

Amendment to the Zoning Ordinance of the Town of Ancram, New York

The “Zoning Ordinance of the Town of Ancram, New York,” is hereby amended by adding the following new section which shall be designated as Section IX and entitled “Planning Board”:

Section IX. Planning Board

A. Purpose.

The Planning Board shall have the following jurisdiction and authority:

1. To review and make recommendations on: studies, amendments, or other matters relevant to the Town of Ancram Comprehensive Plan; and matters relating to the planning and development of the Town of Ancram as it seems desirable, provided that the total expenditures of the Planning Board shall not exceed the appropriations therefor.
2. To hear, review and offer its recommendations to the Zoning Board of Appeals when required or requested for variances.
3. To hear, review and finally decide applications for site plan review.
4. To hear, review, and finally decide applications for special use permits.
5. To hear, review, and finally decide applications for subdivision.
6. To investigate and report its recommendations to the Town Board with respect to any proposed study or amendment in the Zoning Ordinance or other land use regulations of the Town of Ancram, the subject matter of which, is within the jurisdiction of the Planning Board pursuant to this Zoning Ordinance or State law or other local law or ordinance of the Town.
7. To review and report upon any matter referred to it by the Town Board pursuant to Section 271(14) of the New York State Town Law or the Zoning Board of Appeals, provided such referral by the Zoning Board of Appeals is authorized by law.
8. To exercise any other powers and carry out any other duties as are authorized by law.

B. Membership.

1. Appointment and terms.

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- a. The Planning Board shall consist of seven (7) members appointed by the Town Board. Members now holding office for terms that do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be seven (7) years.
 - b. Successor Board members shall be appointed for the term of seven (7) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board to fulfill the remaining unexpired term of that member.
 - c. The Town Board shall appoint at least one (1) person as an Alternate Member of the Planning Board for a term of five (5) calendar years. All provisions of this Zoning Ordinance relating to planning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members. The Chairperson of the Planning Board may designate the alternate member to substitute for a member who is unable to participate in deliberations and decisions of the Planning Board due to conflict of interest on an application or matter before the Board. When so designated: the alternate member shall possess all the powers and responsibilities of such member of the board; shall be allowed to participate in discussions of the proceedings; and shall be allowed to vote. Such designation of the Alternate Member shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. At all other times, an Alternate Member may participate in discussions of the proceedings, but may not vote except due to the disqualification of a regular member and a designation of substitution by the Chairperson. Disqualification shall be determined pursuant to Section IX, subsection H of this Ordinance and the Town of Ancram Ethics Law (Local Law #4 of 2011).
2. Board composition. All members of the Planning Board shall be residents of the Town of Ancram. No person who is a member of the Town Board shall be eligible for membership on the Planning Board.
 3. Vacancies. Permanent vacancies on the Planning Board shall be filled by the Town Board.
 4. Mandatory training. All members and alternate members of the Planning Board shall comply with the requirements of New York State Town Law Section 271 that require all planning board members and alternate members to complete a minimum of four (4) hours of training each year. No Planning Board member shall be eligible for reappointment if they have not completed this training as required.

5. Removal.

a. The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by this Zoning Ordinance or other law established by the Town Board. Cause for removal of a member may include one (1) or more of the following:

(1) Any undisclosed or unlawful conflict of interest.

(2) Failure to attend 33% of the meetings during the course of one (1) calendar year.

(3) Failure to attend four (4) consecutive meetings.

(4) Failure to complete their mandatory training requirements.

b. No member who has been removed for cause shall be reappointed.

C. Chairperson and Vice Chairperson.

The Town Board shall appoint one of the Planning Board members as Chairperson, to preside at all meetings and hearings and to fulfill the authorized duties of that office. The Chairperson shall annually appoint one of the Planning Board members as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may, from time to time, be provided by the rules of the Board. All meetings of the Planning Board shall be held at the call of the chairperson and at such other times as such Board may determine. The chairperson, or acting chairperson, may administer oaths to applicants, witnesses, or others appearing before the Board and may compel the attendance of witnesses.

D. Appointment of Agricultural Member.

The Town Board should include on the Planning Board one or more members each of whom derives \$10,000 or more annual gross income from agricultural pursuits. As used in this section, the term "agricultural pursuits" means the production of crops, livestock, and livestock products, aquaculture products and woodland products as defined in Section 301 of the New York State Agriculture and Markets Law.

E. Planning Board Secretary and Public Record.

Upon recommendation by the Planning Board in coordination with the Zoning Board of Appeals, the Town Board shall appoint a Planning Board Secretary who shall attend all

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Planning Board proceedings and, upon request, the proceedings of any of its committees.

1. The Secretary shall keep minutes of the proceedings of the Planning Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board.
2. The Town Clerk shall provide for keeping a file of all records of the Planning Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice, except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege.

F. Voting procedures.

1. Quorum. No business shall be transacted by the Board without four (4) members of the Board being present.
2. Voting. The concurring vote of at least four (4) members shall be necessary for any action by the Board, pursuant to New York State Town Law Section 271(16). Where an action is the subject of a referral to the Columbia County Planning Board, and in the event that the Columbia County Planning Board recommends disapproval of the application within the thirty (30) day time period allowed them, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after taking final action on an application, the Planning Board shall file a report of the final action it has taken with the Columbia County Planning Board.
3. Assistance to Planning Board. The Board shall have the authority to call upon any department, agency or employee of the town (e.g. the Building Department or Conservation Advisory Council) for such assistance as the Board deems necessary. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant.

G. Decisions.

1. Decisions. Every decision of the Planning Board shall be by resolution and shall expressly set forth any limitations or conditions imposed or use authorized.

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2. Final decision. All deliberations and decisions of the Planning Board shall occur at a meeting open to the public and shall state any special circumstances or conditions. Decisions of the Board shall be final upon adoption of resolution of Planning Board by a majority of the members of the Planning Board and the filing of the resolution with the office of the Town Clerk.
3. Notification of decision. Within five (5) business days following the final decision on any action before the Planning Board, a notice of such decision shall be mailed to the applicant and such decision shall be filed in the office of the Town Clerk.
4. Failure to Act. All time periods prescribed for Planning Board action on a preliminary or final plat, special use permit, or site plan approval are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of such applications. Such time periods may be extended only by mutual consent of the owner and the Planning Board. If the Planning Board fails to take action on a preliminary plat, final plat, special use permit, or site plan within the time prescribed after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such application shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the application and the date when such application is deemed complete for review and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval as required.

H. Conflicts.

No member of the Planning Board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any conflict of interest prohibited by Article 18 of the New York State General Municipal Law or the Town of Ancram Ethics Law (Local Law #4 of 2011) shall disqualify a member.

I. Appeals.

Any person or persons, jointly or severally aggrieved by any final decision of the Planning Board, may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of the decision of the Planning Board in the office of the Town Clerk.