

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 NEWCOMB

FILED
STATE RECORDS

MAY 19 2017

Local Law No. 1 of the year 2017

DEPARTMENT OF STATE

A local law AMENDING THE TOWN COSE OF THE TOWN OF NEWCOMB
(Insert Title)
CREATING ALTERNATE MEMBER POSITIONS FOR THE PLANNING BOARD
AND ZONING BOARD OF APPEALS

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

County City Town Village
(Select one.)

of NEWCOMB as follows:

Resolution

Introduced By: Councilman Hai

Seconded By: Councilman Olbert

**NEWCOMB TOWN BOARD
RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2017
AMENDING NEWCOMB TOWN CODE SECTIONS 1.040 AND 1.050
TO AUTHORIZE APPOINTMENT OF ALTERNATE MEMBERS
TO THE TOWN PLANNING BOARD AND ZONING BOARD OF APPEALS**

WHEREAS, Town Law Sections 267 and 271 set forth the procedure by which local Municipalities may appoint alternate members to planning and zoning boards; and

WHEREAS, the Town Board previously enacted Article 1 Section 1.040 creating the Zoning Board of Appeals and Section 1.050 creating the Town Planning Board and established the manner in which members are to be appointed; and

WHEREAS, the Town Board now wishes to establish up to two alternate members to serve on the Planning Board and Zoning Board of Appeals in the event of absence or disqualification of an appointed member; and

WHEREAS, the Town Board duly held a Public Hearing on the proposed Local Law on April 25, 2017 and heard all interested persons;

NOW, THEREFORE, BE IT

RESOLVED, that the Board hereby adopts Local Law No. 1 of 2017; and be it

FURTHER RESOLVED, that pursuant to Municipal Home Rule Law Section 10, the Board intends and hereby does supersede the provisions of Section 267 and 271 of the Town Law to permit the appointment of up to two alternate members; and be it

FURTHER RESOLVED, that the Board hereby authorized and directs the Town Clerk to file the Local Law with the New York Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the Local Law will take effect immediately upon filing by the Secretary of State.

Duly adopted this 25th day of April, 2017, by the following vote:

Ayes : 5

Noes : 0

Absent : 0

A LOCAL LAW
AMENDING THE TOWN CODE OF THE TOWN OF NEWCOMB
CREATING ALTERNATE MEMBER POSITIONS FOR THE
PLANNING BOARD AND ZONING BOARD OF APPEALS

Be it enacted by the Newcomb Town Board as follows:

ARTICLE 1. The Town Board wishes to have the ability to appoint alternate members to the Planning Board and Zoning Board of Appeals to be available to substitute for regular members who are unable to participate in review of a matter before a Board because of conflict of interest, illness, scheduling conflicts or any other reason.

ARTICLE 2. Article 1 Section 1.040 of the Town Code of the Town of Newcomb is hereby amended by adding the following new paragraph:

The Town Board shall 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 four (4) years. 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 3. Article 1 Section 1.050 of the Town Code of the Town of Newcomb is amended by adding the following new paragraph:

The Town Board shall 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 illness, vacation or other absences. The alternate member(s) shall be appointed by Resolution of the Town Board for a term of four (4) years. 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 4. 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) that restrict substitution of alternate members of zoning boards of appeal and planning boards, respectively, to instances of conflict of interest.

ARTICLE 5. 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 6. 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 7. This Local Law shall take effect upon filing by the office of the New York 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. 1 of 2017 of the (County)(City)(Town)(Village) of Newcomb was duly passed by the Town Board on April 25, 2017, 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 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 _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, 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.)

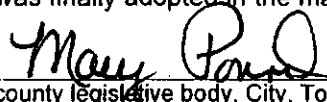
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 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 1 above.



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

Date: April 27, 2017


(Seal)



1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2017 of the Town of Newcomb was duly passed by the Newcomb Town Board on April 25, 2017, 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one, above.



Town Clerk, Town of Newcomb

Date: September 27, 2016

(Seal)

(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 _____

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.

Signature

Title

County _____
City of _____
Town _____
Village _____

Date: _____