

# **Chapter 39. PLANNING BOARD**

[**HISTORY: Adopted by the Town Board of the Town of Shandaken 6-9-2010 by L.L. No. 1-2010.**  
Amendments noted where applicable.]

## **GENERAL REFERENCES**

Subdivision of land — See Ch. 105.

Zoning — See Ch. 116.

### **§ 39-1. Legislative background; bylaws.**

A. Organization, membership, and tenure are derived from Article 16, § 271, of the Town Law of the State of New York and Resolution No. 42, unanimously adopted by the Shandaken Town Board on July 10, 1967.

B. The following sections shall be the bylaws for the conduct of business by the Planning Board.

### **§ 39-2. Powers and duties.**

The Shandaken Planning Board shall possess, exercise, and perform all of the powers, functions and duties granted to and imposed upon a town planning board under the law.

### **§ 39-3. Compensation and reimbursement.**

The members of the Shandaken Planning Board shall receive no salary or compensation for their services as members of this Board but shall, with the consent of the Town Board, be reimbursed for their actual expenses incurred in the performance of their duties as members of said Board.

### **§ 39-4. Attendance.**

Any member, without good and sufficient reason, who fails to attend three consecutive, regularly scheduled monthly meetings (including workshops) shall be notified by the Chairman of the Planning Board that the situation is being sent to the Town Board for review. Any new appointment shall be in accordance with § 39-11.

### **§ 39-5. Terms of office.**

As planning is a continuing function, the term of office of each member of the Planning Board shall not be of the same duration. Initially, terms of office shall be based on seven-, six-, five-, four-, three-, two-, and one-year appointments. Thereafter, each position will be for a seven-year term, except in those cases where a vacancy occurs by reason of death, resignation or otherwise, whereupon immediate written notice shall be given to the Town Clerk by the Secretary of the Planning Board. The person appointed by the Town Board shall serve the unexpired term of office in which the vacancy occurred. See also § 39-11.

### **§ 39-6. Meetings.**

A. The annual meeting of the Shandaken Planning Board shall be held on the first regular meeting in the month of January. Officers (outlined in § 39-10) for the ensuing year shall be elected at this meeting.

B. The regular meetings of the Planning Board shall be held on the second Wednesday of each month at 7:00 p.m. in the Shandaken Town Hall unless otherwise determined in advance by a majority of the Planning Board. As needed, workshops will be scheduled at least one week prior to the regularly scheduled monthly meeting, as published following the Town Board reorganization meeting in January.

C. The Chairman of the Planning Board may call for special meetings. Notice shall be given to each Board member at least 48 hours in advance of such a meeting and published in all official notification outlets.

D. Executive session: The Board may meet in any legal closed session. However, all meetings or portions of meetings at which official action is taken shall be open to the general public.

### **§ 39-7. Quorum and voting.**

A. A quorum shall consist of a majority of four members of the Board. In the absence of a quorum, the only action that shall be taken is to call a special meeting at a subsequent date.

B. Each of the seven members properly appointed and present shall be entitled to cast one vote. Each formal action of the Board, required by law, rule or regulation, shall be embodied in a formal resolution (motion, second, and vote tally) and entered in full the Minute Book after the vote, as provided.

C. Recusal: In the event that any member present shall have a financial interest of any kind or otherwise, direct or indirect, in a matter then before the Board, s/he shall recuse him/herself, and the Secretary shall so record in the minutes that said member was recused and no vote was cast by the recused member(s).

### **§ 39-8. Proceedings.**

All meetings of the Board shall be conducted in accordance with Robert's Rules of Order and as herein provided for. The order of business to be followed at any regular meeting of the Board shall be in the order listed below:

A. Roll call.

B. Acceptance of minutes.

C. Reading of communications.

D. Old business.

E. New business.

F. Adjournment.

### **§ 39-9. Public hearings.**

Proper legal notice of all public hearings and each formal action required by law shall be made in accordance with the appropriate provisions of the Town Planning Law.

### **§ 39-10. Officers.**

A. The officers of the Board shall consist of a Chairman and Vice Chairman, each of whom shall serve a term of one year, appointed in January and expiring in December. This term does not apply to the member's term on the Board, but only to the period s/he will serve as an officer of the Board.

B. On the recommendation of the Planning Board, the Town Board will appoint the Chairman. The members of the Planning Board shall elect the Vice Chairman.

C. The duties and powers of the officers of the Planning Board shall be as follows:

(1) Chairman. The Chairman shall:

(a) Preside at all meetings of the Planning Board.

(b) Call special meetings in accordance with Town laws.

(c) Sign all official documents, as required by law, or rules and regulations that are approved by the Board.

(d) See that all reports, documents, and actions of the Planning Board are properly made, executed, filed or taken, as the case may be, in accordance with Town law and the rules and regulations of the Board.

(2) Vice Chairman.

(a) During the absence, disability, disqualification or recusal of the Chairman, the Vice Chairman shall exercise or perform all the duties and responsibilities of the Chairman.

(3) Office personnel.

(a) At the recommendation of the Planning Board, the Town Board shall hire a Secretary/Clerk to be assigned to the Planning Board. This individual will perform all of the customary duties required of the

office of a Secretary/Treasurer but will not be a voting member of the Board. Duties include, but are not limited to:

- [1] Attending all meetings and hearings of the Planning Board to record and transcribe the minutes of same in an appropriate minute book by the following workshop meeting.
- [2] Serving all notices required by law or these bylaws.
- [3] Serving as custodian of the records of the Planning Board.
- [4] Attending to all official correspondence of the Board, as directed by the Chairman.
- [5] Processing all applications as well as approval and/or denial documentation in accordance with Town law and regulation.
- [6] Maintaining a monthly correspondence log and presenting it to the Board with the meeting minutes.
- [7] Collecting and processing all applicable fees and charges, in accordance with methods established by the Town.
- [8] Processing expense vouchers for payment in a timely manner.
- [9] Maintaining office hours for the convenience of the public at least four hours per week on a routine schedule to be published annually.
- [10] Any other duties that shall be assigned by the Chairman of the Planning Board.

**§ 39-11. Appointments.**

A. On an annual basis, a vacancy will occur on the Planning Board and will be filled as follows:

- (1) The vacancy will be advertised in October of the calendar year in which the term ends.
- (2) The Planning Board will conduct interviews of the candidates in November. All Town Board members both currently serving and "elect" shall be invited to attend.
- (3) Recommendation of the Planning Board will be presented to the Town Board in December.
- (4) The Town Board will vote on the candidate in January.

B. Any vacancy occurring outside the annual appointment process shall be filled as soon as practical, provided the same procedure of vacancy advertisement, interviews and recommendation to the Town Board is followed.

**§ 39-12. Amendments to bylaws.**

A two-thirds vote of the members present shall be required to pass an amendment to these bylaws.