

NOTICE OF PUBLIC HEARING

Village of Altamont

PLEASE TAKE NOTICE that the Village Board of the Village of Altamont will hold a public hearing on March 1, 2022, at 7:00 p.m. at the Altamont Village Community Room, 115 Main Street, Altamont, New York, to hear all interested person on proposed Local Law No. 1 of 2022 (Introductory Version No. 2), entitled, A Local Law to Abolish the Existing Planning Board and Zoning Board of Appeals and to Create a New Zoning Board of Appeals for the Village of Altamont. The proposed local law would abolish the existing Village of Altamont Planning Board and Village of Altamont Zoning Board of Appeals and create a new Zoning Board of Appeals ("ZBA"). The proposed local law has been revised since its introduction to make clear the new ZBA will have five (5) members with two (2) alternates. The purpose in enacting this local law is to provide for a more streamlined and efficient procedure for reviewing land use applications in the Village while maintaining the same substantive requirements for subdivision and the use and development of land as set forth in the Village of Altamont Code, Chapter 315 ("Subdivision") and Chapter 355 ("Zoning"). The new ZBA would exercise the same powers and duties as the current Zoning Board of Appeals and Planning Board. There would be no Planning Board after the current board is abolished. The local law would take effect on the date of the Village Board's April 2022 Organizational Meeting. Members of the new ZBA will be appointed at that time subject to approval by the Village Board. The appointment of members will be for a term so fixed that one member's term will expire at the end of the year in which such member was appointed, and the remaining member's terms will be fixed so that one members term expires at the end of each official year thereafter. A copy of the proposed Local Law (Introductory Version No. 1 and Introductory Version No. 2) is available for review at the offices of the Village Clerk located at 115 Main Street, Altamont, New York, 12009 and on the Village's website at altamontvillage.org. All persons desiring to speak either on behalf of, or in opposition to, said proposed Law shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the Village Clerk at 115 Main Street, Altamont, NY 12009 or villageclerk@altamontvillage.org.

Patricia Blackwood,
Village Clerk
February 17, 2022

**Village of Altamont
Local Law No. 1 of 2022**

**A Local Law To Abolish the Existing Planning Board and Zoning Board of Appeals and
Create a New Zoning Board of Appeals for the Village of Altamont**

Be it enacted by the Village of Altamont Board of Trustees as follows:

§ 1. Purpose and Intent.

- A. The Village of Altamont Board of Trustees (“Village Board”) hereby finds that it is in the public interest to abolish the existing Village of Altamont Planning Board and Village of Altamont Zoning Board of Appeals and create a new Zoning Board of Appeals with the powers and duties of a planning board and a zoning board of appeals.
- B. The Village’s purpose in enacting this local law is to provide for a more streamlined and efficient procedure for reviewing land use applications while maintaining the same substantive requirements for subdivision and the use and development of land in the Village as set forth in the Village of Altamont Code, Chapter 315 (“Subdivision”) and Chapter 355 (“Zoning”).

§ 2. Abolition of Existing Planning and Zoning Board of Appeals and Establishment of New Zoning Board of Appeals.

- A. The Village Board hereby abolishes the existing Planning Board and Zoning Board of Appeals.
- B. The Village Board hereby creates a new Zoning Board of Appeals and gives and grants to the new Zoning Board of Appeals the powers and duties of a planning board and a zoning board of appeals as set forth in the New York State Village Law, Village Code Chapter 315 (“Subdivisions”) and Village Code Chapter 355 (“Zoning”).
- C. Chapter 355, Section 355-51 (“Planning Board”) shall be deleted in its entirety.
- D. Chapter 355, Section 355-52 (“Zoning Board of Appeals”) shall be amended to add a new Section 355-52(B)(3) which shall provide as follows:

(3) The responsibilities of the Zoning Board of Appeals shall also include:

- (a) Reviewing and granting subdivision applications;
- (b) Reviewing and granting site plan applications;
- (c) Reviewing and granting special use permit applications;

- (d) Preparing changes to the Comprehensive Plan (unless the Village Board creates a separate committee for this purpose) and review of proposed amendments to this chapter; and
- (e) Any other matters that the Village Board of Trustees shall, by amendment to this chapter, decide to vest as responsibilities of the Planning Board.

In carrying out these functions, the Zoning Board of Appeals shall have all of the powers described in § 7-725-a of the Village Law related to site plan review and §§ 7-728 and 7-730 of the Village Law related to review of subdivision plats.

- E. Wherever the terms Zoning Board, Zoning Board of Appeals or Planning Board appear in the Village Code, said terms shall hereafter mean and refer to the Zoning Board of Appeals created upon the adoption of this Local Law.
- F. Section 355, Section 355-52(A) (“Zoning Board of Appeals – Membership”) shall be amended as follows:
 - (1) A Zoning Board of Appeals is hereby established in accordance with §§ 7-712, 7-712-a, and 7-712-b of the Village Law. It shall consist of five members and two ~~one~~ alternates, each to serve for a term of five years. The term of office of the members of the Zoning Board of Appeals and the manner of their appointment shall be in accordance with the provisions of 7-712 of the Village Law. A member of the Zoning Board of Appeals shall not at the same time be a member of the Village Board.
- G. The Mayor of the Village of Altamont shall appoint the members of the new Zoning Board of Appeals, subject to approval of the Village Board, at the Village’s organizational meeting in April 2022. The appointment of members shall be for a term so fixed that one member’s term shall expire at the end of year in which such member was appointed, and the remaining member’s terms be so fixed so that one members term expires at the end of each official year thereafter.

§3 Chapter 67 (“Planning Board and Zoning Board of Appeals”) is amended as follows:

- A. Section 67-1 (“Planning Board”) shall be deleted in its entirety.
- B. Sections 71-2, 67-3, and 67-4 shall be amended to delete references to the “Planning Board”.

§4 Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law area hereby superseded. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Village Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22.

§ 5. Severability:

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

§ 6. Effective Date:

This local law shall take effect upon on the date of the Village of Altamont organizational meeting in April 2022.