

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK  
LOCAL LAW NUMBER 3 OF 2010**

**APPOINTMENT OF, AND PROCEDURES RELATING TO, ALTERNATE  
MEMBERS TO THE TOWN OF LANSING PLANNING BOARD AND  
TOWN OF LANSING ZONING BOARD OF APPEALS**

**BE IT ENACTED** by the Town Board of the Town of Lansing as follows:

**SECTION 1: AUTHORITY AND SUPERSESSION** - This Local Law supersedes any prior Town of Lansing policy, local law, ordinance, or rule that is inconsistent herewith. This Local Law is enacted pursuant to the authority and power granted to the Town of Lansing under and pursuant to §§ 267(11) and 271(15) of the Town Law, § 10 of the Statute of Local Governments, § 10 of the Municipal Home Rule Law, and the New York State Constitution, at Article IX. To the extent inconsistent with said §§ 267(11) and 271(15) of the Town Law, this Local Law is intended to supersede, and does hereby supersede: (i) New York State Town Law § 271 (and other provisions of Article 16 inconsistent herewith) pertaining to Alternate Members of the Planning Board of the Town of Lansing, and the appointment, terms, functions, and powers of such Alternate Members; and (ii) New York State Town Law § 267 (and other provisions of Article 16 inconsistent herewith) pertaining to Alternate Members of the Zoning Board of Appeals of the Town of Lansing, and the appointment, terms, functions, and powers of such Alternate Members.

**SECTION 2: PURPOSES** - It is sometimes difficult to maintain a quorum on the Planning Board and the Zoning Board of Appeals because members are ill or upon extended vacation, or find they have a conflict of interest situation on a specific matter before such Board. In such instances, full participation by a full Board is impeded, and some times official business cannot be conducted, which may delay or impede adherence to required timelines. The use of Alternate Members in such instances is hereby authorized pursuant to the provisions of this Local Law. The Town Board of the Town of Lansing thus and hereby enacts this Local Law to provide a process for appointing Alternate Members of the Planning Board and Zoning Board of Appeals. These individuals would serve when Members are absent or unable to participate on an application or matter before the respective Board.

**SECTION 3: TERM, APPOINTMENT AND RE-APPOINTMENT** - Alternate Members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board for a term of one year in accordance with this Local Law. Prior to appointment, the Town Board shall refer the name of the proposed Alternate Member, together with any application materials provided by such candidate alternate, to the Planning Board or the Zoning Board of Appeals, respectively, for review and comment. No Alternate Member may be appointed to the Planning Board or the Zoning Board of Appeals for more than 7 terms.

**SECTION 4: DESIGNATION PROCEDURE FOR ALTERNATE MEMBERS -**

The Chairperson of the Planning Board or the Chairperson of the Zoning Board of Appeals may designate an Alternate Member to substitute for a Member when such Member is unable to participate upon an application or matter before such 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 Minutes of the Meeting at which the substitution is made.

**SECTION 5: ALTERNATE MEMBER REQUIREMENTS -**

All provisions of law relating to Planning Board or Zoning Board of Appeals Member eligibility, vacancies in office, removal, compatibility of offices and service on other boards, as well as any provisions of any law or procedure relating to training, continuing education, compensation, and attendance, shall also apply to Alternate Members.

**SECTION 6: PLANNING BOARD RULES AND REGULATIONS -**

Consistent with Town Law § 271(13), the Planning Board shall hereafter, and within 90 days of the effective date of this Local Law, recommend to the Town Board proposed procedural and allowable substantive rules and regulations relating to matters over which the Planning Board has jurisdiction. Thereafter, and within 90 days of submission thereof, the Town Board shall approve or disapprove of the same, with or without modifications.

**SECTION 7: PLANNING BOARD AND ZBA CHAIRPERSON**

**DESIGNATIONS -** The Planning Board and the Zoning Board of Appeals shall hereafter select from among their own Members (but not from among any Alternate Members) their own Chairpersons and Vice Chairpersons. On or before the date of the annual Organizational Meeting, the Planning Board and the Zoning Board of Appeals shall notify the Town Board as to the identity of their designated respective Chairpersons and Vice Chairpersons. In the event the Planning Board or the Zoning Board of Appeals ever shall fail to so designate a Chairperson or Vice Chairperson, the Town Board shall so appoint such offices after consultation with the respective Board.

**SECTION 8: SAVINGS -**

If any part or provision of this Local Law or the application thereof to any person or circumstances is adjudged invalid by any court or tribunal of competent jurisdiction such judgment or determination shall be confined in its operation to the part or provision or application directly involved in the controversy in which said judgment or determination shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Lansing hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**SECTION 9: EFFECTIVE DATE** - This Local Law shall take effect immediately. The Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State, as required by law.