

## Chapter 3

### ALTERNATE MEMBERS OF PLANNING BOARD AND ZONING BOARD OF APPEALS

[HISTORY: Adopted by the Town Board of the Town of Liberty 1-18-2005 by L.L. No. 1-2005. Amendments noted where applicable.]

#### GENERAL REFERENCES

Planning Board — See Ch. 31.  
Subdivision of land — See Ch. 130.  
Zoning — See Ch. 147.

#### § 3-1. Short title and applicability.

- A. This chapter shall be known and may be cited as the "Alternate Planning Board and Zoning Board of Appeals Members Law."
- B. This chapter 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 of the Town of Liberty.

#### § 3-2. Findings.

It is sometimes difficult to maintain a quorum on the Planning Board and the Zoning Board of Appeals 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.

#### § 3-3. Definitions.

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

**ALTERNATE MEMBER** — An individual appointed by the Town Board to serve on the Planning Board or the Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the respective Board.

**MEMBER** — An individual appointed by the Town Board to serve on the Planning Board or the Zoning Board of Appeals pursuant to the provisions of the applicable law, local law or ordinance that established each respective Board.

**PLANNING BOARD** — The duly constituted Planning Board of the Town of Liberty.

**TOWN BOARD** — The duly constituted Town Board of the Town of Liberty.

**ZONING BOARD OF APPEALS** — The duly constituted Zoning Board of Appeals of the Town of Liberty.

**§ 3-4. Purpose; appointment, designation and term of office.**

- A. This chapter is enacted to provide a process for appointing alternate members of the Planning Board and the Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.
- B. Alternate members of the Planning Board and the Zoning Board of Appeals may be appointed by the Town Board for a term of two 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 or the Zoning Board of Appeals shall designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the 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 or Zoning Board of Appeals meeting at which the substitution is made.
- D. Alternate members appointed by the Town Board shall regularly attend the scheduled meetings and/or work sessions of the Board to which they may be designated so as to be available for designation when required and familiar with the applications and/or matters pending before such Board.
- E. Alternate members shall serve without compensation.
- F. All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any local law or ordinance relating to training and continuing education, shall also apply to alternate members.

**§ 3-5. Supersession of New York State Town Law.**

This chapter 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 supersede the provisions of:

- A. New York State Town Law § 271 relating to the appointment of members to Town planning boards; and/or
- B. New York State Town Law § 267 relating to the appointment of members to Town zoning boards of appeals.