

Chapter 33

PLANNING BOARD

§ 33-1. Establishment; composition.

§ 33-2. Membership.

§ 33-3. Alternate members.

[HISTORY: Adopted by the Town Board of the Town of New Lebanon at time of adoption of Code (see Ch. 1, General Provisions, Art. I.). Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 179.

Zoning — See Ch. 205.

§ 33-1. Establishment; composition.

There is hereby created a seven-member Planning Board to take effect upon the adoption of this chapter.

§ 33-2. Membership.

The Town Board by resolution shall reappoint, effective on the date of adoption of this chapter, the current members of the Planning Board, redesignate the Chairperson of the Planning Board, and redesignate the existing terms of the current members of the Planning Board.

§ 33-3. Alternate members.

Two positions of alternate planning board member are hereby established. The terms of appointment of alternate planning board members shall be three (3) years, except that the initial term of appointment of each position of alternate planning board member following enactment of this Section 33-3 shall expire on December 31, 2027. The powers and duties of alternate planning board members shall be as follows:

- A. All provisions of state and local laws relating to Planning Board eligibility, appointment, vacancy in office, removal, compatibility of office and service on other boards, training and education, compensation, and attendance shall apply to alternate planning board members. For instance, and without limitation, alternate planning board members shall comply with Chapter 7 of the Town Code of the Town of New Lebanon, as may be amended from time to time, relating to meeting attendance and training, and N.Y. Town Law § 271 (7), as may be amended from time to time, relating to training.
- B. Alternate planning board members shall be provided copies of all documents and materials that relate to planning board business as and when such documents and materials are provided to planning board members, without regard to whether or not such alternate planning board members have been designated to substitute for planning board members. Alternate planning board members shall attend and observe Planning Board meetings, and shall be responsible for being knowledgeable and familiar with all matters pending before Planning Board, without regard to whether or not such alternate planning board members have been designated to substitute for planning board members.
- C. The Chair of the Planning Board may designate an alternate planning board member to substitute

for a planning board member in either of the following events:

- (1) The planning board member is unable to participate or act on one or more matters pending before the Planning Board due to recusal, disqualification, or circumstances reasonably likely to result in an extended absence from Planning Board meetings; or
- (2) The planning board member is absent from a meeting at which the Planning Board intends to vote on any matter set forth in subparagraphs (a) through (f), below, with respect to an application, and the applicant has granted consent to such substitution and designation:
 - (a) A determination of significance pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;
 - (b) Adoption of a final written scope pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;
 - (c) Adoption or acceptance of a draft environmental impact statement pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;
 - (d) Adoption or acceptance of a final environmental impact statement pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder;
 - (e) Adoption of a written findings statement pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder; or
 - (f) Approval, approval with modifications or conditions, or disapproval of the application.

Upon designation and substitution, such alternate planning board member shall possess all powers and responsibilities of a planning board member for such matter(s), including the power and responsibility to participate and to vote. Such designation and substitution shall be effective for the remainder of the pendency of such matter or matters before the Planning Board. Whenever an alternate planning board member is designated to substitute for a planning board member, the fact of such designation and substitution, the reason for such designation and substitution, and itemization of the matter or matter(s) to which the designation and substitution shall apply, shall be entered into the minutes of the meeting at which the designation and substitution are made.