

TOWN BOARD
TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK

Local Law No. 2 of 2019

**A LOCAL LAW PROVIDING FOR THE APPOINTMENT OF ALTERNATE
MEMBERS TO THE PLANNING BOARD AND ZONING BOARD OF APPEALS**

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

SECTION 1. TITLE.

This Local Law shall be entitled “A Local Law Providing for the Appointment of Alternate Members to the Planning Board and Zoning Board of Appeals for the Town of Germantown.”

SECTION 2. PURPOSE AND INTENT.

There are instances in which members of the Planning Board and Zoning Board of Appeals must recuse themselves when they find they have a conflict of interest on a specific matter before such board. In such instances, review by the affected board can be burdened or delayed. The Town Board hereby enacts this Local Law to provide a process for appointment of alternate members of the Planning Board and Zoning Board of Appeals to substitute for a member when such member is unable to participate on an application or matter before such board due to a conflict of interest or other ethical consideration. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this Local Law.

SECTION 3. APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING BOARD AND ZONING BOARD OF APPEALS.

- A. Alternate members of the Planning Board and Zoning Board of Appeals may be appointed by the Town Board and designated by the Chairperson of the Planning Board or Zoning Board of Appeals in accordance with the provisions of this section when a regular member of the Planning Board or Zoning Board of Appeals is unable to participate on an application or matter before the respective board as set forth herein.
- B. The Town Board shall appoint up to four (4) alternate members that will be available to serve on either the Planning Board or Zoning Board of Appeals for a term of one (1) year. The term of any alternate member shall terminate on December 31st in the year of appointment; provided, however, that the term of alternate members appointed in 2019 shall expire on December 31, 2020.
- C. The Chairperson of the Planning Board and Zoning Board of Appeals may designate an alternate member to serve on the respective board when a regular member is unable to participate on an application or matter before the board due to a conflict of interest or other ethical consideration which results in recusal of that board member from acting on a

particular application before 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. The alternate member so designated by the Chairperson of the Planning Board or Zoning Board of Appeals shall participate as a member of the respective board with respect to the particular application until the board completes its review of the application and final action is taken or the application is withdrawn. No alternate member may be designated to serve on both boards concurrently.

- D.** All provisions of state and local laws pertaining to Planning Board and Zoning Board of Appeals eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of local law and Town policies relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

SECTION 4. AUTHORITY AND SUPERSESSION OF TOWN LAW.

This Local Law is adopted pursuant to 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 this section, to supersede the provisions of sections 267 and 271 of the Town Law relating to the appointment of alternate members to the Town Planning Board and Zoning Board of Appeals to the extent that they are inconsistent with this Local Law.

SECTION 5. 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 this Local Law shall remain in effect.

SECTION 6. ENACTMENT.

This Local Law shall take effect immediately upon filing with the Secretary of State.