

Town of Ancram Planning Board and Zoning Board of Appeals Alternate Members Act

Be it Enacted by the Town Board of the Town of Ancram, Columbia County, New York, as follows:

I. Title

This Local Law shall be known as “Town of Ancram Planning Board and Zoning Board of Appeals Alternate Members Act.”, adopted as Town of Ancram Local Law No. 1 of 2017.

II. Enactment

This Local Law is adopted and enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to Article 2 of the New York State Statute of Local Governments.

III. Legislative Intent.

1. This Local Law shall apply to the appointment, terms, functions and powers of Alternate Members appointed to serve on the Planning Board and the Zoning Board of Appeals in the Town of Ancram.
2. This Local Law shall also permit an Alternate Member, in instances where he or she is designated by the Chairperson to substitute for a Regular Member, to continue acting on a given application until the application has been decided. This will permit a serving member, whether Regular Member or Alternate Member, to be well acquainted with the application through its duration and provide a competent and transparent Board to deliberate on the application.

IV. Purpose.

It is sometimes difficult to maintain a quorum on the Planning Board and the Zoning Board of Appeals because Regular Members are ill, absent, on extended vacations, unable to participate, or otherwise find they have a conflict of interest situation on a specific matter before such Board. In such instances, official business cannot be conducted, which may delay or impede adherence to required time lines. The use of Alternative Members in such instances is hereby authorized pursuant to the provisions of this Local Law.

Moreover, when Regular Members are absent from meetings, it is sometimes difficult to maintain a fair and balanced process for the applicants. If Alternate Members are appointed at various times throughout the process, it can become difficult for both absent Regular Members and Alternate Members to be fully informed on the application and discussion. Permitting Alternate Members designated by the Chairperson to actively serve or continue to serve on the Planning Board or Zoning Board of Appeals until the application has been completed will provide for a more thoughtful and transparent discussion and deliberation from the Boards.

Overall, it is deemed advantageous by the Town Board of the Town of Ancram to enact a local law to provide for the appointment of Alternate Members to serve on the Planning Board and Zoning Board of Appeals, and to further permit Alternate Members to continue to serve when a Regular Member is absent or otherwise unable to attend the meetings on the application.

V. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

Absent

If a Regular Member is not physically present at a meeting for any reason, he or she shall be deemed absent. If a Regular Member is absent for any meeting, the Chairperson may designate an Alternate Member to substitute for the absent Regular Member at that meeting and the Alternate Member shall continue to serve on the Planning Board or Zoning Board until the application has been completed or withdrawn.

Alternate Member

An individual appointed by the Town Board to serve on the Town Planning Board or the Town Zoning Board of Appeals when a Regular Member is absent or disqualified in the review of an application or matter before the respective Board, as provided herein.

Planning Board

The Planning Board of the Town of Ancram as established by the Town Board by local law or ordinance pursuant to the provisions of Section 271 of the Town Law.

Regular Member

An individual appointed by the Town Board to serve on the Town Planning Board or the Town Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Planning Board or Zoning Board of Appeals.

Substitution

The action by the Chairperson of the Planning Board or Zoning Board of Appeals to designate an Alternate Member to serve on the board in place of an absent Regular Member will allow the Alternate Member to serve on the board in connection with an application before the board from the moment of substitution until such time as the board completes its review of the application or the application is withdrawn or otherwise terminated.

Zoning Board of Appeals

The Zoning Board of Appeals of the Town of Ancram as established by the Town Board by local law or ordinance, pursuant to the provisions of Section 267 of the Town Law.

VI. Appointment; Powers and Responsibilities; Term.

1. Enactment. The Town Board of Ancram hereby enacts this Local Law to provide a process for appointing Alternate Members to its Planning Board and Zoning

Board of Appeals. These individuals would serve when Regular Members are absent or disqualified on an application or matter before the respective Board.

2. Appointment of Alternate Member.

- A. The Town Board shall appoint at least one (1) person as an Alternate Member for the Planning Board and at least one (1) person as an Alternate Member for the Zoning Board of Appeals. The Alternate Members shall each be appointed for terms of five (5) calendar years. All provisions of the Town of Ancram Zoning Law relating to Planning Board or 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.
- B. When an Alternate Member is present at a meeting of the Board but has not been substituted for a Regular Member, an Alternate Member may participate in Board discussions, but may not vote

3. Substitution of Alternate Member.

- A. In the event that a Regular Member is absent or has a conflict of interest on a matter before the Board, and if an Alternate Member is available, the Chairpersons of the Planning Board and the Zoning Board of Appeals may designate an Alternate Member to substitute for the Regular Member. Such designation shall be made at the discretion of the Chairperson.
- B. Such substitution may be implemented for a particular application under review at any time during the pendency of the Board's review of the application. Once an Alternate Member has been substituted for a Regular Member, the Alternate Member shall remain on the Board and continue to serve in place of the Regular Member for the remaining duration of any application before the Board at the time the substitution is made, and until such application is completed, withdrawn or otherwise terminated.
- C. Upon substitution, the Alternate Member shall possess all the powers and responsibilities of the Regular Member for which the Alternate Member is substituted, including being participate in Board discussions and voting.
- D. Whenever an Alternate Member is substituted for a Regular Member, the fact of such substitution shall be entered into the minutes of the meeting at which the substitution takes place along with the reason for the substitution and an identification of the applications pending before the Board to which the substitution shall apply.

VII. Supersession

It is the intent of the Town Board pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law, to supersede the applicable provisions of:

1. Section 271 of the New York State Town Law relating to the appointment of members to town planning boards; and
2. Section 267 of the Town Law relating to the appointment of members of town zoning board of appeals.

VIII. Severability

The invalidity of any part or provision (e.g. word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Local Law which can be given the effect in the absence of the invalid part or provision.

IX. Effective Date

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule.