

LOCAL LAW NO. [NO.] OF THE YEAR [YEAR]

A Local Law Amending and Superseding the Application of [General City/Village/Town] Law Section [No.] to Permit the Appointment of Alternate Members to the Planning Board of the [City/Village/Town] of [name of City/Village/Town]

BE IT ENACTED by the [City/Village/Town] Board of the [City/Village/Town] of [name of City/Village/Town] as follows:

Section 1 Authority

This Local Law is enacted pursuant to the authority of Chapter 365 of the Laws of 1976 which added a new subparagraph (3) to paragraph (d) of subdivision 1 of section 10 of the Municipal Home Rule Law authorizing [Cities/Villages/Towns] to adopt a local law which may amend or supersede any provision of the [General City/Village/Town] Law in relation to the property, affairs or government of the [City/Village/Town] or in relation to any of the other enumerated subject matters in such section 10, unless there is a state legislative restriction on such amendment or supersession.

Section 2 Purpose

In order to permit the Planning Board of the [City/Village/Town] of [name of City/Village/Town] to transact business in the event where absence or conflicts of interest preclude a full membership of seven (7) members from considering a particular matter, it is deemed advantageous by the [name of City/Village/Town] [City/Village/Town] Board to enact a local law superseding [General City Law section 27, Village Law section 7-718, Town Law section 261] to provide for the appointment of alternate members to the Planning Board

Section 3

Section [27 of the General City Law, 7-718 of the Village Law, 271 of the Town Law] is hereby amended and superseded in its application to the [City/Village/Town] of [name of City/Village/Town] by adding a new subparagraph 1A providing as follows:

- 1A The [City/Village/Town] Board of the [City/Village/Town] of [name of City/Village/Town] may, in any year it deems necessary, appoint temporary alternate members to the Planning Board to serve as provided in this section. The number of temporary members so appointed pursuant to this section in any year shall not exceed three (3). Such temporary members shall be appointed for one year terms of office. The chairperson of the Planning Board shall assign such temporary members as necessary

when absence of regular members of said Board or the conflict of interest of regular members of said Board would otherwise prevent seven (7) members of said Board from considering any pending matter but no more than two temporary members shall sit in determination of any pending matter. Such temporary members shall be designated on a rotating basis in the manner provided in the general governing rules of the Planning Board such that each temporary member shall be afforded an equal opportunity to serve. Once designated to serve on a particular matter before the Board, the temporary member shall have the same powers and duties as regular members of the Board until the matter is concluded. Any determination of said Board consisting of temporary members shall have the same weight and be entitled to the same authority as the act or deed of the regular Planning Board and all laws, statutes and regulations shall apply and be applied with equal force and effect. Such temporary members appointed pursuant to this section shall be paid for their respective services as fixed by resolution of the [City/Village/Town] Board.

#### Section 4

If any part or provision of this Local Law or the application thereof to any person or circumstances adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment 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 [City/Village/Town] Board of the [City/ Village/Town] of [name of City/Village/Town] hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

#### Section 5

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

#### Section 6

This Local Law shall take effect immediately.