

**To: Kevin Stuessi, Mayor, Village of Greenport Board of Trustees
Patrick Brennan, Deputy Mayor, Village of Greenport Board of Trustees
Lily Dougherty-Johnson, Trustee, Village of Greenport Board of Trustees
Mary Bess Phillips, Trustee, Village of Greenport Board of Trustees
Julia Robins, Trustee, Village of Greenport Board of Trustees**

Date: January 15, 2026

**Re: Planning Board Referral Report on Proposed Amendments to Chapter 150 in
respect of Sections 150-41 and 150-44**

I. Introduction

Pursuant to Section 150-32 of the Village of Greenport Code (“Village Code”), the Board of Trustees referred to the Planning Board proposed amendments to Sections 150-41 and 150-44 of Chapter 150 of the Village Code relating to the term of service of alternate members of the Planning Board and Zoning Board of Appeals.

The Planning Board reviewed and discussed the proposed amendments at a duly noticed public meeting and submits the following report for the consideration of the Board of Trustees.

II. Existing Statutory Framework

Under New York State Village Law (“Village Law”) both the Planning Board and the Zoning Board of Appeals are composed of five members, each appointed to five-year staggered terms.

Village Law also authorizes the appointment of up to two alternate members to each board. Absent a Municipal Home Rule superseding local law, Village Law provides that:

- Alternate members are appointed in the same manner as regular members;
- Alternate members serve five-year terms, subject to initial staggering;
- Alternate members are full members of the board when designated;
- Alternate members may be designated to participate only when a regular member is unable to participate due to a conflict of interest; and
- Alternate members may not be designated solely due to absence, vacancy, or other unavailability of a regular member.

III. Proposed Amendment

The proposed amendment proposes to adopt a local law superseding certain provisions of Village Law solely with respect to the length of the term of service for alternate members of the Planning Board and Zoning Board of Appeals.

Specifically, the proposed amendment would reduce the term of service for alternate members from five years to one year.

The proposed amendment does not appear to propose to supersede the Village Law provisions governing the circumstances under which alternate members may be designated to participate.

The stated purpose of the proposed amendment is to expand the pool of Village residents willing to serve as alternate members.

IV. Planning Board Discussion and Observations

The Planning Board discussed the proposed amendment and offers the following observations:

1. Supersession Drafting Requirements

Because the proposed amendment would supersede provisions of New York State Village Law, the Planning Board noted that any adopted local law should include an express and statute-specific statement of supersession, consistent with the requirements of the Municipal Home Rule Law § 10(1)(ii)(d)(3).

At a minimum, the Planning Board suggests inclusion of language substantially similar to the following:

“This local law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(ii)(d)(3) and is intended to supersede Village Law § 7-718(16) and Village Law § 7-712(1) solely with respect to the length of the term of office of alternate members of the Planning Board and Zoning Board of Appeals, to the extent those provisions are inconsistent herewith.”

The Planning Board further noted that the local law should clearly describe what Village Law currently provides and what specific change is being enacted, given that courts construe superseding local laws narrowly.

2. Term Length and Training Considerations

The Planning Board discussed the proposed reduction of alternate-member terms from five years to one year and noted that alternate members are subject to training requirements and must develop familiarity with board procedures, legal standards, and local land use issues.

While not the primary concern, the Planning Board suggests that the Board of Trustees consider whether a two-year term, rather than a one-year term, may better balance flexibility with the practical realities of training and board operations. A slightly longer term may increase the likelihood that an alternate member is able to become sufficiently prepared and meaningfully contribute if and when designated to participate.

3. Internal Consistency and Likelihood of Participation

The Planning Board identified a more significant concern relating to the internal consistency of the proposed amendment.

The Planning Board noted that simply reducing the term of service for alternate members to one year, without expanding the circumstances under which alternates may participate, may not meaningfully advance the stated objective of increasing resident participation.

In the Village of Greenport, the likelihood that a Planning Board or Zoning Board of Appeals member will have a conflict of interest requiring recusal is relatively low, given the Village's small geographic size and limited number of applications involving board members. By contrast, member absences due to scheduling conflicts, illness, or other routine reasons occur with greater frequency.

As a result, an alternate member serving a one-year term may have little or no opportunity to participate at all, which may reduce, rather than enhance, the incentive for residents to volunteer for such positions.

The Planning Board therefore questioned whether a change limited solely to term length, without addressing participation authority, provides a sufficient practical reason for residents to serve as alternates.

4. Consideration of Expanded Participation Authority

The Planning Board discussed whether, if the Village elects to supersede Village Law with respect to the term of service of alternate members, it may also be appropriate to consider superseding the statutory limitation that restricts alternates to participation only in cases of conflict of interest.

The Planning Board noted that other New York municipalities have adopted superseding local laws permitting alternate members to participate in circumstances where a regular member is unable to participate for any reason, including absence or vacancy, particularly where necessary to maintain a quorum or ensure continuity.

The Planning Board observed that such an approach may more directly address the Village's operational realities and better align with the stated goal of encouraging broader participation.

V. Recommendation

The Planning Board does not oppose the Board of Trustees' consideration of a local law modifying the term of service of alternate members. However, the Planning Board respectfully recommends that the Board of Trustees:

1. Ensure that any adopted local law includes explicit, statute-specific supersession language, clearly identifying the provisions of Village Law being superseded;
2. Consider whether a two-year term, rather than a one-year term, would better account for training requirements and continuity; and
3. Evaluate whether modifying the term of service for alternate members without expanding the circumstances under which alternates may participate meaningfully advances the

stated policy objective, particularly in light of the Village's limited conflict-of-interest scenarios and more frequent member absences.

VI. Conclusion

The Planning Board submits this report for the consideration of the Board of Trustees and remains available to provide any additional information or clarification that may be helpful.

Respectfully submitted,

Tricia Hammes
Chair, Village of Greenport Planning Board
On behalf of the Planning Board

cc: Shawn Buchanan, Member, Village of Greenport Planning Board
Daniel Creedon, Member, Village of Greenport Planning Board
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Jared Kassachau, Harris Beach Murtha, as Village of Greenport Attorney
Candace Hall, Clerk, Village of Greenport
Michael Noone, Clerk to the Village of Greenport Planning Board
John Saladino, Chairperson, Village of Greenport Zoning Board of Appeals
Diana Gordon, Chairperson, Village of Greenport Housing Committee and Member, Greenport Zoning Board of Appeals
Seth Kaufman, Member, Village of Greenport Zoning Board of Appeals
David Nyce, Member, Village of Greenport Zoning Board of Appeals
Jack Reardon, Member, Village of Greenport Zoning Board of Appeals