

## Chapter 30

### PLANNING BOARD AND BOARD OF ZONING APPEALS

#### ARTICLE I Alternate Members

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[HISTORY: Adopted by the Board of Trustees of the Village of Lansing: Art. I, 1-23-1990 as L.L. No. 2-1990. Amendments noted where applicable.]

#### GENERAL REFERENCES

Subdivision of land—See Ch. 125.

Zoning—See Ch. 145.

#### ARTICLE I Alternate Members [Adopted 1-23-1990 as L.L. No. 2-1990]

##### § 30-1. Title.

This Article shall be known as the “Village of Lansing Planning Board and Board of Zoning Appeals Alternate Member Law”.

##### § 30-2. Purpose and intent.

- A. This Article provides for the appointment of alternate members to the Village of Lansing Planning Board and Board of Zoning Appeals.
- B. The Village of Lansing, Tompkins County, New York, finds that members of its Planning Board and Board of Zoning Appeals are occasionally absent from the community for extended periods of time or otherwise unable to participate in the activities of their respective Boards. The Village of Lansing further finds that such temporary absences may limit the ability of the Planning Board and/or the Board of Zoning Appeals to obtain quorums and conduct business in their usual manner.
- C. In order to balance Board efficiency with the realities of a small community whose residents (including Board members) occasionally travel to distant places for extended periods or are otherwise unable to participate in Board activities, the Village of Lansing hereby finds it in the public interest to enact a local law establishing the positions of alternate member to the Village Planning Board and Village Board of Zoning Appeals.

- D. The Village of Lansing adopts the terms and provisions of this Article as its solution to Board absences in the belief that it will preserve for the benefit of the community the expertise of experienced Board members while at the same time provide continuity in the affairs of the Village Planning Board and Board of Zoning Appeals.

**§ 30-3. Authority.**

This Article is enacted pursuant to the grant of power to villages to adopt zoning regulations and to establish and structure local positions and departments as set forth in § 10, Subdivision 1(ii)(a)(1), (12) and (14) of the Municipal Home Rule Law.

**§ 30-4. Definitions. [Amended 12-18-1995 by L.L. No. 8-1995]**

Unless otherwise expressly stated, or the context otherwise requires, whenever used in this Article, the following words shall have the following meanings:

*Acting member*—An alternate member who has been designated by the Chairperson of the Planning Board or Zoning Board of Appeals, as the case may be, as having the power and authority to substitute for and vote in place of a regular member who is absent or unable to serve.

*Alternate member*—An additional member of the Planning Board or Board of Zoning Appeals who is appointed by the Village Board for a term of one (1) year for the purpose of substituting for absent regular members.

*Board* – Either the Planning Board or the Board of Zoning Appeals, as the case may be, with reference to the designation of the alternate member for such Board to serve as an acting member of such Board.

*Board of Zoning Appeals*—The Village of Lansing Board of Zoning Appeals.

*Planning Board*—The Village of Lansing Planning Board.

*Regular member*—One of the five (5) members of either the Planning Board or Board of Zoning Appeals who has been appointed by the Village Board for a term of five (5) years or for the remaining unexpired portion of a five-year term.

*Village Board*—The Village of Lansing Board of Trustees.

**§ 30-5. Appointment of alternate member and acting member. [Amended 12-18-1995 by L.L. No. 8-1995]**

- A. Appointment by the Village Board of an alternate member shall be for a term of one (1) year. At the expiration of such one-year term, the Village Board may reappoint the same alternate member, appoint a new alternate member or leave the position vacant if it so desires. The position of alternate member shall survive vacancies, and the Village Board reserves the right to make an appointment on each anniversary of the first appointment, or at any other times as a vacancy may occur; provided, however, that if a vacancy shall occur otherwise than by expiration of term, any appointment to fill such vacancy shall be for the unexpired term only.
- B. No person who is a present member of the Village Board shall be eligible for appointment as alternate member to the Board of Zoning Appeals.
- C. Any official of the Village appointed as alternate member to the Planning Board shall not, by reason of such designation, forfeit his or her right to exercise the powers, perform the duties or receive the compensation of the municipal office held by such individual during the period of time such individual serves as alternate member of the Planning Board.
- D. The Village Board shall have the power to remove any alternate member for cause and after public

hearing.

- E. An alternate member, once appointed, may participate in all affairs of the Board to which such individual has been appointed during his or her one-year term. However, an alternate member shall not vote on any matter unless and until
  - (1) In the case of the Planning Board, a regular member is absent or otherwise unable to serve, and the Planning Board Chairperson has designated the alternate member to serve as an acting member; and
  - (2) In the case of the Board of Zoning Appeals, a regular member is absent or otherwise unable to serve, and the Board of Zoning Appeals' Chairman has designated the alternate member to serve as an acting member.
- F. Provided that all other requirements of this Local Law are satisfied, the Board Chairperson's designation of an alternate member to serve as an acting member may be made for a particular meeting or meetings, or for a specified period to time, but in no event beyond the duration of the alternate member's appointment as an alternate member. The Board Chairperson's designation of an alternate member to serve as an acting member shall be made only when the regular Board member in whose place the alternate member shall act is absent or otherwise unable to serve, for example as a result of a conflict of interest.
- G. Upon the return of an absent regular member, or the resumption of a regular member's ability to serve, the acting member, unless otherwise directed by the Village Board, shall automatically resume his or her status as an alternate member and shall no longer be allowed to vote on Board affairs. However, the alternate member shall remain eligible to substitute in the future for the same or other regular members, subject to the same requirements of eligibility set forth in this Article, including redesignation as an acting member by the Board Chairperson.

### **§ 30-6. Effect on statutory provisions.**

To the extent provided above and consistent with the foregoing terms and provisions, this Article is intended pursuant to § 22, Subdivision 1, of the Municipal Home Rule Law to amend and supersede any terms and provisions inconsistent herewith contained in Article 7 of the Village Law (Chapter 892, Laws of 1972), as amended, including but not limited to § 7-712 and § 7-718 of said Village Law.