

# **Village of Victory Planning Board Bylaws and Policies & Procedures**

**Adopted by Planning Board Resolution  
Established 01/18/06**

**Adopted by Village of Victory Board  
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**Prepared By  
Village of Victory  
Planning Board**

# PLANNING BOARD BYLAWS

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# **PLANNING BOARD BYLAWS**

## **I Establishment and Purpose**

### **I A. Planning Board**

The Planning Board, created by the Board of Trustees of the Village of Victory, Has been established pursuant to Article 7 of the Village Law of the State of New York and Village of Victory Local Law No. 1 of 2005.

The Planning Board is established to review site plan and subdivision applications and advise and make recommendations to the Village Board regarding matters, which will contribute to the planning and development of the Village of Victory, as it deems desirable. The Planning Board shall perform other duties as mandated by law.

### **I B. Bylaws**

The Bylaws of the Village of Victory Planning Board are hereby established, effective 01/18/2006. These bylaws may be amended from time to time by an affirmative vote and Resolution of two-thirds of the members of the Planning Board.

## **II Organization**

### **II A. Membership and Terms**

The membership and terms of office of the Planning board shall be as specified in Village of Victory Local Law No. 1 of 2005 and as set forth in Section 7-718 of the Village Law of the State of New.

### **II B. Officers**

The Executive Officers of the Planning Board shall be the Chairperson, the Vice-Chairperson and Secretary, who shall be chosen as follows: (a) chairperson. The Planning board shall, before its re-organizational meeting each year, make a recommendation to the Mayor for the appointment of a member of the Planning board to the position of Chairperson. The Mayor, with the approval of the board of Trustees, may then appoint such person to the position of Chairperson, may appoint another Planning board member to such position, or may elect not to appoint anyone to the position. Should the Mayor fail or neglect to appoint a Chairperson of the planning board, the Planning board may then elect one of its members to such a position pursuant to Section 7-718 of the Village Law. (b) Vice-Chairperson and Secretary. The Vice-Chairperson and Secretary shall be elected annually by the majority vote of the members of the Planning Board. (c) Temporary chairperson. In the event that the Chairperson and Vice-Chairperson shall both be absent or unable to attend and preside over a meeting of the Planning board, the remaining Planning board Members may, by majority vote, elect one of themselves to serve as Temporary Chairperson of the Planning Board until such time as the chairperson or vice-Chairperson are again able to serve.

## II C. Responsibility of Officers

### 1. Chairperson

The Chairperson shall:

- a. Preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary procedure;
- b. Sign all approved final plats and site plans;
- c. Appoint committees and a chairperson thereof;
- d. Be an ex-officio member of all Planning Board committees;
- e. Sign all contracts, agreements and other instruments made and approved by the Planning Board;
- f. Serve as official spokesperson for the Planning Board. However, written public statements, press releases, etc. shall be approved by the members.
- g. Perform all the duties incidental to the office;
- h. Perform such other duties as may, from time to time, be required, and;
- i. Call emergency meetings of the Planning Board with a consensus of three (3) Planning Board members including himself/herself, with at least 48 hours notice whenever possible.

### 2. Vice Chairperson

The Vice Chairperson shall:

- a. Perform all the duties of the Chairperson in case of his or her absence;
- b. Perform such other duties as may, from time to time, be assigned by the Chairperson.

### 3. Secretary

The Secretary shall, with the assistance of such Staff as is available:

- a. Keep the minutes and records of the Planning Board;
- b. Provide notice of all meetings to Planning Board members;
- c. Ascertain that proper and legal notice of hearings has been provided;
- d. Attend to the correspondence of the Planning Board; and

These functions can be divided as needed at the discretion of the Planning Board. The person designated to perform these functions need not be a Planning Board member.

--In the absence of the Secretary due to illness or personal reasons, the Chairperson shall appoint a temporary Secretary.

4. Other Officers

Other officials shall have such authority and perform such duties as, from time to time, may be assigned by the Planning Board.

**II D. Planning Board Committees**

The Chairperson may appoint committees, pertaining to special projects or studies, of any number from the membership. Such committees shall report to the Planning Board and may advise the Planning Board as to actions, which may be taken by the Planning Board as a whole.

Planning Board committees may solicit advice and expertise from outside its membership. If such advice and expertise carries a fee, funds must be approved by the Village Board.

Planning Board committees are distinguished from Village Committees in that Village Committees are appointed by the Village Board. Village Committees may assist the Planning Board in a similar fashion as a Planning Board committee if their purpose is so designated.

**II E. Alternate Members**

As per Local Law 1 of 2005, the Village Board shall appoint one (1) alternate member to the Planning Board to serve in the event of a conflict of interest, illness, vacation, or other absence. The Planning Board Chairperson may designate an alternate Planning Board member to serve in a particular matter or matters in the event of an absence, conflict of interest, or scheduling difficulty. Upon designation, the alternate Planning Board member shall have all of the same duties and responsibilities of a regular Planning Board member.

**II F. Vacancies**

If a vacancy shall occur other than by term expiration, it shall be filled by the Village Board by appointment for the remainder of the unexpired term.

**II G. Terms of Officers**

The officers of the Planning Board shall be appointed/elected for one year terms.

## **III. Meetings**

### **III A. Open Meetings Law**

Meetings of the Planning Board shall be convened and held in accordance with the Open meetings Law of the State of New York.

### **III B. Public Hearings and Public Information Sessions**

#### **1. As Required by Law**

The Planning Board shall hold public hearings as required by law.

#### **2. As Allowed**

The Planning Board may hold public hearings or public information sessions, in addition to those required by law, when it is deemed such hearings or sessions would be in the best interest of the public and other parties concerned.

#### **3. Advertisement**

Any matter for which a public hearing or information session is required by law or by determination of the Planning Board shall be advertised for public hearing or information session upon its addition to the meeting agenda.

#### **4. Conduct for all Public Hearings**

- a. Any person wishing to comment shall be recognized by the Chairperson and shall give his or her name and address. They will have a five (5) minute time limit, when they address the board.
- b. Unless an extension of time is granted, the duration of each person' remarks to the Planning board shall not exceed five (5) minutes.

### **III C. Schedule**

Regular Planning Board meetings will be held each month on a schedule established by the Planning Board. All meetings shall begin at 7:00 p.m. unless otherwise announced. If any such day should fall on a legal holiday, or for other reasons by which the Planning Board cannot meet, the new meeting date shall be determined by the Planning Board, and notice of said adjourned date shall be given to the Planning board members and the public in the same manner as is required for a special meeting of the Board.

All matters on the regularly scheduled Planning Board agenda must be submitted to the Planning Board by the submission deadline for that meeting in order to be placed on the agenda, unless the Planning Board by majority vote allows for extension of the submission deadline.

#### **1. Regular Meetings**

The Board shall set the dates of its regular meetings.

#### **2. Special Meetings**

Planning Board members may, at a regular meeting, set a special meeting when deemed necessary. Such meeting shall be noticed in accordance with the provisions of the Open Meetings Law of the State of New York.

#### **3. Emergency Meetings**

The Chairperson may call an emergency meeting when necessary, and upon concurrence of three (3) members of the Planning Board. All members of the Planning Board shall be notified of such emergency meeting and the date, time, place, and agenda, at least 48 hours prior to the meeting, whenever possible.

#### **4. Workshop Sessions**

A Workshop Session primarily consists of matters for in-depth discussion or educational purposes. General or specific planning or procedural information, or work updates on particular topics as provided by planning staff or consultants are appropriate matters. Workshop Sessions are not intended to be held to discuss particular applications before the Planning Board. Accordingly, Workshop Sessions may be less formal than Regular, Special, or Emergency Meetings. Public comments may be allowed at the discretion of the Planning Board Chairperson.



The Planning Board may conduct workshop sessions as deemed necessary. Such sessions shall be subject to all provisions of the New York State Open Meetings Law.

#### 5. Annual Meeting

The annual organizational meeting of the Board shall be the first regular meeting in the month of June of each year. At such time the Planning Board shall elect officers, designate the dates of regular meetings for the upcoming year, and conduct such other business as is necessary.

### **III D. Executive Session**

Executive Sessions of the Planning Board shall be conducted only in accordance with the New York State Open Meetings Law. All official actions of the Planning Board shall be taken at an open public meeting.

## **IV Proceedings**

### **IV A. Governing Rules**

Robert's Rules of Order, as revised, shall serve as guidelines for the Planning Board's proceedings, except as specified otherwise by the Planning Board Policies and Procedures.

### **IV B. Quorum**

A quorum shall consist of three (3) members of the Planning Board, or not less than a majority of the members.

### **IV C. Voting**

#### 1. Action

Action shall be taken only upon the affirmative vote of a necessary number of members as provided by law, i.e. a quorum, which is a majority of the full Planning Board. Each member shall have one vote. A majority vote of those members present but not in sufficient number to constitute a majority of the entire membership of the full Planning Board, shall not constitute any formal action by the Board.

In the event of a tie vote, the proposition being voted has not been acted upon.

The Chairman of the Planning Board shall have the same right to act on matters before the Board as other members, including the right to make and second motions.

## 2. Disqualification

Each member of the Planning Board shall vote on all questions before the Board unless required to abstain in accordance with any applicable law or regulations.

The member in question shall cite the categorical reason for abstaining. Examples of such reasons include, but are not limited to, business interest, financial interest, or relationship with the applicant. Indecision is not a valid reason for abstaining from voting.

For reasons of a conflict of interest, bias, prejudice, illness, vacation, or other absence, such member shall contact the Planning Board Chairman and the alternate, so that there is a substitute for the unavailable Board member.

## V MINUTES AND RECORDS OF MEETINGS

### V A. Records

Minutes shall be kept of all Planning Board meetings and hearings. At a minimum, minutes shall include the names of persons appearing and addressing the Planning Board; a summary of statements made at public hearings, actions taken; findings made, if any, and reasons therefor.

The official record of meetings shall be the minutes prepared by the Planning Board Secretary.

The official record of the proceedings of the Planning Board shall be kept in the office of the Village Clerk of the Village of Victory.

### V B. Copies and Distribution

Copies of meeting minutes shall be sent to all members of the Planning Board. Copies shall be available in the Village of Victory Clerks Office

### V C. Adoption

Minutes shall not be considered officially adopted until formally approved by the Planning Board.

### V D. Resolutions

Resolutions are recorded as a part of all minutes taken, since Resolutions are considered the Planning Board's official actions. Resolutions are also transcribed as separate documents and are provided to the Village Clerk within 5 days, or as prescribed by law. Resolutions are also kept as part of the official files for the corresponding applications and matters to which they pertain.

## **VI PUBLIC INFORMATION**

Access to records and documents of the Planning Board shall be governed by the Freedom of Information Law (FOIL) of the State of New York. The Village of Victory Clerk shall be designated as the Information Officer and shall fill all requests for information as required by the Freedom of Information Law. The Village Clerk shall collect any fees, as established from time to time by the Village Board, for copies made of any such documents requested. Any such fees collected shall be given to the office of the Village Clerk.

## **VII ETHICS**

### **VII A. Village Code**

Rules of ethical conduct for public officers, employees, and administrative Board members of the Village of Victory are governed by the Code of Ethics as adopted by the Village Board of the Village of Victory.

The Code prohibits a Planning Board member from participating in any official action affecting the Board member's own pecuniary or material interests, or that of his or her immediate family or his or her firm, partnership or association; from using the position to obtain an unwarranted privilege; or from acting in a manner that would cause a reasonable person to conclude that the Planning Board member can be improperly influenced or that a person could unduly enjoy the Planning Board member's favor in the performance of his or her official duties.

### **VII B. Disclosure**

Any Planning Board member who believes that he or she should not participate in the discussion and vote on any issue shall recuse himself or herself, and publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest held in such application.

## **VIII Amendments to Bylaws**

These Bylaws may be amended only by the affirmative vote of a two-thirds majority vote of the Planning Board members.