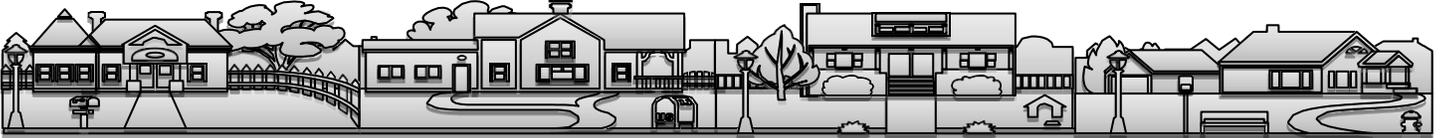


# Schuyler County Planning Commission

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## Schuyler County Planning Commission Bylaws

### Article I. Introduction

#### Section 1. Statement of Authority

Pursuant to Article 12-B of the General Municipal Law and Section 220 of the County Law, the Schuyler County Legislature established the Schuyler County Planning Commission on February 11, 1957 in County Resolution No. 21.

#### Section 2. Purpose

According to General Municipal Law Section 239-c, part 3, sections a-h, the purpose of the County Planning Commission is to: review certain municipal planning and zoning actions; upon request by the legislative body, create the county comprehensive plan; upon request of the legislative body, create the official county map; undertake studies relevant to the future growth, development and protection of the county; assist local towns and villages in selected studies; collect and distribute information relative to planning and zoning within the county; upon request, provide local technical assistance; and examine and comment upon plans for the construction or reconstruction of any state or county highway within the county.

#### Section 3. Application of Bylaws

It is the intent of the Schuyler County Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These bylaws are established for that purpose. Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Schuyler County Planning Commission business and the conduct of all Planning Commission meetings and hearings.

## Article II. Offices and Duties

### Section 1. Membership

- A. The membership shall consist of one Commissioner from each of the eight townships plus one Commissioner from each of the four villages and one Commissioner from each of the following groups: business, farming, industry, medical and tourism. Each Commissioner serves a two-year term. Each Commissioner may not exceed three consecutive two-year terms. After a lapse of one year following three consecutive two-year terms, a Commissioner may be reappointed by the Legislature.
- B. Commissioners appointed to fulfill the partial term of a resigned or removed Commissioner are eligible to serve three consecutive two-year terms upon completion of the partial term.
- C. Attendance of Planning Commissioners  
Three (3) missed meetings by a Planning Commissioner without prior notice (unexcused) will constitute removal from the Commission.

### Section 2. Offices Designated

The Commission, at its first regular meeting after annual appointments by the Schuyler County Legislature in January, shall select a Chairperson, Vice Chairperson, and Secretary from the membership. This shall serve as the annual meeting.

### Section 3. Recording of Meetings

The Schuyler County Planning Department shall supply a qualified staff member to perform all general corresponding and recording secretarial duties for the Planning Commission.

### Section 4. Duties of Officers

The duties and powers of the offices of the Schuyler County Planning Commission shall be as follows:

A. Chairperson

- 1) Preside at all meetings of the Commission.
- 2) Call special meetings of the Commission in accordance with the bylaws.
- 3) Sign documents of the Commission.
- 4) See that all actions of the Commission are properly taken.
- 5) Submit annual report to the Legislature on or before January 1<sup>st</sup> of each year (according to New York General Municipal Law, Article 12-B, Section 239-C)

B. Vice Chairperson

In the event of the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

C. Secretary

The secretary may serve as recording secretary for the Commission or this function may be delegated. The secretary shall sign all approved minutes, along with the recording secretary. The secretary shall also sign resolutions and shall ensure that all records are being kept in a responsible manner to ensure due process.

D. Volunteer Status of Commissioners

According to New York General Municipal Law, Article 12-B, Commissioners shall not receive salary or compensation for their services.

Section 5.

A. Subcommittees

The Planning Commission may form subcommittees to inform the work of the Commission, or to complete special projects. At the point of formation of a subcommittee, appointments will be made by a simple majority vote of the commission. At the discretion of the Planning Commission, subcommittee members may be appointed by the chairperson. Non-Commissioner subcommittee members do not need to be residents of Schuyler County. Subcommittees and members shall be reviewed as needed, but at least once per year.

### Article III. Meetings and Hearings

#### Section 1. Purpose/Definition

Meeting: The Open Meetings Law defines a “meeting” as “the official convening of a public body for the purpose of conducting public business [regardless of whether the body intends to take any action].”<sup>1</sup>

Hearing: A public hearing is an official proceeding of the Commission or Commission officer, during which the public is accorded the right to be heard.<sup>2</sup>

#### Section 2. Notices

Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance requirements.

#### Section 3. Meetings

All meetings of the Planning Commission shall be open to the public.

#### Section 4. Meeting Arrangements

##### A. Date and Location

The Planning Commission shall meet on a monthly basis at a meeting location that is acceptable to the majority of commission members.

##### B. Additional Meetings

The Chairperson may call for a special meeting at any time. Notice of the time and place shall be communicated to the commissioners and publicly noticed at least three (3) days prior to the meeting.

##### C. Cancellation of Meetings:

Whenever there is no business before the Planning Commission, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

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<sup>1</sup> (Taken from *Conducting Public Meetings and Public Hearings - James A. Coon Local Government Technical Series*)

<sup>2</sup> *Ibid.*

D. Adjourned Meetings:

Should the Planning Commission not complete the business before it, the Chair may adjourn the meeting and schedule a continuation of the same meeting until the Agenda has been completed.

Section 5. Meeting and Hearing Agendas

Staff may prepare the agenda for meetings and hearings. Final approval of the agenda will be from the Chairperson. The agenda may be amended by a majority vote of the Commission.

Section 6. Meeting Records

All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made a part of the record, become the property of the County of Schuyler, and be maintained according to the New York State Records Retention and Disposition Schedule.

Section 7. Meeting Procedure

- A. Robert's Rules of Order Newly Revised shall govern all Commission meetings.

Section 8. Protocol for Public Comment, if included in the meeting agenda:

- A. The Chairperson will open the Public Comment Period.
- B. All statements or questions should be directed to the Chairperson, who reserves the right to impose structure and time limits at the beginning of the Public Comment period.
- C. Anyone who wishes to give testimony will be allowed to do so within the established structure and time limits.
- D. Each speaker shall provide his or her name and address to the recorder before speaking.
- E. The Planning Commission reserves the right to question any public commenter.
- F. Written comments may be received during the Public Comment period.
- G. The Chairperson will close the Public Comment period, after which no additional comments will be accepted.

Section 9. Workshops

- A. Workshops and other meetings whose sole purpose is for general information and /or educational purposes will be open to the public. Public testimony may or may not be allowed.
- B. Procedures for workshops will be determined by the Chairperson.

Section 10. Procedure for Public Hearings

- A. Robert's Rules of Order Newly Revised shall govern all Commission hearings.
- B. Staff or consultants, if available, will furnish the Commission with all pertinent information concerning the item.
- C. The Chairperson will open the public hearing.
- D. Participants may be sworn in.
- E. The applicant and/or representative will make comments regarding the item.
- F. Those who support the item will then testify.
- G. Those who oppose the request will then testify.
- H. The applicant and the opposition will then have an opportunity to answer questions.
- I. The applicant and the opposition will then have the opportunity to make final statements.

Section 11. Protocol for Public Hearings

- A. All statements or questions should be directed to the Chairperson, who reserves the right to impose structure and time limits at the beginning of the meeting.
- B. Everyone who wishes to give testimony will be allowed to do so within the established structure and time limits
- C. All statements should be as factual as possible and should not involve personalities.

- D. Speakers should refrain from repeating what has already been stated.
- E. Each speaker shall provide his or her name and address to the recorder.
- F. The Planning Commission reserves the right to question any speaker.
- G. Written testimony may be received.
- H. No additional testimony may be offered after the close of the public hearing.

Section 12. Communications with Public and Applicant

- A. Planning Commissioners should avoid communicating with applicants or their representatives prior to voting on any matter referred to the Commission pursuant to General Municipal Law sec. 239-m regarding the substance of the referral, except in a public meeting. If a commission member does communicate with an applicant or an applicant's representative regarding the substance of a referral prior to the vote on a referral such communication shall be disclosed on the record at the next public meeting following the communication. Planning Commissioners may (and are encouraged to) consult on matters referred to the Commission with county planning staff. Planning Commissioners may also consult with disinterested persons and experts regarding the substance of a matter that has been referred to the Commission under General Municipal Law sec. 239-m provided such communications are disclosed on the record at the next public meeting of the Commission. A violation of this paragraph shall not be grounds to invalidate a vote of the Commission, though a significant or repeated violation of this paragraph by a Planning Commissioner may be grounds for his or her removal from office.

Section 13. Quorum

Pursuant to General Municipal Law §239-c(5) every motion or resolution of a county Planning Commission shall require for its adoption the affirmative vote of a majority of all the members of the county Planning Commission. A majority of the whole number of such members constitutes a quorum for the transaction of business and pursuant to New York State law, “whole number” means the total number of members which the commission would have if there were no vacancies and if none of the members were disqualified from acting.

Section 14. Conflict of Interest

According to NYS General Municipal Law, Article 12-B, “Any member of a municipal board who serves as a member of a regional or county planning board may participate in any deliberations of such county or regional board, but shall excuse himself or herself from any vote relating to a matter or proposal before such county or regional planning board which is or has been the subject of a proposal, application, or vote before the municipal board of which he or she is a member.”

Section 15. Orientation for new Planning Commissioners

To assist new Planning Commission Commissioners in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to:

- A. Attend an orientation session with Planning Department staff.
- B. Read the Planning Commissioner Orientation Manual.

**Article IV. Training, Conference and Convention Policy**

Section 1. Guidelines for Mandatory Annual Training

The County of Schuyler and Planning Commission of Schuyler County recognize and accept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of the Planning Commissioner. In compliance with Chapter 226, which requires four hours of training annually for all land-use board members, the County and Planning Commission have adopted the following guidelines:

- A. The required training may take the form of traditional classroom-style learning, distance learning, videos, on-line training modules, on-site demonstrations, pre-arranged site visits, study for professional certification in planning and related fields, and self-study with identified benchmarks.
- B. Preferred training providers include, but are not limited to, NYS Dept. of State, NYS Dept. of Environmental Conservation, NYS Dept. of Agriculture & Markets, NYS Planning Federation, all regional planning boards and councils within New York State (e.g. Southern Tier Central Regional Planning & Development Board), the American Planning Association (APA), NYS Upstate Chapter of the APA, Pace University, NYRIM, NY Conference of Mayors, NYS Association of Counties, county planning staff in Schuyler and other NYS counties, and Cornell Cooperative Extension/Cornell University.

- C. Training to fulfill the requirement should bear some evident connection to planning, landscape architecture, architecture, engineering, board development, local government functions and procedures, economic development and/or related fields.
- D. County planning staff will maintain compliance records for the Commission.
- E. Self-study, professional certification not directly related to planning and on-line modules not sponsored or provided by preferred training providers must be approved in writing by county planning staff. A record of this approval will be filed with the general compliance records. If a member of the Commission disagrees with the decision of county planning staff regarding approval, they may appeal the decision to the County Legislature for a final opinion.
- F. Any training required for local municipal boards shall apply to training for the Commission, as long as it meets the standards identified above and county planning staff receives written notification from the municipality that the commissioner/local board member has completed the training.
- G. As allowed by the state legislation, any training received in excess of four hours in any calendar year may be applied to the balance of training required in subsequent years.
- H. Upon request, the Schuyler County Legislature may waive the mandatory training requirement.
- I. Planning commissioners may make up a previous year's training requirement by May 1<sup>st</sup>.

## Section 2: Conference and Convention Policies

The following is the policy of the Schuyler County Planning Commission on conferences and conventions.

- A. Reimbursement for attendance at conferences and conventions is subject to availability of funds.
- B. Planning Commissioners are encouraged to participate in both the County and local budget processes and to request allocations for educational purposes.
- C. There are no limits on the number of members or the number of times a Commissioner may attend a State Annual Planning Conference.
- D. No member may attend more than one National Conference and receive reimbursement until all members who are eligible and desire to attend a first conference have done so, excepting the Chairperson, who may attend annually.
- E. Attendance at a State Planning Conference is recommended before attending a National Conference.
- F. Planning Commissioners are encouraged to report on their educational experiences to the Commission.

## **Article V. Maintenance of Bylaws**

The Planning Commissioners shall review the bylaws annually, and update as needed.