

**VILLAGE OF HIGHLAND FALLS  
INTRODUCTORY LOCAL LAW  
DISSOLUTION OF THE VILLAGE OF HIGHLAND FALLS PLANNING BOARD**

**BE IT ENACTED** by the Board of Trustees of the Village of Highland Falls, County of Orange, State of New York, as follows:

**Section 1.** Legislative intent.

The Village of Highland Falls Board of Trustees hereby finds and determines that it is in the interest of intermunicipal and cost efficiency to dissolve the Village of Highland Falls Planning Board and consolidate said Village Planning Board with the Town Planning Board, to be known as the Consolidated Planning Board of the Town of Highlands and Village of Highland Falls (the "Consolidated Planning Board").

**Section 2.** Authority.

This local law is enacted pursuant to the authority vested in the Board of Trustees by Village Law § 7-700 to regulate property within the Village, Village Law § 7-718 to establish a planning board, Village Law § 7-741(4)(a) to enter into intermunicipal agreements for the purpose of establishing a consolidated planning board and pursuant to its authority to adopt local laws under the New York State Constitution and Section 10 of the Municipal Home Rule Law.

**Section 3.** Scope.

This local law shall apply to all applications for land use approvals including, but not limited to, subdivision, site plan, special use permit, change of use, lot line adjustment, curb cut and so forth.

**Section 4.** Chapter 30, titled "Planning Board," of the Code of the Village of Highland Falls is hereby deleted in its entirety and replaced with a new Chapter 30 as follows:

Article I, titled, "Dissolution; Consolidation"

§ 30-1 Legislative intent.

The intent of this article is to dissolve the Planning Board in order to effectuate an intermunicipal agreement between the Village of Highland Falls and the Town of Highlands to establish a Consolidated Planning Board of the Town of Highlands and Village of Highland Falls (the "Consolidated Planning Board") serving the entire area of the Town, including the Village. Such agreements are encouraged and authorized by Article 5-G of the General Municipal Law and expressly authorized by § 7-741(4)(a) of the Village Law.

§ 30-2 Dissolution of Board; transfer of jurisdiction.

A. The Planning Board of the Village of Highland Falls shall be and hereby is abolished as of the effective date of the establishment of the Consolidated Planning Board. All jurisdiction of the Planning Board of the Village of Highland Falls shall be assumed by the Consolidated Planning Board, subject, however, to the automatic reestablishment and effectiveness of the Village of Highland Falls Planning Board in the event of dissolution of the Consolidated Planning Board established hereunder.

B. Wherever the term "Planning Board" is used in any local laws, ordinances, and codes of the Village of Highland Falls, said term shall mean the Consolidated Planning Board as established by this chapter. The Consolidated Planning Board's authority shall specifically, but without limitation, include those powers, duties and functions described at Chapter 240, titled, "Zoning," and Chapter 207, titled "Subdivision of Land" of the Village of Highland Falls Code.

§ 30-3 Intermunicipal agreement.

The intermunicipal agreement entered into by the Village of Highland Falls and the Town of Highlands shall govern the jurisdiction of the Consolidated Planning Board, appointment of members, procedures and any other matters set forth therein. All requirements and provisions set forth in said intermunicipal agreement, which agreement may be amended from time to time, shall have the force and effect of the law.

§ 30-4 Membership; term of office; appointments; removal.

The Consolidated Planning Board shall consist of five members to be appointed and reappointed by the Town Board of the Town of Highlands and the Board of Trustees of the Village of Highland Falls in accordance with the provisions of the intermunicipal agreement. Members of the Consolidated Planning Board appointed by the Board of Trustees may be removed for cause after a duly noticed public hearing. Failure to comply with minimum requirements relating to meeting attendance or training, as may be established by local law or resolution adopted by the Board of Trustees, may be considered cause for removal.

§ 30-5 Pending applications.

All land use applications pending before the Village of Highland Falls Planning Board at the time of the adoption of this article and the execution of the intermunicipal agreement shall be transferred to the Consolidated Planning Board upon its establishment and in any event no later than its first meeting.

Article II, titled, "Residency."

§ 30-6 Village residency not required.

The Board of Trustees of the Village of Highland Falls hereby determines pursuant to Village Law § 3-300(2)(a) that any member of the Consolidated Planning Board may reside in the Town of Highlands outside the Village of Highland Falls.

**Section 5.** Supersession, of Inconsistent Laws, if any.

The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The state law provisions that shall be, and hereby are, superseded include, but are not limited to, Village Law § 7-700, et al, and any other provision of law that the Village may supersede pursuant to the state Municipal Home Rule Law and the Constitution of the State of New York. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

**Section 6.** Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof,

**Section 7.** Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.