

Local Law No. 2 of the year 2025

Village of Bergen, County of Genesee

A local law adopted regarding the appointment of Alternate Members to the Municipal Zoning Board of Appeals

Section 1. ENACTMENT

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village Zoning Law of the Incorporated Village of Bergen, Genesee County, State of New York, hereby enacts by this Local Law #2 of 2025, a Local Law of the Incorporated Village of Bergen.

Section 2. LEGISLATIVE INTENT

This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Zoning Board of Appeals in the Village of Bergen.

Section 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum of the Zoning Board of Appeals because members either have a conflict of interest in a matter or application or are absent and unable to participate. In such instances, official business cannot be conducted, which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

Section 3. DEFINITIONS

- A. "Zoning Board of Appeals" means the Zoning Board of Appeals of the Village of Bergen as established by the Village Board of Trustees, pursuant to the provisions of Section 7-712 of the Village Law of the State of New York.
- B. "Member" means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve on the Village Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Zoning Board of Appeals.
- C. "Alternate Member" means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve when a regular member is unable to participate on an application or matter before the Zoning Board of Appeals, as provided herein.

Section 3. AUTHORIZATION /EFFECT

- A. The Village Board of Trustees of the Village of Bergen enacts this local law to provide for appointing alternate members of the Zoning Board of Appeals. These alternate members would serve in the event of a conflict of interest or when a permanent member is absent.
- B. The Village Board of Trustees may appoint not more than two alternate members of the Zoning Board of Appeals. Two positions of alternate members of the Zoning

Board of Appeals shall be appointed by the Mayor and approved by the Village Board of Trustees for a term of (1) one year.

- C. The Chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a permanent member when such member is unable to participate due to a conflict of interest or is otherwise unavailable to participate on an application or matter before the Zoning Board of Appeals.
- D. When designated, such alternate member shall have all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the designation occurred.
- E. Each such alternate member shall attend meetings of the Zoning Board of Appeals and participate in its deliberations but shall only vote if the Zoning Board of Appeals Chairperson has designated them to substitute for a permanent member.
- F. All other provisions of the law relating to Zoning Board of Appeals 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.

Section 5. SUPERSESSION OF NEW YORK STATE VILLAGE LAW

This local law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Section 10 of the Statue of Local Governments. It is the intent of the Village Board of Trustees, pursuant to Municipal Home Rule Law, to supersede the provisions of Section 7-712 with respect to the appointment of alternate members to the Zoning Board of Appeals. The Village Board of Trustees of the Village of Bergen hereby enacts this Local Law to provide a process for appointing Alternate Members to the Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate due to a conflict of interest on an application or matter before the Zoning Board of Appeals.

Section 6. SEVERABILITY

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed a waiver or restriction upon any rights and powers available to the Village of Bergen to further regulate the subject matter of this Local Law.

Section 7. EFFECTIVE DATE

This Local law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.