

TOWN OF ESSEX PLANNING BOARD

By-Laws

I. OBJECTIVE

The purpose of the Town of Essex Planning Board is to promote orderly land use and development consistent with the Town's current Comprehensive Plan through the implementation of the Town's Zoning Law, Subdivision Law, Waterfront and Harbor Management Law and such other laws that may apply. These By-Laws are consistent with NY State Town Law 271 "Town Planning Board, creation and appointment."

ii. ORGANIZATION

- A. **Membership.** The Town of Essex Planning Board consists of seven regular voting members and two alternate members appointed by the Town Board.
1. **Qualifications.** All regular and alternate members of the Planning Board must be at least eighteen (18) years of age and reside within the boundaries of the Town of Essex.
 2. **Regular members.** Seven regular members serve by appointment of the Town Board for a period of seven (7) years or for the remainder of an existing but vacant term. Regular members may be reappointed for an unlimited number of terms.
 3. **Alternate members.** Two alternate members serve by appointment of the Town Board for a period of two (2) years or for the remainder of an existing but vacant alternate position. Alternate members may be reappointed by the Town Board.
 4. **Dismissal.** After a public hearing the Town Board may remove any regular or alternate member of the Planning Board for cause, including but not limited to failure to attend meetings on a regular basis and failure to receive required annual training. The Town Board will be apprised by the Planning Board Chair of members with four (4) or more non-excused absences in a twelve month period and of those who have not received the required annual training.
 5. **Vacancies.** Should any vacancy occur among the regular or alternate members of the Planning Board, the Town Board shall appoint a new member to fill that person's unexpired term. In most cases it is expected the Town Board will appoint one of the two current alternate members to the unexpired term.

6. Training. All regular and alternate members shall annually obtain four (4) hours of continuing education in the field of their duties, as required by State Law. A member's record of attendance at such trainings shall be kept by the Secretary of the Planning Board. Hours obtained beyond those required annually may be applied to the next successive year's requirement.

7. Expenses. Members shall serve without compensation, except where the Town Board shall provide otherwise. Members shall be reimbursed for actual expenses necessarily incurred in the performance of their duties within the appropriation provided by the Town Board.

8. Committees. Special committees may be appointed by the Chair for purposes and terms which the Board approves. Members of Special Committees need not be members of the Planning Board but at least one member of such committee must be a regular Planning Board member.

B. Officers and Duties. The officers of the Planning Board of the Town of Essex shall consist of a Chair and a Vice Chair both of whom are regular voting members of the Planning Board. Each shall serve a term of one year or until their successors are duly elected.

1. Chair. The Chair of the Planning Board shall be appointed annually by the Town Board. If the Town Board fails to appoint a Chair for the ensuing year, the Planning Board shall, at its Annual Meeting, elect a Chair from its own members. Should the Chair permanently vacate his/her post for any reason, the Town Board shall appoint a new Chair to serve the remainder of the previous Chair's unexpired term. If the Town Board fails to appoint a new Chair, the Planning Board, at its next regularly scheduled meeting, shall elect a new Chair. Until such time as the vacant Chair position is occupied, the Vice Chair shall serve as the Acting Chair.

Duties of the Chair:

- To preside at all meetings of the Planning Board.
- To call Special Meetings of the Planning Board in accordance with these By-Laws.
- To designate an Alternate Member to serve in the place of a regular member, should the regular member be unable to participate in a meeting because of a conflict of interest.
- To sign all official documents of the Planning Board in accordance with the requirements of these By-Laws.

- To 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 law.
- Perform such other duties as may, from time to time, be required.

2. Vice Chair. The Vice Chair of the Planning Board shall be elected by the members for the ensuing year at the Annual Meeting of the Planning board. Should the Vice Chair vacate his/her post for any reason, the Planning Board, at its next regularly scheduled meeting, shall elect a new Vice Chair.

Duties of the Vice Chair:

- Perform all the duties and be subject to all the responsibilities of the Chair during the absence, disability or disqualification of the Chair including signing official documents.
- Perform such other duties as may, from time to time, be required.

C. Secretary to the Planning Board. A compensated Secretary to the Planning Board is appointed annually by the Town Board, upon recommendation by the Planning Board Chair. A position description that includes the duties of this individual is attached to these By-Laws.

III. MEETINGS

A. **Schedule**

- 1. Annual Organizational Meeting.** An organizational meeting shall be held at the first regularly scheduled meeting of the calendar year. At this time such matters as the election of the Vice Chair, the establishment of the meeting schedule for the year, introduction of any new regular or alternate members who shall take the Oath of Office, amendment of these By-Laws and such other business as shall be necessary and appropriate will be addressed.
- 2. Regular Meetings.** Regular Meetings of the Planning Board, including Public Hearings, will normally be held at 6:30 PM on the third Thursday of each month in the Town Hall, or on such other day or days as shall be determined by the Planning Board. If there is no business scheduled to come before the Planning Board in a given month the Chair may cancel the meeting.
- 3. Special Meetings.** Special Meetings may be called by the Chair. The Chair shall also be required to call a Special Meeting when requested to do so by a majority of the

regular members of the Planning Board. All members of the Planning Board must be notified verbally, in writing or electronically of such special meeting not less than seventy-two (72) hours in advance. The notice of such meetings shall specify the purpose of the meeting, and no other business may be considered except by unanimous consent of the Board. The Secretary to the Board shall notify all members of the Board of the time of such meeting and make every effort to get pertinent information germane to the purpose of the meeting to Board members.

The Board may meet with less notice than seventy-two (72) hours with the unanimous consent of all members, obtained verbally or electronically. Such a meeting shall be called only when a situation exists that requires prompt and timely attention.

4. Special Public Hearings. The Planning Board may hold special public hearings, in addition to those required by law, when it is deemed such sessions would be in the best interest of the public.
5. Informal Work Sessions. To facilitate communication between applicants requesting action by the Planning Board, Informal work sessions with applicants and the Planning Board Chair, Zoning Officer and no more than two additional members of the Planning Board may be scheduled before each Regular meeting. No action may be taken and minutes are not kept. The public is welcome but may not participate.

B. Proceedings

1. Notification of Meetings. All regular meetings of the Planning Board, for whatever purpose, shall be posted in the Town Hall, on the Town's Web Site and published in a newspaper of general circulation at least ten (10) days prior to the meeting.
2. Rules of Procedure. All meetings of the Planning Board shall be conducted in accordance with Robert's Rules of Order except as specified otherwise by these By-Laws.
3. Quorum. A quorum shall consist of four of the voting members of the Planning Board. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.
4. Conflict of Interest. In the event that any member shall have an active or future personal or financial interest in a matter then before the Board, she/he shall disclose that interest and recuse him/herself from discussing or voting on the matter. The individual may not participate in the public comments on the matter.

5. Participation of Alternate Members. An Alternate member may participate and vote as a regular member if a regular member is unable to participate because of a conflict of interest in a matter before the Planning Board or a member is absent for any reason. The Chair will select an Alternate member to fill that voting position.

6. Voting. Every motion or resolution of the Planning Board shall require for its adoption the affirmative vote of a majority of all the members of the Planning Board. Members must be present at the meeting to vote. Voting shall be by voice.

7. Minutes. The proceedings of all public meetings of the Planning Board shall be electronically recorded by the Secretary to the Planning Board. Written DRAFT minutes will be distributed to the Planning Board and made available for public review at the Town Offices and on the Town web site within two weeks of the meeting. It is expected that the minutes will be approved at the next Planning Board meeting. After minutes are approved they are permanently posted on the Town of Essex Web site.

8. Order of Business. The order of business at regular meetings shall be:
 1. Attendance
 2. Approval of minutes of the preceding meeting(s)
 3. Old Business
 4. New Business
 5. Report of the Zoning Officer
 6. Chair's report
 7. Other reports and communications
 8. Public Comments
 9. Adjournment

9. Participation by the Public. No person other than the applicant or his/her official representative may address the Board during the Board's deliberations and vote on that application. Provision is provided at the end of each meeting for brief [three (3) minute maximum] public comments.

IV. AMENDMENT

These By-Laws may be amended at any regular Meeting of the Planning Board provided that notice of said proposed amendment(s) is given to each member in writing or electronically at least twenty-eight (28) days prior to said meeting and it shall contain a precise description of the change(s) proposed in said By-Laws.

Town of Essex Planning Board By-Laws
 Adopted June 19, 2014
 Amended January 18, 2018
 Amended January 16, 2020
 Amended January 18, 2024