

**RESOLUTION
TO JOINTLY ADMINISTER A ZONING BOARD OF APPEALS**

WHEREAS, The Town/Village of _____ has adopted a zoning law pursuant to the provisions of Article 16 of the Town Law, Article 7 of the Village Law and Sections 2 and 3 of Municipal Home Rule Law of the State of New York, and

WHEREAS, Section 267 of Article 16 of the Town Law and Section 7-712 of the Village Law requires that each town or village adopting a zoning law shall also appoint a zoning board of appeals to hear and decide on appeals of such law, and

WHEREAS, The town is authorized pursuant to Article 5-G of the General Municipal Law, Section 284 of the Town Law and Section 7-741 of the Village Law to enter into agreements to undertake land use regulations in cooperation with other municipalities, be it

RESOLVED, That the Town/Village of _____ shall enter into the attached agreement to jointly administer a zoning board of appeals constituting the towns of Harrisburg, Montague, Pinckney, Turin and the Village of Constableville, and be it further

RESOLVED, That the town supervisor/mayor is hereby authorized to execute said agreement, and be it further

RESOLVED, That a copy of this resolution and a signed copy of this agreement shall be transmitted to the clerk of each of the four other signatories of this agreement.

Adopted at a meeting of the _____ Town/Village Board on _____.

_____ Town/Village Clerk

A G R E E M E N T

Agreement made by and between the Town of Turin, with offices at 6312 East Main St., PO Box 236 , Turin, New York 13473 (hereinafter referred to as "Turin"); and the Town of Pinckney, with offices at 587 Co. Rt. 194, Copenhagen, New York 13626 (hereinafter referred to as "Pinckney"); and the Town of Harrisburg, with offices at 7886 Cobb Rd., Copenhagen, New York 13626 (hereinafter referred to as "Harrisburg"); and the Town of Montague, with offices at 6353 Salmon River Rd., Lowville, New York 13367 (hereinafter referred to as "Montague"); and the Village of Constableville, with offices at 5859 Schuyler St, P.O. Box 386, Constableville, New York 13325 (hereinafter referred to as "Constableville").

R E C I T A L S

1. The towns of Turin, Pinckney, Harrisburg, Montague and the village of Constableville have duly enacted zoning laws governing land use within their communities.
2. Pursuant to Town Law Article 16 and Village Law Article 7 and the zoning laws of the individual municipalities who are party to this agreement, a board of appeals is required to be established to provide for the interpretation of such zoning laws and other issues relating to variances from their laws.
3. Because of the size of the relative communities that are parties to this agreement, it is physically and fiscally difficult to maintain separate boards of appeals in each municipality in compliance with Section 267 of the Town Law and Section 7-712 of the Village Law of the State of New York.
4. Pursuant to Section 284 of the Town Law, Section 7-741 of Village Law and Article 5-G of the General Municipal Law of the State of New York, the municipalities who are a party to this agreement wish to enter into an agreement to establish a cooperative zoning board of appeals.
5. It is the purpose of this agreement to provide rules and regulations for such cooperative zoning board of appeals.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable considerations, receipt of which is hereby acknowledged, it is agreed as follows:

1. The towns of Turin, Pinckney, Harrisburg, Montague and the Village of Constableville hereby agree to establish and

maintain a cooperative zoning board of appeals to be known as the Tug Hill East Cooperative Zoning Board of Appeals.

2. Any municipality which is a party to this agreement may withdraw from the same on six months prior written notice to the other municipalities, which notice must be a minimum of six months prior to December 31 of each year. No municipality may withdraw from this agreement except at the end of a calendar year.
3. New municipalities may be added to this agreement with the consent of a majority of the other municipalities who are then a member, provided however, that such municipalities may only be added commencing on January 1 in any given calendar year and notice of a request to be added must be given a minimum of six months prior to the beginning of that year.
4. Representation on the Board.
 - a) Each municipality shall be allowed to select one representative from its town or village to be a member of the Tug Hill East Cooperative Zoning Board of Appeals. Such person shall be appointed annually by their respective municipal board for a one-year term.
 - b) In the event of a vacancy, the municipality whose member has been lost shall be allowed to replace that member with a new appointee who shall serve the unexpired balance of the vacated term.
 - c) Any new participating communities added at a later time shall appoint their initial representative to a one-year term.
5. Term of Agreement.
 - a) Initial Term. This agreement shall be for an initial term of five years commencing on January 1, 2025, and ending on December 31, 2029.
 - b) Extension. This agreement shall be automatically extended for an additional five-year period upon the same terms and conditions. If any community intends not to extend or renew this agreement, it must give notice to the other communities a minimum of six months prior to the expiration of the term of this agreement.

6. Duties.

- a) The Tug Hill East Cooperative Zoning Board of Appeals shall be charged with hearing applications for interpretation of the zoning law of any of the communities which are a member of this agreement and/or the granting of use and area variances upon application for any of the communities that are a member of this agreement.
- b) The Board shall apply those standards for interpretation and granting of variances as are contained in Section 267-b of the Town Law and Section 7-712 of the Village Law of the State of New York as the same may be amended from time to time.
- c) Procedure. The procedure for granting or denial of a request for interpretation or variance shall be strictly governed by Section 267-a of the Town Law and Section 7-712-b of Village Law of the State of New York provided, however, that any hearings being conducted by the Tug Hill East Cooperative Zoning Board of Appeals on any specific application, must be held in the municipality from which such request originated.
- d) Compliance with Other Laws. The Tug Hill East Cooperative Zoning Board of Appeals shall comply in all respects with the requirements of Section 239-m of the General Municipal Law of the State of New York and provisions of the State Environmental Quality Review Act and the regulations adopted pursuant thereto which may apply to any application which is before it.

7. Officers.

The Tug Hill East Cooperative Zoning Board of Appeals shall select its own chairman and secretary in January of each year by vote of a majority of the members. The Board shall also select a vice chairman to serve in the absence of the chairman. Each community shall have one vote through its member appointed to the Tug Hill East Cooperative Zoning Board of Appeals in the selection of officers.

8. Voting.

A quorum of the Tug Hill East Cooperative Zoning Board of Appeals shall be considered a majority of the members. If, in any given year, the number of participating communities on the Tug Hill East Cooperative Board of Appeals is an even number, a majority shall be considered fifty percent plus one. To successfully pass a resolution on interpretation or variance, a majority of all potential votes of the board are required to reverse the determination of the zoning enforcement officer.

9. Records and Record Keeping.

- a) The Tug Hill East Cooperative Zoning Board of Appeals may delegate certain ministerial tasks to others, such as the Cooperative Tug Hill Council.
- b) Location of Records. A copy of the minutes of all Board meetings shall be filed with the clerk of each participating community. When applications are received from an individual municipality, a copy of all such applications shall be filed with the clerk of that municipality. The application and any materials related to individual applications from a particular municipality shall be filed with the clerk of that municipality and a record of that application shall be maintained in that municipality.
- c) Records shall be kept in accordance with the provisions of the Public Officers Law.

10. Bylaws.

The Tug Hill East Cooperative Zoning Board of Appeals shall periodically, as it deems proper, adopt, amend and revise bylaws for its internal operation. Such bylaws, when approved by the Tug Hill East Cooperative Board of Appeals, shall become binding. No such bylaws and proposed revisions to bylaws shall be adopted until first reviewed by each of the participating municipalities. Upon adoption by the Tug Hill East Cooperative Zoning Board of Appeals, a copy of the bylaws shall be filed with the clerk of each participating municipality.

11. Appeals.

Should any decision of the Tug Hill East Cooperative Zoning Board of Appeals be appealed, the municipality from which the application originated shall be responsible for all legal costs associated with that appeal

12. Amendment.

This agreement represents the entire agreement of the parties, and all prior understandings or agreements are hereby merged herein. Specifically, this agreement supersedes and modifies the prior intermunicipal agreement of certain of the parties duly executed in 1981 and 1997 and 2012. This agreement may not be amended or modified except in writing, duly signed and acknowledged by the parties.

13. Interpretation.

The agreement shall be interpreted by and in accordance with the laws of the State of New York.

14. Severability.

If at any time any portion of this agreement is found to be void, voidable or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any other provision of this agreement.

IN WITNESSS THEREOF, the parties have set their hands.

Town of Turin

By: 

Town of Pinckney

By: 

Town of Harrisburg

By: 

Town of Montague

By: 

Village of Constableville

By: 