

PROPOSED LOCAL LAW I – 2020

A Proposed Local Law regarding the authority to remove members of the Planning Board and Zoning Board of Appeals, amending sections 58-1 and 342-88 of the Code of the Village of Mamaroneck to transfer the authority to remove members of the Planning Board and Zoning Board of Appeals from the Mayor to the Board of Trustees, superseding sections 7-712(9) and 7-718(9) of the Village Law of the State of New York.

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

Section 1.

Section 58-1 of the Code of the Village of Mamaroneck is amended as follows:

§ 58-1 Statutory authorization; powers; Board membership; terms; procedure

A Planning Board is hereby created pursuant to § 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 § 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 members. The Board of Trustees shall appoint, and may remove for cause or for non-compliance with minimum requirements relating to meeting attendance and training as established by the Board of Trustees by local law, after a public hearing, the members and Chairperson of the Planning Board and fill vacancies in those offices. The Board of Trustees may delegate the authority to conduct the hearing and report to the Board of Trustees. Terms of membership for members shall be five years. The Planning Board will comply with the requirements of the Open Meetings Law of the State of New York (Public Officers Law § 100 et seq.), even if that law does not apply because the Planning Board is acting in an advisory capacity.

Section 2.

Section 342-88 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-88 Continuation of existence; Board membership; terms.

The Board of Appeals is hereby created pursuant to the provisions of § 7-712 of the Village Law of the State of New York and shall consist of five members. Board membership shall include a total of five members. The Board of Trustees shall appoint, and may remove for cause or for non-compliance with minimum requirements relating to meeting attendance and training as established by the Board of Trustees by local law, after a public hearing, the members and chairperson of the Zoning Board of Appeals and fill vacancies in those offices. Terms of membership for members shall be five years.

Section 3.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 4.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It is intended to and does supersede sections 7-712(9) and 7-718(9) of the Village Law of the State of New York, as well as any other provision of the Village Law, to the extent that they are inconsistent with this local law.

Section 5.

If any section of this local law is, for any reason, declared invalid, in whole or in part, by any court or other authority of competent jurisdiction, that portion of the local law will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portion of the local law, which shall continue in full force and effect

Section 6.

This local law will take effect immediately upon its approval by referendum by the electors of the Village of Mamaroneck and its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.