

# ZONING BOARD AD HOC MEMBERS

## LOCAL LAW NO. 11 OF THE YEAR 1986

### A Local Law Amending and Superseding the Application of Town Law Section 267 to Permit the Appointment of Ad Hoc Temporary Members To the Zoning Board of Appeals of the Town of Kirkwood

Adopted December 30, 1986

Be it enacted by the Town Board of the Town of Kirkwood as follows:

#### SECTION 1 Authority

This Local Law is enacted pursuant to the authority of Chapter 365 of the Laws of 1976 which added a new subparagraph (3) to paragraph d of subdivision I of section 10 of the Municipal Home Rule Law authorizing towns to adopt a local law which may amend or supersede any provision of the Town Law in relation to the property, affairs or government of the town or in relation to any of the other enumerated subject matters in such section 10, unless there is a State legislative restriction on such amendment or supersession.

#### SECTION 2 Purpose

In order to permit the Zoning Board of Appeals to transact business in the event where absence or conflicts of interest preclude a full membership of five (5) members from considering a particular matter, it is deemed advantageous by the Kirkwood Town Board to enact a local law superseding Town Law Section 267 to provide for the appointment of ad hoc members to the Zoning Board of Appeals.

#### SECTION 3

Section 267 of the Town Law is hereby amended and superseded in its application to the Town of Kirkwood by adding a new subparagraph IA providing as follows:

1A. The Town Board of the Town of Kirkwood may, in any year it deems necessary, appoint temporary ad hoc members to the Zoning Board of Appeals to serve as provided in this section. The number of temporary members so appointed pursuant to this section in any year shall not exceed three (3). Such temporary members shall be appointed for one year terms of office. The chairman of the Zoning Board of Appeals shall assign such temporary members as necessary when absence of regular members of said Board or the conflict of interest of regular members of said Board would otherwise prevent five (5) members of said Board from considering any pending matter but no more than two temporary members shall sit in determination of any pending matter. Such temporary members shall be designated on a rotating basis in the manner provided in the general governing rules of the Zoning Board of Appeals such that each temporary member shall be afforded an equal opportunity to serve. Once designated to serve on a particular matter before the Board, the temporary member shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination of said Board consisting of temporary members shall have the same weight and be entitled to the same authority as the act or deed of the regular Zoning Board of Appeals and all laws, statutes and regulations shall apply and be applied with equal force and effect. Such temporary members appointed pursuant to this section shall be paid for their respective services as fixed by resolution of the Town Board.

#### SECTION 4

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part or 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 and the Town Board of the Town of Kirkwood hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

#### SECTION 5

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

#### SECTION 6

This Local Law shall take effect immediately.