

**TRAINING REQUIREMENTS
PLANNING BOARD and ZONING BOARD OF APPEALS**

LOCAL LAW NO. 12 OF THE YEAR 2006

**A Local Law Establishing Training Requirements
For Members and Alternate Members of the
Planning Board and Zoning Board of Appeals of the Town of Kirkwood**

**Adopted March 6, 2001
(Latest Revision June 25, 2012)**

SECTION 1. TITLE

The Law shall be entitled: “A local law establishing training requirements for members and alternate members of the Planning Board and Zoning Board of Appeals of the Town of Kirkwood.

SECTION 2. PURPOSE AND INTENT

A. The Town Board (hereinafter the “Town Board”) of the Town of Kirkwood (hereinafter the “Town”) finds that appropriate training of the Town Zoning Board of Appeals (hereinafter the “ZBA”) and the Town Planning Board (hereinafter the “Planning Board”) members is essential to the proper functioning of said Boards.

B. The Legislature of the State of New York has recognized the importance of training and has established training and attendance requirements in its recent amendments to the Planning Board and ZBA statutes (Town Law Sections 271 and 267, respectively) as contained in Chapter 662 of the Laws of 2006.

C. It is the purpose of the local law to assist the ZBA and 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.

D. It is also the purpose of this local law to establish minimum training and continuing education course requirements for such members.

SECTION 3. MINIMUM TRAINING REQUIREMENTS

A. All members and alternate members (hereinafter individually or collectively referred to as “Member”) of the ZBA and Planning Board shall complete, at a minimum, four (4) hours of relevant training courses each year designed to enable such members to more effectively carry out their duties.

B. Training received by a member in excess of four (4) hours in any one year may be carried over into succeeding years in order to meet these requirements.

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C. Such training requirements can be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.

D. Non-compliance with these minimum requirements relating to training shall result in ineligibility for reappointment and shall also be deemed a proper cause for removal from office.

E. 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 travel and meal expenses according to Town policies. Such training sessions shall be approved in advance by the Town Board.

SECTION 4. APPROVED TRAINING COURSES

Training sessions which relate to the duties of members of the ZBA and members of the Planning Board may include programs offered by the New York State Department of Environmental Conservation, the New York State Planning Federation, the Broome County Department of Planning and Economic Development, the Broome County Cooperative Extension, and other such entities, as well as in-house up-dates or training seminars or Municipal Law seminars conducted by the Town Attorney of the Town or the Law Firm with which such Town Attorney is 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 Chairpersons of the ZBA and 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 Zoning Board of Appeals, and/or Planning Board in carrying out their respective functions in a timely, fair and lawful manner.

SECTION 5. LACK OF TRAINING NOT TO AFFECT VALIDITY OF MEMBERS ACTIONS

Notwithstanding the foregoing, the failure of a member of the Planning Board or ZBA to obtain such training shall not affect said person's appointment to serve on such board, the validity of such member's actions or the validity of any Decision, order or action of such Board.

SECTION 6. PROCEDURE FOR REMOVAL OF A MEMBER

The chairperson of the ZBA and the Chairperson of the Planning Board shall notify the Town Board in writing on or about December 1 in any year of any member who fails to comply with the minimum requirements for training in any calendar year. In the event a member of the ZBA or Planning Board has failed to complete the minimum training requirements set forth in Section 3, then the Town Board may remove such member for cause as herein provided:

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A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements of Section 3 above.

B. Public Hearing. Such notice shall specify a date, not less than ten (10) nor more than thirty (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 also specify the time, date and place of such hearing.

C. Public Notice. Public notice of such hearing shall be published in the official newspaper of the time at least ten (10) days prior to the date of the public hearing.

D. Conduct of Hearing. The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity 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.

E. Action by the Town Board. Following the hearing and upon a finding that such member has not met the minimum training established by this local law the Town Board may:

- i. Remove such member from the ZBA or Planning Board; or
- ii. Issue a written reprimand to such member without removing such member from such board; or
- iii. If the Town Board shall find that the reasons for failing to meet the minimum training requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action.

SECTION 7. REMOVAL FOR CAUSE.

Nothing contained herein shall be deemed to limit or restrict the Town Board's authority to remove a member from the ZBA or Planning Board for cause (i.e. for other than the reasons enumerated herein). The procedural provisions of Section 6 (Procedure) of this Local Law shall govern any hearing to remove a member for cause.

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SECTION 8. SEPARABILITY.

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, 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 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 as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 9. EFFECTIVE DATE AND APPLICABILITY

A. This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

B. This local law shall apply to all members and alternate members of the ZBA and Planning Board regardless of the date of their appointment to such boards.

C. Prospective members and alternate members of the ZBA and Planning Board shall be notified of the requirements of this local law prior to their appointment to such board.

Note: Local Law #12-2006 supersedes Local Law #4-2001 in its entirety which was originally adopted March 6, 2001 to address training requirements.