

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
~~TOWN~~
~~VILLAGE~~

of Plattsburgh

Local Law No. 5 of the year 2008

A local law AMENDING CITY CODE CHAPTER 270 TO CHANGE THE NUMBER
(Insert Title)
..... AND TERMS OF ZONING BOARD OF APPEALS MEMBERS
.....
.....

Be it enacted by the Common Council of the
(Name of Legislative Body)

~~COUNTY~~
City
~~TOWN~~
~~VILLAGE~~

of Plattsburgh as follows:

1. City Code Section 270-52 A and B is amended to read as follows:

270-52. Zoning Board of Appeals.

A General provisions

(1) Creation. A Zoning Board of Appeals is hereby re-established in accordance with General City Law Sec 81.

(2) Composition. The Zoning Board of Appeals shall consist of five regular members and two alternate members. The alternate members shall serve only in the absence of a regular member, or where a regular member is unable to vote on an appeal due to conflict of interest considerations.

(3) Appointment. The Mayor shall appoint the regular and alternate members of the Zoning Board of Appeals, subject to confirmation by the affirmative vote of three members of the Common Council. The Mayor shall attempt to appoint at least one regular member or alternate member from each Ward, but in no event shall more than two regular members be appointed from the same Ward. The Mayor shall appoint a chairperson of the Zoning Board of Appeals from among the regular members. No member of the Common Council or the Planning Board of the City of Plattsburgh shall be eligible for appointment to the Zoning Board of Appeals. A Board member may be removed from office by vote of the Common Council if he (she) fails to attend five or more Board meetings

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

out of twelve, consecutive regular or special meetings of the Board.

(4) Term. The terms of regular and alternate members shall expire on December 31st in the year when the term for which they were appointed expires. A member whose term expires may continue to serve until a successor is appointed. A person who is appointed to fill a vacancy shall serve until the expiration of the term of the person who vacated the position. The term of a regular member shall be 5 years, however, if two or more terms expire in the same year appointments to one or more of the regular positions shall be made for less than five years so that one position becomes vacant every five years. One alternate member shall be appointed to a two year term; the other alternate member shall be appointed to a three year term.

(5) Vacancies. Vacancies shall be filled by appointment by the Mayor.

B. (4) Quorum A quorum shall consist of a majority of the whole board. Voting shall be by voice vote or ballot.

2. City Code Section § 270-54-4. is amended to read as follows:

4. Voting. The concurring vote of a majority of the whole board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance, area variance, special use permit, site plan approval, and any other permit or approval under this Chapter.

3. Transition Provisions.

When a regular member position becomes vacant it shall not be filled until the whole number of the Zoning Board of Appeals is reduced to five members. Until such time as the whole Board is composed of five members, a majority of the whole number of incumbent members shall constitute a quorum and is required to take any action.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. _____ 5_____ of 20-08 of the ~~(County)~~(City)~~(Town)~~(Village) of _____ Plattsburgh _____ was duly passed by the _____ Common Council _____ on 8 Oct _____ 20 08, and was (approved)~~(not approved)~~~~(repassed after disapproval)~~ by the _____ Mayor _____ and was deemed duly adopted on 17 Oct _____ 20-08, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 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 _____ 20____, 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 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-----2-----, above.

Keith A. Herkalo
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body Keith A. Herkalo

(Seal)

Date: 21 October 2008

(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 Clinton

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.

John E. Clute
Signature John E. Clute
Corporation Counsel
Title

~~COUNTY~~
City of Plattsburgh
~~TOWN~~
~~VILLAGE~~

Date: 21 October 2008