

LOCAL LAW NO. 1 OF 2014

A LOCAL LAW TO AMEND CHAPTERS 34 and 51 OF
THE CODE OF SARATOGA SPRINGS, NEW YORK

BE IT ENACTED by the City Council of the City of Saratoga Springs, NY, as follows:

SECTION 1. Subsection (E) of Section 34-1 of Chapter 34 of the Code of the City of Saratoga Springs, entitled “Planning Board – Establishment; Appointment; vacancies; removal; terms” is amended to read (new material underlined; old material in brackets):

[E. The mayor shall appoint two alternate members to serve in the place of board members who are unable to attend a meeting due to recusal or absence. The chairperson of the planning board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest or scheduled absence. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made. When so designated, the alternate members shall possess all the powers and responsibilities of such member of the board. All provisions of law relating to board member training and continuing education, eligibility, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members. The term of each alternate member shall be two years and members shall serve on a rotating basis. Initial terms may be for lesser years so as to effectuate a staggered sequencing of member terms. An alternate member whose term has expired may serve until replaced. These provisions are specifically intended to supersede the provisions of New York General City Law Section 27 (16) which restricts substitution of alternate members of city planning boards to instances of conflict of interest.]

E. The City wishes to promote and facilitate participation in land use decision making by the full membership of the Planning Board to the maximum extent possible. The Mayor shall appoint two Alternate Members to the Board to serve in place and stead of Board Members who are unable to attend a meeting due to recusal or absence. The term of each alternate member shall be two years commencing on January 1st of the first year of appointment and ending on December 31 of the second year. One of the initial terms shall be for one year so as to effectuate a staggered sequencing of Member terms. After initial appointments, one (1) Member shall be appointed each year. An Alternate Member

whose term has expired may serve until replaced. In the event of any Alternate Member position vacancy as a result of resignation, change of residency, or removal, a new Alternate Member shall be appointed to serve the remainder of the Alternate Member term. The Chairperson of the Planning Board may designate an Alternate Member to substitute for any Member who is unable to participate due to recusal or absence. Such designation shall be entered into the minutes of the initial Board meeting at which the substitution is made. When so designated, the Alternate Member(s) shall possess all the powers and responsibilities of such Member of the Board. All provisions of law relating to Board Member training and continuing education, eligibility, vacancy in office, removal, compatibility of office and service on other Boards shall also apply to Alternate Members. These provisions are specifically intended to supersede the provisions of New York General City Law Section 27 (16) which limits substitution of Alternate Members of City Planning Boards only to instances of conflict of interest.

SECTION 2. Subsection (F) of Section 51-1 of Chapter 51 of the Code of the City of Saratoga Springs, entitled “Zoning Board of Appeals – Establishment; appointment; vacancies; removal; terms” is amended to read (new material underlined; old material in brackets);

[F. The mayor shall appoint two alternate members to serve in the place of board members who are unable to attend a meeting due to recusal or absence. The chairperson of the zoning board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest or scheduled absence. Such designation shall be entered into the minutes of the initial zoning board meeting at which the substitution is made. When so designated, the alternate members shall possess all the powers and responsibilities of such member of the board. All provisions of law relating to board member training and continuing education, eligibility, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members. The term of each alternate member shall be two years and members shall serve on a rotating basis. Initial terms may be for lesser years so as to effectuate a staggered sequencing of member terms. An alternate member whose term has expired may serve until replaced. These provisions are specifically intended to supersede the provisions of New York General City Law Section 81(11) which restricts substitution of alternate members of city zoning boards of appeals to instances of conflicts of interest.]

F. The City wishes to promote and facilitate participation in land use decision making by the full membership of the Zoning Board of Appeals to the maximum extent possible. The Mayor shall appoint two Alternate Members to the Board to serve in place and stead of Board Members who are unable to attend a meeting due to recusal or absence. The term of each Alternate Member shall be two years commencing on January 1st of the first year of appointment and ending on December 31st of the second year. One of the initial terms shall be for one year so as to effectuate a staggered sequencing of Member. After initial appointments, one (1) member shall be appointed each year. An Alternate Member whose term has expired may serve until replaced. In the event of any Alternate Member position vacancy as a result of resignation, change of residency, or removal, a new Alternate Member shall be appointed to serve the remainder of the Alternate Member term. The Chairperson of the Zoning Board of Appeals may designate an Alternate Member to substitute for any Member who is unable to participate due to recusal or absence. Such designation shall be entered into the minutes of the initial Board meeting at which the substitution is made. When so designated, the Alternate Member(s) shall possess all the powers and responsibilities of such Member of the Board. All provisions of law relating to Board Member training and continuing education, eligibility, vacancy in office, removal, compatibility of office and service on other Boards shall also apply to Alternate Members. These provisions are specifically intended to supersede the provisions of New York General City Law Section 81(11) which limits substitution of Alternate Members of City Zoning Boards of Appeals only in instances of conflicts of interest.

SECTION 4. This Local Law shall take effect immediately upon filing in the office of The Secretary of State of The State of New York, in accordance with Section 27 of the Municipal Home Rule Law.

ADOPTED: