

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue

Local Law Filing

www.dos.ny.gov

Albany, NY 12231-0001

(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  
(Select one.)

of Rouses Point

FILED  
STATE RECORDS

JUL 16 2019

DEPARTMENT OF STATE

Local Law No. 1 of the year 2019

A local law to abolish the existing Village's Planning Board and Zoning Board of Appeals and create a new Zoning Board of Appeals with the powers and duties of a Planning Board and a Zoning Board of Appeals.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Rouses Point

as follows:

SEE ATTACHED

**LOCAL LAW 2019-01**  
**TO ABOLISH THE EXISTING VILLAGE'S PLANNING BOARD AND ZONING BOARD OF APPEALS AND CREATE A NEW ZONING BOARD OF APPEALS WITH THE POWERS AND DUTIES OF A PLANNING BOARD AND A ZONING BOARD OF APPEALS**

This Local Law #1 of 2019 amends the Code of the Village of Rouses Point as follows:

1. **Zoning**

- a. The Board of Trustees of the Village of Rouses Point hereby abolishes the existing Planning Board and Zoning Board of Appeals; and
- b. *Hereby creates a NEW Zoning Board of Appeals and gives and grants to the new Zoning Board of Appeals as set forth in the New York State Village Law; and*
- c. Wherever the terms Zoning Board, Zoning Board of Appeals or Planning Board appear in the Code of the Village of Rouse Point, said terms shall hereafter mean and refer to the Zoning Board of Appeals created upon the adoption of this local law; and
- d. The Mayor shall appoint the members of the new Zoning Board of Appeals, subject to approval of the Board of Trustees; and the members shall serve until the end of 2019-2020 Village year. The appointment of members at the Village's Organizational Meeting in April, 2020 shall be for a term so fixed that one member's term shall expire at the end of the year in which such member was appointed and the remaining member's terms shall be so fixed that one member's term shall expire at the end of each official year thereafter.

2. "Officers and Employees": is amended as follows:

**Terms of Office**

- a. The term of office for the Zoning Board of Appeals shall be five years commencing on April 1 of the year appointed, unless such appointment is to fill an unexpired term of a previous member.

**Membership**

- b. The Zoning Board of Appeals shall be comprised of a minimum of 5 members with a maximum of 7 members and alternate members. An alternate member shall serve on the Board when a member shall be or is absent for a meeting. One of such members shall be appointed as a Chairman by the Mayor, subject to the approval of the Village Board of Trustees, and in the absence of a Chairperson, the Board may designate a member to serve as Acting Chairperson.

## **Compensation**

- c. Each board member shall serve without monetary compensation. The Village shall pay for any training of a member and shall pay for travel and meals per the Village policy.

## **Requirements for membership**

1. Each member **including alternate members** of the Zoning Board of Appeals shall complete, at a minimum, four hours of training each year designated to enable such members to more effectively carry out their duties.
  - a. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subsection.
  - b. Such training shall be approved by the Board of Trustees and may include, but not limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, collect or other similar entity.
  - c. Training may be provided in a variety of formats, including, but not limited to, electronic media, video, distance learning and traditional classroom training.
2. All duly appointed members including alternate members of the Zoning Board of Appeals are required to attend and take an active part in all scheduled meetings.

## **Eligibility for reappointment**

To Be eligible for reappointment to the Zoning Board a member shall have completed the training required by the Village pursuant to this article.

## **Waiver training requirement**

The training required by this article may be waived or modified by resolution of the Board of Trustees when, in the judgement of the Board of Trustees, it is in the best interest of the Village to do so.

## **Validity of decisions**

No decision of a Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with this article.

### **Cause for removal**

1. After public hearing, the Mayor or other authorized appointing authority may remove a member of the Zoning Board of Appeals for cause upon finding by the Board of Trustees that such member has not complied with the requirements related to attendance at meetings and training as established in this article.
2. Cause for such removal under the requirements of this section shall be:
  - a. Absence from three consecutive regular or special meetings other than for illness or valid personal reasons substantiated by documented evidence;
  - b. Absence from 50% of the regularly scheduled or special meetings within any twelve-month period other than for illness or valid personal reasons substantiated by documented evidence;
  - c. Failure to obtain and comply with the training requirements as set forth in this article.
3. This Local Law shall become effective on August 1, 2019.
4. To the extent any parts of this Local law are inconsistent with or conflict with any parts, sections or chapters of the Village Code, the provisions of this Local Law shall control.

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

(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. 1 of 20 19 of the (County)(City)(Town)(Village) of Rouses Point was duly passed by the Village Board on July 1 20 19, in accordance with the applicable provisions of law.

**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. \_\_\_\_\_ of 20 \_\_\_\_\_ of the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_, (repassed after disapproval) by the \_\_\_\_\_ was duly passed by the \_\_\_\_\_, and was (approved)(not approved) and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.~~

**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.~~

**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.~~

\* 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.

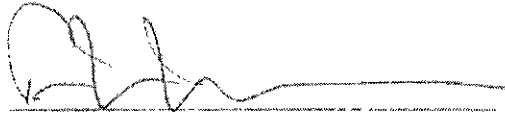
**6. (County local law concerning adoption of Charter.)**

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 \_\_\_\_\_ above.

  
Donna J. Boumil, Village Clerk

Date: 7/10/19

  
Thomas Murnane, Village Attorney

Date: July 11, 2019

(Seal)