ORDINANCES INTRODUCED

1.12.11 AN ORDINANCE AMENDING ARTICLE IV (BOARD OF ZONING APPEALS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO REDUCE THE NUMBER OF MEMBERS AND CHANGE THE TERMS OF OFFICE
Council Member Conti introduced the following:

Ordinance Number 1.12.11

AN ORDINANCE AMENDING ARTICLE IV (BOARD OF ZONING APPEALS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO REDUCE THE NUMBER OF MEMBERS AND CHANGE THE TERMS OF OFFICE

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 375-11 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-11. Establishment and membership.

Pursuant to § 81 of the General City Law of the State of New York, there is hereby established a Board of Zoning Appeals consisting of [seven] five members appointed by the Mayor and subject to the advice and consent of the Common Council as provided by Section 301 of the City Charter. [The members of the Board serving at the time this chapter is passed shall continue in office as members of the Board hereby established. The Mayor shall choose two of these members to serve one-year terms, two to serve two-year terms and three to serve three-year terms. The one-year terms shall expire at 12:00 midnight on December 31 of the year following the year during which this chapter is passed.]

Section 2. Section 375-12 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-12. Terms of office; vacancies; compensation.

The Mayor shall appoint subsequent Board members to [three-] five year terms. Terms shall begin January 1 and expire at 12:00 midnight on December 31. A member shall continue to serve until a successor is appointed. An appointment to fill a vacancy occurring prior to the expiration of a term shall be for the remainder of the unexpired term. Board members may be compensated at a rate determined by the Board of Equalization and Assessment.

Section 3. Section 375-13 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-13. Meetings; quorum; records.

A. Meetings of the Board shall be held twice a month on a regular schedule established by the Board members, with additional meetings to be held at the call of the Chair if determined to be necessary. All Board meetings shall be open to the public and held in strict compliance with Article 7 of the New York State Public Officers Law. All proceedings, including all deliberations of the Board, shall be open to the public.

B. The presence of [four] three members shall constitute a quorum of the Board. The concurring vote of [four] three members shall be required to carry out any action of the Board, except as may be statutorily required.

Matter underlined is new; matter in [brackets] to be deleted.
C. The Board shall keep minutes of its proceedings and shall keep records of all votes taken and all official actions. All Board records shall be part of the public record and shall be kept on file in the office of the Director.

Section 4. This section shall take effect immediately. The members of the Board serving at the time this amendment is passed shall continue in office as members of the Board hereby established. Beginning with terms expiring December 31, 2011, two of the three members whose terms are due to expire on that date will not be re-appointed and the remaining member will be appointed to a three-year term in order to effectuate the board reduction. Upon the expiration of terms on December 31, 2012, the Mayor shall choose one of these members to serve a three-year term and one to serve four-year term. Upon the expiration of terms on December 31, 2013, the Mayor shall choose one of these members to serve a four-year term. The Mayor shall appoint subsequent Board members to five-year terms as provided above.

APPROVED AS TO FORM
January 8, 2010

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Corporation Counsel

Matter underlined is new; matter in [brackets] to be deleted.
TO: John Marsolais, City Clerk

FROM: Richard Conti, Council Member

RE: Request for Common Council Legislation
    Supporting Memorandum

DATE: January 7, 2011

ORDINANCE NUMBER 1.12.11

TITLE: AN ORDINANCE AMENDING ARTICLE IV (BOARD OF ZONING APPEALS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO REDUCE THE NUMBER OF MEMBERS

GENERAL PURPOSE OF LEGISLATION: To reduce the number of board of zoning appeals members from seven to five.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: Existing state law provides for a three to five member board of zoning appeals for cities. The City of Albany maintained its seven-member board after adoption of the state law. It is appropriate to reduce the number of members for several reasons. With a smaller board it is much easier to reach a quorum for meetings and deliberations. It also provides a savings with compensation, training costs and postage costs. It also eases the burden of finding citizens to fill these positions, which are very time consuming.

FISCAL IMPACT: A minimal savings of two board member’s annual salaries after 2010 in addition to any training, printing and mailing costs per member.