

LOCAL LAW NO. 2 OF 2025
A LOCAL LAW CONSOLIDATING THE
PLANNING BOARD AND BOARD OF APPEALS INTO
THE ZONING AND PLANNING BOARD OF THE TOWN OF STARK

Be it enacted by the Town Board of the Town of Stark as follows:

Section 1. Findings and Intent. The Town of Stark hereby finds that it is increasingly difficult to appoint members to constitute a full Planning Board and a full Land Use Board of Appeals. Currently there are three members serving on the Planning Board and no members serving on the Land Use Board of Appeals. It is the intent of the Town Board to address this challenge by consolidating the Planning Board and the Land Use Board of Appeals into a single Zoning and Planning Board consisting of three members. The Town Board has determined that this Local Law would best enhance and protect the health, safety and welfare of the citizens of the Town of Stark.

Section 2. Authority. This Local Law is adopted pursuant to Municipal Home Rule Section 10 and Town Law Article 16.

Section 3. Creation of the Zoning and Planning Board. The Planning Board created by Section 1001 and the Land Use Board of Appeals created by Section 1003 of the Land Use Regulations of the Town of Stark are hereby consolidated into a single board to be known as the Zoning and Planning Board.

Section 4. Continuation of the Land Use Regulations of the Town of Stark. It is the intent of this Local Law that all provisions of the Land Use Regulations of the Town of Stark, enacted by Local Law No. 1 of 2004 and as amended, shall continue in effect except that any provision of such Land Use Regulations in conflict with this Local Law shall be deemed repealed so long as this Local Law remains in effect. For example, but without limitation, the provisions in Sections 1001 and 1003 relating to the number of members to be appointed to the former Planning Board and the former Land Use Board of Appeals, and the duration of their respective terms, shall be deemed repealed so long as this Local Law remains in effect.

Section 5. Membership of the Zoning and Planning Board. It is the intent of this Local Law that after a transition period the consolidated Zoning and Planning Board created by this Local Law shall consist of three members appointed by the Town Board to staggered terms of three years each. Initially, however, each of the three members of the former Planning Board shall continue to serve out their current term as a member of the newly consolidated Zoning and Planning Board. Upon the expiration of such term, the next appointment shall be for a term of three years unless such three-year appointment will not result in three members with staggered terms of three years each. In such a case, the Town Board shall adjust the term to assure that after the next round of member appointments the Zoning and Planning Board shall consist of three members appointed to staggered terms of three years each. The Town Board may by Resolution appoint up to two alternate members of the newly consolidated Zoning and Planning Board, to serve terms of one year, to substitute for a member in the event such member is unable to participate in a meeting.

Section 6. Continuation of Functions. The consolidated Zoning and Planning Board created by this Local Law shall have all the powers and responsibilities of the former Planning Board and the former Land Use Board of Appeals as are set forth in the current Local Laws of the Town of Stark including, but not limited to, the Subdivision Regulations, Local Law No. 1 of 2002, the Land Use Regulations, Local Law No. 1 of 2004, the Wind Energy Facilities Law, Local Law No. 1 of 2006, and the Local Law Regulating Solar Energy Equipment and Systems, Local Law No. 2 of 2020, and all amendments to each of them.

Section 7. Substitution of Terms. Wherever the term “Planning Board”, “Land Use Board of Appeals” or “Board of Appeals” appears in a Local Law of the Town of Stark, such terms shall be read to mean the consolidated “Zoning and Planning Board” created by this Local Law.

Section 8. Supersession of Town Law. It is the intent of this Local Law that Town Law Sections 267 and 271 shall apply to the newly consolidated Planning and Zoning Board just as Section 267 applied to the former Land Use Board of Appeals and Section 271 applied to the former Planning Board, except to the extent such sections are inconsistent with this Local Law. To the extent this Local Law is inconsistent with any provision of the Town Law, this Local Law shall supersede any such inconsistent provision of the Town Law. For example, without limitation, to the extent that Town Law Section 271 does not expressly provide for a Planning Board consisting of three members, this Local Law supersedes Section 271. Similarly, to the extent that Town Law Sections 267 and 271 do not provide for a consolidated Zoning and Planning Board, this Local Law supersedes Sections 267 and 271.

Section 9. Severability. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 10. Effective Date. This Local Law shall take effect upon filing with the office of the New York Secretary of State.