

Chapter 38
PLANNING BOARD AND ZONING BOARD ALTERNATES

§ 38-1. Short title and applicability.

§ 38-2. Declaration of policy.

§ 38-3. Definitions.

§ 38-4. Authorization; appointment; term; powers and duties.

[HISTORY: Adopted by the Town Board of the Town of Rochester 12-2-1999 by L.L. No. 5-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 34.
Planning Board — See Ch. 37.

Zoning — See Ch. 140.

§ 38-1. Short title and applicability.

The title of this chapter is “Alternate Planning Board and Zoning Board of Appeals Members Act.” This chapter shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and the Zoning Board of Appeals in the Town of Rochester.

§ 38-2. Declaration of policy.

It is sometimes difficult to maintain a quorum on the Planning Board and Zoning Board of Appeals because members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such Board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this chapter.

§ 38-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALTERNATE MEMBER — An individual appointed by the Town Board to serve on the town’s Planning Board or Zoning Board of Appeals when a regular member is absent or unable to participate on an application or matter before the respective Board as provided herein.

PLANNING BOARD — The Planning Board of the Town of Rochester as established by the Town Board by local law or ordinance, pursuant to the provisions of § 271 of the Town Law.

REGULAR MEMBER — An individual appointed by the Town Board to serve on the town's Planning Board or Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Planning Board or Zoning Board of Appeals.

ZONING BOARD OF APPEALS — The Zoning Board of Appeals of the Town of Rochester as established by the Town Board by local law or ordinance, pursuant to the provisions of § 267 of the Town Law.

§ 38-4. Authorization; appointment; term; powers and duties.

- A. The Town Board of the Town of Rochester hereby enacts this chapter to provide a process for appointing one alternate member to the Planning Board and one alternate member to the Zoning Boards of Appeals. The alternate member would serve when regular members are absent or unable to participate on an application or matter before the respective Board.
- B. Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board, or other duly authorized appointing authority, for a term of two year(s).
- C. Alternate members shall be required to comply with the training requirements as set forth in § 34-3B of this Code as a condition of appointment.
- D. The Chairperson of the Planning Board and the Zoning Board of Appeals may designate the alternate member to substitute for a regular member for any application, matter or period of time such member is absent or unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers of a regular member of the Board. Such designation shall be entered into the minutes of the initial Planning Board or Zoning Board of Appeals meeting at which the substitution is made.
- E. Any decision or determination of the Planning Board or the Zoning Board of Appeals which includes the vote of the alternate Planning Board or Zoning Board of Appeals member shall have equal force and effect as determinations made solely by a vote of the regular members of said Planning Board or Zoning Board of Appeals.