

**TOWN OF GALLATIN
LOCAL LAW NO. 2 OF 2017**

BE IT ENACTED by the Town Board of the Town of Gallatin as follows:

Section 1. Short Title

This local law shall be known as the "Alternate Zoning Board of Appeals and Planning Board Member Law".

Section 2. Declaration of Policy and Purpose

It is sometimes difficult to maintain a quorum on the Zoning Board of Appeals and Planning Board because members are ill, on extended vacation, have an unavoidable absence or find they have a conflict of interest on a specific matter before the 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 is hereby authorized pursuant to the provisions of this local law. This local law is intended to provide for the appointment, terms, functions and powers of alternate members appointed to serve on the Zoning Board of Appeals and Planning Board in the Town of Gallatin.

Section 3. Definitions

A. "Zoning Board of Appeals" means the Zoning Board of Appeals of the Town of Gallatin as established by the Town Board by local law or ordinances, pursuant to the provisions of Section 267 of the Town Law.

B. "Planning Board" means the Planning Board of the Town of Gallatin as established by the Town Board pursuant to the provisions of Section 271 of the Town Law.

C. "Regular Member" means an individual appointed by the Town Board to serve on the Town Zoning Board of Appeals or Planning Board pursuant to the provisions of the local law or ordinance which first established such Zoning Board of Appeals or Planning Board.

D. "Alternate Member" means an individual appointed by the Town Board to serve on the Town Zoning Board of Appeals or Planning Board when a regular member is absent or unable to participate on an application or matter before the board, as provided herein.

Section 4. Authorization/Effect

A. The Town Board of Gallatin hereby enacts this local law to provide a process for appointing "alternate members" of the Zoning Board of Appeals and Planning Board. These alternate members would serve when regular members are absent or unable to participate on an application or matter before the board.

B. One or more, but not more than three, alternate members of the Zoning Board of Appeals and Planning Board shall be appointed by the Town Board for a term of one (1) year with terms to expire on December 31 of appointment.

C. In the event the Town Board appoints more than one alternate to a board, the Town Board shall designate one as the first alternate, another as the second alternate, and a third as the third alternate.

D. In the event that one or more alternates are designated to serve by the board chairman, as provided for in this local law, and there are no remaining alternates for that board, the Town Board shall have the authority to appoint such additional alternate member for the Zoning Board of Appeals or Planning Board as may be necessary.

E. The chairperson of the Zoning Board of Appeals and Planning Board may designate an alternate to substitute for a regular member when such regular member is absent or 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 a regular member of the board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals and Planning Board at which the substitution is made.

F. In designating an alternate, the chairperson of the applicable board shall designate the first alternate member of the board to serve. If the first alternate member is unable, or unwilling, to serve, the second alternate member shall be designated, and if the second alternate member is unable, or unwilling to serve, the third alternate shall be designated.

G. The board chairman shall appoint an alternate member of the Board whenever a regular member has a conflict of interest or is otherwise unable to serve for an extended period of time or when necessary to fulfill the quorum requirements for the board or for purposes of conducting a vote on an application pending before the board. The board chairman may appoint an alternate board member in any other instance where a regular board member is unable to serve.

H. If an alternate member is appointed because of a conflict of interest or other reason which renders the regular member of the board unable to act upon a particular application for an extended period of time through the projected date for taking

preliminary and/or final action on the application, the alternate member shall serve for that application until such time as a final vote is taken by the board on that application. If the alternate board member is appointed because of absence, illness or other cause which renders the regular board member unable to act on a temporary basis, the alternate member shall serve until such time as the regular board member is able to resume his or her duties.

I. All provisions of state or local law relating to Zoning Board of Appeals and Planning Board eligibility, vacancy in office, removal, compatibility of office, conflicts of interest, ethics and disclosure of conflict of interest and service on other boards, as well as any provisions of a local law or ordinance relating to training, continuing education, compensation and attendance shall apply to alternate members.

J. An alternate board member, before voting on an application filed prior to his or her appointment, shall certify to the chairman of his or her respective board that he or she has reviewed the application, minutes of meetings and public hearings at which the application was discussed or heard prior to his or her appointment, all plat, plans, environmental documentation and all other documentation and information related to the application before taking a vote on that application.

Section 5. Supersession of Town Law

This local law is hereby adopted pursuant to the provisions of Section 10 of the NYS Municipal Home Rule Law and Section 10 of the NYS Statute of Local Governments. It is the intent of the Town Board, pursuant to Section 10 of the NYS Municipal Home Rule Law, to supersede provisions of Section 267 of the Town Law relating to the appointment of members to the Town Zoning Board of Appeals,

Section 6. Severability

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

Section 7. Effective Date

This local law shall take effect upon filing with the Secretary of State.