the Chairman of the Planning Board may substitute such member with an alternate member for the purpose of deciding the application. Alternates shall be designated to serve on a rotating basis by the Chairman, and the designation shall be duly entered into the official minutes of the meeting at the time such designation is made. Once designated, the alternate member shall possess all of the powers and responsibilities of such member of the Board.

(B) Attendance requirements. All members of the Planning Board shall regularly attend all meetings as scheduled. A board member who expects to be absent from a regular or special meeting shall notify the Chairman of the Board of the reason for such absence, and in the Chairman's discretion, he may deem the member's absence to be excused, in advance of the scheduled meeting. The failure of any member to attend [eighty-five (85%)] seventy (70%) percent of the scheduled and held meetings in a calendar year, exclusive of excused absences, shall be cause for his or her removal by the Town Board, after a hearing, for noncompliance with the attendance requirements. Nothing herein shall limit or restrict the Town Board's authority to remove a member for reasons other than the member's attendance record.

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