

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 05 2003

**MISCELLANEOUS
& STATE RECORDS**

County
City of Cove Neck
Town
Village

Local Law No. 1 of the year 20⁰³

A local law pursuant to Municipal Home Rule Section 10 to amend
(Insert Title)
Section 7-712-a and 7-712-c of Article 7 of the Village
Law of the State of New York in its application to the
Village of Cove Neck to allow for an expeditious procedure
for the rendering of decisions of the Board of Zoning Appeals.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Cove Neck as follows:
Town
Village

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**VILLAGE OF COVE NECK
LOCAL LAW 1-2003
"BOARD OF APPEALS PROCEDURE"**

A local law pursuant to Municipal Home Rule §10 to amend Section 7-712-a and 7-712-c of Article 7 of the Village Law of the State of New York in its application to the Village of Cove Neck to allow for an expeditious procedure for the rendering of decisions of the Board of Zoning Appeals.

BE IT ENACTED by the Board of Trustees of the Village of Cove Neck as follows:

SECTION 1. The following subsection of Section 7-712-a of the Village Law as last amended by Chapter 476 of the Laws of 1999 is hereby superceded and amended in its application to the Village of Cove Neck, New York, as follows:

Section 7-712-a Board of appeals procedure.

...

9. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the village clerk within twenty (20) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

(a) The board of appeals may render its decision in a summary format, setting forth the board's decision and conditions imposed, if any, without enumerating detailed findings which formed the basis for its determination. Any person aggrieved by a decision of the board, may within thirty (30) days after the filing of the summary decision in the office of the Village Clerk, file a written demand with the Village Clerk, demanding that the board of appeals publish its findings which formed the basis for its decision. The Village Clerk shall deliver this demand to the chairman of the board of appeals, who shall cause the board of appeals to publish and file its findings with the Village Clerk. If any aggrieved person seeks judicial review without having requested a findings statement, the Chairman or a member of the board of appeals may submit the board's findings by affidavit as part of the board's court pleadings.

(b) The date of filing of the board of appeals' decision in summary format with the Village Clerk shall be deemed the date of the filing of the board's decision for all purposes, except when a timely written request is made for a statement of findings. In those cases, the date of filing of the findings statement with the Clerk shall be deemed the date of filing of the decision of the board for all purposes.

...

SECTION 2. The following subsection of Section 7-712-c of the Village Law as last amended by Chapter 476 of the Laws of 1999 is hereby superceded and amended in its application to the Village of Cove Neck, New York, as follows:

§ 7-712-c Article seventy-eight proceeding

1. Application to supreme court by aggrieved persons. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or any officer, department, board or bureau of the village, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the village clerk, as provided for in section 7-712-a(9)(b).

...

SECTION 3. This local law shall take effect upon the filing with the Department of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2003.. of the ~~(County)(City)(Town)~~ (Village) of Cove Neck was duly passed by the Board of Trustees on April 9, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
~~(Name of Legislative Body)~~
~~(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Kathryn K. Zoller

Clerk of the County legislative body, ~~City Clerk~~ Village Clerk, Kathryn K. Zoller or officer designated by local legislative body.

(Seal)

Date: April 9, 2003

(Certification to be executed by: ~~County Attorney, Corporation Counsel, Town Attorney,~~ Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK NASSAU
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Peter P. MacKinnon

Signature Peter P. MacKinnon, Esq.

Partner, Humes & Wagner, LLP, Village Attorneys
Title

~~County~~
~~City~~ of Cove Neck
~~Town~~
Village

Date: 4.9.03