

Local Law No. 3 of 2014

Providing for Participation of Alternate Members of the Zoning Board of Appeals

Section 1. Purpose.

It is, from time to time, difficult to obtain or maintain a quorum on the Zoning Board of Appeals, which can subject an applicant to an unanticipated and undue delay in the consideration and disposition of an application. Furthermore, proceeding with a quorum but less than a full complement of members can impose an undue burden on an applicant by requiring approval of three out of three, or three out of four members present, a more difficult burden than the three-fifths approval that is required when the full board is present. In order to promote timely and consistent handling and standards for the consideration and determination of applications, it shall be the policy of the Town of Copake to allow the participation of an alternate member of the Zoning Board of Appeals whenever one or more of the Board's regular members is unable to participate in a matter, whether because of a conflict of interest or an absence, whatever the cause.

Section 2.

The introductory paragraph of section 232-28 of the Copake Code is amended to read as follows:

A Zoning Board of Appeals, which shall have a minimum of five members and one alternate member, shall be appointed in accordance with § 267 of the Town Law of the State of New York. **Notwithstanding any limitation contained in such section or elsewhere, the chairperson of the Zoning Board of Appeals shall be authorized to designate an alternate member to participate in any meeting, vote, action, or proceeding of the Board in place of a member who is unable to participate due to a conflict of interest or absence, provided that such alternate shall have been in attendance for any public hearing in relation to the matter at issue or otherwise familiarized himself or herself with the relevant record prior to casting a vote in the determination or disposition of a matter.** The administration, purpose and powers of the Zoning Board of Appeals shall be governed by such section of the Town Law as follows:

Section 3. Supersession of New York State Town Law.

This local law is enacted pursuant to the provisions of section 10 of the New York Municipal Home Rule Law and section 10 of the New York Statute of Local Governments. It is the express intent of the Town Board, pursuant to § 10 of the Municipal Home Rule Law, to supersede the provisions of New York Town Law section 267 as it relates to the participation of alternate members of a zoning board of appeals and may limit such participation to instances of a conflict of interest.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

END.

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