



# Town Of Amenia

4988 Route 22, AMENIA, NY 12501  
(845) 373-8860 [www.ameniany.gov](http://www.ameniany.gov)

## **RESOLUTION No. 44 of 2016**

INTRODUCING PROPOSED LOCAL LAW NO. 4 OF 2016 ENTITLED, "A LOCAL LAW TO ESTABLISH ALTERNATE ZONING BOARD OF APPEALS MEMBER POSITIONS" AND TO SCHEDULE A PUBLIC HEARING ON SAID LOCAL LAW AND TO AUTHORIZE PUBLICATION AND POSTING OF NOTICE OF SAID PUBLIC HEARING

At a regular meeting of the Town Board of the Town of Amenia ("Town Board"), held at the Amenia Town Hall on the 21<sup>st</sup> day of July, 2016, at 7:00 p.m., Town Supervisor Victoria Perotti called the meeting to order, and Supervisor Perotti, seconded by Councilman Gutierrez, introduced the following Local Law to be known as Proposed Local Law No. 4 of 2016, entitled "A Local Law to Establish Alternate Zoning Board of Appeals Member Positions";

**NOW, THEREFORE, BE IT ENACTED** by the Town Board of the Town of Amenia as follows:

### **Section 1. Statement of Purpose and Intent.**

The Town Board recognizes that it is sometimes difficult to maintain a quorum on the Town of Amenia Zoning Board of Appeals ("Zoning Board of Appeals" or "the Board") 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 may not be able to 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, which shall apply to the appointment, terms, functions, and powers of alternate members appointed to serve on the Zoning Board of Appeals.

### **Section 2. Amendment of Town Code.**

The introductory paragraph of Section 121-59, entitled, "Zoning Board of Appeals", is hereby amended to add provisions relating to alternate members of the Zoning Board of Appeals, such that the

existing introductory paragraph is replaced with the following paragraphs:

“Pursuant to the provisions of § 267 of the Town Law, there is hereby established a Zoning Board of Appeals consisting of five (5) members appointed by the Town Board. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this chapter in connection with appeals to review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of this chapter, generally the Code Enforcement Official. An appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town.

Alternate Members. (1) Alternate members of the Zoning Board of Appeals may be appointed by the Town Board and designated by the Chairperson of the Zoning Board of Appeals in accordance with the provisions of this section when a regular member of the Zoning Board of Appeals is unable to participate on an application or a matter before the Zoning Board of Appeals as set forth herein.

(2) The Town Board shall appoint two (2) alternate members to the Zoning Board of Appeals, each of whom shall serve for a term of one (1) year as herein described. One alternate member shall be designated as the “first alternate member”, and the other alternate member shall be designated as the “second alternate member”. The term of any alternate member shall terminate on December 31 in the year of the appointment of that member, regardless of whether he or she has served a full twelve (12) months.

(3) The Chairperson of the Zoning Board of Appeals may designate the first alternate member to substitute for a member of the Zoning Board of Appeals when such member is unable to participate on an application or matter before the Board due to absence or a conflict of interest or other ethical consideration which results in a recusal of that Board member from acting on the particular application

before the Board. If the first alternate member is unable or unwilling to act, the Chairperson of the Zoning Board of Appeals shall designate the second alternate member to act. When so designated, the alternate member shall possess all the powers and responsibilities of such regular 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. The appointed alternate member shall participate as a member of the Board with respect to the particular application only until final action has been taken on the particular application.

(4) All provisions of State and local laws relating to Zoning Board of Appeals, including eligibility, training, continuing education, attendance, compensation, vacancy in office, removal, compatibility of office and service on other boards, shall apply to alternate members.”

[Subsections “A.” through “M.” of Section 121-59 remain unchanged.]

### **Section 3. Supersession.**

This Local Law is adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the Statute of Local Governments. It is the intent of the Town Board pursuant to Section 10 of the Municipal Home Rule Law to supersede any inconsistent provisions of State or local law, including those of Section 267 of the Town Law.

### **Section 4. Effective Date.**

The local law shall take effect immediately upon filing with the New York Secretary of State.

Pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing on this local law. Supervisor Perotti offered the following resolution, which was seconded by Councilman Gutierrez, who moved its adoption:

**WHEREAS**, on July 21, 2016, the Town Board introduced this proposed Local Law for the

Town of Amenia, to be known as Town of Amenia Proposed Local Law No. 4 of 2016 entitled, "A Local Law to Establish Alternate Zoning Board of Appeals Member Positions";

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held in relation to said proposed Local Law as set forth in the form of notice hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on August 18, 2016, at 7:00 o'clock p.m., and that notice of said hearing shall be published in The Millerton News, the official newspaper of the Town, by the Town Clerk at least ten (10) days before such hearing, and that such notice shall be in the following form:

(Balance of page intentionally left blank)

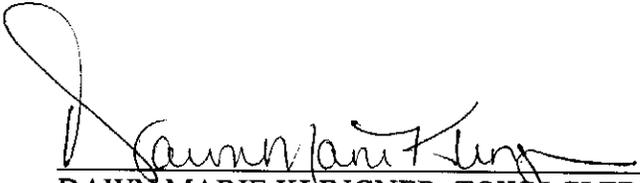
**NOTICE OF PUBLIC HEARING**

**TAKE NOTICE** that the Town Board of the Town of Amenia will hold a public hearing at the Town Hall, 4988 Route 22, Amenia, New York on August 18, 2016, at 7:00 o'clock p.m., on Proposed Local Law No. 4 of 2016, entitled "A Local Law to Establish Alternate Zoning Board of Appeals Member Positions"; and

**TAKE FURTHER NOTICE**, that copies of the aforesaid proposed Local Law will be available for examination at the Town of Amenia Town Hall, 4988 Route 22, Amenia, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing;

**TAKE FURTHER NOTICE**, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

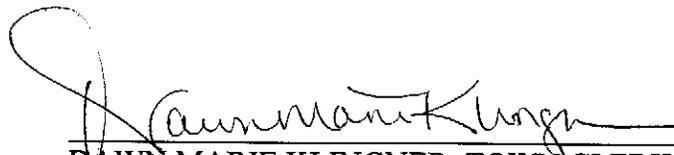
DATED: Amenia, New York  
July 21, 2016

  
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DAWN MARIE KLINGNER, TOWN CLERK

The foregoing resolution pertaining to Local Law No. 4 of 2016 was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Perotti	Yes
Councilwoman Doyle	Yes
Councilwoman Hitselberger	Yes
Councilman Gutierrez	Yes
Councilman DeLango	Absent

DATED: Amenia, New York  
July 21, 2016



DAWN MARIE KLINGNER, TOWN CLERK