



# TOWN OF AMENIA TOWN BOARD

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## **TOWN OF AMENIA** **Local Law No. \_\_\_\_ of 2025**

A Local Law entitled “Local Law No. \_\_\_\_ of the Year 2025, Repealing Chapter 24. Planning Board and Zoning Board of Appeals, in its Entirety and Creating a New Chapter 24. Planning Board”.

**BE IT ENACTED** by the Town Board of the Town of Amenia, County of Dutchess as follows:

### **Section-I: TITLE.**

This Local Law shall be known and cited as Town of Amenia Local Law No. \_\_\_\_ of 2025 entitled “Local Law No. \_\_\_\_ of the Year 2025, Repealing Chapter 24. Planning Board and Zoning Board of Appeals, in its Entirety and Creating a New Chapter 24. Planning Board”.

### **Section-II: LEGISLATIVE INTENT.**

The Town Board of the Town of Amenia hereby enacts this Local Law with the intent to repeal Chapter 24. Planning Board and Zoning Board of Appeals, in its entirety and create a new Chapter 24. Planning Board, for the purpose of restructuring the Code so as not to have redundancies and to codify the existing Planning Board and add provisions for the establishment of Alternate Members to the Planning Board.

### **Section-III: CREATION OF NEW CHAPTER 24. PLANNING BOARD.**

Chapter 24. Planning Board and Zoning Board of Appeals shall be repealed in its entirety and a new Chapter 24. Planning Board shall be created to reads as follows:

#### **“Chapter 24. Planning Board**

##### **§ 24-1. Establishment of Planning Board.**

- A. There shall be a Town Planning Board appointed by the Town Board, which shall consist of seven members to serve for successive years with their terms to commence

and to end as set forth by the Town Board at the time of the appointment of such members.

- B. No person who is a member of the Town Board shall be eligible for membership on such Planning Board.
- C. The provisions of this section are determined to be consistent with Town Law. In the event that any provision hereof is held to be inconsistent by any court of competent jurisdiction, this Chapter shall supersede such provision of Town Law, including, but not limited to Town Law § 271.

#### § 24-2. Term of office.

The Town Board shall appoint each of the seven members of the Planning Board for a term of seven years. All appointments made after the effective date of this section shall be for a seven-year term, except as follows:

- A. Planning Board members in office on the effective date of this section shall continue to hold office until the expiration of their current term, unless removed for cause after public hearing as provided by law.
- B. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall fill such vacancy by an appointment for the unexpired term remaining. If such a vacancy occurs during the term of a person holding office on the effective date of this section, such remaining term may be longer than seven years.

#### § 24-3. Election of officers.

Upon failure of the Town Board to appoint a Chairperson, the members of the Planning Board are to elect a Chairperson.

#### § 24-4. Employment of staff and experts.

- A. The Town Board is authorized and empowered to make such appropriation as it may see fit for Planning Board expenses.
- B. The Planning Board shall have the power and authority to employ experts and staff and to pay for their services and to provide for such other expenses as may be necessary and proper, not exceeding the appropriations that may be made by the Town Board for the Planning Board.

#### § 24-5. Adoption of procedural regulations.

The Planning Board may adopt rules and regulations in respect to procedures before it and in respect to any subject matter over which it has jurisdiction under this Chapter or any statute after public hearing by such Board and subject to the approval of the Town Board.

§ 24-6. Powers and duties.

A. The Planning Board shall hear and exercise the following powers and duties:

- (1) To prepare and change a land use map for the development of the entire area of the Town of Amenia and to make investigations, maps, reports and recommendations relative to the planning of the Town and its future growth and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. The Planning Board may review and make recommendations on a proposed Comprehensive Plan or amendment thereto.
- (2) To approve all plats showing any streets or highways within the Town of Amenia.
- (3) To approve or disapprove changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's office.
- (4) To approve or disapprove the laying out of, closing off or abandonment of such streets, highways or public areas under and subject to the provisions of the Town and Highway laws.

B. The Planning Board shall also exercise all other powers conferred upon it by the provisions of Town Law and shall pass upon all matters which may be referred to it from time to time by resolution of the Town Board. It shall conduct hearings and perform its duties in accordance with such procedures as provided under Town Law and acts amendatory thereof.

§ 24-7. Filing of certificate with County Clerk.

The Town Clerk of the Town of Amenia shall file with the Clerk of the County of Dutchess a Certificate, certifying that the Planning Board of the Town of Amenia has been authorized to approve plats showing new streets or highways in accordance with the provisions of § 276, as amended, of the Town Law.

§ 24-8. Appointment and designation of alternate voting members.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**ALTERNATE VOTING MEMBER**

An individual appointed by the Town Board to serve as a Planning Board member, with respect to one or more particular applications or matters, upon the designation of the Chair or Acting Chair of the Planning Board, when a regular Planning Board member is unable to participate or vote on an application or matter before the Board because such regular Planning Board member has determined that recusal is appropriate based upon a conflict of

interest or to avoid even an appearance of impropriety; or is absent from a meeting, whether by reason of illness, vacation, seasonal or temporary relocation, work assignment, or other cause.

**PLANNING BOARD or BOARD**

The Planning Board of the Town of Amenia as established by the Town Board, pursuant to the provisions of § 271 of the Town Law.

**REGULAR PLANNING BOARD MEMBER or PLANNING BOARD MEMBER**

An individual appointed by the Town Board to serve on the Planning Board pursuant to the provisions of § 271 of the Town Law and § 24-2 of the Town of Amenia Code.

- B. The Town Board may appoint one or more alternate voting members of the Planning Board. Each such alternate voting member shall serve for a term established by the Town Board.
- C. All provisions of New York State law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office, and service on other boards, and any provisions of any local laws relating to training, continuing education, compensation and attendance, shall also apply to alternate voting members. Upon appointing an alternate voting member, the Town Board shall review the background of any appointee and may, in its discretion, require that such appointee complete specified training prior to any designation to serve as an alternate voting member, or within a specified time thereafter.
- D. The Planning Board Chair, or acting Chair, shall designate an alternate voting member to serve in the place of a regular Planning Board member in the following circumstances, and for the following periods:
  - (1) When a regular Planning Board member has recused himself or herself with respect to a matter, constituting one or more particular applications before the Board, the Planning Board Chair, or acting Chair, shall designate an alternate voting member to serve in such regular member's place throughout the entire remaining period of the Planning Board's review, consideration, and voting, until the matter is concluded.
  - (2) When a regular Planning Board member is absent from a meeting, whether by reason of illness, vacation, seasonal or temporary relocation, work assignment, or other cause, the Planning Board Chair, or acting Chair, shall designate an alternate voting member to serve in the place of such regular Planning Board member until the regular Planning Board member returns to service on the Board.
- E. The Planning Board Chair or Acting Chair shall designate alternate voting members to serve as needed. In situations where there is more than one eligible alternate voting

- member, the designation shall take place by lot. At the time of designation of an alternate voting member, the Chair, or acting Chair, shall specify the name of any application or matter for which the designated alternate voting member will serve. The Clerk of the Planning Board shall enter the designation of any alternate voting member or members into the minutes of the meeting at which the designation is made. Where an alternate voting member is designated to serve in the event of an absence under Subsection D(2), the Chair, or Acting Chair, may simply state that the alternate voting member is designated to sit on all matters on the agenda for the meeting, rather than naming each matter individually.
- F. Upon appointment by the Town Board, any alternate voting member shall attend the regular and special Planning Board meetings, on the same basis as regular members, but shall participate in discussion, deliberation and voting on the Planning Board only upon being designated by the Planning Board Chair or Acting Chair to serve, as set forth in Subsection E. Upon designation by the Chair or Acting Chair, the alternate voting member shall possess all the powers and responsibilities of a regular Planning Board member for the period of time for which such alternate voting member serves, with respect to any application or matter for which such alternate voting member has been designated.
- G. Prior to deliberating or voting on a matter wherein the alternative voting member has not been present for all of the Planning Board meetings or hearings relating to such matter, the alternate voting member shall become familiar with the Planning Board's records relating to same, including the application, the environmental documents, and any other documents in the Planning Board files, such as minutes of meetings and hearings. Prior to voting on any such matter or application, the alternate voting member shall set forth on the record the manner in which such member has become familiar with the record before the Board.
- H. This section shall not be deemed to require the appointment of alternate voting members by the Town Board, nor shall it be deemed to impair or restrict the authority of the Town Board to remove members of the Planning Board for cause.
- I. It is the intention of this section that Planning Board members will recuse themselves at the earliest possible time when a conflict of interest or appearance of impropriety has arisen, and that the Planning Board Chair or Acting Chair will thereupon immediately notify the Town Board and designate an alternate voting member at the earliest possible time after a recusal has taken place. However, in the case of any pending applications or matters, where Planning Board members have already made recusals, and it has not previously been possible to designate alternate voting members because this section was not yet enacted, the Planning Board Chair, or Acting Chair, shall designate the alternative Planning Board member or members at the earliest possible time, so that the Planning Board will be able to conduct its business with a full complement of members on all pending matters and applications.

§ 24-9. Training and attendance requirements.

A. Purpose and intent.

- (1) The Town Board finds that appropriate training and regular attendance of the Planning Board members is essential to the proper functioning of said Board.
- (2) The Legislature of the State of New York has recognized the importance of training and has established training and attendance requirements in its amendments to the Planning Board statutes as contained in § 271 of the Town Law.
- (3) It is the purpose of this section to assist the Planning Board members in obtaining appropriate training to enhance their ability to carry out their duties under applicable provisions of law and to pay the reasonable costs of such training as a Town charge.
- (4) It is also the purpose of this section to establish minimum training and continuing education course requirements for such members in accordance with § 271 of the Town Law.
- (5) It is the further purpose of this section to establish minimum attendance requirements for such members at meetings to assist in the proper functioning of the Planning Board.

B. Minimum training requirements.

- (1) All members and alternate members, if any (hereinafter referred to as "member" or "members") of the Planning Board shall complete, in accordance with Town Law § 271, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties.
- (2) Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet these requirements.
- (3) Noncompliance with these minimum requirements relating to training shall result in the member's ineligibility for reappointment and shall also be deemed a proper cause for removal of a member from office by the Town Board.
- (4) The reasonable costs of such training courses, seminars, workshops or continuing education courses so designated shall be a Town charge. Members shall also be reimbursed for reasonable mileage expenses or other transportation expenses according to Town policies. Such training sessions shall be approved in advance by the Town Board.

- C. Approved training courses. Training sessions which relate to the duties of members of the Planning Board may include programs offered by the New York State Department of State, the New York State Association of Towns, the New York State Department of Environmental Conservation, the New York State Planning Federation, the Dutchess County Department of Planning and/or Economic Development, the Dutchess County Cooperative Extension, and other such entities as approved by the Town Board, as well as in-house updates or training seminars or Municipal Law seminars conducted by the attorney(s) for the Town Board, or the attorney(s) for the Planning Board, or by the law firms with which said attorneys are affiliated. Such training may be provided in a variety of formats, including but not limited to electronic media, video, distance learning, and traditional classroom training. The Town Board, after discussion with the Chairperson of the Planning Board, shall annually designate such training courses, seminars, workshops, or continuing education courses which may be offered within a reasonable distance and which may be helpful to or of assistance to the Planning Board members in carrying out their respective functions in a timely, fair and lawful manner.
- D. Minimum attendance requirements at meetings. In addition to the minimum training requirements set forth above, if any member or alternate member, if any, of the Planning Board shall be absent from three consecutive meetings or from a total of five meetings of the Board on which such member sits in any given calendar year, said member shall be ineligible for reappointment and shall also be subject to removal for cause by the Town Board. Each member of the Planning Board shall notify the Chairperson of the Board or the Secretary thereof as soon as practicable that such member will be absent from any meeting.
- E. Lack of training or minimum attendance not to affect validity of member actions. Notwithstanding the foregoing, the failure of a member of the Planning Board to obtain such minimum training or to maintain the foregoing minimum attendance at meetings shall not affect the validity of such member's actions or the validity of any decision, order or action of said Planning Board.

§ 24-10. Procedure for removal of member.

- A. The Chairperson of the Planning Board shall notify the Town Board in writing on or about December 1 in any year of any member or alternate member, if any, who fails to comply with the minimum requirements for training in any calendar year. In the event a member or alternate member of the Planning Board has failed to complete the minimum training requirements set forth above, then the Town Board may remove such member for cause as hereinafter provided. The Chairperson of the Planning Board shall also promptly notify the Town Board in writing at any time that a member of the Board shall fail to maintain the foregoing minimum attendance at meetings, upon which event the Town Board may remove such member for cause as hereinafter provided.
  - (1) Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements.

- (2) Public hearing. Such notice shall specify a date, not less than 20 nor more than 30 days from the date of mailing such notice, when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from service on such board. Such notice shall specify the time, date and place of such hearing.
- (3) Public notice. Public notice of such hearing shall be published in the official newspaper of the Town, at least three days prior to the date of the public hearing.
- (4) Conduct of hearing. The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity, within the foregoing time constraints, to retain an attorney, present evidence, call witnesses to refute the charges, and cross-examine witnesses. A record of such hearing shall be made. The decision of the Town Board shall be reduced to writing together with specific findings of the Town Board with respect to each charge against such member. A copy of such decision and such findings shall be filed in the Office of the Town Clerk and mailed to the member.
- (5) Action by the Town Board. Following the hearing and upon a finding that such member has not met the minimum training and/or attendance requirements established by this section, the Town Board may:
  - (a) Remove such member from the Planning Board; or
  - (b) Issue a written reprimand to such member without removing such member from such Board; or
  - (c) If the Town Board shall find that the reasons for failing to meet the minimum training and/or attendance requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action or to impose a reasonable time for said member to complete the minimum training as herein set forth.

§ 24-11. Removal for cause.

Nothing contained herein shall be deemed to limit or restrict the Town Board's authority to remove a member from the Planning Board for cause (i.e., for other than the reasons enumerated herein). The procedural provisions of § 24-10. Procedure for removal of member, of this section shall govern any hearing to remove a member for cause.

§ 24-12. When effective; applicability.

- A. This section shall take effect immediately upon filing with the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.



- B. This section shall apply to all members and alternate members, if any, of the Planning Board regardless of the dates of their appointment to such Boards.
- C. Prospective members and alternate members, if any, of the Planning Board shall be notified of the requirements of this section prior to their appointment to such Board.”

**Section-IV: SEVERABILITY.**

- A. If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure of tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.
- C. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Amenia that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

**Section V:   NUMBERING FOR CODIFICATION.**

It is the intention of the Town of Amenia and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Amenia, that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; the Codifier shall make no substantive changes to this Local Law; the word “Local Law” shall be changed to “Chapter”, “Section” or other appropriate word as required for codification; and any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code effected thereby.

**Section VI:   EFFECTIVE DATE.**

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.