

APPENDIX III – F

**LOCAL LAW 1 OF 2009 – ALTERNATE FOR
ZONING BOARD OF APPEALS**

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 — of Canaan
Town
Village

Local Law No. 1 of the year 2009

A local law amending the Town of Canaan Zoning Law to provide for the appointment, term, functions and powers of alternate members appointed to serve on the Zoning Board of Appeals for the Town of Canaan.

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

County
City of Canaan as follows:
Town
Village

Section 1. Legislative History

The Town Board of the Town of Canaan finds it necessary to make a revision to the existing Town of Canaan Zoning Law. The Town Board recognizes that it is sometimes difficult to maintain a quorum on the Zoning Board of Appeals because members may be ill, absent or otherwise find that they have a conflict of interest in connection with a particular matter pending before the Zoning Board of Appeals. In such instances, the official business of the Town of Canaan Zoning Board of Appeals cannot be conducted, which may delay or impede adherence to certain deadlines imposed by law. The Town Board of the Town of Canaan hereby finds that the appointment of alternate members in such instances would avoid such difficulties and permit the Zoning Board of Appeals to attend to the matters pending before said body.

Section 2. Enactment

Be it enacted by the Town Board of the Town of Canaan that the Town of Canaan Zoning Law is hereby amended to add thereto the following provisions, to be found at Article VII (A) of the Town of Canaan Zoning Law, said provisions to read as follows:

10. Alternate Members: Alternate members of the Zoning Board of Appeals may be appointed by the Town Board for a term of two years, with the term to expire on December 31 of the second year after the date of their appointment. The number of alternate members appointed pursuant to this section shall not exceed two in number. The Chairperson of the Zoning Board of Appeals shall designate an alternate to substitute for a regular member of the Zoning Board of Appeals when such regular member is absent or unable to participate on an application or matter before the Board for reasons of conflict of interest. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member of the Zoning Board. Such designation shall be entered into the minutes of the Zoning Board meeting at which the substitution is made. Any determination by the Zoning Board of Appeals consisting of alternate members shall have the same force and effect at law as a determination made by the Zoning Board of Appeals consisting of only regular members

- a. Alternate members appointed by the Town Board shall regularly attend the scheduled meetings and/or work sessions of the Zoning Board so as to be available for designation when required and in order to be familiar with the applications and/or matters pending before such Board.
- b. All provisions of State law pertaining Zoning Board of Appeals member eligibility, compensation, attendance, conflict of interest, vacancy in office, removal, continuing education, and service on other boards shall apply to alternate Zoning Board members appointed pursuant to this section.

Section 3. APPLICABILITY

It is the intent of the Town Board through passage of this local law to make the provisions of the Zoning Law as herein amended and codified effective and applicable to all parties, persons and lands upon passage.

Section 4. VALIDITY AND SEVERABILITY.

This local law is adopted pursuant to the provisions of §10 of the New York State Municipal Home Rule Law. It is the intent of the Town Board, pursuant to §10 of the New York State Municipal Home Rule Law, to supersede the provision of New York State Town Law §267 relating to the circumstances whereby an alternate may be designated to substitute for a regular member of the Zoning Board of Appeals. If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity,

force or effect of any other section of this local law.

Section 5. EFFECTIVE DATE.

This local law shall be effective in accordance with the applicable law after 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. 1 of 2009 of the (~~County~~) (~~City~~) (Town) (~~Village~~) of Canaan was duly passed by the Canaan Town Board on April 13th, 2009 it 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 _____, _____, 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*)
it 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__, it 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 (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 _____, _____, it 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 _____, _____, 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 it 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 it in the manner indicated it in paragraph 1, above.

Charlotte Cowan
Charlotte Cowan, Town Clerk

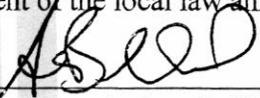
(Seal)

Date: April 16th, 2009

(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 COLUMBIA

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 : Andrew B. Howard

Town Attorney
Title

County
City

Town of Canaan
Village

Date: April 20, 2009