

A Public Hearing was held Monday, December 10, 2012 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Stephen D. Flach, Supervisor
Dawn L. Rogers, Councilwoman
Thomas A. Boehm, Councilman
Thomas E. Dolan, Councilman
Peter E. Masti, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Larry Conrad, Building Inspector / Code Enforcement Officer

Supervisor Flach opened the Public Hearing and led the Pledge of Allegiance.

NOTICE OF PUBLIC HEARING

The following Notice of Public Hearing was published in the Town's official newspaper the News Herald.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to Section 452 of the General Municipal Law, the Town Board of the Town of Coeymans will hold a Public Hearing on Monday, December 10, 2012 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, NY 12143 for the purpose of receiving comments from the public on Proposed Local Law #5-2012.

A LOCAL LAW TO APPOINT ALTERNATE ZONING BOARD OF APPEALS MEMBERS.

Copies of the Proposed Law are available for review by the public at Town of Coeymans, Town Clerk's Office, 18 Russell Avenue, Ravena, NY 12143, (518) 756-2100.

The following is Proposed Local Law #5-2012 in its entirety.

PROPOSED LOCAL LAW #5-2012 A LOCAL LAW PROVIDING FOR APPOINTMENT OF ALTERNATIVE MEMBERS OF THE ZONING BOARD

Section 1. LEGISLATIVE INTENT

This Local Law shall apply to the appointment, terms, functions and powers of alternate members of the Zoning Board of Appeals in the Town of Coeymans.

Section 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum on the Zoning Board of Appeals because members are ill or on extended vacation or find they have a conflict of interest situation on a specific matter before such a Board. In such instances, 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 3. DEFINITIONS

“Zoning Board of Appeals” means the Zoning Board of Appeals of the Town of Coeymans as established by the Town Board, pursuant to the provisions of Section 267 of the Town Law.

“Member” means an individual appointed by the Town Board to serve on the Town Zoning Board of Appeals pursuant to the provision of the Local Law or Ordinance, which first must be established.

“Alternate Member” means an individual appointed by the Town Board when a regular member is unable to participate on matters before the respective Board as provided herein.

Section 4. AUTHORIZATION

- A. The Town Board of the Town of Coeymans hereby enacts this Local Law to provide a process for appointing “alternate” members of the Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the Board.
- B. Alternate members of the Zoning Board of Appeals shall be appointed by the Town Board or other duly authorized appointing authority, for a term of three (3) years with the terms to expire on December 31st of the third year after the date of their appointment.
- C. The Chairperson of the Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals Meeting, at which the substitution is made.
- D. All provisions of state law relating to the Zoning Board of Appeals member, eligibility, vacancy in office, removal, compatibility and service on other Boards, as well as any provisions of a Local Law / Local Ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

Section 5. SUPPRESSION OF TOWN LAW

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the NYS Municipal Home Rule Law and Section 10 of the NYS Statute of Local Governments. It is the intent of the Town Board pursuant to Section 10 of the NYS Municipal Home Rule Law, to supersede the provision of:

- (1) Section 267 of Town Law relating to the appointment of members to the Town Zoning Board of Appeals.

Section 6. MISCELLANEOUS

- A. This Local Law shall be deemed to supersede and repeal any other Local Law to the extent therein inconsistent herewith.
- B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and the Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Coeymans to further regulate the subject matter of this Local Law.

Section 7. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

SUPERVISOR’S OPENING COMMENT

Supervisor Flach stated that the purpose of the Public Hearing was to hear comments from the public on Proposed Local Law #5-2012 to appoint alternate members of the Zoning Board of Appeals.

PUBLIC COMMENT

Supervisor Flach stated that there was no one present for Public Comment and then asked if there were any other comments from those present.

Building Inspector/CEO Conrad stated that he would urge the Town Board to consider the alternate members of the Zoning Board very strongly due to the fact that it is a 5 member Board and frequently they have absences of two or more members and that Recording Secretary Ziegler, who does their minutes, is up to speed on all the issues brought before both the Planning and Zoning Boards and would be a good candidate. He also addressed and expressed his concerns about the lack of mandatory training of some of the members of the Zoning Board of Appeals and the possibility of some vacancies coming up.

Discussion ensued amongst Building Inspector/CEO Conrad relative to the need for an alternate, the lack of mandatory training and possible candidates for vacancies.

ADJOURNMENT

Supervisor Flach asked for a motion to adjourn the Public Hearing.

MOTION

On motion of Councilman Dolan, seconded by Councilman Masti, the Public Hearing was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 6:25pm

Respectfully Submitted,

APPROVED –

Diane L. Millious, Town Clerk

