

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Head-of-the-Harbor will hold a public hearing on the 18th day of August, 2010, at 7:00 P.M., at the Village Hall, 500 North Country Road, Head-of-the-Harbor, New York, to consider the adoption of a local law as follows:

**LOCAL LAW (Intro) #5 OF 2010
A LOCAL LAW AMENDING VILLAGE CODE § 165-52**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to update the language at Village Code § 165-52 consistent with state law amendments.

SECTION 2. REPEAL OF § 165-52.

Village Code § 165-52 in its present text is repealed.

SECTION 3. ENACTMENT OF § 165-52.

Section 165-52 is enacted as follows:

§ 165-52 Board of Appeals.

- A. Board of Appeals continued. The Zoning Board of Appeals (also referred to herein as the "Board of Appeals" or the "Zoning Board"), created by the Zoning Code adopted on June 29, 1974, and in continuous existence since that time, is hereby continued.

- B. Terms of members. The current members of the Board and their terms of office shall continue as heretofore established. If a vacancy on the Board shall occur otherwise than by the expiration of a member's term, the Board of Trustees shall appoint a new member for the unexpired term.
- C. Village Board members ineligible. No person who is a member of the Board of Trustees shall be eligible for membership on the Board of Appeals.
- D. Appointments of members and alternate members. The Mayor shall appoint the Board of Appeals and two alternate members subject to the approval of the Board of Trustees.
- E. Removal of members. The Mayor shall have the power to remove any member of the Board of Appeals for cause and after a public hearing.
- F. Chairperson and Vice Chairperson. The Mayor shall designate a Chairperson subject to the approval of the Board of Trustees and the Board of Appeals shall appoint a Vice Chairperson.
- G. Duties of Chairperson and Vice Chairperson. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his absence the Vice Chairperson, may administer oaths and compel the attendance of witnesses.
- H. Reappointment. To be eligible for reappointment each member must have completed the annual training required under Village Law § 7-712.

SECTION 4. SEQRA.

This is a Type II action under 6 NYCRR § 617.5(c)(20).

SECTION 5. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: July 26, 2010

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF HEAD-OF-THE-HARBOR

BY: Margaret O'Keefe, Village Clerk