

TOWN OF EAST GREENBUSH

LOCAL LAW NO. _____ OF THE YEAR 2021

A LOCAL LAW REDUCING THE MEMBERSHIP OF THE EAST GREENBUSH ZONING BOARD OF APPEALS FROM SEVEN MEMBERS TO FIVE MEMBERS

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EAST GREENBUSH AS FOLLOWS:

Section 1.

Sections 4.2.1(A) and 4.2.1(B) are of the Comprehensive Zoning Law of the Town of East Greenbush are repealed. The Town Board resolution dated January 24, 1964, increasing the board membership to seven members is repealed.

Section 2.

Sections 4.2.1(A) and 4.2.1(B) are enacted as follows:

4.2.1 General provisions

A. Establishment - There is hereby established a Board of Appeals pursuant to Town Law which shall consist of five members appointed by the Town Board who shall designate one member as Chairman. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board may fix the compensation of such members and provide for the payment thereof. The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.

B. Terms of successor appointments

The terms of the successor appointments to the five current board members shall be as follows:

Term expiring	12/31/21	5-year terms thereafter
Term expiring	12/31/22	5-year terms thereafter
Term expiring	12/31/22	3 year term; followed by 5-year terms thereafter
Term expiring	12/31/23	5-year terms thereafter
Term expiring	12/31/24	5-year terms thereafter

Section 3.

This Local Law shall take effect immediately.

Section 4.2 Zoning Board of Appeals

4.2.1 General Provisions

- A. Establishment** - There is hereby established a Board of Appeals pursuant to Town Law which shall consist of five members appointed by the Town Board who shall designate one member as Chairman. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board may fix the compensation of such members and provide for the payment thereof. The Town Board may by resolution increase the Board of Appeals to seven members (Editor's Note: Town Board acted accordingly on January 24, 1964). The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.
- B. Term of Appointment** - The term of five members shall expire as follows:
- One member.....5 years, succeeded by a 5 year term.
 - One member.....4 years, succeeded by a 5 year term.
 - One member..... 3 years, succeeded by a 5 year term.
 - One member.....2 years, succeeded by a 5 year term.
 - One member.....1 year, succeeded by a 5 year term.
- If two additional member seats are appointed, they shall be appointed for two and four years respectively at the expiration of which their successors shall be appointed for terms of five years. A vacancy occurring otherwise than by expiration of term shall be filled by the Town Board by appointment for the unexpired term.
- C. Rules of Procedure, By-laws, Forms** - The Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Local Law. Such rules, by-laws and forms shall not be in conflict with, nor have the effect of waiving, any provisions of this Local Law or any other ordinances, laws or regulations of the Town of East Greenbush. Such rules, by-laws, and forms, and any subsequent amendments or supplements thereto, shall be submitted to the Town Board by the Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject, or modify such rules, by-laws, and forms within 30 days after submission. Failure of the Town Board to so move shall be construed to constitute approval thereof.
- D. Staff** - The Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided it shall not at any time incur expenses beyond the amount of the appropriation made and then available for that purpose.

4.2.2 Authority

- A.** The Board of Appeals is governed by and shall act in strict accordance with procedures specified by Town Law, this Local Law, and its own duly-adopted rules, by-laws, and forms, and shall perform the following functions:
01. Decide any question properly brought before it involving the interpretation of any provision of this Local Law;
 02. Hear and decide appeals from any decision, determination, act, or failure to act of the Enforcement Officer, and all matters properly referred to it by the Enforcement Officer;
 03. Grant variances to provisions of this Local Law in accordance with Section 4.2.4.
 04. Issue permits for special use in accordance with Section 3.11 and other applicable provisions of this Local Law.

The Chairman of the Board of Appeals, and in their absence the acting chairman, may administer oaths and compel the attendance of witnesses at meetings and hearings.