

PROPOSED LOCAL LAW 2 OF THE YEAR 2017

A LOCAL LAW TO PROVIDE FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE VILLAGE OF TRUMANSBURG PLANNING BOARD AND ZONING BOARD OF APPEALS.

Be it enacted by the Board of Trustees of the Village of Trumansburg as follows:

SECTION I. PURPOSE AND INTENT.

The purpose of this Local Law is to amend the Laws of the Village of Trumansburg and General Regulations thereunder, and specifically to provide for the appointment of alternate members to the (i) Village of Trumansburg Planning Board, and (ii) Village of Trumansburg Zoning Board of Appeals. The Village of Trumansburg, finds that members of its Planning Board and Zoning Board of Appeals are occasionally absent from the community for extended periods of time or otherwise unable to participate in the activities of their respective Boards. The Village of Trumansburg further finds that such temporary absences may limit the ability of the Planning Board and/or the Zoning Board of Appeals to obtain quorums and conduct business in their usual manner. In order to balance Board efficiency with the realities of a small community whose residents (including Board members) occasionally travel to distant places for extended periods or are otherwise unable to participate in Board activities, the Village of Trumansburg hereby finds it in the public interest to amend the Laws of the Village of Trumansburg to establish the positions of alternate member to the Village Planning Board and Village Zoning Board of Appeals. The Village of Trumansburg adopts the terms and provisions of this Article as its solution to Board absences in the belief that it will preserve for the benefit of the community the expertise of experienced Board members while at the same time provide continuity in the affairs of the Village Planning Board and Zoning Board of Appeals.

SECTION II. AUTHORITY

This Local Law is enacted pursuant to (i) the grant of powers to local governments provided for in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law; and (ii) more specifically, Section 7-712 entitled “Zoning board of appeals” and Section 7-218 entitled “Planning board”, both of such Sections being provided for in Article 7 of the Village Law (entitled “Building Zones”).

SECTION III. ADOPTION OF TERMS AND PROVISIONS FOR ALTERNATE MEMBERS OF PLANING BOARD AND BOARD OF ZONING APPEALS

In accordance with the Purpose and Intent set forth above, the terms and provisions set forth below shall hereinafter be effective within the Village of Trumansburg, and specifically applicable to the Planning Board and Zoning Board of Appeals as follows:

Unless otherwise expressly stated, or the context otherwise requires, whenever used in this Section, the following words shall have the following meanings:

Acting member—An alternate member who has been designated by the Chairperson of the Planning Board or Zoning Board of Appeals, as the case may be, as having the power and authority to substitute for and vote in place of a regular member who is absent or unable to serve.

Alternate member—An additional member of the Planning Board or Zoning Board of Appeals who is appointed by the Village Board for a term of one (1) year for the purpose of substituting for absent regular members.

Board -- Either the Planning Board or the Zoning Board of Appeals, as the case may be, with reference to the designation of the alternate member for such Board to serve as an acting member of such Board.

Zoning Board of Appeals—The Village of Trumansburg Zoning Board of Appeals.

Planning Board—The Village of Trumansburg Planning Board.

Regular member—One of the five (5) members of either the Planning Board and/or Zoning Board of Appeals who has been appointed by the Village Board for a term of five (5) years or for the remaining unexpired portion of a five-year term.

Village Board—The Village of Trumansburg Board of Trustees.

The initial appointment of (an) alternate member(s), if any, shall be made at the annual organizational meeting of the Village Board. No more than two (2) alternate members for either the Planning Board or the Zoning Board of Appeals may be appointed at any one time. Appointment by the Village Board of an alternate member shall be for a term of one (1) year. At the expiration of such one-year term, the Village Board may reappoint the same alternate member, appoint a new

alternate member or leave the position vacant if it so desires. The position of alternate member shall survive vacancies, and the Village Board reserves the right to make an appointment on each anniversary of the first appointment, or at any other times as a vacancy may occur; provided, however, that if a vacancy shall occur otherwise than by expiration of term, any appointment to fill such vacancy shall be for the unexpired term only.

No person who is a present member of the Village Board shall be eligible for appointment as alternate member to the Zoning Board of Appeals.

No person who is a present member of the Village Board shall be eligible for appointment as alternate member to the Planning Board.

No person who is a present member of the Zoning Board of Appeals shall be eligible for appointment as alternate member of the Planning Board.

No person who is a present member of the Planning Board shall be eligible for appointment as alternate member of the Zoning Board of Appeals.

No person who is a current employee of the Village shall be eligible for appointment as alternate member of either the Planning Board or the Zoning Board of Appeals.

The Village Board shall have the power to remove any alternate member for cause and after public hearing.

An alternate member, once appointed, may participate in all affairs of the Board to which such individual has been appointed during his or her one-year term. However, an alternate member shall not vote on any matter unless and until:

- (1) In the case of the Planning Board, a regular member is absent or otherwise unable to serve, and the Planning Board Chairperson has designated the alternate member to serve as an acting member; and**
- (2) In the case of the Zoning Board of Appeals, a regular member is absent or otherwise unable to serve, and the Zoning Board of Appeals' Chairman has designated the alternate member to serve as an acting member.**

Provided that all other requirements of this Local Law are satisfied, the Board Chairperson's designation of an alternate member to serve as an acting member may be made for a particular meeting or meetings, or for a specified period of time, but in no event beyond the duration of the alternate member's appointment as an alternate member. The Board Chairperson's designation of an alternate member to serve as an acting member shall be made only when the regular Board member in whose place the alternate member shall act is absent or otherwise unable to serve, for example as a result of a conflict of interest.

Upon the return of an absent regular member, or the resumption of a regular member's ability to serve, the acting member, unless the acting member's term shall have expired without reappointment, shall automatically resume his or her status as an alternate member and shall no longer be allowed to vote on Board affairs. However, the alternate member shall remain eligible to substitute in the future for the same or other regular members, subject to the same requirements of eligibility set forth in this Article, including redesignation as an acting member by the Board Chairperson.

SECTION IV. SUPERCEDING EFFECT.

All ordinances, local laws, resolutions, rules, regulations and other enactments of the Village of Trumansburg in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

SECTION V. VALIDITY.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION VI. EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the Secretary of State.