

**TOWN OF EATON  
PROPOSED LOCAL LAW 6-2025**

**A LOCAL LAW TO AMEND CHAPTER 120 OF THE CODE OF THE TOWN OF  
EATON TO CONSOLIDATE AND CREATE A JOINT BOARD OF APPEALS AND  
PLANNING BOARD AND TO ABOLISH THE EXISTING BOARD OF APPEALS AND  
PLANNING BOARD IN THE TOWN**

**BE IT ENACTED** by the Town Board of the Town of Eaton that this local law amends Chapter 120 of the Code of the Town of Eaton, titled “Land Use Law,” as follows:

**SECTION 1.**            **AUTHORITY**

This local law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, and New York Town Law §§ 267 and 271.

**SECTION 2.**            **LEGISLATIVE INTENT**

The purpose of this Local Law is to increase the efficiency and administration of land use, planning and zoning review in the Town of Eaton by consolidating and creating a Joint Board of Appeals/Planning Board for the Town

**SECTION 3.**            **SUPERSESION OF TOWN LAW SECTIONS 267 and 271**

Pursuant to Municipal Home Rule Law § 10(1)(a)(ii)(1), this Local Law shall supersede Town Law §§ 267 and 271 to the extent this Local Law conflicts with said sections of the Town Law. This Local Law specifically supersedes Town Law § 267 insofar as § 267 sets the maximum number of Board of Appeals at five (5).

**SECTION 4.**            **CONFLICT WITH PRIOR LOCAL LAWS OR THE CODE OF  
THE TOWN OF EATON**

- A. To the extent any local laws or parts of local laws or the Code of the Town of Eaton are inconsistent with or conflict with any of the provisions of this Local Law, the terms of this Local Law shall control.
- B. Wherever the term “Board of Appeals” or “Planning Board” appears in any local laws or the Code of the Town of Eaton, said terms shall hereafter mean and refer to the Joint Board of Appeals/Planning Board as established by this Local Law.

**SECTION 5.**            **CONSOLIDATION AND CREATION OF JOINT BOARD OF  
APPEALS/PLANNING BOARD**

Article VII (“Administrative and Enforcement”) of Chapter 120 of the Town Code of the Town of Eaton is hereby amended by deleting § 120-31 in its entirety and revising §§ 120-30(A) and (B) to read, in their entirety, as follows:

**“§ 200-30. Joint Board of Appeals/Planning Board.**

**A. Administrative/General Provisions.**

- (1) Establishment of Joint Board. A Town of Eaton Joint Board of Appeals/Planning Board is hereby established in order that the objectives and competent administration of this Chapter may be fully and equitably achieved.
- (2) Appointment of Members. The Town Board shall appoint seven (7) members to the Joint Board of Appeals/Planning Board. The initial appointments to the Board shall be such that the term of one (1) member shall expire each consecutive year. Thereafter, members of the Joint Board shall be appointed by the Town Board for a term of seven (7) years from and after the expiration of each initial term of office.
- (3) Chairperson. The Town Board shall annually appoint one of the members of the Joint Board of Appeals/Planning Board to act as Chairperson to preside at all meetings and hearings, to supervise the affairs of the Joint Board and to fulfill the customary functions of that office.
- (4) Secretary. A secretary of the Joint Board of Appeals/Planning Board shall be designated by the Town Board on an annual basis. The secretary shall keep minutes of all of the Joint Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of all of the Joint Board's official actions.

**B. Powers and Duties.**

- (1) The Joint Board of Appeals/Planning Board shall be the sole land use board within the Town of Eaton and shall be authorized to hear all planning and zoning matters within the Town of Eaton. The Joint Board of Appeals/Planning shall have all of the power and authority of the previously constituted and comprised Board of Appeals and Planning Board as set forth in this Chapter, the Code of the Town of Eaton, and the Town Law when considering all planning and land use matters.
- (2) The Joint Board shall have the following powers and duties:
  - a. Upon appeals of decisions by the Code Enforcement Officer, to decide questions involving interpretation of any provision of this Chapter.
  - b. To grant use variances upon application, if justified.
  - c. To grant area variances upon application, if justified.
  - d. To issue or deny special permits required by this Chapter.

- e. To undertake planning activities allowed by Town Law or as requested by the Town Board.
  - f. Subdivision review and approval.
- (3) Decisions of the Joint Board shall be made within 90 days from the time that the complete application has been filed with the Board. Decisions shall be by motion and vote of the Board, and shall contain a full statement of findings of fact in the minutes of the Board.”

C. Conflict with this Chapter.

- (1) To the extent any parts of this Chapter or any other Chapter of the Code of the Town of Eaton are inconsistent with or conflict with any of the provisions of this Section § 120-30, the terms of this § 120-30 shall control.
- (2) Wherever the term “Board of Appeals” or “Planning Board” appears in this Chapter or any other Chapter of the Code of the Town of Eaton, said terms shall hereafter mean and refer to the Joint Board of Appeals/Planning Board as established by this § 120-30.”

**SECTION 6.**                    **BOARD OF APPEALS ABOLISHED**

The Town of Eaton Board of Appeals as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new Town of Eaton Joint Board of Appeals/Planning Board.

**SECTION 7.**                    **PLANNING BOARD ABOLISHED**

The Town of Eaton Planning Board as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new Town of Eaton Joint Board of Appeals/Planning Board.

**SECTION 8.**                    **SEVERABILITY.**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 9.**                    **EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.