

TOWN OF RHINEBECK

RULES OF CONDUCT AND PROCEDURE FOR TOWN OF RHINEBECK APPOINTED BOARD MEMBERS

Adopted on September 27, 2016 by Resolution no. 2016222

1. Each member of the Zoning Board of Appeals shall be expected to review the Town's Zoning Law and Sections 267, 267-a, 267-b, and 267-c of the Town Law and each member of the Planning Board shall be expected to review the Town's Subdivision Regulations, the Town's Freshwater Wetlands Law, those portions of the Zoning Law which relate to subdivision, site plan and special permit review and approval, and the grant of certificates of removal or demolition and economic hardship by the Planning Board, and Sections 271, 274-a, 274-b, 276, 277, 278 and 279 of the Town Law. Such members shall consult with such sources as appropriate in carrying out their duties and listen to the analysis of the committee consultants, if any, or the committee counsel, and the Town Attorney.
2. Each member of the Conservation Advisory Board shall be expected to review Chapters 9 and 118 of the Town Code, and with all other provisions of the Town Code which relate to the functions and proceedings of the Conservation Advisory Board.
3. Each member of the Zoning Board of Appeals, the Planning Board and the Conservation Advisory Board shall be expected to familiarize himself or herself with the Town Comprehensive Plan and the LWRP.
4. The members of the Zoning Board of Appeals, Planning Board and Conservation Advisory Board shall be expected to be respectful of the Town Comprehensive Plan and LWRP, respectful of the local laws adopted by the Town Board in furtherance of the Comprehensive Plan and LWRP, and respectful of the authority of the Town Zoning Enforcement Officer in his or her interpretation of the Town Code Chapters 101 and 125 including his or her determination as to the reviews, permits and/or other approvals required by the Planning Board or Zoning Board of Appeals.
5. The members of the Zoning Board of Appeals and Planning Board shall be expected to consider all reviews, permits and/or other approvals within the purview of the applicable Board and as determined required by the Zoning Enforcement Officer in accordance with the related procedures and standards set forth within the Town's Zoning Law, Freshwater Wetlands Law and/or Land Subdivision Regulations, including referral when required to the Conservation Advisory Board.
6. The members of the Conservation Advisory Board shall be expected to consider all matters referred to the Board by the Zoning Board of Appeals, the planning Board or Town Board pursuant to the Waterfront Consistency Review Law in consideration of the policies set forth within the LWRP.

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7. The members of the Zoning Board of Appeals, Planning Board and Conservation Advisory Board shall be expected to further conduct themselves in conformity with all rules and regulations that may be adopted by the Zoning Board of Appeals, Planning Board and Conservation Advisory Board, respectively, for the conduct of meetings and public hearings of those Boards.
8. Each member of the Zoning Board of Appeals shall complete a minimum of four (4) hours of training each year designed to enable such member to more effectively carry out his or her duties and any training received by a member in excess of the four (4) hours in any one year may be carried over by that member into succeeding years in order to meet these training requirements, all in accordance with the provisions of §267(7-a) of the Town Law.
9. Each member of the Planning Board shall complete, at a minimum, four (4) hours of training each year designed to enable such member to more effectively carry out his or her duties and any training received by a member in excess of four (4) hours in any one year may be carried over by that member into succeeding years in order to meet this training requirement, all in accordance with the provisions of Town Law §271(7-a) of the Town Law.
10. Any such training for ZBA or Planning Board members shall be approved by the Town Board and may include, but not be limited to, training provided by a municipality, regional or county office or commission, county or state planning federation, state agency, statewide municipal association, college or other similar entity, and such training may be provided in a variety of formats including, but not limited to, electronic media, video, distance learning and traditional classroom training, and any expenditure related to this training approved in advance in writing by the Town Board or by other Town officer or employee within limit(s) authorized by the Town Board.
11. To be eligible for a reappointment at the expiration of a Zoning Board of Appeals or Planning Board member's term, such member shall have completed the training as required by this Resolution, and by §267(7-a) or §271(7-a), as the case may be.
12. The training provided by this Resolution may 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.
13. No decision of the Zoning Board of Appeals or Planning Board or either opinion or recommendation issued by the Conservation Advisory Board shall be voided or declared invalid because of a failure of a member to comply with the training or other requirements stated within this Resolution.

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14. No member of the Zoning Board of Appeals, Planning Board or Conservation Advisory Board, may miss three (3) meetings of the Board during a calendar year, other than for a medical or other emergency or for any other just cause approved, in advance, by the Chairperson of the applicable Board. It is expected that Board members be on time and call the Chairperson or Secretary if he or she cannot attend a meeting.

15. The members of the Zoning Board of Appeals, Planning Board and Conservation Advisory Board shall, at all times and during the course of meetings or hearings, whether public or private, in executive session or attorney-client meetings, should conduct themselves in a civil manner and shall not shout at, berate or be rude to their fellow board members, applicants and their consultants, the consultants to the various boards and to members of the general public. The Town Board shall have the power to remove, after public hearing, for cause, any Zoning Board of Appeals, Planning Board or Conservation Advisory Board member. Cause for removal shall include, but shall not be limited to: (a) non-compliance with the minimum requirements relating to training and education as established in this Resolution and by Town Law; (b) non-compliance with the meeting attendance requirements as established by this Resolution; (c) failure to comply with the residence requirements as are set forth for public officers in the Town Law; (d) failure to disclose a conflict of interest as required by the Town's Code of Ethics; (e) physical or mental impairment affecting the Board member's ability to perform his or her functions as a Zoning Board of Appeals, Planning Board or Conservation Advisory Board member; (f) failure to comply with the applicable provisions of the Rhinebeck Code of Ethics; (g) failure to comply with any rules or regulations as may be prescribed for the conduct of Board members by the respective Boards; (h) failure to comply with the provisions of this resolution or any amendments thereto.; and (i) such other and further cause as may be established at a hearing conducted in accordance with the procedure set forth herein.

16. Prior to the conduct of any public hearing for the removal of a Zoning Board of Appeals, Planning Board or Conservation Advisory Board member for cause, the Town Board shall provide the Board member with a statement setting forth the alleged grounds for such removal at least ten (10) days prior to the conduct of the public hearing. During the public hearing, the Town Board shall have the power to hear testimony and receive evidence presented by the Town Attorney, by the Chairperson of the applicable Board or by any other person in support of the grounds for such removal. The Board member shall have the right to present witnesses and other evidence in defense of the removal action and the Board shall have the power to hear other witnesses and members of the public, and receive documentation and evidence relevant to the issue of the alleged cause for the Board member's removal. In cases where the grounds for removal consist of an alleged violation of the Rhinebeck Code of Ethics, procedures for a hearing, discipline and/or removal set forth in the Code of Ethics shall be followed. Any determination of the Town Board with regard

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to removal of a Board member shall be made by the Town Board, in writing, and a copy shall be provided to the Board member and filed in the Office of the Town Clerk within five (5) business days after the Town Board's determination.

17. A copy of this Resolution shall be supplied by the Town Clerk to each member of the Zoning Board of Appeals, Planning Board and Conservation Advisory Board.