

(Use this form to file a local law with the Secretary of State.)

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Text of law should be given as amended. Do not include matter being eliminated in italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

MAR 08 2001

Allyn A. Branch
Secretary of State

County
City of ...Newcomb.....
Town
Village

Local Law No.2..... of the year 2001.

**A LOCAL LAW AMENDING THE TOWN OF NEWCOMB
ZONING AND SITE PLAN REVIEW LOCAL LAW
TO CREATE ALTERNATE MEMBER POSITIONS FOR THE
ZONING BOARD OF APPEALS AND PLANNING BOARD**

Be it enacted by theTown Board..... of the
(Name of Legislative Body)

County
City ofNewcomb.....as follows:
Town
Village

ARTICLE 1. Section 1.040 of the Town of Newcomb Zoning and Site Plan Review Local Law is hereby amended by adding the following new paragraph:

The Town Board shall also appoint two (2) alternate members of the Zoning Board of Appeals to substitute for any regular member in the event of a conflict of interest or other factor such as illness, vacation or other absences. The alternate member(s) shall be appointed by Resolution of the Town Board for a term of five (5) year(s). The chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a regular member when such regular member is unable to participate in an application or matter before the Zoning Board of Appeals. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. All provisions relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other Boards shall also apply to alternate members.

ARTICLE 2. Section 1.050 of the Town of Newcomb Zoning and Site Plan Review Local Law is hereby amended by adding the following new paragraph:

The Town Board shall also appoint two (2) alternate members of the Planning Board to substitute for any regular member in the event of a conflict of interest or other factor such as

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

illness, vacation or other absences. The alternate member(s) shall be appointed by Resolution of the Town Board for a term of seven (7) year(s). The chairperson of the Planning Board may designate an alternate member to substitute for a regular member when such regular member is unable to participate in an application or matter before the Board. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. All provisions relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other Boards shall also apply to alternate members.

ARTICLE 3. This Local Law is adopted pursuant to Municipal Home Rule Law Section 10 and is specifically intended to supersede the provisions of Town Law Sections 267(11) and 271(15) which restrict substitution of alternate members of zoning boards of appeal and planning boards, respectively, to instances of conflict of interest.

ARTICLE 4. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 5. All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

ARTICLE 6. This Local Law shall take effect upon publication as required by Section 265 of the New York State Town Law and filing in the office of the New York State 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.2..... of ...2001.... of the (County)(City)(Town)(Village) ofNewcomb..... was duly passed by the ...Town Board..... on ...January 30...., 2001, 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. of 199.... of the (County)(City)(Town)(Village) of was duly passed by the on, 199...., and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on, 199....
(Name of Legislative Body)
(Elective Chief Executive Officer)

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 of the (County)(City)(Town)(Village) of was duly passed by the on, 2000., and was (approved)(not approved)(repassed) after disapproval) by the on, 199.... Such local law was submitted
(Elective Chief Executive Officer)

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, 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 199.... of the (County)(City)(Town)(Village) of was duly passed by the on, 199...., and was (approved)(not approved)(repassed after disapproval) by the on, 199.... Such local law was subject to
(Elective Chief Executive Officer)

permissive referendum and no valid petition requesting such referendum was filed as of, 199...., 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 199____ 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 _____, 199____, 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 199____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 199____, 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 town 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 ...1..., above.

Mary Bond

Clerk of the County Legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 2-27-01

(Certification to be executed by county Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WARREN

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.

Mark Schachner

Signature Mark Schachner, Esq.

Special Town Counsel
Title

~~County~~
~~City~~
Town of Newcomb
~~Village~~

Date: March 2, 2001