

A local law to adopt new Lake Success Code Chapter 105 entitled "Zoning."

**BE IT ENACTED** by the Board of Trustees of the Village of Lake Success as follows:

Section One. Lake Success Code Chapter 105 entitled "Zoning," Article XXIII entitled "Board of Appeals" subsection 105-215 is hereby repealed in its entirety and replaced with the following:

**105-215 Establishment; membership**

- A. There shall be a Board of Appeals established in accordance with the provisions of the Village Law of the State of New York. Said Board shall consist of five members and two alternate members and shall be appointed as provided by statute.
- B. Alternate members.
  - (1) Appointment. Alternate members of the Board of Appeals shall be appointed by the Mayor subject to the approval of the Board of Trustees for a term of one year. A maximum of two alternate members may be appointed. Each alternate member shall be designated as either "First Alternate" or "Second Alternate," and each shall be called upon to serve on a rotation basis because of a conflict of interest or when a member is absent or unable to participate on an application or matter before the Board.
  - (2) Designation. The Chairperson of the Board of Appeals shall immediately designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board. Alternates shall be designated in order of priority. If an alternate member is not available to serve on a date when such alternate member is called to serve, then the next alternate member shall be called to serve. Such designation shall be entered into the minutes of the Board of Appeals meeting at which the substitution is made. Upon designation, the alternate members shall possess all of the powers and responsibilities of regular members.
  - (3) New York State law controlling. All provisions of state law relating to Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other

boards, as well as any education, compensation and attendance, shall also apply to alternate members.

(4) Supersession of Village law. This section is hereby adopted pursuant to the provision of § 10 of the New York State Municipal Home Rule Law. It is the intent of the Board of Trustees, pursuant to § 10 of the New York State Municipal Home Rule Law, to supersede and amend the provisions of § 7-712 et seq. of the Village Law relating to the appointment of alternate members to the Village Board of Appeals.

C. Secretary to the Board of Appeals. The Mayor, subject to the approval of the Board of Trustees, may appoint a secretary to the Board of Appeals to assist in performing its functions and may also provide for compensation to be paid to the secretary not exceeding the appropriation made by the Board of Trustees for such purpose.

Section Two. 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 courts 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 Three. This local law shall take effect immediately upon filing with the Secretary of State.