

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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.

~~COUNTY~~

~~CITY~~

~~TOWN~~

~~VILLAGE~~

of Duanesburg

Local Law No. 2 of the year 2002

A local law AMENDING AND SUPERSEDING TOWN LAW SECTION 267, SUBDIVISION 11, AND TOWN
(Insert Title)
LAW SECTION 271, SUBDIVISION 15, EXPANDING THE CONDITIONS UNDER WHICH ALTERNATES
CAN SERVE ON THE ZONING BOARD OF APPEALS AND PLANNING BOARD RESPECTFULLY, TO
REPLACE MEMBERS OF THE BOARD WHO ARE UNABLE TO PARTICIPATE BECAUSE OF ILLNESS,
EXTENDED VACATION OR OTHER SIMILAR ABSENCES.

Be it enacted by the Duanesburg Town Board of the
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

~~TOWN~~

~~VILLAGE~~

of Duanesburg as follows:

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

(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 2002
of the ~~(County)(City)(Town)(Village)~~ of Duanesburg
Duanesburg Town Board on May 9 2002, 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)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 20____,
(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 20____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. 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 _____ 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)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. Such local law was subject to
(Elective Chief Executive Officer*)
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.)

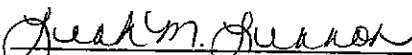
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____, above.



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

(Seal)

Date: June 13, 2002

(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 Schenectady

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

Attorney for the Town
Title

XXXXXX

County

City

Town

Village

of Duanesburg

Date: June 13, 2002

TOWN OF DUANESBURG

Local Law No. 2 of the year 2002

A LOCAL LAW AMENDING AND SUPERSEDING TOWN LAW SECTION 267, SUBDIVISION 11, AND TOWN LAW SECTION 271, SUBDIVISION 15, EXPANDING THE CONDITIONS UNDER WHICH ALTERNATES CAN SERVE ON THE ZONING BOARD OF APPEALS AND PLANNING BOARD, RESPECTIVELY, TO REPLACE MEMBERS OF THE BOARD WHO ARE UNABLE TO PARTICIPATE BECAUSE OF ILLNESS, EXTENDED VACATION OR OTHER SIMILAR ABSENCES.

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

SECTION 1. AUTHORITY

This local law is enacted pursuant to the authority of: Chapter 205 of the laws of 1964, effective July 1, 1965, constituting Chapter 58-A of the Consolidated Laws of the State of New York, Section 10 of the Statute of Local Governments, granting towns the power to adopt, amend and repeal zoning regulations in the exercise of its functions, powers and duties; and Chapter 843 of the laws of 1963, effective January 1, 1964, constituting Chapter 36-A of the Consolidated Laws of the State of New York, Section 10 of the Municipal Home Rule Law, authorizing towns to enact local laws amending or superseding any provision of the Town Law, provided they are acting within the scope of their home rule authority, unless the Legislature expressly prohibits the adoption of such a local law. It is the intent of the Town Board of the Town of Duanesburg to amend and supersede Subdivision 11 of Section 267 and Subdivision 15 of Section 271 of the Town Law relating to the appointment of alternate members of town zoning boards of appeal and planning boards, respectively.

SECTION 2. PURPOSE

It is sometimes difficult to maintain a quorum on the Zoning Board of Appeals and the Planning Board because members are ill, on extended vacation or absent for other similar reasons. In such instances, official business cannot be conducted, which may delay or impede adherence to required time lines. The Town of Duanesburg, N.Y. Zoning Ordinance, effective December 13, 2001, has, pursuant to authority granted it under Section 267(11) of the Town Law and Section 271(15) of the Town Law, provided for alternate Zoning Board of Appeals and Planning Board members, respectively, in situations relating to conflict of interest. It is deemed advantageous by the Town Board of the Town of Duanesburg to enact a local law amending and

superseding Section 267(11) and Section 271(15) of the Town Law, providing for alternate members to zoning boards of appeal and planning boards in conflict of interest situations, to provide for the use of alternate members in other instances. The use of alternate members because of illness, extended vacation, or other similar absences is hereby authorized pursuant to the provisions of this local law.

SECTION 3.

Insofar as Town Law Section 267(11) applies to the Zoning Board of Appeals of the Town of Duanesburg, said law is hereby amended and superseded in its application to the Town of Duanesburg as follows:

In order to permit the Zoning Board of Appeals to transact business in the event that a conflict of interest, absence or illness preclude any of the regular members from considering a particular matter, it is deemed advantageous for the Town Board to appoint alternate members to serve on this board. Therefore, the Town Board may appoint alternate members to the Zoning Board of Appeals to serve as provided herein.

- 3.1 The Town Board shall appoint two alternate members to the Zoning Board of Appeals.
- 3.2 Alternate members shall be appointed for a period of two years. The terms of the appointment shall be effective on January first (1st) of the year of the appointment and shall end two years later on December thirty-first (31st).
- 3.3 The Chairperson of the Zoning Board of Appeals shall assign the alternate members as necessary when a conflict of interest arises, or when absence of regular members of the Zoning Board of Appeals, or disability of regular members of the Zoning Board of Appeals, would prevent regular members of the Board of Appeals from considering any impending matter.
- 3.4 Once designated to serve on a particular matter before the Zoning Board of Appeals, the alternate members shall have the same powers and duties as regular member of the Zoning Board of Appeals. Any determination of the Zoning Board of Appeals consisting of alternate members shall have the same weight and be entitled to the same authority as the act or deed of the regular Zoning Board of Appeals and all laws, statutes and regulations shall apply and be applied with equal force and effect.
- 3.5 Alternate members may be in attendance at all meetings, but may not participate in an official capacity in any Zoning Board of Appeals activity in which all members are present and able to act.

- 3.6 Alternate members serving on the Zoning Board of Appeals after appointment by the Chairperson shall be paid for their services in the same manner as regular members are paid.

SECTION 4.

Insofar as Town Law Section 271(15) applies to the Planning Board of the Town of Duanesburg, said law is hereby amended and superseded in its application to the Town of Duanesburg as follows:

In order to permit the Planning Board to transact business in the event that a conflict of interest, absence or illness preclude any of the regular members from considering a particular matter, it is deemed advantageous for the Town Board to appoint alternate members to serve on this board. Therefore, the Town Board may appoint alternate members to the Planning Board to serve as provided herein.

- 4.1 The Town Board shall appoint two alternate members to the Planning Board.
- 4.2 Alternate members shall be appointed for a period of two years. The terms of the appointment shall be effective on January first (1st) of the year of the appointment and shall end two years later on December thirty-first (31st).
- 4.3 The Chairperson of the Planning Board shall assign the alternate members as necessary when a conflict of interest arises or when absence of regular members of the Planning Board, or disability of regular members of the Planning Board, would prevent regular members of the Planning Board from considering any impending matter.
- 4.4 Once designated to serve on a particular matter before the Planning Board, the alternate members shall have the same powers and duties as regular member of the Planning Board. Any determination of the Planning Board consisting of alternate members shall have the same weight and be entitled to the same authority as the act or deed of the regular Planning Board and all laws, statutes and regulations shall apply and be applied with equal force and effect.
- 4.5 Alternate members may be in attendance at all meetings, but may not participate in an official capacity in any Planning Board activity in which all members are present and able to act.
- 4.6 Alternate members serving on the Planning Board after appointment by the Chairperson shall be paid for their services in the same manner as regular members are paid.

SECTION 5. VALIDITY

See Town Law Section 267(11), added by Subd. 11, L. 1998, c. 137, ' 3 and Town Law Section 271(15), added by Subd. 15, L. 1998, c. 137, ' 4.

SECTION 6. EFFECTIVE DATE

This local law shall be effective upon filing with the Department of State.