

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Eaton

Local Law No. 6 of the year 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
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Eaton as follows:

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. SUPERSESSON 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as **Local Law No. 6 of 2025** of the Town of **Eaton** was duly passed by the **Town Board** on **December 9th, 2025**, in accordance with the applicable provisions of law.

2. **(~~Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.~~)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of ~~Sullivan~~ was duly passed by the ~~Town Board~~ on ____, 20__, and was (approved/not approved/
repassed after disapproval) by the ~~Town Board~~ and was deemed duly adopted on ____, 20__, in accordance with the applicable provisions of law.

3. **(Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of ~~Sullivan~~ was duly passed by the ~~Town Board~~ on ____, 20__, and was (approved/not approved/
repassed after disapproval) by the ~~Town Board~~ on ____, 20__.

Such local law was submitted to the people by reason of a (mandatory/permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general/special/annual) election held on ____, 20__, in accordance with the applicable provisions of law.

4. **(~~Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.~~)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of ~~Sullivan~~ was duly passed by the ~~Town Board~~ on ____, 20__, and was (approved/not approved/
repassed after disapproval) by the ~~Town Board~~ on ____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ____, 20__, in accordance with the applicable provisions of law.

5. **(City local law concerning Charter revision proposed by petition.)**

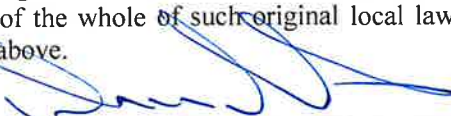
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of ____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on ____, 20__, became operative.

6. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County of ____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed,
please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


DEAN CURTIS, Town Clerk
Town of Eaton

Date: December 10, 2025

