

TOWN OF PENDLETON LOCAL LAW NO. **XXX** OF 2017

A local law providing for the appointment of Alternate Members of the Planning Board and Alternate Members of the Zoning Board of Appeals

Be it enacted by the Town Board of the Town of Pendleton as follows:

Section 1: Short Title and Applicability

This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and on the Zoning Board of Appeals in the Town of Pendleton.

Section 2: Declaration of Policy

It is hereby determined that it is in the best interest of the Town of Pendleton that an alternate member position be established for the Town of Pendleton Planning Board and the Town of Pendleton Zoning Board of Appeals, because of the necessity for acting expeditiously on matters pending before the board; to enhance the ability to establish a quorum; to enable a full seven member board participation in decisions whenever possible; to attract quality board members, without preventing public service because of travel commitments, vacations, sickness and possible conflicts; and to provide for greater flexibility in the scheduling of meetings.

Section 3: Definitions

"Planning Board" means the planning board of the Town of Pendleton as established by the Town Board of the Town of Pendleton by local law or ordinance, pursuant to the provisions of § 271 of the Town Law and §239-c of the General Municipal Law.

"Zoning Board of Appeals" means the zoning board of appeals of the Town of Pendleton as established by the Town Board of the Town of Pendleton by local law or ordinance, pursuant to the provisions of § 267 of the Town Law and §239-c of the General Municipal Law.

"Member" means an individual appointed by the Town Board to serve on the Town of Pendleton Planning Board or the Town of Pendleton Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such planning board.

"Alternate Member" means an individual appointed by the Town Board to serve on the Town of Pendleton Planning Board or the Town of Pendleton Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the board, as provided herein.

Section 4: Authorization/Effect

The Town of Pendleton hereby enacts this local law to provide a process for appointing alternate members of the Town of Pendleton Planning Board and the Town of Pendleton Zoning Board of

Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the board.

Section 5; Events:

The alternate member shall substitute for any member of the Board in the event such member does not attend or participate because of:

- A) A conflict of interest.
- B) Personal illness.
- C) Family illness.
- D) Vacation.
- E) Family and professional obligations.
- F) Failure to attend a scheduled meeting for any reason.

Section 6: Planning Board

Alternate Members of the Planning Board shall be appointed by the Town Board for a term of one (1) year. Alternate Members shall be appointed at the first Town Board meeting of January and terminate on the December 31th of same year.

The Alternate Member of the Planning Board shall be entitled to attend all meetings of the Planning Board to sit with the board provided, however, that the alternate shall only participate by substituting for a member where a regular member of the Planning does not participate for one of the reasons set forth in Section 5 above. The alternate member shall receive the same compensation as regular members of the board for every meeting attended whether or not the alternate member actually participates.

The chairperson of the Planning Board may designate an Alternate Member to substitute for a member when such member is absent or unable to participate on an application or matter before the Planning Board. When so designated, the Alternate Member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

All provisions of state law relating to planning board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

Section 7: Zoning Board of Appeals

Alternate Members of the Zoning Board of Appeals shall be appointed by the Town Board for a term of one (1) year. Alternate Members shall be appointed at the first Town Board meeting of January and terminate on the December 31th of same year.

The Alternate Member of the Zoning Board of Appeals shall be entitled to attend all meetings of the Zoning Board of Appeals to sit with the board provided, however, that the alternate shall only participate by substituting for a member where a regular member of the

Appeals does not participate for one of the reasons set forth in Section 5 above. The alternate member shall receive the same compensation as regular members of the board for every meeting attended whether or not the alternate member actually participates.

The chairperson of the Zoning Board of Appeals may designate an Alternate Member to substitute for a member when such member is absent or unable to participate on an application or matter before the Zoning Board of Appeals. When so designated, the Alternate Member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.

All provisions of state law relating to zoning board of appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

Section 8: Supersession of Town Law

This local law is enacted pursuant to the authority set forth in the Municipal Home Rule Law Sections 10(1)(ii)(a)1l and 10(1)(ii)(d)(3) and Town Law Section 271(15). To the extent that any provision of this law is inconsistent with any other Town Law including Section 271(15), such law is expressly superseded by the provisions of this law. It is the intent of this law to increase and set forth additional reasons for participation by an alternative board member in decisions than are set forth in Town Law Section 271(15).

Section 9: Severability

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction. The remaining provisions of the local law shall remain in effect.

Section 10: Effective Date

This local law shall take effect upon filing with the Secretary of State.