

Town of Orchard Park

ALTERNATE BOARD MEMBERS

§ 2-1 Applicability.

This chapter shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board, Zoning Board of Appeals and Conservation Board in the Town of Orchard Park.

§ 2-2 Planning Board, Zoning Board of Appeals and Conservation Board alternate members.

- A. In the event that a Planning Board member is absent for any reason, an alternate member is hereby authorized to take the place of an absent Planning Board member. In order for the alternate member to qualify to take the place of an absent Planning Board member, that alternate member must have been appointed at least one year prior to the date he first acts as a voting member.
- B. It is the desire of the Zoning Board of Appeals to have a full complement of voting members at each meeting in which action is to be taken on an application. In any instance where a voting member of the Zoning Board of Appeals is absent, the use of an alternate member is hereby authorized pursuant to the provisions of this chapter. In promulgating this chapter, the Zoning Board of Appeals hopes to keep its alternates informed and active in Town matters.
- C. In the event that a Conservation Board member is absent for any reason, an alternate member is hereby authorized to take the place of an absent Conservation Board member. In any instance where a voting member of the Conservation Board is absent, the use of an alternate member is hereby authorized pursuant to the provisions of this chapter.

§ 2-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALTERNATE MEMBER

An individual appointed by the Town Board who is utilized when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

CONSERVATION BOARD

The Conservation Board of the Town of Orchard Park as established by the Town Board, pursuant to the provisions of §§ 239-x and 239-y of the General Municipal Law.

MEMBER

An individual appointed by the Town Board to serve on the Town Planning Board, Zoning Board of Appeals or the Conservation Board, pursuant to the provisions of the local law or ordinance which first established such Planning Board, Zoning Board of Appeals and Conservation Board.

PLANNING BOARD

The Planning Board of the Town of Orchard Park as established by the Town Board, pursuant to the provisions of § 271 of the Town Law.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Orchard Park as established by the Town Board, pursuant to the provisions of § 267 of the Town Law.

§ 2-4 Authorization; purpose; appointment; designation; duties and responsibilities.

- A. The Town Board of the Town of Orchard Park hereby enacts this chapter to provide a process for appointing alternate members of the Planning Board, Zoning Board of Appeals and Conservation Board. These individuals would serve when members are absent or unable to participate on an application or matter before the respective board.
- B. Alternate members of the Zoning Board of Appeals shall be appointed by the Town Board for terms of three years, with the terms to expire on December 31 of the third year after the date of appointment. Alternate members of the Planning Board shall be appointed by the Town Board for terms of one year, with the terms to expire on December 31 of each year. Alternate members of the Conservation Board shall be appointed by the Town Board for terms of one year, with the terms to expire on December 31 of each year.
- C. The chairperson of the Planning Board, Zoning Board of Appeals or Conservation Board may designate an alternate to substitute for a member when such member is 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 such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting, Zoning Board of Appeals meeting or Conservation Board meeting at which the substitution is made.
- D. All provisions of state law relating to Planning Board, Zoning Board of Appeals or Conservation Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

§ 2-5 Supersession of Town Law.

This chapter is hereby adopted pursuant to the provisions of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to § 10 of the New York State Municipal Home Rule Law, to supersede the provisions of:

- A. Section 271 of the Town Law relating to the appointment of members to Town Planning Boards.
- B. Section 267 of the Town Law relating to the appointment of members to Town Zoning Boards of Appeals.
- C. Sections 239-x and 239-y of the General Municipal Law relating to the appointment of members to the Town Conservation Board.