

At a regular meeting of the Town Board of the Town of Greenwich, County of Washington, State of New York, held on Tuesday, March 12, 2024 at the Town of Greenwich Municipal Center, 2 Academy Street, Greenwich, New York 12834, the following resolution was passed.

## **Local Law No. 2 of 2024**

### **Local Law to permit the appointment of alternate members of the Planning Board to serve when members of the Planning Board are absent or unable to participate on an application or matter before the Planning Board**

On the motion of Councilman Donahue, seconded by Councilman Mumby,

**Be it enacted** by the Town Board of the Town of Greenwich, County of Washington, State of New York as follows:

#### **Section 1. Legislative Intent:**

It is the intent of this Local Law to permit the Town Board to appoint alternate members of the Planning Board to serve when members of the Planning Board are absent or unable to participate on an application or matter before the Planning Board.

#### **Section 2. Authority:**

This local law is adopted pursuant to the authority vested in the Town Board of the Town of Greenwich pursuant to Municipal Home Rule Law §10 of the State of New York.

#### **Section 3. Title and Body:**

Local Law No. 2 of 2024 shall be known and cited as the “Alternate Planning Board Members” and a new chapter, Chapter 47, shall be added to the Code of the Town of Greenwich, which shall read as follows:

##### **Chapter 47, Article V - 1. Purpose:**

This Chapter is enacted to provide a process for appointing alternate member(s) of the Planning Board to serve when members of the Planning Board are absent or unable to participate on an application or matter before the Planning Board.

##### **Chapter 47, Article V - 2. As used in this Chapter, the following terms shall have the meanings indicated:**

**ALTERNATE MEMBER:** An individual appointed by the Town Board to serve on the Planning Board when a regular member is unable to participate on an application or matter before the Planning Board.

**MEMBER:** An individual appointed by the Town Board to serve on the Planning Board.

**PLANNING BOARD:** The duly constituted Planning Board of the Town of Greenwich.

**TOWN BOARD:** The duly constituted Town Board of the Town of Greenwich.

**Chapter 47, Article V - 3. Appointment and Term:**

The Town Board may appoint, by resolution, up to two (2) alternate members of the Planning Board for a term of three (3) years, with the terms to expire on December 31 of the third (3<sup>rd</sup>) year after the date of their appointment.

**Chapter 47, Article V - 4. Duties and Voting:**

- A. The alternate member(s) of the Planning Board shall be allowed to fully participate in all meetings and activities but shall only vote as set forth in Subsection C. below.
- B. The alternate member(s) of the Planning Board will be expected to attend the scheduled Planning Board meetings and be familiar with the rules and regulations applicable to the Planning Board and be familiar with applications before the Planning Board. The alternate member(s) shall be treated the same as duly appointed members of the Planning Board in all respects, except with respect to voting privileges as set forth in Subsection C. below.
- C. The Chairperson of the Planning Board shall designate an alternate member to substitute for a member when such member is absent or unable to participate on an application or matter before the Planning Board. The Chairperson may also designate the alternate member to serve when a vacancy exists on the Planning Board. When so designated, the alternate member shall have the same powers, responsibilities and voting privileges as duly appointed members of the Planning Board. Such designation shall be entered into the minutes of the initial Planning Board meeting as which the alternate member is appointed.
- D. All provisions of New York State Law relating to Planning Board member eligibility, training and education, vacancy in office, removal, compatibility of office and serve on other boards, shall apply to the alternate members(s).

**Chapter 47, Article - 5. Supersession of New York Town Law.**

It is the intent of the Town Board, pursuant to the authority vested in the Town Board pursuant to Municipal Home Rule Law §10 of the State of New York, to

supersede the provisions of New York State Town Law §271 relating to the appoint of members to Town planning boards.

**Section 4. Severability:**

If any provision of this Local law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

**Section 5. Effective Date:**

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

**Roll call vote taken on the foregoing resulted as follows:**

	<b>YES</b>	<b>NO</b>
James Nolan, Supervisor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Donahue, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Mumby, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Graves, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reed Anderson, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>