

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 New Lebanon

Introductory Local Law No. 2 of the year 2025

**A LOCAL LAW TO AMEND CHAPTER 33 OF THE TOWN CODE OF THE TOWN OF
NEW LEBANON.**

Be it enacted by the Town Board of the Town of New Lebanon as follows:

See attached.

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

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2025

A LOCAL LAW TO AMEND CHAPTER 33 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON.

SECTION 1

This local law shall be referred to as “A Local Law to Amend Chapter 33 of the Town Code of the Town of New Lebanon”.

SECTION 2

A. Chapter 33 of the Town Code of the Town of New Lebanon, relating to the Planning Board, is hereby amended to add a new section 33-3 to read in its entirety as follows:

§ 33-3. Alternate members.

Two positions of alternate planning board member are hereby established. The terms of appointment of alternate planning board members shall be three (3) years, except that the initial term of appointment of each position of alternate planning board member following enactment of this Section 33-3 shall expire on December 31, 2027. The powers and duties of alternate planning board members shall be as follows:

- A. All provisions of state and local laws relating to Planning Board eligibility, appointment, vacancy in office, removal, compatibility of office and service on other boards, training and education, compensation, and attendance shall apply to alternate planning board members. For instance, and without limitation, alternate planning board members shall comply with Chapter 7 of the Town Code of the Town of New Lebanon, as may be amended from time to time, relating to meeting attendance and training, and N.Y. Town Law § 271 (7), as may be amended from time to time, relating to training.
- B. Alternate planning board members shall be provided copies of all documents and materials that relate to planning board

business as and when such documents and materials are provided to planning board members, without regard to whether or not such alternate planning board members have been designated to substitute for planning board members. Alternate planning board members shall attend and observe Planning Board meetings, and shall be responsible for being knowledgeable and familiar with all matters pending before Planning Board, without regard to whether or not such alternate planning board members have been designated to substitute for planning board members.

C. The Chair of the Planning Board may designate an alternate planning board member to substitute for a planning board member in either of the following events:

(1) The planning board member is unable to participate or act on one or more matters pending before the Planning Board due to recusal, disqualification, or circumstances reasonably likely to result in an extended absence from Planning Board meetings; or

(2) The planning board member is absent from a meeting at which the Planning Board intends to vote on any matter set forth in subparagraphs (a) through (f), below, with respect to an application, and the applicant has granted consent to such substitution and designation:

(a) A determination of significance pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;

(b) Adoption of a final written scope pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;

(c) Adoption or acceptance of a draft environmental impact statement pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;

(d) Adoption or acceptance of a final environmental impact statement pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;

(e) Adoption of a written findings statement pursuant to

the State Environmental Quality Review Act and regulations promulgated thereunder; or

- (f) Approval, approval with modifications or conditions, or disapproval of the application.

Upon designation and substitution, such alternate planning board member shall possess all powers and responsibilities of a planning board member for such matter(s), including the power and responsibility to participate and to vote. Such designation and substitution shall be effective for the remainder of the pendency of such matter or matters before the Planning Board. Whenever an alternate planning board member is designated to substitute for a planning board member, the fact of such designation and substitution, the reason for such designation and substitution, and itemization of the matter or matter(s) to which the designation and substitution shall apply, shall be entered into the minutes of the meeting at which the designation and substitution are made.

SECTION 3

This Local Law is adopted pursuant to the N.Y. Municipal Home Rule Law. It is the intent of the Town Board of the Town of New Lebanon to supersede provisions of Section 271 of the Town Law relating to appointment of alternate members to the Planning Board to the extent that they are inconsistent with this local law.

SECTION 4

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5

This Law shall become effective upon filing with the New York Secretary of State.

(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. ___ of 2025 of the ~~(County)(City)(Town)(Village)~~ of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on _____, 2025, in accordance with the applicable provisions of law.

~~**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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative body)
(Elective Chief Executive Officer*)

~~**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) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(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 2024 of the ~~(County)(City)(Town)(Village)~~ of New Lebanon was duly passed by the Town of New Lebanon Town Board on _____ 2024, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2024, 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 _____ 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 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 1, above.

Marcie Robertson, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____