

**Village of Avoca
Local Law # 1 of 2023**

A Local Law entitled “An Act to Abolish the Village’s Existing Planning Board and Zoning Board of Appeals and create a new Zoning Board of Appeals which shall have the same powers and duties as a planning board and a zoning board of appeals in the Village of Avoca.”

Be it enacted by the Village Board of the Village of Avoca as follows:

Article I

§1 Title. This Local Law may be cited as the “Zoning Board of Appeals Law of the Village of Avoca New York.”

§2 Purpose. The Board of Trustees of the Village of Avoca adopts this Local Law to promote the effective and efficient conduct of the duties of a planning board and a zoning board of appeals as set forth in the New York State Village Law, Article 7 through one unified board. The provisions of this law affecting existing Local Laws will enhance the clarity and consistency of the Village’s existing Local Laws in light of the creation of this new board.

§3 Authority. The Village of Avoca has the authority, including under NY Village Law § 7-712, to abolish the existing Village’s Planning Board and Zoning Board of Appeals and create a new Zoning Board of Appeals with the powers and duties of a planning board and a zoning board of appeals.

§4 Reference to Local Laws. The use of the term “Local Law” or “Local Laws” herein shall refer to the laws of the Village of Avoca.

Article II

§5 Abolition of Existing Boards. The Board of Trustees of the Village of Avoca hereby abolishes the existing Planning Board and Zoning Board of Appeals.

§6 Creation of New Zoning Board of Appeals.

A. The Board of Trustees of the Village of Avoca hereby creates a new Zoning Board of Appeals and gives and grants to the new Zoning Board of Appeals the powers and duties of a planning board and a zoning board of appeals as set forth in the New York State Village Law, Article 7 and as previously granted to the Village’s previous Planning Board and/or Zoning Board of Appeals The New Zoning Board of Appeals shall have five members.

B. Wherever the terms Zoning Board, Zoning Board of Appeals, or Planning Board appear in the Local Laws of the Village of Avoca, said terms shall hereafter mean and refer to the Zoning

Board of Appeals created upon the adoption of this Local Law. The Local Laws affected by this provision include but may not be limited to: Local Law #1 of 2000, Local Law #2 of 2000, Local Law # 2 of 2001, and Local Law #1 of 2010.

C. The Mayor shall appoint the members of the new Zoning Board of Appeals, subject to approval of the Board of Trustees. The appointment of members shall be for a term so fixed that one member's term shall expire at the end of the year in which such member was appointed; and the remaining members' terms be so fixed so that one member's term shall expire at the end of each official year thereafter.

Article III

§10 Effective Immediately. This Local Law shall become effective immediately upon filing with the Secretary of State.

§11 Inconsistent Provisions. To the extent any parts of this Local Law are inconsistent with or conflict with any parts, sections or chapters of the Local Laws of the Village of Avoca, the provisions of this Local Law shall control.