Town of Germantown
Planning Board Policies and Procedures

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Germantown, NY 12526

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Meetings

1. The Town of Germantown Planning Board holds regular meetings on the last Thursday of each month at 7 PM unless otherwise announced. Meeting schedules may be subject to change due to legal holidays, conflicts, or other reasons, in which case the new meeting date will be determined by the Planning Board.
2. The Planning Board may, at a regular meeting, set a special meeting when deemed necessary. For such meetings scheduled at least one week in advance, notice must be posted in the Town Hall, posted on the Town website, and given to the news media no less than 72 hours before the meeting. For meetings scheduled less than one week in advance, notice must be posted in the Town Hall, posted on the Town website, and provided to the news media to the extent practicable.
3. Executive sessions of the Planning Board will be conducted only in accordance with the New York State Open Meetings Law. All official actions of the Planning Board will be taken at an open public meeting.
4. In the event that a meeting is cancelled, the Chairperson may reschedule public hearings and other agenda items to the next available regularly scheduled Planning Board meeting. Public hearings will be re-noticed with the new date.

Establishment of Agenda

1. The submission deadline to be placed on the Planning Board meeting agenda is 12 o'clock noon, seven (7) days prior to the scheduled meeting, except where otherwise provided by the Town's Zoning and Subdivision Law.
2. No matter will be placed on an agenda unless all required materials are received by the submission deadline.
3. The Planning Board Chairperson will place items on the meeting agenda generally on a first come, first served basis, as determined by the time and date of submission. Items which cannot fit on the agenda of the next scheduled meeting because of the number or length of previously scheduled items will receive priority in scheduling for the subsequent meeting.
4. In the event the Planning Board schedules a special meeting, the Planning Board will identify the submission deadline for that special meeting as part of its approval of the special meeting.

5. The Planning Board will not review new materials or plans at the meeting at which such materials are submitted; however, the Planning Board may review the material at a later date.
6. The Planning Board Chairperson will consult with the Code Enforcement Officer and the Planning Board Secretary, as necessary, to determine whether an application or submission is complete, whether it was timely delivered, and which meeting agenda it will be placed on.
7. The Planning Board Secretary will provide notice to the applicant or the applicant's representative when a matter has been placed on the agenda.
8. Planning Board members should not interact with the public or applicants outside of Planning Board meetings regarding pending agenda items, and every effort should be made by members to refrain from ex parte conversations with applicants or their representatives.
9. Planning Board agendas will be posted on the Town Hall Bulletin Board and the Town's website.

Planning Board Meeting Materials

1. At least one week prior to the meeting, the Planning Board Secretary will email or make available at the Town Hall, all appropriate materials to the Planning Board members for review, including draft meeting minutes, agenda, all application materials on agenda, and any additional information requested by the Chairperson.

Consultant Review

1. Unless other arrangements have been made, at least one week prior to the meeting, the Planning Board Secretary will email or make available at Town Hall, all appropriate materials to the Planning Board's consultants for review.
2. Planning Board consultants must submit their reviews to the Planning Board Office no later than two (2) business days prior to the next Planning Board meeting.
3. At the meeting, any Planning Board consultant requested to attend must be prepared to discuss and analyze the application in sufficient detail to aid the Planning Board in its review of the application, including the identification of relevant issues raised by the application, and the identification of any deficient or any material information missing from the application.
4. The Town Attorney shall attend those meetings which require expert advice beyond what is customary for the Planning Board to consider, at the written request of the Chairperson, which shall be delivered to the Town Attorney at least seven days in advance of the meeting.
5. The Code Enforcement Officer shall provide written guidance upon receipt of a written request from the Chairperson, which shall be delivered to the Code Enforcement Officer at least seven days in advance of the meeting.

Governing Rules

1. Robert's Rules of Order, as revised, will serve as a guideline for the Planning Board's proceedings, except as otherwise specified by the Planning Board's policies and procedures.
2. The Planning Board will faithfully adhere to all requirements of the New York State Open Meetings Law.
3. All Planning Board meetings will be run by the Chairperson or, in the absence of the Chairperson, by the Acting Chairperson who shall be a member of the Planning Board selected by the Chairperson or a vote of the Planning Board members. The Acting Chairperson shall conduct the meeting until the return of the Chairperson.

Agenda Format

1. The following order of items for the agenda will generally be adhered to for all Planning Board meetings:

    Pledge of Allegiance
    Approval of Minutes
    Public Hearings
    Review of Old Business
    Review of New Business
    Other Business
    Adjournment

Conduct of Public Hearings

1. The Planning Board Secretary reads the public hearing notice published in the official Town newspaper.
2. The applicant or its representative may present a summary of the proposal for members of the public. (Prior to the public hearing, the application and all supporting materials will be available for review by the public at the Town Clerk's Office in Town Hall.)
3. The Chairperson then opens the hearing to the public for comments and questions. All comments and questions are directed to the Chairperson who determines whether a response is necessary and, if so, who will respond.
    a. All who speak must identify themselves with their name and address.
    b. Anyone wishing to comment on the application may do so verbally, at the hearing, or by submitting a signed, written statement to the Planning Board.
    c. No comments may be submitted or entered into the record by one person on behalf of another.
4. A time limit of three minutes will be imposed for anyone other than the applicant or its representative to comment on a matter before the Planning Board. Three-minute extensions may be granted with the unanimous approval of the Planning Board.
5. Planning Board members and its consultants then ask questions and present reports.
6. When all who wish to do so have spoken, the Chairperson asks the Planning Board for a motion to:

a. Close the public hearing if the Planning Board is satisfied that all comments have been received and all questions answered;
b. Adjourn the hearing to an unspecified date if additional information is necessary and no time frame exists as to when that information will be available. In this case, the hearing must be re-noticed in accordance with law; or
c. Adjourn the hearing to a specified date, if possible.

7. Rude or disrespectful behavior will not be tolerated by anyone during public hearings. If members of the public fail to abide by these policies and procedures, they will be directed by the Chairperson to stop. If they do not stop, they will be directed to leave the meeting.

Record of Meetings

1. The Planning Board Secretary shall keep the minutes of all Planning Board meetings, including "workshops," and hearings. Minutes shall include the names of persons appearing and addressing the Planning Board, and will faithfully reflect the record or a summary of all proposals, matters discussed, comments received at public hearings, resolutions, findings and the reasons therefore, and any matter formally voted upon, including the vote thereon. In the event the Planning Board Secretary is absent from a meeting, the Chairperson shall appoint another Planning Board member to keep the minutes of the meeting.
2. Copies of the Planning Board's draft minutes will be emailed to all Planning Board members and its attorney no later than two (2) weeks after a meeting, and will thereafter be available to the public in accordance with New York State Freedom of Information Law.
3. Any changes to draft meeting minutes should be proposed by a Planning Board member at the next Planning Board meeting, and changes should not be discussed via email.
4. Minutes become official only after they have been formally accepted by a vote of the Planning Board at a regular meeting.
5. Copies of resolutions and SEQR determinations will be attached to the minutes.
6. Approved minutes will filed in the Town Clerk's Office and will also be available online and in the Planning Board Office.

Review of Consultant Invoices

1. Consultants shall forward their invoices for work performed for the Planning Board to the Planning Board Chairperson for approval.
2. The Chairperson shall review and promptly approve for payment or raise questions in writing, regarding any invoice from a consultant to the Planning Board before the invoice is forwarded to the Town Board for payment at the next scheduled meeting of the Town Board.

Application Submission

1. The Planning Board has application forms and checklists for applicants to complete detailing their subdivision, site plan, and special use permit proposals.

2. The Planning Board will only entertain one development proposal for a property at a time. One development proposal may consist of one or more approval applications (e.g. subdivision and site plan, or site plan and special use permit). If an application submits a new development proposal for the property for Planning Board review, the initial proposal must be withdrawn.
3. All applications must be accompanied by an Environmental Assessment Form ("EAF"). The Planning Board will determine whether the project is subject to SEQR.
4. Applicants must prepare Part 1of the EAF. For projects that are subject to SEQR, the Planning Board's legal or engineering consultant will prepare Parts 2 and 3 of the EAF in draft form for the Planning Board's review and consideration. The Planning Board may change or request further information regarding Parts 2 or 3 of the EAF if it believes such change or further information is necessary to make the required determination of significance under SEQR.
5. Under Article 8 of the New York State Environmental Conservation Law and its implementing regulations, the Planning Board shall take no action to approve or deny an application until the Planning Board has complied with the provisions of SEQR.

Fees and Escrow

1. All applications must be accompanied by payment of applicable fees as set forth in the Planning Board's fee schedule adopted by the Town Board. In addition, if required by the Planning Board, the applicant may be required to establish an escrow account in accordance with the Zoning and Subdivision Law for the Town of Germantown. No application will be processed or considered without payment of the requisite fees and escrow deposits.
2. Application fees are non-refundable.
3. Unused portions of escrow deposits will be returned to the applicant.

Behavioral Standards and Training Requirements for Planning Board Members

1. Town Law sets the minimum training requirements for Planning Board members.
2. All Planning Board members must attend Workplace Violence Prevention and Sexual Harassment training for the Town on a yearly basis.
3. As appointed public officials and representatives of the Town, Planning Board members are held to high behavioral standards.
    a. Planning Board members are expected to adhere to these policies and procedures.
    b. Planning Board members must be kind, polite, and courteous to other members of the Planning Board and members of the public. Screaming, yelling, cursing or making derogatory remarks about each other is unacceptable behavior and will not be tolerated.
    c. Planning Board members shall not engage in vocal confrontations with the public or each other. When dealing with another irate official, employee, or member of the public, Planning Board members are instructed to practice self-control, not engage the individual, and walk away and exit the area immediately if necessary.

d. Planning Board members must come prepared to meetings. This includes reviewing all materials, including minutes and application materials, in advance of the meeting.

e. Planning Board members must be respectful in all communications. Emails between Planning Board members should be kept to a minimum. In accordance with these policies and procedures discouraging ex parte communications, no emails between Planning Board members should include applicants or their representatives, or other outside parties.

f. During meetings, Planning Board members must listen and follow directions, wait to be called on by the Chairperson before speaking during meetings, and be active listeners.

4. A Planning Board member may be removed from office in accordance with Town Law for failure to abide by these standards.

Conflict with Laws

These policies and procedures are not intended to modify any local, state, or federal laws, and all conflicts with these policies and procedures are to be resolved in favor of the local, state, and federal laws.