

Local Law #3 of 2025
Alternate Board Members – Board of Zoning Appeals

A local law to amend the Code of the Village of Tuxedo Park, to authorize the appointment of an alternate member of the Board of Zoning Appeals.

Section 1. Legislative Intent and Findings.

The Village of Tuxedo Park Board of Zoning Appeals is currently comprised of five members appointed by the Board of Trustees. From time to time there have been instances where the Board of Zoning Appeals has not been able to take action because its members have a conflict of interest or otherwise been unwilling, unavailable, or for any other reason do not attend a meeting or participate on an application. The Board of Trustees finds that it is in the best interests of the Village residents to create a position of alternate member of the Board of Zoning Appeals in order to help assure that a quorum is readily available to hear applications and other matters in a timely manner.

Section 2. Chapter 100 of the Code of the Village of Tuxedo Park is hereby amended by adding a new section 100-45.1, to read as follows:

“§100-45.1. Alternate member of the Board of Zoning Appeals

- A. The Board of Trustees finds that it is in the best interests of the Village residents to create a position of alternate member of the Board of Zoning Appeals to sit on applications and other matters for such members who have a conflict of interest or otherwise are unwilling, unavailable, or for any other reason do not attend a meeting or participate on an application, in order to help assure that a quorum is readily available to hear applications and other matters in a timely manner.
- B. In addition to regular members appointed and serving pursuant to § 17-2 of this Chapter, the Board of Trustees is hereby authorized to appoint an alternate member to the Board of Zoning Appeals to serve as provided herein. No alternate member shall also serve as a member or alternate member of the Planning Board or Board of Architectural Review.
- C. The alternate member shall serve for a term of one year expiring at the end of the Village official year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Board of Trustees for the unexpired term.
- D. Subject to the provisions in subsection (B) above, the alternate member may serve as a substitute for a regular member when such regular member is unable to participate because of a conflict of interest on an application or other matter before the Board of Zoning Appeals, or when a regular member is unwilling, unavailable or for any other reason does not attend a meeting or participate on an application. Any regular Board member who is unable to participate shall notify the Building and Land Use Officer at such time as the Board member becomes aware of such

inability to participate in a meeting or particular matter. Upon being made aware of such inability, the Building and Land Use Officer shall notify the alternate member. Once designated to serve on a particular matter before the Board, the alternate member shall have the same powers, duties, and responsibilities as a regular member of the Board until that matter is concluded. When so designated, such designation shall be entered into the minutes of the initial Board of Zoning Appeals meeting at which the substitution is made. Any determination by the Board consisting of alternate members shall have the same weight and be entitled to the same authority as the act or deed of the regular Board of Zoning Appeals, and all laws, statutes and regulations shall apply and be applied with equal force and effect.

- E. The term limit restrictions set forth under § 15-13 shall not apply to an alternate member of the Board of Zoning Appeals.
- F. Although the alternate member of the Board of Zoning Appeals may attend all meetings of the Board of Zoning Appeals, the alternate member shall have no power to participate in any actions of the Board of Zoning Appeals except as provided herein.
- G. Except to the extent any provision herein conflicts with any provision of state law, all provisions of state law, as well as any provisions of any local law, relating to Board of Zoning Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, compatibility of office and service on other boards shall apply to alternate Board of Zoning Appeals. For all other matters, where a provision herein is in conflict with state law, this section shall supersede such state law.”

Section 3. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.