

Local Law Filing

(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 SANTA CLARA

Local Law No. 01 of the year 20 22

A local law AMENDING THE SANTA CLARA TOWN CODE TO
(Insert Title)
CREATE ALTERNATE MEMBER POSITIONS FOR THE
PLANNING BOARD AND ZONING BOARD OF APPEALS

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of SANTA CLARA as follows:

SEE ATTACHED

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

**LOCAL LAW NO. 1 OF 2022
AMENDING THE SANTA CLARA TOWN CODE TO
CREATE ALTERNATE MEMBER POSITIONS FOR THE
PLANNING BOARD AND ZONING BOARD OF APPEALS**

Be it enacted by the Santa Clara Town Board as follows:

ARTICLE 1. Intent. The Town Board wishes to have the ability to appoint alternate members to the Planning Board and Zoning Board of Appeals to be available to substitute for regular Members who are unable to participate in review of a matter before a Board because of conflict of interest, illness, scheduling conflicts or any other reason.

ARTICLE 2. Amendment of Town of Santa Clara Land Use Code.

A. Section 1.72 of the Town of Santa Clara Land Use Code is hereby amended by adding a new paragraph "B" and shall read as follows:

1.72 Planning Board

A. Pursuant to Section 271 of the Town Law, a "Planning Board" has been created, consisting of 5 members appointed by the Town Board. The Planning Board shall have all the powers and duties prescribed by statute and by this local law and shall have jurisdiction over all matters requiring Site Plan Review and/or Special Use Permit Review pursuant to Sections 6.20 and 1.130, respectively, of this local law (except any action or project proposed or undertaken by or on behalf of the Town of Santa Clara) and all subdivisions of land not subject to the Adirondack Park Agency jurisdiction as a class A regional subdivision.

B. The Town Board shall appoint Two (2) alternate members of the Planning Board to substitute for any regular member in the event of a conflict of interest or other factor such as illness, scheduling conflict or any other reason. The alternate member(s) shall be appointed by Resolution of the Town Board for a term of Two (2) year(s). The chairperson of the Planning Board may designate an alternate member to substitute for a regular member when such regular member is unable to participate in an application or matter before the Board. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. All provisions relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other Boards shall also apply to alternate members.

B. Paragraph A of Section 1.73 of the Town of Santa Clara Land Use Code is amended by adding a new sub-paragraph "(2)" and shall read as follows:

A. (1) Pursuant to Section 267 of the Town Law, a Zoning Board of Appeals (Board of Appeals) is hereby created. Said Board shall consist of five (5) members appointed by the Town Board. The Town Board shall also designate one of the Board of Appeals members as chairman thereof.

(2) The Town Board shall appoint Two (2) alternate members of the Board of Appeals to substitute for any regular member in the event of a conflict of interest or other factor such as illness, scheduling conflicts or any other reason. The alternate member(s) shall be appointed by Resolution of the Town Board for a term of Two (2) year(s). The chairperson of the Board of Appeals may designate an alternate member to substitute for a regular member when such regular member is unable to participate in an application or matter before the Board of Appeals. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member. Such designation shall be entered into the minutes of the initial Board of Appeals meeting at which the substitution is made. All provisions relating to Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other Boards shall also apply to alternate members.

ARTICLE 3. Authority; Supersession. This Local Law is adopted pursuant to Municipal Home Rule Law Section 10 and is specifically intended to supersede the provisions of Town Law Sections 267(11) and 271(15) that restrict substitution of alternate members of zoning boards of appeal and planning boards, respectively, to instances of conflict of interest.

ARTICLE 4. Severability. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 5. Repealer. All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local law are hereby repealed.

ARTICLE 6. Effective Date. This Local Law shall take effect upon being placed on file by the office of the New York Department of State, or as otherwise provided by law.

(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. 01 of 2022 of the (County)(City)(Town)(Village) of SANTA CLARA was duly passed by the TOWN BOARD on January 6 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.)

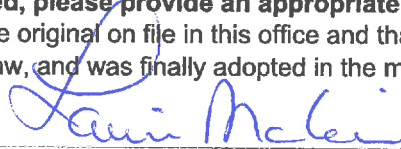
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 1/8/2022

(Seal)