

**CHAPTER 14
PLANNING BOARD AND ZONING BOARD OF APPEALS**

**ARTICLE I
Administrative Boards**

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| § 14-1. Purpose | § 14-7. Attendance Requirements |
| § 14-2. Eligibility requirements | § 14-8. Education Requirements |
| § 14-3. Certain state statutes superseded | § 14-9. Education Completion/Certification |
| § 14-4. Title. | § 14-10. Waiver of Education Requirements |
| § 14-5. Authority and purpose | § 14-11. Removal |
| § 14-6. Compensation of members of the Planning Board and the Zoning Board of Appeals | § 14-12. Validity of Decisions |

HISTORY: Adopted 9-7-1988 by L.L. #3-1988 and Amended 12-30-1977 by L.L. #3-1997, amended 6/26/2006 by L.L. #1-2006 by the Town Board of the Town of Henderson

**ARTICLE I
Administrative Boards
(Adopted 9-7-1988 by L.L. No. 3-1988)**

§ 14-1. Purpose

One of the most important functions of local government is the delivery of planning and zoning services in a professional and timely manner to its constituents. Accordingly, it is a very high priority to have members of the Planning and Zoning Boards who are skilled, dedicated and knowledgeable in their field. In a town as relatively small as the Town of Henderson, such persons are difficult to obtain. The requirements of the Town Law of the State of New York regarding membership on such Boards unduly restricts and limits the pool of otherwise eligible members for such Boards. Therefore, the Town of Henderson has decided to enlarge the pool of possible members on administrative boards by exercising its Municipal Home Rule powers to the maximum extent possible and establishing its own criteria for such membership.

§ 14-2. Eligibility requirements

Any person who is at least 18 years of age, and who is either a resident of the Town of Henderson, and/or an owner of real property, located in the Town of Henderson is eligible for appointment by the Town Board to membership on either the Planning Board or the Zoning Board of Appeals of the Town of Henderson.

§ 14-3. Certain state statutes superseded.

This article is specifically intended to supersede the provisions of § 23 of the Town Law and § 3 of the Public Officers Law.

ARTICLE II
Compensation of Planning Board and Zoning Board of Appeals
(Adopted 12-30-1997 by L.L. No. 3-1997)

§ 14-4. Title

This article shall be known as the “Town of Henderson Planning Board and Zoning Board of Appeals Compensation Law.”

§ 14-5. Authority and purpose.

- A. This article is enacted pursuant to the authority granted by § 10, Subdivisions 1 (ii)a(1) and 1(ii)d(3), of the Municipal Home Rule Law.**
- B. The purpose of this article shall be to supersede § 27, § 267, and § 271 of the Town Law and to authorize the compensation of the members of the Town of Henderson Planning Board and Zoning Board of Appeals on a per-meeting basis.**

§ 14-6. Compensation of members of the Planning Board and the Zoning Board of Appeals.

Members of the Town of Henderson Planning Board and Zoning Board of Appeals, shall compensated on a per-meeting basis in an amount to be set by resolution of the Town Board.

ARTICLE III
Attendance and Educational Requirements

§ 14-7. Attendance Requirements

Members of the Planning Board and Zoning Board of Appeals are encouraged to attend all scheduled meetings. Each Member of either Board shall attend at least three-quarters (3/4) of the scheduled meetings/hearings in each calendar year of such member’s term.

§ 14-8. Education Requirements

Each member of the Planning and Zoning Board of Appeals shall complete four (4) hours during each calendar year of their term of such education and training which is approved in advance by the Town Board. The education fees and mileage incurred for such approved training and education shall be paid by the Town of Henderson. Any member completing

more than four (4) hours of approved training in any calendar year may carry over a maximum of four (4) hours for the succeeding calendar year. Lists of available and approved training and education will be provided to the members of such Boards as such is available.

§ 14-9. Education Completion/Certification:

Each member of such Boards shall file with the Town Clerk, on or before January 30th, of each calendar year of their terms, a certified statement that such member has completed the education and training required herein for the preceding calendar year. Said certification shall include a description of the education and/or training completed including time and place thereof, subject or content thereof, and Certificates of Attendance or Completion from the provider thereof, if available.

§ 14-10. Waiver of Education Requirements

Any member of the Planning Board and Zoning Board of Appeals may apply in writing to the Town Board upon good cause for a waiver of modification of the education and training requirements as set forth herein. Consideration by the Town Board of such request for waiver shall be made at a regular meeting of the Town Board.

§ 14-11. Removal

The Town Board may, after public hearing, remove any member of such Boards who shall fail to fulfill the attendance or educational requirements herein including the required annual filing of the certified statement of completion of educational requirements, and shall fill such vacancy created thereby in accordance with the provisions of Article 16 of the Town Law of the State of New York.

§ 14-12. Validity of Decisions:

No decision of the Planning Board or Zoning Board of Appeals shall be declared or rendered invalid by reason of any failure of a member thereof to comply with the attendance and educational requirements herein.