

**Village of Cayuga Heights
Local Law No. 2 of the Year 2009**

**A local law amending Village of Cayuga Heights Local Law #2 of 1992:
Establishment of a Planning Board, to provide for the appointment of members of
the Planning Board independent of the members of the Board of Trustees.**

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Local Law is to amend Section 24 of the Zoning Ordinance (adapted as Local Law #2 of 1992, entitled Establishment of Planning Board of the Village of Cayuga Heights (the Village) to provide for the appointment of the members of the Planning board of the former provisions of said Section 24 that had provided for the six members of the Village's Board of Trustees and the Mayor to constitute the Planning Board. The intent of this Local Law is to constitute a Planning Board that will consist of (A) members with background, skills, experience, expertise and/or interests in planning, zoning, and/or land use management, and (b) members who will devote their time on Village matters exclusively to planning, zoning, and or land use management (rather than additionally to the governance of the Village, as is the case with the members of the Board of Trustees and the Mayor), so as to foster and promote planning, zoning and land use management efforts that will best serve the interests of the Village. By adopting this Local Law, the Village hereby finds that it is in the public interest of the Village to reconstitute the Planning Board with members other than the members of the Board of Trustees and the Mayor in the belief that this amendment will enhance the Village's ability to address planning, zoning and land use management issues.

SECTION II. AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to local governments provided for in (i) Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law, (ii) Section 10 of the Statute of Local Governments, (iii) Article 5-J of the General Municipal Law and (iv) Section 7-718 of the Village Law.

SECTION III. AMENDMENT TO ZONING ORDINANCE.

Section 24 of the Zoning Ordinance (adopted as Local Law #2 of 1992, entitled Establishment of Planning Board) of the Village of Cayuga Heights is hereby amended by deleting the entirety of Section II thereof, entitled, Board of Trustees Empowered to Act as Planning Board, and replacing said Section II with the following terms and provisions, so that said Section II hereafter will read in its entirety as follows:

II. Appointment of Members of the Planning Board.

A. Regular Members. The Village's Planning Board will consist of four (4) members and, additionally, a chairperson. Each member and the chairperson of the Planning Board will be appointed by the Mayor of the Village and approved by a majority vote of the Board of Trustees of the Village. The terms of Planning Board members will be fixed in accordance with the requirements of Village Law Section 7-718(4), as follows. The terms of the members of the Planning Board first appointed shall be so fixed that the term of one member shall expire at the end of the Village official year in which such members were initially appointed. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each official year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in year to the number of members of the Planning Board.

B. Alternate Members. The position of alternate member of the Planning Board is hereby created for the purpose of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the Planning Board will be appointed by the Mayor and approved by a majority vote of the Board of Trustees, for terms established by the Board of Trustees. In accordance with Village Law Section 7 – 718(16)(b), the chairperson of the Planning Board may designate an alternative member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

SECTION IV. SUPERCEDING EFFECT.

All Local Laws, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superceded to the extent necessary to give this Local Law full force and effect.

SECTION V. VALIDITY.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION VI. EFFECTIVE DATE.

This Local Law shall be effective as of the date of filing with the New York Secretary of State.