

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

WHEREAS, the Town Board has determined that it is desirable to amend the Town's Zoning Law to allow for the appointment of an alternate member of the Planning Board; and

WHEREAS, the Town Board has further determined that it is desirable for purposes of consistency and clarity to repeal the "Alternate Members of Zoning Board of Appeals Law" codified as Chapter 75 of the current Town Law and to amend the Town's Zoning Law to provide parallel provisions for the appointment of alternate members of the Zoning Board of Appeals and the Planning Board; and

WHEREAS, the Town Board conducted a public hearing on the attached proposed Local Law No. 3 of 2016 on October 11, 2016;

NOW THEREFORE, BE IT RESOLVED that the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, hereby enacts the attached Local Law No. 3 of 2016, which is incorporated herein.

By motion made by Valerie Lounsbury and seconded by Margaret Sedlmeir, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 8th day of December 2016 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Valerie Lounsbury, Supervisor		X	
Marion Cooke, Councilwoman		X	
John Dolce, Councilman		X	
Margaret Sedlmeir, Councilwoman	X		
Gerald Wood, Councilman		X	

Town of Rensselaerville

Local Law No. 3 of 2016

Be it enacted by the Town Board of the Town of Rensselaerville as follows:

Section 1. Title:

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

Section 2. Purpose and Intent:

The current Town Zoning Law allows for the appointment of an alternate member of the Zoning Board of Appeals, pursuant to the authority set out in Local Law No. 2 of 2008, known as the "Alternate Members of Zoning Board of Appeals Law" and codified in Chapter 75 of the current Town Law. It has been determined that the Planning Board would benefit from the same option of appointment of an alternate member. In addition, the harmonization of the provisions for alternate members for both the Zoning Board of Appeals and the Planning Board in the current Town Zoning Law would provide for consistency and clarity.

Section 3. Repeal:

The "Alternate Members of Zoning Board of Appeals Law" and codified in Chapter 75 of the current Town Law, is hereby repealed.

Section 4. Amendments Pertaining to the Zoning Board of Appeals:

Section 8(A) of Article XIII of the current Town Zoning Law is hereby amended as follows:

By amending Section 8(A)(2) to read as follows:

2. Training and Continuing Education. Every member of the Zoning Board of Appeals shall comply with all requirements for training and continuing education as set out in Town Law § 267 or any other provision of applicable law. The Town Board shall pay the reasonable expense of such training or continuing education.

By adding the following as new Section 8(A)(6):

6. Alternate Members
 - a. The Chairperson of the Zoning Board of Appeals, or in his or her absence, the acting Chairperson, shall designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board or to take the place of a member whose seat is vacant until such time such seat is filled by appointment of the Town 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 Zoning Board of Appeals

meeting at which the substitution is made.

- b. Alternate members appointed by the Town Board shall regularly attend the scheduled meetings and/or work sessions of the Zoning Board of Appeals to which they may be designated so as to be available for designation when required and familiar with the applications and/or matters pending before such Board.
- c. Alternate members shall serve without compensation.
- d. All provisions of state law relating to Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any local law or ordinance relating to training and continuing education, shall also apply to alternate members.

Section 5. Amendments Pertaining to the Planning Board:

Section 9 of Article XIII of the current Town Zoning Law is hereby amended as follows:

By amending Section 9(A) to read as follows:

- A. Pursuant to §271 of the Town Law, the Planning Board shall consist of seven (7) members and one (1) alternate member appointed by the Town Board which shall also designate the Chairman thereof, in such manner and for such terms as provided in the Town Law. In the absence of a Chair, the Planning Board may designate a member to serve as acting Chair.

By re-designating Section 9(C) as 9(D), 9(D) as 9(E), and 9(E) as 9(F).

By adding the following as new Section 9(D):

D. Alternate Members:

- 1. The Chairperson of the Planning Board, or in his or her absence, the acting Chairperson, shall designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board or to take the place of a member whose seat is vacant until such time such seat is filled by appointment of the Town 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 at which the substitution is made.
- 2. Alternate members appointed by the Town Board shall regularly attend the scheduled meetings and/or work sessions of the Planning Board to which they may be designated so as to be available for designation when required and familiar with the applications and/or matters pending before such Board.

3. Alternate members shall serve without compensation.
4. All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any local law or ordinance relating to training and continuing education, shall also apply to alternate members.

By amending Section 9(F) (formerly Section 9(E)) to read as follows:

- F. Training and Continuing Education. Every member and alternate member of the Planning Board comply with all requirements for training and continuing education as set out in Town Law §271 or any other provision of applicable law. The Town Board shall pay the reasonable expense of such training or continuing education.

Section 6. Authority and Supersession:

This article is enacted by the Town Board of the Town of Rensselaerville pursuant to its authority to adopt local laws under the New York State Constitution, Article IX, and § 10 of the Municipal Home Rule Law and (i) with respect to the Zoning Board of Appeals, pursuant to the specific authority provided in Article 16, § 267, of the Town Law; and (ii) with respect to the Planning Board, pursuant to the specific authority provisioned in Article 16, § 271(15) of the Town Law. To the extent that said Town Law § 267(11), as to the Zoning Board of Appeals, and Town Law § 271(15), as to the Planning Board, provide authority for the use of alternate members where a regular member is unable to participate due to a conflict of interest, the Town Board hereby intends to supersede said section pursuant to its home rule powers to also allow alternate members to be substituted for regular members in cases of absences of regular members.

Section 7. Severability of Provisions:

Should any section or provision of this local law be declared null, void, voidable, or invalid, such finding shall not affect the validity of the remaining portions of this local law.

Section 8. Effective Date:

This local law shall take effect pursuant to the provisions of Town Law Section 264.