

**TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK
Local Law No. ___ of 2021**

**A LOCAL LAW AMENDING THE TOWN OF TICONDEROGA ZONING LAW
DISSOLVING THE PLANNING BOARD AND VESTING THE POWERS OF THE
PLANNING BOARD IN THE ZONING BOARD OF APPEALS**

Be it enacted by the Town Board of the Town of Ticonderoga, as follows:

Section 1. Legislative Intent and Authority.

Pursuant to Town Law §267-a[4], the jurisdiction of the Town of Ticonderoga zoning board of appeals is appellate only except as may be authorized by the Town Board by local law or ordinance. For many years prior to the adoption of this Local Law the Town of Ticonderoga has struggled to fill open and vacant positions on the Town’s planning board and zoning board of appeals. This has resulted in difficulty finding a quorum for meetings of the planning board and zoning board of appeals. To alleviate the issue of lack of volunteers, the Town Board wishes to dissolve the planning board and vest the powers of the planning board in the zoning board of appeals. Pursuant to the power vested in the Town Board pursuant to Town Law §267-a[4] and Municipal Home Rule Law §10, it is the intention of the Town Board to dissolve the planning board and vest in the zoning board of appeals all powers under the Town’s local laws including the Town’s Zoning Law, currently known as the Town of Ticonderoga Zoning Ordinance and any other local laws vesting any review or other authority in the planning board.

Section 2. Dissolution of Planning Board.

Effective upon the adoption of this local law, the Town of Ticonderoga Planning Board is dissolved.

Section 3. Amendments to Town of Ticonderoga Zoning Ordinance.

a. Section 1.10 is deleted and replaced as follows:

1.10 Title. This local law shall be known as the “Town of Ticonderoga Zoning Law”.

b. Board of Appeals Reference:

The Local Law previously titled the Town of Ticonderoga Zoning Ordinance, hereafter the Town of Ticonderoga Zoning Law, shall be amended such that any reference to “Board of Appeals” shall be replaced with “Zoning Board of Appeals”.

c. “Ordinance” reference:

The Local Law previously titled the Town of Ticonderoga Zoning Ordinance, hereafter the Town of Ticonderoga Zoning Law, shall be amended such that any reference to “ordinance” shall be replaced with “local law”.

d. Section 9.20(1) is amended as follows [removed text in ~~strike through~~, new text in underline]:

1. Creation, Appointment and Organization:

a. A board of appeals is hereby created. Said Board shall consist of five members. The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs. The Board of Appeals shall be subject to all requirements imposed under Town Law Section 267.

b. The Town Board may appoint up to two alternate members of the zoning board of appeals to substitute for any regular member in the event of a conflict of interest or other appropriate factor such as illness, vacation or other absences. The alternate member(s) shall be appointed by resolution of the Town Board for a term of five years. The chairperson of the zoning board of appeals may designate an alternate member to substitute for a regular member whenever any regular member is unable to participate in an application or matter before the board. When possible, the chairperson shall alternate the substitution by the two alternate members so that the alternate members have approximately equal opportunities to serve on the zoning board of appeals to the maximum extent possible. 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 zoning board of appeals meeting at which the substitution is made. All provisions relating to 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, with compensation provided to the alternate members only for meetings at which they actually serve on the board.

e. A new Section 9.20(2)(xi)(6) is added as follows:

(6) All references in this local law to the planning board shall be deemed to refer to the zoning board of appeals and all powers vested in the planning board in this local law are hereby vested in the zoning board of appeals.

f. Section 9.30 the Local Law previously titled the Town of Ticonderoga Zoning

Ordinance, hereafter the Town of Ticonderoga Zoning Law is deleted and replaced with:

9.30 Reserved.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.