

**LOCAL LAW ESTABLISHING ALTERNATE
PLANNING & ZONING BOARD MEMBERS**

TOWN OF JOHNSBURG

Local Law No. 1 of the year of 2004

A local law creating the positions of alternate members to the Town of Johnsburg planning board and zoning board of appeals.

Section 1. LEGISLATIVE INTENT

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

Section 2. DECLARATION ON POLICY

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 time lines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

Section 3. DEFINITIONS

- A. "Planning Board" means, the Planning Board of the Town of Johnsburg as established by the Town Board pursuant to the provisions of §271 of Town Law.
- B. "Zoning Board of Appeals" means the Zoning Board of Appeals of the Town of Johnsburg as established by the Town Board, pursuant to the provisions of §267 of the Town Law.
- C. "Member" means an individual appointed by the Town Board to serve on the Town Planning Board or 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.
- D. "Alternate Member" means an individual appointed by the Town Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Section 4. AUTHORIZATION/EFFECT

- A. The Town Board of the Town of Johnsburg hereby enacts this local law to provide a process for appointing "alternate" members of Planning Board and 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 Zoning Board of Appeals shall be appointed by the Town Board or other duly authorized appointing authority, for a term of three (3) years with the terms to expire on December 31 of the third year after the date of their appointment.

C. The chairperson of the Planning Board or Zoning Board of Appeals may 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 meeting, or Zoning Board of Appeals meeting, during which the substitution is made.

D. All provisions of State law relating to the Planning Board or 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 5. SUPERSESION OF TOWN LAW

This local law is hereby adopted pursuant to the provisions of § 1 0 of the Municipal Home Rule Law and § 1 0 of the Statute of Local Governments. It is the intent of the Town Board pursuant to § 1 0 of the Municipal Home Rule Law, to supersede the provisions of:

(1) Section 271 [15] of the Town Law relating to the appointment of alternate members to Town Planning Boards; and/or

(2) Section 267 [11] of Town Law relating to the appointment of alternate members to Town Zoning Board of Appeals.

Section 6. MISCELLANEOUS

A. This Local Law shall be deemed to supersede and repeal any other Local Laws, ordinances or resolutions to the extent therein inconsistent herewith.

B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable" all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Johnsburg to further regulate the subject matter of this Local Law.

Section 7. EFFECTIVE DATE

This Local Law shall *become* effective upon filing with Secretary of State of the State of New York, as required by the Municipal Home Rule Law .