

# 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 YORK

Local Law No. 3 of the year 2016

A local law providing for the appointment of Alternate Members of  
(Insert Title)  
the Planning Board and Alternate Members of the  
Zoning Board of Appeals.

Be it enacted by the YORK TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of YORK as follows:

(SEE ATTACHED SHEETS)

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

## TOWN OF YORK LOCAL LAW NO. 3 OF 2016

### **A local law providing for the appointment of Alternate Members of the Planning Board and Alternate Members of the Zoning Board of Appeals**

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

#### **Section 1: Short Title and Applicability**

This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and on the Zoning Board of Appeals in the Town of York.

#### **Section 2: Declaration of Policy**

It is sometimes difficult to maintain a quorum on the Town of York Planning Board and the Town of York Zoning Board of Appeals because members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

#### **Section 3: Definitions**

*“Planning Board”* means the planning board of the Town of York as established by the Town Board of the Town of York by local law or ordinance, pursuant to the provisions of § 271 of the Town Law and §239-c of the General Municipal Law.

*“Zoning Board of Appeals”* means the zoning board of appeals of the Town of York as established by the Town Board of the Town of York by local law or ordinance, pursuant to the provisions of § 267 of the Town Law and §239-c of the General Municipal Law.

*“Member”* means an individual appointed by the Town Board to serve on the Town of York Planning Board or the Town of York Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such planning board.

*“Alternate Member”* means an individual appointed by the Town Board to serve on the Town of York Planning Board or the Town of York Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the board, as provided herein.

#### **Section 4: Authorization/Effect**

The Town of York hereby enacts this local law to provide a process for appointing alternate members of the Town of York Planning Board and the Town of York Zoning Board of

Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the board.

Alternate Members of the Planning Board shall be appointed by the Town Board for a term of three (3) years.

The chairperson of the Planning Board may designate an Alternate Member to substitute for a member when such member is absent or unable to participate on an application or matter before the Planning Board. When so designated, the Alternate Member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

All provisions of state law relating to planning board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

Alternate Members of the Zoning Board of Appeals shall be appointed by the Town Board for a term of three (3) years.

The chairperson of the Zoning Board of Appeals may designate an Alternate Member to substitute for a member when such member is absent or unable to participate on an application or matter before the Zoning Board of Appeals. When so designated, the Alternate Member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.

All provisions of state law relating to zoning board of appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

## **Section 5. Supersession of Town Law**

This local law is hereby adopted pursuant to the provisions of §10 of the NYS Municipal Home Rule Law and §10 of the NYS Statute of Local Governments. It is the intent of the Town Board, pursuant to §10 of the NYS Municipal Home Rule Law, to supersede the provisions of §§271 and 267 of the Town Law and §239-c of the General Municipal Law relating to the appointment of members to the Town of York Planning Board and the Town of York Zoning Board of Appeals.

## **Section 6. Severability**

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

## **Section 7. Effective Date**

This local law shall take effect upon filing with the 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**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. 3 of 20 16 of the (County)(City)(Town)(Village) of YORK was duly passed by the YORK TOWN BOARD on August 11 20 16, and was approved (not approved) *(Name of Legislative Body)* (repassed after disapproval) by the Supervisor *(Elective Chief Executive Officer\*)* and was deemed duly adopted on August 11, 20 16, in accordance with the applicable provisions of law.

**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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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 November \_\_\_\_\_ 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 cities of said county as a unit and 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 2 above.

*Cm Harris*

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 12, 2016

(Seal)