

# CITY OF PLATTSBURGH

## PLANNING BOARD BY-LAWS

### SECTION I: AUTHORITY, PURPOSE, POWER, AND DUTIES

1. The City of Plattsburgh Planning Commission (hereafter referred to as the “Planning Board” or the “Board”) is so created under and by virtue of General Municipal Law Article 12-a, §§ 234 and 239-a, both inclusive; Chapter 14, Article I, §14-1 of the City Code, and General City Law § 27-a.
2. Pursuant to § 27 of the General City Law, the Planning Board is hereby invested with the powers and duties as specified for a Planning Board as provided in Article 3 of the General City Law in addition to the powers and duties as specified in Article 12-a of the General Municipal Law.
3. The objectives of the Planning Board are to guide the physical growth and development of the City of Plattsburgh through the adoption and implementation of a comprehensive plan and zoning code, evaluation and recommendation on land use changes, development projects, and preservation of historic districts and sites. The Planning Board shall exercise all the powers, authority, and responsibility assigned to it by the State of New York.

### SECTION II: MEMBERS, CHAIRPERSON, AND TERMS

#### MEMBERS:

The Planning Board shall consist of seven members: five regular members and two alternate members. The alternate members shall serve and participate pursuant to Section VI, below.

#### APPOINTMENT & TERM:

Appointments of members to the Planning Board, and associated terms, will be made in accordance with Chapter 14, Article I, Section 14-3 of the City Code.

#### CHAIRPERSON:

The Mayor shall appoint a Chairperson from the members for the duration of the appointed member’s term.

#### ACTING CHAIRPERSON:

The Chairperson shall designate a member to serve as Acting Chairperson in the absence or recusal of a chairperson. The Acting Chairperson shall, in the absence of the Chairperson, perform the duties and responsibilities of the Chairperson. (See GCL § 27 (1)). In the event of a

recusal of the Chairperson, the Acting Chairperson shall perform these duties for the remainder of the review of that application.

#### ATTENDANCE:

Any member missing five (5) meetings out of twelve (12) consecutive regular or special meetings will be deemed to have resigned from the Planning Board and is subject to removal by the Common Council. In order to be excused from a meeting, the Board Member shall provide advance notification to the Chairperson.

#### TRAINING:

The City of Plattsburgh's Common Council shall appropriate, on an annual basis, funding sufficient to pay for the cost of annual training requirements mandated by New York State for all Planning Board members. Planning Board members must avoid unnecessary or unreasonable training costs and shall require prior written approval for the training by the City's Community Development Office. Failure by any member of the Planning Board to meet the mandated annual training requirements shall make that member ineligible for reappointment to the Planning Board at the expiration of their term.

### SECTION III: MEETINGS, QUORUM, AND PROCEDURES

#### REGULAR MEETINGS:

The regular meetings of the Planning Board shall be held at times determined by a majority of the regular members. The Chairperson, in consultation with Community Development Office staff, has the authority to cancel any meeting due to anticipated lack of quorum, inclement weather, or other unexpected and unusual event. No official business shall be conducted until the Chairperson has taken the chair, roll has been called, and it has been determined that a quorum is present. A quorum consists of three members of the Planning Board.

The time, date, and place of each regular meeting for the year will be established and adopted at the first meeting of the year. Each member will be notified of the time, date, and place of each meeting by the Community Development Office staff. All members of the Planning Board shall be notified in writing of the time, place, date, and agenda at least forty-eight (48) hours in advance.

#### SPECIAL MEETINGS:

Special meetings of the Planning Board shall be held at the call of the Chairperson, or as requested by three of the regular members of the Board. All members of the board shall be notified in writing of the time, place, date, and agenda at least forty-eight (48) hours in advance, in conformance with City Code and Open Meetings Law.

#### VIDEOCONFERENCING:

In-person attendance at meetings is preferred for all Planning Board members, applicants, and members of the public.

Notwithstanding the above preference, when illness, travel, weather or other factors impede in-person attendance, a Planning Board member may participate in a meeting through videoconferencing, teleconferencing, or other available technology which allows the members to communicate simultaneously. Participation by such means shall constitute attendance at a meeting as long as all persons participating in the meeting can see and hear each other at the same time and each member can participate in all matters before the Planning Board including, without limitation, the ability to propose, object to, and vote upon a specific action to be taken by the Planning Board. Any remote attendance and associated notice provisions for remote attendance must comply with the Open Meetings Law and any member seeking to appear remotely shall provide sufficient notice to the Community Development Office staff for their intended remote appearance. Unless permitted by the Open Meetings Law, a quorum of members may not appear remotely.

Applicants and members of the public may also participate by videoconferencing in accordance with any governing statutes that may exist. Applicants must participate with video and audio engaged.

If technical difficulties prevent livestreaming and/or videoconferencing, the meeting shall be considered a valid meeting so long as an in-person quorum is present.

#### MEETINGS ARE OPEN TO THE PUBLIC:

Meetings of the Planning Board shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Planning Board shall keep minutes of their 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 their examinations and other official actions. On proper motion, and in conformance with the Open Meetings Law, the Planning Board may enter into Executive Sessions.

#### PROCEDURES FOR BOARD DISCUSSION AND ACTION:

The Chairperson or their designee member shall preside over all meetings and work sessions. Parliamentary procedure in Planning Board meetings shall be governed by Robert's Rules of Order, in all cases to which they are applicable, and in which they are not inconsistent with these By-Laws or New York State statute.

#### APPLICANT ATTENDANCE AT MEETINGS:

Applicants or their duly authorized representative(s) are strongly encouraged to attend any meeting in which they have applied to have their matter reviewed by the Planning Board. In person attendance is preferred but remote attendance is permissible as detailed above in this Section III. Failure of the applicant to appear without notice may disadvantage the review of the application due to the inability of the applicant to represent their application. The Planning Board may elect to discuss and vote upon an item without the applicant in attendance.

In the event fewer than five (5) Planning Board members are eligible to vote at a meeting, the applicant shall be provided the opportunity to table their application until the next meeting of the Planning Board.

## SECTION IV: BOARD MEMBER ETHICS AND CONDUCT

### GENERAL EXPECTATIONS:

1. All Planning Board members will attend all meetings and provide notification in advance when unable to attend.
2. Planning Board members will be prepared for discussion, read all meeting materials in advance, and contact Community Development Office staff if they have any questions about the materials they have been provided.
3. Planning Board members shall be familiar with and follow these By-Laws, the City Code, and all other statutory guidelines by which the Board is bound. These include the City's Comprehensive Plan, Zoning Code, Subdivision Regulations, Site Plan Review Criteria, Historic Site Review Criteria, the U.S. Secretary for the Interior's Standards for the Preservation of Historic Resources, and other plans and regulations applicable to the Planning Board's jurisdiction.
4. Planning Board members shall be objective and base their decisions on facts, supported by the record.
5. Planning Board members shall act in conformance with both the City's Ethic's Code and Article 18 from the General Municipal Code, and shall otherwise act ethically and avoid conflicts of interest or bias in the performance of their duties as Planning Board members.
6. Board Members shall duly complete their required training as mandated by Section II, above, the City Code, and New York State statute.

### ACT IN THE PUBLIC INTEREST:

Planning Board members must act and make decisions in the "public interest." Unlike a special interest, where a limited number of people would stand to benefit or profit, the public interest represents the benefits to society.

### CONFLICTS OF INTEREST:

Planning Board members shall comply with the City's Ethic's Code and Article 18 of the General Municipal Law with respect to conflicts of interest. A "conflict of interest" is as defined therein but, in general, occurs when a Planning Board member could obtain a private benefit as the result of a Planning Board action. A private benefit may be either direct or indirect, such as creating a material personal gain or providing an advantage to relatives, neighbors, friends, or groups and associations to which the Planning Board member belongs.

A conflict of interest may exist even though a Planning Board member may not believe that a conflict exists. A Planning Board member who has any question about a potential conflict of interest should follow the protocols set forth in these By-Laws. If there is no guidance in these By-Laws, the member should raise the matter with the City's Attorney and/or the City's Ethic's Board so a determination may be made as to whether a conflict of interest exists and to advise as to the appropriate protocol.

Planning Board members with a conflict of interest, or who otherwise recuse themselves from a matter, shall declare the conflict and/or recusal publicly and refrain from any participation in discussion on issues or decisions where such conflicts exist. Planning Board members with a conflict of interest, or who have recused themselves, shall also refrain from engaging in commentary at Public Hearings or during a public comment period to avoid the potential of their participation having undue influence on other board members who will exercise a vote on the matter.

Planning Board members with a conflict of interest, or who otherwise recuse themselves from a matter, shall physically relocate themselves away from the Planning Board table, or if attending remotely, from the videoconference panel.

Planning Board members who are an applicant before the Planning Board have the right to represent themselves for their application and are entitled to the same level of participation as a typical applicant.

#### GIFTS AND FAVORS:

Gifts, favors, advantages, or other consideration shall not be accepted by any Planning Board member from any applicant, particularly if such gifts are offered to influence the Planning Board member or if it could appear to the public that the gift was offered for that purpose. Even minor considerations that come in the form of business lunches or small gifts are not acceptable.

#### EX PARTE COMMUNICATION:

Planning Board members shall avoid ex parte communications with any applicant, advocate, opponent, or public official regarding a pending or impending application.

Ex parte communication occurs outside of a public meeting or hearing and can include telephone calls, informal meetings, lunches, emails, or even casual encounters. The essential component of ex parte communication is that someone with a direct interest in an application is attempting to influence a Planning Board member outside of a meeting or before they have had an opportunity to hear all information about a matter. Said individual is attempting to influence decision-making before all sides have had an opportunity to present their arguments at public meetings, hearings, or other official means of submitting their comments.

In the event a Planning Board member experiences an ex parte communication, such member shall use reasonable efforts to terminate the conversation and may invite the individual(s) to present testimony to the entire Planning Board. In the event a Planning Board member receives written information which was not transmitted to other Planning Board members, such member shall send said information to Community Development Office staff and it shall be included in packets that will be provided to all Planning Board members. In the event a Planning Board member experiences an ex parte communication, such member shall disclose that communication for the record before the meeting begins.

### SECTION V: THE ORDER OF BUSINESS

The order of business for a regular meeting shall be:

- Call to Order
- Roll Call
- Determination of Quorum
- Public Comment
- Staff Report
- Old Business
- New Business
- Adjournment

Business may be reordered when deemed necessary or appropriate by the Chairperson.

## SECTION VI: ALTERNATE PLANNING BOARD MEMBERS

In the event that a regular Planning Board member recuses themselves from a specific item, or otherwise has a conflict of interest, the alternate Planning Board member who has **not** last served in the place of a regular member in attendance at the initial review of an item before the Board shall take their place. The same alternate member shall be seated for all subsequent review of the item in place of the recused regular member.

In the event that a regular Planning Board member is absent for the initial hearing of an item for which they would not need to recuse themselves, the alternate Planning Board member who has **not** last served in the place of a regular member in attendance at the initial review of an item before the Board shall take his or her place. The regular Planning Board member may resume their seat during subsequent review of the item if they have reviewed both the application and the minutes of the meeting(s) that they have missed. In that event, the regular Planning Board member shall enter into the record a statement that they have reviewed all necessary materials related to the item in question.

An alternate Planning Board member who is not seated for the review of an item shall not participate in discussion of the item during Board meetings or make public comments regarding the merits of the item. Seating arrangements, placards, and/or, in the case of a member participating via videoconference, digital labels shall plainly demonstrate which members – whether regular or alternate – are serving as voting members during the review of each item.

## SECTION VII: COMMITTEES

The Chairperson shall be authorized to establish and appoint members or nonmembers to committees for the purpose of advising as to the policies of the Planning Board, for researching and reporting regarding a particular matter, and executing the Board's orders.

## SECTION VIII: CORRESPONDENCE AND COMMUNICATIONS

### APPROVAL BY CHAIRPERSON:

It shall be the duty of the Chairperson to approve all correspondence necessary for execution of the duties and functions of the Planning Board as prescribed in these By-Laws.

Community Development Office staff will also conduct correspondence and communication pertaining to Planning Board functions under the direction and approval of the Chairperson.

All official communication of the Board will be carried out by, or under the direction of, the Chairperson.

## SECTION IX: AMENDMENT OF THESE BY-LAWS

Amendment of these By-Laws shall be made solely by the Common Council of the City of Plattsburgh via their legislative process. The Common Council shall review and consider any recommendations of the Planning Board for amendments to these By-Laws.