

TOWN OF UNION PLANNING BOARD RULES AND PROCEDURES

The following rules and procedures shall be in supplement to and not in derogation of existing practices and policies of the Board.

1) Parliamentary Practices

Planning Board meetings and procedures shall be governed by the rules of parliamentary practice and procedure as set forth in the latest published edition of Robert's Rules of Order, as amended.

2) General Meeting Notice Procedures

Notice of Planning Board meetings shall be filed with the Town Clerk for posting on the official bulletin board of the Town not less than twenty four (24) hours prior to the meeting. Planning Department staff will make a good faith effort to have said meeting notice and meeting agenda posted on the Town's web page at least twenty four (24) hours prior to the meeting.

3) Cancellation

To the extent practicable, notice of any cancellation, adjournment or other postponement of a meeting shall be given in the same manner as the original notice of said meeting.

4) Open Meetings

All meetings, public hearings, and executive sessions shall be conducted in accordance with the New York State Open Meetings Law.

5) Meeting Procedures

The meeting shall be called to order by the Chair upon establishment that a quorum (four members) of the entire seven-member Board is present at the meeting.

As a first order of business, the Chair shall read the agenda for the meeting and notice of the meeting.

At the discretion and direction of the Chair, any person may be recognized to speak at any portion of the public meeting.

6) Presentations

The Chair shall recognize the applicant or the applicant's representative for a presentation not to exceed the time set forth on the application for the presentation of evidence concerning the facts and circumstances with regard to the application. The applicant, or his/her representative shall include in this presentation all witnesses, documents, and evidence required. It is incumbent upon the applicant to provide to the Chair and the Board requisite copies of all documents and exhibits. The applicant shall inquire prior to the meeting with Planning Department

staff as to the number and nature of any copies required with regard to evidence supplied on behalf of the applicant as well as the time such documents must be filed prior to the hearing. In the event of expert testimony or other circumstances due to the nature of the application, the Chair may extend the applicant's time to present evidence in support of the application.

At the conclusion of the presentation by the applicant or at such earlier or later time as directed by the Chair, the Chair and the Board may ask questions or seek additional information from the applicant at the sole discretion of the Chair and members of the Board.

Upon determination of the Chair that additional information is necessary or that comment from the public at other than a public hearing is required, necessary, or advantageous, the Chair may permit such comment or comments from members of the public at the conclusion of the applicant's presentation to the Board. Nothing in the rules and regulations shall require the Chair to permit any public comment or discussion at a public meeting that is not a public hearing.

7) Public Hearing Procedures

In the event of a public hearing, members of the public residing or owning property within five hundred (500) feet of the parcel or site which is the subject matter of said public hearing shall be permitted to speak in favor, in opposition, or otherwise with regard to the application. All such speakers shall provide their names and addresses and otherwise identify themselves as determined by the Chair. For each person addressing the Board, such presentations shall not exceed the time allotted by the Chair.

After any adjoining property owners or residents of property within five-hundred (500) feet of the subject parcel or site have provided their testimony to the Board, the Board shall permit thereafter such other person or persons as deemed appropriate by the Board to provide additional information in favor, in opposition or otherwise with regard to the application. All such speakers shall provide their names and addresses and otherwise identify themselves as determined by the Chair. For each person addressing the Board, such presentations shall not exceed the time allotted by the Chair.

8) Deliberations

At the conclusion of presentation process, as determined solely at the discretion of the Chair, any further comment shall be concluded and the Board shall move into deliberation with regard to the application or proceed to some other agenda item as determined solely at the discretion of the Chair.

During deliberations by the Board or at such other times as directed by the Chair, no public comment or discussion shall be permitted by persons other than Board members, Planning Department staff, or Counsel to the Board, unless otherwise permitted by the Chair.

9) Maintenance Of Order

The Chair at all times shall have the right, power, and authority to suspend any comment, direct an adjournment of the meeting, or cause to be removed any person in attendance at the meeting that is disruptive or otherwise interferes with the administration of the Board and its considerations.

All persons speaking before the Board shall address all comments to the Chair or other members of the Board as determined by the Chair. Under no circumstances shall any person speaking or present at Board meetings direct any comments to other members of the public, the applicant, or otherwise unless expressly permitted by the Chair.

10) Cross Examination

Any questioning, cross-examination, or other inquiry with regard to the facts and circumstances of any application or opposition to such application shall be permitted only at the direction and discretion of the Chair.

11) Written Testimony

Any person or persons in support or opposition of an application who cannot attend any meeting of the Board, shall submit to the Planning Department staff at least two business days prior to the conduct of any Board meeting any information about the application indicating the name, address, and other identification of such person or persons in support of, in opposition to, or otherwise about the application. At the sole discretion of the Chair, written documentation, including but not limited to petitions or letters in support of or opposition to an application, submitted prior to the conclusion of the meeting may be accepted.

All plans, photographs, evidence, charts, memorandum of law, petitions, or other documents in support, in opposition, or otherwise with regard to the application shall be submitted to the Planning Department staff at least five (5) business days prior to the conduct of any Board meeting. Nothing in these rules and regulations shall prevent or preclude the Chair from waiving any requirement for such submission for good cause demonstrated.

12) Recess To Another Time And Place

At such times and occasions as determined at the sole discretion of the Chair, a meeting of the Board can be recessed to such other time and place as determined by majority vote of Board members present. The recessed date shall be publicly announced at the public meeting.

13) Recording of Minutes/Meeting Transcription

Upon determination by the Chair that a verbatim stenographic record of the application or any Board proceeding in relation to said application is necessary, the Chair shall direct that a properly qualified stenographic reporter be present at the hearings at the expense of the applicant for purposes of recording the application

and proceedings in relation to the application. Nothing herein shall prevent the Chair from providing for the recording of Board minutes by tape recorder or other method if a stenographic recordation of such proceedings is not deemed necessary or appropriate by the Chair.

14)Employment Of Experts/Consultants

In the event that the Chair, or by other determination by majority vote of the Board, determines that the employment of experts including but not limited to legal counsel, professional engineers, electrical engineers, architects, appraisers, economists, traffic engineers, hydrologists, foresters, botanists, landscape architects, or planners is necessary or appropriate and in the event such experts shall be retained by the Board the cost of such expert or experts shall be paid for by the applicant. No application shall be deemed complete and ready for final consideration by the Board unless and until all outstanding invoices for such experts have been paid by the applicant.

15)Site Inspection

All Board members shall be permitted to undertake personal inspection of any site or premise that is the subject matter of an application. Open Meeting laws are applicable to site visits. If four (4) or more members intend to meet at the site at the same time, a public notice is required since the site visit would constitute a public meeting. Unless otherwise indicated, inspection shall take place between 8:00 AM and 5:00 PM (or other such times as may be agreed upon by the applicant and the Board) up to and including the day of the scheduled meeting for the application. To the extent possible and practical, any other inspection shall take place at such times and dates as announced by the Board prior to the conduct of any meeting. All Board members conducting any such physical inspection and/or observation shall place upon the record the fact of such inspection and/or observation and any specific information acquired as a result of such inspection and/or observation.

16)Requests For Postponement

All requests by applicants to postpone a matter placed upon the Board agenda shall be addressed in writing to the Chair and such written request shall be filed with the Planning Department staff no less than two business days prior to the conduct of any such meeting. The Planning Department staff shall make a good faith effort to notify any persons who have submitted petitions in support or opposition of said application of such request for postponement and any determination by the Chair to grant such postponement by posting a notice on the Town of Union Web Page and posting a notice on the official Town of Union bulletin board. The granting or denial of a request for postponement shall be made at the sole and complete discretion of the Chair. Nothing herein shall prevent the postponement of any agenda item as determined by the Chair for good cause notwithstanding the requirements set forth herein.

17)Ex Parte Communications

All communications with regard to any application before the Board shall be made through the Planning Department staff and not to any Board members directly.

Board members should not have direct contact with applicants or their representatives outside of the public meeting or hearing process. If contacted by an applicant or representative via mail, facsimile, telephone, or electronic mail Board members should explain that such communications may only occur during a public meeting or hearing. Said procedures shall also apply to direct contact of Board members by other members of the Board or staff who have declared a conflict of interest and recused themselves from participating in deliberations on the matter.

Nothing herein shall prohibit the Chair from contacting any person or persons to obtain information with regard to the application.

18)Closing The Record

At the conclusion of any Public Hearing or at such other time as determined by the Chair, the Chair may direct the applicant or any persons in opposition to the application or in support of the application to submit proposed Findings of Fact, Conclusions of Law, Memorandum of Law, or other documents to assist the Board in reaching a determination on the application. The submission of any such documentation shall be at the time, place, and manner as directed to the Chair.

19)Testimony Under Oath

Any and all testimony, evidence, or presentations to the Board shall be considered under oath unless directed otherwise at the sole discretion of the Chair. Oaths may be officially administered by the Chair.

20)Revocation of Approval

If it is ascertained that approval of an application was procured by misrepresentation or fraud by the applicant, or his/her representatives, including consultants, the Board may, after a hearing, revoke the approval.

21)Costs For Public Notices For Postponements

All costs, expenses, or other charges with regard to the notification or publication of hearings or any postponements thereof or such other notice as required shall be at the sole expense of the applicant.

22)Reconsideration

Any application for reconsideration, submission, or other approval by the Board after the Board has rendered a determination on such application can only be made upon demonstration by the applicant of a substantial change to the application since the prior determination by the Board. Nothing herein shall prevent

the Board from reconsidering, re-noticing, modifying, or otherwise entertaining any application subsequent to a previous determination for good cause demonstrated.

23)Suspension Of Rules And Procedures

Nothing herein shall prevent the Board upon majority vote from modifying, waiving, amending, or otherwise changing application of the rules and regulations set forth herein.

No action or omission by the Board or any of its members in applying, waiving, or otherwise proceeding pursuant to said rules and regulations or in derogation thereof shall constitute a subsequent waiver or modification in the application or interpretation of these rules and regulations.

24)Applications

The form and required content of applications for, including, but not limited to, Site Plan Approval, Subdivisions, Special Permits, and Planned Unit Developments shall be provided by the Planning Department.

25)Acknowledgement Of Receipt Of Documents

All incoming correspondence, maps, plans, or other documentation should be date and time stamped by the Planning Department.

26)Conditions of Approval

The Board may impose conditions to site plan, special permit, or subdivision approvals that it deems to be necessary and appropriate to protect public convenience, health, safety, or public infrastructure assets. The Board may upon a recommendation from the Commissioner of Public Works or at its own discretion require applicants to pay for off-site infrastructure development costs associated with the project including but not limited to upgrades to streets, public water systems, public sewer systems, storm water facilities, traffic control devices, acceleration/deceleration lanes, parks, and special studies.

27)Public Hearing Notice Publishing Requirements

A Legal Notice shall be posted one time in a newspaper of general circulation in the Town not less than five (5) days prior to the conduct of the hearing. The calculation of said five day period may include the date of publication or the day of the hearing, but not both. The form of the Legal Notice shall be provided by the Planning Department.

28)Public Notice Mailings

The Planning Department shall prepare and mail a hearing notice to abutting property owners whose property is within five-hundred (500) feet in any direction of the property line bounding the subject property. Notice to property owners shall be sent via First Class Mail. Notices that are not returned to the Planning Department by the United States Postal Service shall be deemed delivered.

29)Public Hearing Notice Sign

Upon filing of an application requiring a Public Hearing, at least one Public Notice sign will be placed on the subject parcel of land in a conspicuous place not less than five days prior to the date of the hearing indicating the nature of the application and date and time of the Public Hearing.

30)Amendments

After the initial adoption of the Rules and Procedures by the Planning Board and subsequent approval by the Town Board amendments to the adopted Rules and Procedures may only be made upon a majority plus one (5) vote of the entire membership of the Planning Board.

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