ARTICLE III
Boards

300 - Creation, Appointment and Organization of Zoning Board of Appeals

A Zoning Board of Appeals, pursuant NYS Town Law §267, is hereby created by the Town Board of the Town of Hopewell.

A. Appointment of Members
The Hopewell Zoning Board of Appeals shall consist of 5 (five) members and up to 2 (two) alternates. The Hopewell Town Board appoints the Chairman annually. The Zoning Board of Appeals elects a Vice Chairman annually at its Organizational Meeting.

B. Appropriation of Zoning Board of Appeals
The Hopewell Town Board is hereby authorized and empowered to make such appropriation as it may see fit for the Hopewell Zoning Board of Appeals' expenses. Such charges and expenses, less any collected fees, shall be a charge upon the taxable property and shall be assessed, levied and collected. The Zoning Board of Appeals shall have the power and authority to employ experts, clerks, and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding the appropriation that may be made therefore by the Town Board for such Zoning Board of Appeals.

C. Town Board Members Ineligible
No person who is a member of the Hopewell Town Board shall be eligible for membership on the Zoning Board of Appeals.

D. Terms of Members First Appointed
In the creation of a new Zoning Board of Appeals, or the reestablishment of terms of an existing Board, the appointment of members to the Board shall be for terms so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a 5 (five) year term.

E. Vacancy in Office
If a vacancy shall occur otherwise than by expiration of term, the Hopewell Town Board shall appoint the new member for the unexpired term.

F. Removal of Zoning Board of Appeals Members
The Hopewell Town Board shall have the power to remove, after a Public Hearing, any member of the Zoning Board of Appeals for cause. Any Zoning Board of Appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by Local Law or as set forth in §301 of this Article.

300 - Creation, Appointment and Organization of Zoning Board of Appeals continued…

G. Chairperson Duties

All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as such Board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

H. Alternate Members

1. The Hopewell Town Board may, by local law or ordinance, or as part of the local law or ordinance creating the Zoning Board of Appeals, establish alternate Zoning Board member positions for the purpose of substituting for a member in the event such member is unable to participate or has a conflict of interest. Alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Town Board for terms established by the Town Board.
2. The chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a member when such member is unable to participate or has a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.
3. All provisions of this section relating to Zoning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

301 - Minimum Requirements for Zoning Board of Appeals Members

A. Training

Each Board member is required to complete a minimum of 4 (four) hours of training per calendar year. All new members shall complete 8 (eight) hours of training during the first year of appointment. At the discretion of the members or the Hopewell Town Board, failure to comply with this requirement is grounds for recommending removal from the Board of Appeals.

B. Attendance

Each Board member shall be required to attend 75 (seventy-five) percent of the scheduled meetings in each calendar year. At the discretion of the Hopewell Town Board, failure to attend the required number of meetings may be grounds for removal from the Board. In addition, failure to attend 3 (three) consecutive meetings may be grounds for removal from the Zoning Board of Appeals.

C. Compensation

The Hopewell Town Board may, as part of the annual budget, provide for the compensation of Zoning Board of Appeals members and alternates. If compensation is provided, it shall be on a per-meeting-attended basis. In addition, the Town of Hopewell shall provide reimbursement for all approved training and out-of-pocket expenses associated therewith.

302 - Powers and Duties of Zoning Board of Appeals

The Zoning Board of Appeals shall have all the powers and duties prescribed by §267-b of the NYS Town Law of the State of New York and by this Ordinance. These powers and duties are more particularly specified as follows:

A. Interpretation

Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary, if there is uncertainty with respect hereto.

B. Appeals

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken. Re-hearings of previously heard applications may be made in accordance with NYS Town Law §267-a (12).

C. Variances

When, in its judgment, the public safety, convenience, and welfare will be served, the Zoning Board of Appeals may vary or modify the application of the regulations or provisions of this Ordinance relating to the use, construction, or alteration of structures or use of the land. In such cases, the Zoning Board is empowered to grant exceptions in harmony with the general purpose and intent of this Ordinance. Variances may be granted in appropriate and specific cases only after Public Notice and Hearing and subject to such appropriate conditions and safeguards the Zoning Board of Appeals may impose.

1. As used in this Ordinance, a Variance is authorized for height, area, size of structure, size of yards and open spaces or for establishment or expansion of a use otherwise not allowed. A Variance shall not be granted solely because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
2. Variance Procedures
    a. An application for the approval of a Variance shall be made to the Code Enforcement Officer on forms available from the Code Enforcement Officer accompanied by the necessary fees and documents as provided in this Ordinance.
    b. For consideration of the Variance request, a map drawn to an appropriate scale showing all existing and proposed characteristics of the site and adjacent properties, as necessary, shall accompany the application. For applications where Site Plan approval is also required, a Preliminary Site Plan in accordance with Article XVI (Site Plan Review and Approval) of this Ordinance shall be required.

302 - Powers and Duties of Zoning Board of Appeals continued…

D. Use Variance

A Use Variance shall not be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each Permitted Use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided if lack of return is substantial, as demonstrated by competent financial evidence.
2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the requested Use Variance, if granted, shall not alter the essential character of the neighborhood.
4. That the alleged hardship has not been self-created.

E. Area Variance

In making its determination on granting an Area Variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the Variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such Variance and the compatibility of said Variance with the Hopewell Comprehensive Plan. In making such determination, the Board shall also consider:

1. Whether the granting of the Area Variance may produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. Whether the applicant can achieve a benefit by another feasible method other than an Area Variance.
3. Whether the requested Area Variance is substantial.
4. Whether the proposed Variance may have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.

F. In granting a Variance, the Zoning Board of Appeals shall grant the minimum Variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

G. Prior to taking final action on the Variance application, the Zoning Board of Appeals may refer said application to the Town Planning Board for review and comment. The Planning Board, when the Zoning Board of Appeals refers such an application to it, shall forward comments supporting a recommendation for approval or denial of the application to the Zoning Board of Appeals within 30 (thirty) days of receiving said application.

302- Powers and Duties of Zoning Board of Appeals continued…

In addition, prior to taking final action on any application, The Zoning Board of Appeals, in accordance with part 239-mm of the New York State General Municipal Law, shall forward the application to the Ontario County Planning Board for review and comment unless said application is exempt from such review as permitted by the Ontario County Planning Board By-Laws or by General Municipal Law.
The County Planning Board shall forward comments recommending support for approval or denial of the application within 30 (thirty) days of receipt of said application.

H. The Zoning Board of Appeals shall fix a reasonable time and place for a Public Hearing thereon and shall provide for the giving of Notice as follows:

1. A public Notice shall be published in the official newspaper of the Town of Hopewell at least 10 (ten) days prior to the date thereof. The cost of such publication shall be borne by the appealing party and shall be paid to the Town prior to the hearing of such appeal.
2. The Secretary of the Zoning Board of Appeals shall mail a copy of such Notice to all agencies, municipalities, authorities, etc., as prescribed in §267-a of the NYS Town Law and §239-m of the General Municipal Law.
3. The cost of sending or publishing any additional Notices relating to such appeal, or a reasonable fee relating thereto, or other associated costs accrued by the Town shall be borne by the appealing party and paid to the Town prior to the hearing of such appeal.

I. The Zoning Board of Appeals shall approve, with or without conditions, or disapprove the application within 62 (sixty-two) days of the Public Hearing as specified in §267-a of NYS Town Law and shall communicate its action, in writing, to the applicant and to the Code Enforcement Officer within 5 (five) days of the meeting at which it decided upon the application. Where applicable, compliance shall be required in accordance with the provisions of §239-m and §239-n of the General Municipal Law.

J. The Code Enforcement Officer shall, upon receipt of notice of approval and upon receipt of application by the applicant, collect all required fees and issue a Building Permit or such other approval permitting the Variance, subject to all conditions imposed by such approval.

303 - Creation, Appointment and Organization of Planning Board

A. A Planning Board**,** pursuant to NYS Town Law §271 is hereby created by the Town Board of the Town of Hopewell.

B. Authorization
The Town Board of each town is hereby authorized by local law or ordinance, to create a Planning Board consisting of 5 (five) or 7 (seven) members and shall, by resolutions, appoint the members of such Board and designate the chairperson thereof. In the absence of a chairperson the Planning Board may designate a member to serve as chairperson. The Town Board may, as part of the local law or ordinance creating said Planning Board, provide for the compensation of Planning Board members.

C. Appropriation for Planning Board
The Hopewell Town Board is hereby authorized and empowered to make appropriation for Planning Board expenses. The Planning Board shall have the power and authority to employ experts, clerks, and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding, in all, the appropriation made therefore by the Town Board for such Planning Board.

D. Town Board Member Ineligible
No person who is a member of the Hopewell Town Board shall be eligible for membership on such Planning Board.

E. Terms of Members First Appointed
The terms of members of the Planning Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term equal in years to the number of members of the board.

F. Terms of Members
Members now holding office for terms which do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Planning Board.

G. Increasing Membership
The Hopewell Town Board may, by local law or ordinance, increase a 5 (five) member Planning Board to 7 (seven) members, provided by resolution of the Town Board in order that the terms of members shall expire in each of 7 (seven) successive years and their successors shall thereafter be appointed for full terms of 7 (seven) years. No such additional member shall take part in the consideration of any matter for which an application was on file with the Planning Board at the time of his or her appointment.

303 - Creation, Appointment and Organization of Planning Board continued...

H. Decreasing Membership
The Hopewell Town Board which has 7 (seven) members on the Planning Board may, by local law or ordinance, decrease the membership to 5 (five) members, to take effect upon the next 2 (two) expirations of terms. No incumbent shall be removed from office except upon the expiration of his or her term, except as hereinafter provided.

I. Vacancy in Office
If a vacancy shall occur otherwise than by expiration of term, the Hopewell Town Board shall appoint the new member for the unexpired term.

J. Removal of Members
The Hopewell Town Board shall have the power to remove, after Public Hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or ordinance.

K. Chairperson Duties
All meetings of the Planning Board shall be held at the call of the chairperson and at such other times as such Planning Board may determine. Such chairperson, or in his or her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses.

L. Appointment of Agricultural Member
Notwithstanding any provision of this chapter or any general, special or local law or ordinance, The Hopewell Town Board may, if an Agricultural District created pursuant to Section 333 of Article 25AA of the Agriculture and Markets Law exists wholly or partly within the boundaries of such town, include on the Planning Board, one or more members each of whom derives $10,000 (ten thousand dollars) or more annual gross income from agricultural pursuits in the Town of Hopewell. As used in this subdivision, the term “agricultural pursuits" means the production of crops, livestock and livestock products, aqua cultural products, and woodland products as defined in section 301 of the Agriculture and Markets Law.

M. Service on Other Planning Boards
No person may be disqualified from serving as a member of the Hopewell Planning Board by serving as a member of the Ontario County Planning Board.

N. Rules and Regulations

1. The Planning Board may recommend regulations to the Hopewell Town Board relating to any subject matter over which the Planning Board has jurisdiction under this article or any other statute, or under any local law or ordinance of the town. Adoption of any such recommended regulations by the Town Board shall be by local law or ordinance.
2. The Planning Board shall establish such Procedural Rules and Regulations as are required by law and the provisions of this Ordinance for the transaction of its business

and may amend, modify, or repeal the same from time to time.

303 - Creation, Appointment and Organization of Planning Board continued…

O. Report on Referred Matters; General Reports

1. The Hopewell Town Board may, by resolution, provide for the reference of any matter or class of matters, to the Planning Board before final action is taken thereon by the Town Board or other office or officer of said matter. The Town Board may further stipulate that final action not be taken until the Planning Board has submitted its report thereon or has had a reasonable time, to be fixed by the Town Board in said resolution, to submit the report.
2. The Planning Board may review and make recommendations on a proposed Town Comprehensive Plan or amendment thereto. In addition, the Planning Board shall have full power and authority to make investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the Town as it seems desirable, providing the total expenditures of said Board shall not exceed the appropriation provided therefore.

P. Alternate Members

1. The Hopewell Town Board may, by local law or ordinance, or as part of the local law or ordinance creating the Planning Board, establish alternate Planning Board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the Planning Board shall be appointed by resolution of the Town Board, for terms established by the Town Board.
2. The chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
3. All provisions of this section relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other Boards, shall also apply to alternate members.

Q. Extraordinary Vote

If a county planning agency or regional planning council recommends modification or disapproval of a proposed action, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

304 - Minimum Requirements for Planning Board Members

A. Training

Each Planning Board member and alternate is required to complete a minimum of 4 (four) hours of training per calendar year. At the discretion of the Hopewell Town Board, failure to comply with this requirement may be grounds for recommending removal of said negligent member or alternate from the Planning Board.

B. Attendance

Each Planning Board member shall be required to attend 75 (seventy-five) percent of the scheduled meetings in each calendar year. At the discretion of the Hopewell Town Supervisor, failure to attend the required number of meetings without good cause may be grounds for removal of said offending member from the Planning Board. In addition, failure to attend 3 (three) consecutive meetings without good cause may be grounds for removal of said offending member from the Planning Board.

C. Compensation

The Hopewell Town Board may, as part of the annual budget, provide for the compensation of Planning Board members and alternates. If compensation is provided for, it shall be on a per-meeting-attended basis. In addition, the Town shall provide reimbursement for all approved training and out-of-pocket expenses associated therewith.

305 - Powers and Duties of Planning Board

The Planning Board shall have the powers and duties as specified below:

A. Sub-division Plats
The Planning Board may approve plats showing lots, blocks or sites, with or without streets or highways, and conditionally approve preliminary plats and pass and approve the development of plats already filed in the office of the Clerk of the County of Ontario if such plats are entirely or partially undeveloped.

B. Street Changes
The Planning Board has the power and authority to change the Town's Official Map by approving and filing an approved subdivision plat involving streets. The Planning Board can recommend to the Town Board the discontinuance of an existing street or a portion thereof. The Town Board and Highway Superintendent have the authority to determine the necessity of said discontinuance, and act upon said recommendation.

C. Site Plan
The Planning Board shall approve, approve with conditions, or deny site plans in accordance with Article XVI (Site Plan Review and Approval) of this Ordinance.

D. Special Use Permits
The Planning Board shall hear and decide upon application for such Permits as specified in this Ordinance. The applicant is responsible for providing adequate documentation to the Planning Board that the proposed use conforms to the criteria specified below and any additional standards set forth in this Ordinance. The Planning Board shall grant a Permit for any Special Use if:

1. The proposed building or use shall be in harmony with the general purpose, goals, objectives, and standards of the Town's Comprehensive Plans and this Ordinance.
2. The proposed building, use, or intensity of operation involved will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
3. The proposed building or use shall be constructed, arranged, and operated so as not to dominate the immediate vicinity, or to interfere with or devalue the development and use of neighboring property in accordance with the applicable district regulations.
4. Public Facilities and Services shall adequately serve the proposed building or use.
5. The proposed building or use complies with all additional standards imposed on it by the particular provision of this Ordinance authorizing such use.
6. All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening.
7. Where requested, to assure compliance with the conditions of the Special Use Permit, a performance bond, irrevocable letter of credit or other suitable financial guaranty has been provided. The Town Board shall determine the amount of financial guarantee upon recommendation of Town Engineer and/or Town Attorney.

305 - Powers and Duties of Planning Board – Special Use Permits continued…

8. In the review and approval of Special Use permits, the following additional factors may apply :
    a. Preparation of a Site Plan by a licensed professional engineer in accordance with the criteria set forth in §1603 and §1604 of this Ordinance for any matter including, but not limited to, traffic safety, storm water retention and treatment, and utility design may be required if determined by the Planning Board, upon showing of cause, as pertinent to an informed decision.
    b. If not done so by the Code Enforcement Officer, the Planning Board shall forward any Variance requests associated with the Special Use Permit to the Zoning Board of Appeals. The Zoning Board of Appeals shall review the Variance request and forward its decision and all supporting documentation, including its findings, within the time specified by law, not to exceed 62 (sixty-two) days, to the Planning Board for its final decision on the Special Use Permit.

306 - Public Hearing

Certain actions related to Appeals, Permits, and Site Plan review require a Public Hearing to be held. The Zoning Board of Appeals shall conduct a Public Hearing on applications in accordance with the procedures and requirements for Appeals established in NYS Town Law §267-a. The Planning Board shall hold a Public Hearing on applications in accordance with the procedures and requirements established in NYS Town Law §274-b for Special Use Permit and/or Site Plan Review. Public notice of all such Hearings shall be printed in an official newspaper of general circulation at least 10 (ten) days prior to the date of the Hearing and notice sent to adjacent municipalities according to Town Law §239-nn. Specific notice requirements for Hearings vary as outlined in the appropriate sections of this Ordinance.

When Public Hearings are required for Appeals, Permits and Site Plan review, additional notice of Public Hearing shall be provided by requiring the applicant to erect a sign or signs giving notice of such Public Hearing. Said sign(s) shall be prominently displayed on the premises facing each public street or road on which the property abuts. The sign(s) shall be furnished to the applicant for this purpose by the Town and shall be set back 15 feet from the property line. Said signs shall be displayed for a period of not less than 10 days immediately preceding the Public Hearing date or any adjournment date thereof. The applicant shall file an affidavit with the Town prior to the Public Hearing that they have complied with the provisions of this section and that the sign(s) will be removed from the premises and returned to the Town within three days after such Public Hearing is held.

Within 62 (sixty-two) days from the date of such Public Hearing and following a report from the County Planning Board when applicable, the Hopewell Planning Board shall, by resolution, either approve with conditions or disapprove the application so heard. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. In approving the application for a Special Use Permit, the Planning Board may impose reasonable conditions and restrictions directly related and/or incidental to the proposed Special Use Permit.

307 - Planning Board Action on Permit Applications

A. Upon approval of an application by the Planning Board, the Code Enforcement Officer shall be furnished with a copy of the approving resolution of the Planning Board and shall issue the Permit applied for in accordance with the conditions imposed by the Planning Board.

B. If any application is disapproved, or approved with some condition by the Planning Board, the reason for such denial or condition shall be set forth in the Planning Board's resolution or a statement of findings, and a copy of such resolution or findings shall be transmitted to the Code Enforcement Officer. The Code Enforcement Officer shall provide the applicant with a copy of the Board's reason for disapproval, or approval with condition.

C. The Hopewell Town Clerk shall maintain a record of all approved or denied applications. Such permanent record shall be available to the Town Board, the Planning Board, the Code Enforcement Officer and, where applicable, the County Planning Board.

308 - Revocation and Expiration of Permits

A. Should the Code Enforcement Officer determine that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the provision of the Hopewell Town Zoning Ordinance, or the NYS Uniform Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates:

1. All work then completed is compliant with the applicable provisions of this Ordinance, the officially adopted rules and regulations of the Town of Hopewell or its departments, and the NYS Uniform Code.
2. All work then proposed shall be compliant with all applicable provisions of this Ordinance, the officially adopted rules and regulations of the Town of Hopewell or its departments and the NYS Uniform Code.

B. Any Permit issued in error by the Code Enforcement Officer which is subsequently revoked for cause shall require a written explanation from the Code Enforcement Officer to the applicant clearly describing the error that occurred and a course of action to remedy such error.

C. Building Permits shall become invalid if the authorized work has not commenced within 6 (six) months following the date of issuance. Building Permits shall expire 12 (twelve) months after the date of issuance. At the end of said period, a Building Permit may be renewed 1 (one) time by the Code Enforcement Officer for a period of 1 (one) year if, at the end of the original permit, the foundation, exterior walls, doors, windows, and roof are installed and completed.

309 - Compliance with Environmental Quality Review

The applicant is responsible for compliance with the State Environmental Quality Review Act (SEQRA) and for submitting all required SEQRA forms with the Permit or Variance application, Site Plan, or other actions requiring SEQRA compliance under Part 617 of the Environmental Conservation Law of the State of New York. Environmental Assessment Forms are available from the Code Enforcement Officer.

310 - Conflict with Other Laws

Wherever the requirements of this Ordinance vary from the requirements of any other lawfully adopted rules, regulations or ordinances, the requirements imposing the greater restriction, or the requirements imposing the higher standards, shall govern. However, where the NYS Uniform Code or other State Regulations apply, said Code or Regulations shall govern.

311 - Amendments

Regarding all property in the Town of Hopewell, the regulations, restrictions, uses and boundaries provided in this Ordinance and the official map may be amended, supplemented, changed, modified or repealed per the provisions of Section 265, Article 16, Chapter 62 of the Consolidated Laws of New York State and all other applicable laws of the State of New York and in accordance with the following procedures:

A. Whenever any person, firm or corporation desires that any amendments or changes be made in this Ordinance, including the text and/or the Zoning District Map as to any property in Hopewell, there shall be presented to the Hopewell Town Board a petition requesting such change or amendment. The petition shall clearly describe the property and its boundaries and shall indicate the existing zoning district and the requested zoning district. The petition shall also show existing highways, municipal boundary lines and state parks, and names and addresses of all property owners bordering the proposed change. A filing fee pursuant to the fee scheduled shall be paid at the time of filing the petition.

B. Upon determination of the Hopewell Town Board, acting in its legislative capacity, that the Town Board shall consider any such amendment or change, said amendment or change shall be forwarded to the Planning Board for review and recommendation. The Town Board shall establish a reasonable time period, to be not less than 30 (thirty) days upon receipt by the Planning Board of said amendment or change, in which the Planning Board shall forward comments and a recommendation to the Town Board.

C. Prior to the final action of the Hopewell Town Board, the proposed amendment or change shall be referred to the County Planning Board for its review and recommendation.