

# STATE OF NEW YORK

8380

2023-2024 Regular Sessions

## IN ASSEMBLY

December 13, 2023

Introduced by M. of A. MCGOWAN -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to certain alternate members of planning boards and zoning boards of appeals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 11 of section 267 of the town law, as added by  
2 chapter 137 of the laws of 1998, is amended to read as follows:

3 11. Alternate members. (a) A town board may, by local law or ordi-  
4 nance, or as a part of the local law or ordinance creating the zoning  
5 board of appeals, establish alternate zoning board of appeals member  
6 positions for purposes of substituting for a member in the event such  
7 member is unable to participate because of a conflict of interest, or  
8 any other reason the town board deems necessary pursuant to local law,  
9 rule, regulation or ordinance. Alternate members of the zoning board of  
10 appeals shall be appointed by resolution of the town board, for terms  
11 established by the town board.

12 (b) The chairperson of the zoning board of appeals may designate an  
13 alternate member to substitute for a member when such member is unable  
14 to participate because of a conflict of interest on an application or  
15 matter before the board, or any other reason the town board deems neces-  
16 sary pursuant to local law, rule, regulation or ordinance. When so  
17 designated, the alternate member shall possess all the powers and  
18 responsibilities of such member of the board. Such designation shall be  
19 entered into the minutes of the initial zoning board of appeals meeting  
20 at which the substitution is made.

21 (c) All provisions of this section relating to zoning board of appeals  
22 member training and continuing education, attendance, conflict of inter-  
23 est, compensation, eligibility, vacancy in office, removal, and service  
24 on other boards, shall also apply to alternate members.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD13043-01-3

1 § 2. Subdivision 15 of section 271 of the town law, as added by chap-  
2 ter 137 of the laws of 1998, is amended to read as follows:

3 15. Alternate members. a. A town board may, by local law or ordinance,  
4 or as part of the local law or ordinance creating the planning board,  
5 establish alternate planning board member positions for purposes of  
6 substituting for a member in the event such member is unable to partic-  
7 ipate because of a conflict of interest, or any other reason the town

8 board deems necessary pursuant to local law, rule, regulation or ordi-  
9 nance. Alternate members of the planning board shall be appointed by  
10 resolution of the town board, for terms established by the town board.

11 b. The chairperson of the planning board may designate an alternate  
12 member to substitute for a member when such member is unable to partic-  
13 ipate because of a conflict of interest on an application or matter  
14 before the board, or any other reason the town board deems necessary  
15 pursuant to local law, rule, regulation or ordinance. When so desig-  
16 nated, the alternate member shall possess all the powers and responsi-  
17 bilities of such member of the board. Such designation shall be entered  
18 into the minutes of the initial planning board meeting at which the  
19 substitution is made.

20 c. All provisions of this section relating to planning board member  
21 training and continuing education, attendance, conflict of interest,  
22 compensation, eligibility, vacancy in office, removal, and service on  
23 other boards, shall also apply to alternate members.

24 § 3. This act shall take effect immediately.