

LOCAL LAW NO. 6 OF 2024,
TO AMEND CHAPTER 360 (ZONING) OF THE CODE OF THE VILLAGE OF NYACK, SO
AS TO REQUIRE MANDATORY MINIMUM MEETING ATTENDANCE BY LAND USE
BOARD MEMBERS
(ADOPTED 06/13/2024)

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, Purpose and Intent:

This Local Law is adopted pursuant to New York State ("NYS") Municipal Home Rule Law ("MHRL") §10; and in accordance with the procedures prescribed in MHRL §20, and NYS Village Law §7-706 and §21-2100. The purpose and intent of this Local Law is to amend §360-5.2 of the Zoning Code (Chapter 360) of the Code of the Village of Nyack ("Village"), so as to require mandatory minimum meeting attendance by Members (including Alternate Members) of the Village's Planning Board, Zoning Board of Appeals and Architectural Review Board ("land use boards"). This Local Law is adopted by the Village Board of Trustees after having heard from the Village's Planning Board, Land Use Technical Committee, Chief Building Inspector and the Village Planner, as part of their initiative to improve the land use boards' application and review process, which is sometimes hampered by land use board Members' absences at meetings, so as to make the review process more efficacious, less costly for applicants, and to improve the experience of applicants and the land use boards' Members.

Section 2 – A new sub-sub-paragraph "e", of sub-paragraph "1" (Establishment and organization), of Paragraph "A" (Planning Board), of §360-5.2 (Decisionmaking bodies), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is inserted to read as follows:

- (e) Planning Board ("PB") Members, and Alternate PB Members, must attend all PB meetings. The Mayor may remove any PB Member, or Alternate PB Member, who does not attend three, or more, PB meetings within a twelve month period; and any such removal by the Mayor shall be deemed a removal for non-compliance with these requirements relating to PB meeting attendance, as per NYS Village Law §7-718(9).

Section 3 – A new sub-sub-paragraph "f", of sub-paragraph "1" (Establishment and organization), of Paragraph "B" (Zoning Board of Appeals), of §360-5.2 (Decisionmaking bodies), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is inserted to read as follows:

- (f) ZBA Members, and Alternate ZBA Members, must attend all ZBA meetings. The Mayor may remove any ZBA Member, or Alternate ZBA Member, who does not attend three, or more, ZBA meetings within a twelve month period; and any such removal by the Mayor shall be deemed a removal for non-compliance with these requirements relating to ZBA meeting attendance, as per NYS Village Law §7-712(9).

Section 4 – A new sub-sub-paragraph “d”, of sub-paragraph “3” (Establishment and organization), of Paragraph “C” (Architectural Review Board), of §360-5.2 (Decisionmaking bodies), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is inserted to read as follows:

(d) ARB Members, and Alternate ARB Members, must attend all ARB meetings. The Mayor may remove any ARB Member, or Alternate ARB Member, who does not attend three, or more, ARB meetings within a twelve month period; and any such removal by the Mayor shall be deemed a removal for non-compliance with these requirements relating to ARB meeting attendance, in the spirit of NYS Village Law §7-718(9) and §7-712(9).

Section 5 – Severability.

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 6 – Effective Date.

This Local Law shall take effect thirty days after a copy has been filed with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.