

Village of Penn Yan



on Keuka Lake

Mayor Danny Condella
Trustee Kevin McLoud
Trustee Daniel Henries, Jr.
Trustee Teresa Hoban
Trustee Daniel Irwin
Trustee Norman Koek
Trustee Richard Stewart
Clerk-Treasurer Gary Meeks

P.O. Box 426 111 Elm Street
PENN YAN, NEW YORK 14527
Phone: 315-536-3015
Fax: 315-536-4685
TDD: (800) 662-1220
www.villageofpennyan.com

NOTICE OF PUBLIC HEARING

VILLAGE OF PENN YAN

Proposed Local Law To Amend the Preservation of Historic Places Chapter of the Village Code.

Notice is hereby given that a Public Hearing by the Board of Trustees of the Village of Penn Yan, County of Yates, State of New York, will be held at the Village Hall, 111 Elm Street, Penn Yan, New York, on the 16th day of August, 2022, at 6:00 p.m. upon the proposed Local Law.

The effect of this Local Law will be to modify the residency requirements, terms of office, method of appointment of the Chairperson and method for removal of members of the Historic Preservation Commission.

The Village Hall is in compliance with accessibility standards of the Americans With Disabilities Act. Any person with a handicap wishing to attend and/or be heard at the public hearing should contact the Village Clerk's Office at least five (5) business days prior to the date of the public hearing to request any special needs.

All persons interested in this proposed Local Law will be heard by the Board of Trustees at the Public Hearing to be held as stated above. Copies of the proposed Local Law are available at the Office of the Clerk of the Village of Penn Yan, 111 Elm Street, Penn Yan, NY 14527 during regular business hours.

A copy of the proposed Local Law may also be examined on the Village website www.villageofpennyan.com.

Gary Meeks, Village Clerk/Treasurer
Village of Penn Yan

Updated July 16, 2022

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE

162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

Village of Penn Yan

Proposed Local Law F of the year 2022 amending the Preservation of Historic Areas Chapter of the Code of the Village of Penn Yan by changing qualifications for membership of the Historic Preservation Commission and removal for cause.

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

Section 1. Legislative Purpose

The amendments would change qualification for membership on the Historic Preservation Commission and adopt a provision for removal of a member or alternate member for cause.

Section 2. Short Title

This Local Law shall be known as: "Village of Penn Yan Historic Preservation Commission Membership Terms, Qualifications and Removal for Cause Amendments of 2022".

Section 3. Legislative Authority

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York, with the procedural provisions thereof controlling.

Section 4: Provisions:

I. Subsections A, B and C of Section 110-3 "Historic Preservation Commission; terms; powers and duties; construal" shall be amended to provide as follows:

A. The Mayor shall appoint an Historic Preservation Commission composed of five (5) members **and two (2) alternate members in accordance with the following:**

(1) Three (3) members of the Commission and one (1) alternate member shall be either:

- (a) **A legal resident of the Penn Yan Historic District of the Village of Penn Yan;**
- (b) **An Owner of property within the Penn Yan Historic District; or**
- (c) **Own a business located within the Penn Yan Historic District and be an active participant in the management and operation thereof.**

2. Two (2) members and one (1) alternate member may be residents of the Village of Penn Yan from outside the Penn Yan Historic District.

B. The Chairperson of the Historic Preservation Commission shall be appointed by the Mayor annually at the start of each official year of the Village and shall be a resident of the Penn Yan Historic District.

C. Terms of office; removal for cause

(1) The terms of office of the members and alternate members of the Historic Preservation Commission shall be one year, except that any such term shall terminate immediately upon the member no longer:

- (a) Being a legal resident of the Village of Penn Yan; or**
- (b) Owning real property within the Penn Yan Historic District; or**
- (c) Owning a business within the Penn Yan Historic District and being an active participant in the management and operation thereof.**

(2) The Board of Trustees shall have the power to remove for cause by majority vote of the entire Board, after public hearing, any member or alternate member of the Historic Preservation Commission. The member or alternate member sought to be removed shall:

- (a) Receive at least ten (10) days written notice of the hearing;**
- (b) Have a right to be heard at such hearing in person and/or by an attorney, as well as to present relevant evidence;**
- (c) Receive in writing the causes alleged to support removal from the Historic Preservation Commission;**
- (d) Receive a written decision within ten (10) days of completion of the public hearing and, in the event of removal, containing specificity as to the causes for removal.**

II. Implementation of this Local Law.

(a) With respect to residency qualification, the above provisions shall be implemented upon expiration of the terms of office of the current members and alternate members of the Historic Preservation Commission, as those terms individually expire.

(b) With respect to the position of Chairperson of the Historic Preservation Commission, this amendment will become effective March 31, 2023 or upon the position of Chairperson sooner becoming vacant.

(c) Sub-section C. (2) hereof shall become effective upon the effective date of this Local Law.

Section 5. Superseding and Repealer Provisions

This Local Law shall supersede any provisions of the Village Law, Executive Law, General Municipal law or any other law or regulation to the extent inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other statute determined to be in conflict with the provisions hereof as pertains to the subject matter of this Local Law.

Section 6. Validity

In the event that any section, sentence, clause or phrase of this Local Law is held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall in no way affect the validity of the remaining portions of this Law.

Section 7. Effective Date

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Board of Trustees of the Village of Penn Yan.

(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 the year 2022, was duly passed by the Board of Trustees of the Village of Penn Yan on , in accordance with the applicable provisions of law.

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.

Gary Meeks, Clerk/Treasurer

(SEAL)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village

Attorney or other authorized attorney of locality)

STATE OF NEW YORK)
COUNTY YATES) ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Edward J. Brockman, Village Attorney

Village of Penn Yan

Date: