

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO.41-2023 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198 (ZONING), ARTICLE XVI (ZONING BOARD OF APPEALS)

Resolution for Town Board Meeting Dated January 3, 2024

The following resolution was offered by: **COUNCILMAN FERRO**

And seconded by: **SUPERVISOR SMYTH**

WHEREAS, Section 198-108 of the Town Code addresses certain procedural rules and attendance requirements for members of the Zoning Board of Appeals; and

WHEREAS, the proposed changes to Section 198-108 will continue to provide for the ability to have a full board of seven members for applications before the Zoning Board of Appeals in the event of a Zoning Board member’s absence; and

WHEREAS, the current requirement for an eighty-five percent attendance rate can be difficult to achieve in the event of certain illness, vacation and employment schedules; and

WHEREAS, pursuant to 6 NYCRR section 617.5 (c) 26 adopting regulations amending the code is a Type II action and no further SEQRA review is required at this time.

NOW, THEREFORE,

THE TOWN BOARD, having held a public hearing on the 12th day of December, 2023 at 2:00 p.m. to consider adopting Local Law Introductory No. 41-2023 amending the Code of the Town of Huntington Chapter 198 (Zoning) Article XVI (Zoning Board of Appeals), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 41-2023 amending the Code of the Town of Huntington, Chapter 198 (Zoning) Article XVI (Zoning Board of Appeals), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 7-2024
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE XVI (ZONING BOARD OF APPEALS)

Section 1. Chapter 198 (Zoning), Article XVI (Zoning Board of Appeals), Section 108 (Continuation of Board; members; alternate members; term of office; regulations) of the Code of the Town of Huntington, is hereby amended as follows:

CHAPTER 198
ZONING
ARTICLE XVI
ZONING BOARD OF APPEALS

* * *

§ 198-108 Continuation of Board; members; alternate members; term of office; regulations.

* * *

(C) Attendance requirements. All members of the Zoning Board of Appeals shall regularly attend all meetings as scheduled. A board member who expects to be absent from a regular or special meeting shall notify the Chairman of the Board of the reason for such absence in advance of the scheduled meeting, and in the Chairman's discretion, he may deem the member's absence to be excused. The failure of any member to attend [eighty-five (85%)] seventy (70%) percent of the scheduled and held meetings in a calendar year, exclusive of excused absences, shall be cause for his or her removal by the Town Board, after a hearing, for noncompliance with the attendance requirements. Nothing herein shall limit or restrict the Town Board's authority to remove a member for reasons other than the member's attendance record.

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Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE
***INDICATES NO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

- Supervisor Edmund J. Smyth AYE
- Councilman Dr. Dave Bennardo AYE
- Councilman Salvatore Ferro AYE
- Councilwoman Brooke A. Lupinacci AYE
- Councilwoman Theresa Mari AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED