

ALTERNATE MEMBERS OF PLANNING BOARD

§1. Short title and applicability.

This local law shall be known and may be cited as the “Alternate Planning Board Members Law.”

§2. Findings.

It is sometimes difficult to maintain a quorum on the Planning Board because members are ill or on extended vacation or 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 timelines. The use of alternate members in such instances would avoid such difficulties.

§3. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

- (a) “Alternate Member” -- An individual appointed by the Town Board to serve on the Planning Board when a regular member is unable to participate on an application or matter before the Planning Board.
- (b) “Member” -- An individual appointed by the Town Board to serve on the Planning Board according to the provisions of applicable law, local law or ordinance pursuant to which the Planning Board was established.
- (c) “Planning Board” -- The duly constituted Planning Board of the Town of Delaware.
- (d) “Town Board” -- The duly constituted Town Board of the Town of Delaware.

§4. Purpose; appointment, designation and term of office.

(a) This local law is enacted to provide a process for appointing Alternate Members of the Planning Board. These individuals would serve when Members are absent or unable to participate on an application or matter before the Planning Board.

(b) Alternate Members of the Planning Board may be appointed by the Town Board for a term of two (2) years, with the terms to expire on December 31 of the second year after the date of their appointment.

(c) The chairperson of the Planning Board shall 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 powers and responsibilities of such Member. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

(d) Alternate Members shall regularly attend the scheduled meetings and/or work sessions of the Planning Board so as to be available for designation when required and familiar with the applications and/or matters pending before the Planning Board.

(e) Alternate Members shall serve without compensation.

(f) 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 provisions of any state or local law or ordinance relating to training and continuing education, shall also apply to Alternate Members.

§5. Supersession of New York State Town Law.

This local law is adopted pursuant to the provisions of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to §10 of the New York State Municipal Home Rule Law, to supercede any inconsistent provisions of §271 of the New York State Town Law relating to the appointment of members and alternate members to town planning boards.

§6. Effect of invalidity.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby intended to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

§7. Effective date.

This local law shall take effect immediately upon filing in the office of the Secretary of State.