

(Use this form to file a local law with the Secretary of State.)

Law should be given as amended. Do not include matter being eliminated and do not use deletions or underlining to indicate new matter.

~~XXXXXX~~
~~XXXXXX~~
Town
~~XXXXXX~~

Cohocton, New York

Local Law No. 2 of the year 19 98.

Local law amending and superseding the application of Town Law Section 267 providing for the appointment of ad hoc temporary members to serve on the Town of Cohocton zoning board of appeals

(Insert Title)

Enacted by the Town Board of the Cohocton, New York

(Name of Legislative Body)

~~XXXX~~
~~XXXX~~
u
~~XXXX~~

of Cohocton, New York as follows:

SECTION 1. LEGISLATIVE INTENT

It is sometimes difficult to maintain a quorum on the zoning board of appeals because members are ill, on extended vacation or find that they have a conflict of interest on a specific matter before the zoning board of appeals. In such instance, official business cannot be conducted which may delay or impede adherence to required time lines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

SECTION 2. DEFINITIONS

- a) "Town board" means the town board of the Town of Cohocton, New York.
- b) "Zoning board of appeals" means the zoning board of appeals of the Town of Cohocton, New York, as established by the Town Board by local law or ordinance pursuant to the provisions of Section 267 of the Town Law.
- c) "Regular member" means an individual appointed by the Town Board to serve on the zoning board of appeals pursuant to the provisions of the local law or ordinance first establishing the zoning board of appeals.
- d) "Alternate member" means an individual appointed as an ad hoc temporary member of the zoning board of appeals, by the Town Board, when a regular member is absent or unable to participate on an application or matter before the zoning board of appeals as provided herein.

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

SECTION 3. SUPERSEDING AND AMENDING Town LAW

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Government. It is the intent of the Town Board to supersede and amend the provisions of Section 267 of the Town Law relating to the appointment of members to Town zoning board of appeals.

SECTION 4. AUTHORIZATION/EFFECT

a) The Town Board hereby enacts this local law to provide a process for appointing alternate members of the zoning board of appeals. Alternate members would serve when regular members are absent or unable to participate on an application or matter before the zoning board of appeals. The number of alternate members shall not exceed three (3).

b) Alternate members of the zoning board of appeals shall be appointed by the Town Board for a term of two (2) years. The initial term of the alternate members following the enactment of this local law shall expire on December 31, 2000

c) The chairperson of the zoning board of appeals may designate an alternate member to substitute for a regular member for any application, matter or period of time such regular member is absent or unable to participate on an application or a matter before the zoning board of appeals. When so designated, the alternate member shall possess all the powers of the regular member of the zoning board of appeals. Such designation of the alternate member shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution was so made.

d) Any decision or determination of the zoning board of appeals which includes the vote of one or more alternate members shall have equal force and effect as determinations made solely by a vote of the regular members of the zoning board of appeals.

e) All provisions of New York State law relating to zoning board of appeals member eligibility, vacancy in office, removal, compatibility of office, service on other boards, as well as any provisions of any local law relating to training, continuous education and attendance, shall apply to alternate members of the zoning board of appeals.

SECTION 5. SEVERABILITY

If any provision of this local law is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local law shall remain in effect.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon the 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. 2 of 19 98 of the ~~(County)(City)(Town)(Village)~~ of Cohocton was duly passed by the Town Board on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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.

by local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

(Seal)

~~XXXXXXXXXXXXXXXXXXXX~~ Town ~~XXXXXXXXXXXX~~ Clerk
~~XXXXXXXXXXXXXXXXXXXX~~

Date: _____

(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 Steuben

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 John F. Leyden

Town Attorney
Title

~~XXXXXX~~
~~XXXXXX~~ of Cohocton
~~XXXXXX~~
Town

Date: _____



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

October 30, 1998

SULLIVAN AND LEYDEN

110 NORTH MAIN STREET
WAYLAND, NY 14572

RE: Town of Cohocton, Local Law 2, 1998, filed 10/26/98

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml