

## **LOCAL LAW NO. 6 of 2019**

A Local Law known and cited as Establishing the Position of Alternate  
for the Town's Land Use Boards

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

**SECTION 1.** Purpose and Intent. The Town Code and State Law authorizes the Planning Board, Zoning Board of Appeals and Architectural Review Board to hear applications and grant certain permits and approvals related to land use and development in the Unincorporated Town of Ossining. Each board consists of five members and require a minimum of three members to have a quorum to be able to conduct business. These boards have scheduled meetings where the members convene and hear and decide the applications before them. On occasion and for a variety of reasons, a board member may not be able to attend a meeting or vote on an application due to conflict, which could hinder the operations of that board and the applications it is considering if there is not a quorum and/or there is not a full complement of the board present to hear and vote on the applications. The Town Board believes it would be beneficial to establish the position of an alternate member for each board who could be appointed by the Town Board and who would attend the board meetings, be familiar with the applications before the board, and be able to vote on the applications when there is not a full complement of the board present at the meeting; and

**SECTION 2.** A new chapter, Chapter 6, shall be added to the Town Code entitled "Alternate Members: Land Use Boards" and shall read as follows:

- A. Section 26-1. Legislative Intent. There are occasions when a duly appointed member of the Town of Ossining Planning Board, Zoning Board of Appeals or Board of Architectural Review (individually and collectively, the "Board") cannot attend a meeting of said Board or, because of conflict of interest, cannot vote on a matter to be considered by said Board, resulting in less than a full complement of the Board and in some cases lack the quorum for the Board to conduct business. It is the purpose of this chapter to permit the Town Board to appoint an alternate member to each Board to attend such meetings and to vote in place of such absent or disqualified members.
- B. Section 26-2. Appointment.
  - A. The Town Board is hereby authorized to appoint, by resolution, one alternate member to the Planning Board and one alternate member to the Architectural Review Board. For so long as the Code provides that members of the Architectural Review Board consist of the members of the Planning Board, the alternate for these two boards shall be the same individual.
  - B. The Town Board is hereby authorized to appoint, by resolution, one alternate member to the Zoning Board of Appeals, who shall not be the same individual appointed to be an alternate for the Planning Board and Architectural Review Board.

- C. Section 26-3. Term. The alternate member of the Planning Board, Architectural Review Board and Zoning Board of Appeals, as set forth in Section 26-2, shall be appointed for a term of one calendar year, which term may be renewed by the Town Board annually and without limitation.
- D. Section 26-4. Duties and voting privileges.
- A. The alternate member of each Board shall be allowed to fully participate in all meetings and activities of said Board, as appointed members do, but cannot vote unless and until designated to do so by the Chairperson as set forth in subsection (C).
  - B. The alternate member of each Board will be expected to attend the scheduled Board meetings and be familiar with the applications before the Board, as appointed members are. Alternate members shall be treated the same as appointed Board members in all respects, except with respect to voting privileges as set forth in subsection (C).
  - C. The Chairperson of the Board may designate the alternate member to substitute for a member when such member is absent or unable to participate on an application or matter before the Board. The Chairperson may also designate the alternate member when a vacancy exists on the Board. When so designated, the alternate member shall have the same voting privileges as members of the Board. Such designation of voting privileges shall be entered into the minutes of the initial Board meeting at which the substitution is made.
  - D. All provisions of State law and local law relating to Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to the alternate member.

**SECTION 3.** Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

**SECTION 4.** Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF OSSINING