

**Topic:** Local Boards; Zoning  
**Resource Type:** Regulations  
**State:** New York  
**Jurisdiction Type:** Municipal  
**Municipality:** Town of Malta  
**Year (adopted, written, etc.):** 2000  
**Community Type - applicable to:** Suburban; Rural  
**Title:** Town of Malta Planning Board & Zoning Board of Appeals Ordinance  
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### ***Abstract***

This chapter of the Town Code of the town of Malta applies to the appointment, terms, functions and powers of alternate members to those appointed to serve on the Planning Board/Zoning Board of Appeals in the Town. The use of such alternate members to fill in for those that are absent is authorized pursuant to the provisions of the chapter.

### ***Resource***

Town of Malta NY Alternate Members: Planning Board and ZBA  
Code of the town of Malta NY  
Chapter 2: Alternate Members: Planning board and Zoning Board of Appeals  
Note supersession clause  
General Code  
[HISTORY: Adopted by the Town Board of the Town of Malta 4-3-2000 by L.L. No. 2-2000. Amendments noted where applicable.]

§ 2-1. Short title and applicability.

- A. This chapter shall be known and may be cited as the "Alternate Planning Board and Zoning Board of Appeals Members Act."
- B. This chapter shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board/Zoning Board of Appeals in the Town of Malta.

§ 2-2. Declaration of policy.

It is sometimes difficult to maintain a quorum on the Planning Board/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.

### § 2-3. 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 of Malta Planning Board or the Town of Malta Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the respective Board, as provided herein.

**MEMBER** — An individual appointed by the Town Board to serve on the Town of Malta Planning Board or the Town of Malta Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Planning Board and Zoning Board of Appeals.

**PLANNING BOARD** — The Planning Board of the Town of Malta as established by the Town Board by local law or ordinance, pursuant to the provisions of § 271 of the Town Law/§ 239-c of the General Municipal Law.

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

### § 2-4. Authorization; term of office; designation.

- A. The Town Board of the Town of Malta hereby enacts this chapter to provide a process for appointing alternate members of the Planning Board and Zoning Board of Appeals. These individuals would serve when 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 years.
- C. The chairperson of the Planning Board or Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before said board. When so designated, the alternate member shall possess all the powers and responsibilities of such 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.

- D. All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law or local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

§ 2-5. Supersession of Town Law.

This chapter is hereby adopted pursuant to the provision of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to § 10 of the New York State Municipal Home Rule Law, to supersede the provisions of:

- A. Section 271 of the Town Law/§ 239-c of the General Municipal Law relating to the appointment of members to the Town Planning Board; and/or
- B. Section 267 of the Town Law relating to the appointment of members to the Town Zoning Board of Appeals.