

TOWN OF WEST SENECA



Legal Department

TOWN SUPERVISOR
Gary A. Dickson

TOWN COUNCIL
Robert J. Breidenstein
Joseph J. Cantafio
Susan K. Kims
Jeffrey A. Piekarec

To: Town Board
From: Chris G. Trapp, Attorney for the Town
Re: Local Law revision
Date: May 18, 2022

Chapter 28-2 inserted in 1961 provides that pursuant to Article 16 of Town Law, members of the Planning Board are members of the Zoning Commission. Article 16 deals with the creation of the Zoning Board of Appeals which is covered by Chapter 120 of the Town Code. There is no Zoning Commission and members of the Planning Board are incompatible positions with the Zoning Board of Appeals. Therefore, section 28-2 should be removed from the Town Code.

It is further proposed that the same chapter be amended to provide that after three consecutive absences or in the event that a member misses over thirty percent of the in person meetings in one calendar year, that individual be removed from the Planning Board after notice and a public hearing as required under Town Law. The current law does not address the issue.

Since these would be changes to the Town Code, there must be a public hearing on the local law modifications.

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New 28-2 Attendance

Members of the Planning Board who are absent from three (3) consecutive Planning Board meetings or greater than thirty percent (30%) of the total number of meetings in any calendar year may be removed by the Town Board after notice and a public hearing.

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Motion by Council Member _____, seconded by Council Member _____
to schedule a public hearing on June __, 2022 at 6:00 p.m. or as soon thereafter as may be practicable for
purposes of amending Section 28-2 of the Code of the Town of West Seneca with respect to the
elimination of the reference to the Zoning Commission which is already codified under Chapter 120 of
the Town Code and to further provide for minimum attendance requirements for Planning Board
members.