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:

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

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

(b) The chairperson of the zoning board of appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board**, or any other reason the town board deems necessary pursuant to local law, rule, regulation or ordinance**. 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.

(c) All provisions of this section relating to zoning board of appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service 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.

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

15. Alternate members. a. A town board may, by local law or ordinance, or as part of the local law or ordinance creating the planning board, establish alternate planning board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest**, or any other reason the town board deems necessary pursuant to local law, rule, regulation or ordinance**. Alternate members of the planning board shall be appointed by resolution of the town board, for terms established by the town board.

b. The chairperson of the planning board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board**, or any other reason the town board deems necessary pursuant to local law, rule, regulation or ordinance**. 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.

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

§ 3. This act shall take effect immediately.