

LOCAL LAW NO. 22-2010

A LOCAL LAW AMENDING CHAPTER 58 OF THE VILLAGE CODE REGARDING THE PLANNING BOARD, AND TO AMEND CHAPTER 342 OF THE VILLAGE CODE REGARDING THE ZONING BOARD, TO FORMALIZE THE NUMBER OF BOARD MEMBERS AND THEIR TERMS FOR THE PLANNING BOARD, AND TO AUTHORIZE ALTERNATE MEMBERS FOR PLANNING AND ZONING TO BE APPOINTED PURSUANT TO NYS VILLAGE LAW.

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

SECTION 1. Section 58-1 of the Village Code on the Planning Board, entitled, PLANNING BOARD, Section 1 “Statutory authorization; powers” is hereby deleted in its entirety, and a new section adopted as follows:

§ 58-1 Statutory authorization; powers; board membership; alternate members; terms.

A Planning Board is hereby created pursuant to Chapter 7-718 of the Village Law of the State of New York hereby giving and granting to said Planning Board all of the powers enumerated in said Chapter 7-718 of the Village Law of the State of New York, or any amendments thereto, including, but without limiting the generality of the foregoing, the power to approve plans showing new streets or highways and, simultaneously with the approval of such plans, either to confirm the zoning regulations of the land so platted as shown by the Official Zoning Map of said village or to make any reasonable change therein in accordance with the provisions of said Act or amendments thereto. Board membership shall include a total of five (5) members, with up to two (2) alternate members, as authorized under Chapter 7-718, Part 16, of the Village Law of the State of New York. Terms of membership for members and alternate members shall be five (5) years.

Each alternate member of the Planning Board shall attend meetings of the Planning Board and shall be entitled to participate in all activities of the Planning Board as if such

alternate was a member, but shall vote only in the event that a member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter and the Chairman designates such alternate to so vote. The chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter. 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 Planning Board meeting at which the substitution is made.

This subsection is adopted pursuant to the authority granted by § 10, Subdivision (1)(e)(3), of the Municipal Home Rule Law and shall supersede any provision of the Village Law which is inconsistent herewith.

SECTION 2. Section 342-88 of the Village Code on the Board of Appeals, entitled, “Continuation of existence” is hereby deleted in its entirety, and a new section adopted as follows:

§ 342-88 Continuation of existence; board membership; alternate members; terms.

The Board of Appeals is hereby created pursuant to the provisions Chapter 7-712 of the Village Law the State of New York and shall consist of five (5) members with up to two (2) alternate members appointed from time to time by the Mayor subject to the approval of the Board of Trustees. Board membership shall include a total of five (5) members, with up to two (2) alternate members as authorized under Chapter 7-712, Part 11, of the Village Law of the State of New York. Terms of membership for members and alternate members shall be five (5) years.

Each alternate member of the Board of Appeals shall attend meetings of the Board of Appeals and shall be entitled to participate in all activities of the Board of Appeals as if such alternate was a member, but shall vote only in the event that a member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter and the Chairman designates such alternate to so vote. The chairperson of the Board of Appeals may designate an alternate member to substitute for a member when such member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter. 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 Board of Appeals meeting at which the substitution is made.

This subsection is adopted pursuant to the authority granted by § 10, Subdivision (1)(e)(3), of the Municipal Home Rule Law and shall supersede any provision of the Village Law which is inconsistent herewith.

SECTION 3. Severability

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such adjudication shall have been rendered.

SECTION 4. Effective Date

This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.