

TOWN OF BLOOMING GROVE

**A LOCAL LAW TO AMEND CHAPTER 36 (PLANNING BOARD) AND CHAPTER 235
(ZONING) OF THE TOWN CODE ESTABLISHING ALTERNATE MEMBERS TO
PLANNING AND ZONING BOARDS**

BE IT ENACTED by the Town Board of the Town of Blooming Grove, Orange County, New York ("Town Board") as follows:

Section 1. Authority.

The adoption of this Local Law is in accordance with Municipal Home Rule Law § 10.

Section 2. Legislative intent and Purpose.

It is the intention of the Town Board of the Town of Blooming Grove by the adoption of this chapter to establish the rules and regulations for appointing alternate members of the Planning Board and Zoning Boards of the Town consistent with the provisions of New York State Town Law, for the purpose of avoiding potential conflicts of interest by board members.

Section 3. Amendment to Chapter 36.

Chapter 36 of the Town Code (Planning Board) is hereby amended as follows:

§ 36-4. Alternate members.

a. The Town Board may appoint one (1) alternate member of the planning board by resolution. The appointed member shall serve as an alternate member of the planning board for a term of a period of two (2) years.

b. The chairperson of the planning board may designate the alternate member to substitute for a regular member of the planning board when such regular member is unable to participate due to a conflict of interest on an application or a matter before the board or when a regular member is absent or unable to attend a meeting. When designated, the alternate member shall possess all the powers and responsibilities of such regular member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.

c. All provisions of this section relating to planning 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 alternate members.

Section 4. Amendment to Chapter 235.

Chapter 235, Article XVII, Section 88 of the Town Code (Zoning) is hereby amended as follows:

§ 235-88. Creation, appointment and organization; training and education.

c. Alternate board members. The Town Board may appoint one (1) alternate member of the zoning board of appeals by resolution. The appointed member shall serve as an alternate member of the zoning board of appeals for a period of two (2) years.

d. The chairperson of the zoning board of appeals may designate the alternate member to substitute for a regular member of the zoning board of appeals when such regular member is unable to participate due to a conflict of interest on an application or a matter before the board or when a regular member is absent or unable to attend a meeting. When designated, the alternate member shall possess all the powers and responsibilities of such regular member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.

e. All provisions of this section relating to zoning board of appeals member training and continuing education, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.

Section 5. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5(26) and (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 7. Code Preparation

The Town's Code preparation contractor is authorized, without further action of the Town Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

Section 8. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State.