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State:	New York
Jurisdiction Type:	Municipal
Municipality:	Village of Bronxville
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Community Type - applicable to:	Suburban; Rural
Title:	Village of Bronxville Planning Board Ordinance
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Abstract

The Village of Bronxville established a planning board to prepare a Village Comprehensive Plan and to review and either approve or disapprove of site plans and subdivisions. This law provides the terms, vacancies, compensation and disqualification of planning board members and gives specific powers to the planning board.

Resource

Village of Bronxville NY Planning Board
Code of the Village of Bronxville NY
Chapter 310: Zoning
ARTICLE VIII Planning Board

§ 310-43. General.

A. Established; name; legislative intent and purposes.

(1) A Planning Board is hereby established pursuant to § 7-718 of the Village Law.

(2) Legislative intent and purposes. It is the intent and purpose of the Board of Trustees in adopting this article to grant to the Planning Board the full authority that is or may be granted to such body by New York State Law (whether statutory, judicial or otherwise) including, but not limited to, preparation of a Village Comprehensive Plan and the review of, approval or disapproval of site plans and subdivisions and thereby, in conformance with and in furtherance of the purposes, goals and legislative intent of such law:

(a) To guide and encourage the appropriate use or development of land and hence to promote the rational functioning, the economic stability and the public health, safety, morals and general welfare of the community;

(b) To secure the public safety from fire, flood, panic and other natural or man-made disasters; and further to protect neighboring owners and users by insuring, in connection with any development, that the standards set forth in Article VI (Site Plan and Subdivision Approval) are fully and expressly applied to such development;

(c) To preserve and provide adequate light, air, views and open space;

(d) To promote the establishment of appropriate population densities that will contribute to the well-being of persons, neighborhoods and the preservation of the environment;

(e) To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;

(f) To encourage the location and design of transportation routes that will promote the flow of traffic while discouraging and, where necessary and appropriate, prohibiting locations of such facilities and routes that result or may result in congestion, blight, excessive noise, threat to the public safety or comparable problems;

(g) To encourage qualities of excellence in building, landscape and other design; and to create a desirable visual environment by insuring that the appearance of structures is congruent and consistent with the character and quality of the community;

(h) To preserve the character and quality of the Village's heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance;

(i) To promote those qualities in the environment which bring value to the community and to prevent degradation and blighting of the environment;

(j) To foster the attractiveness and functional utility of the community as a place in which to live and work;

(k) To promote the conservation of open space and valuable natural and historical resources; and

(l) To encourage planned development and, where appropriate, a mix of uses within permissible use zones.

B. Composition; terms, vacancies, compensation; disqualification for interest.

(1) The Planning Board shall consist of five members and two alternate members, residents of the Village, to be appointed by the Mayor with the consent of the Board of Trustees. Insofar as practicable one member of the Planning Board shall be a licensed architect of the State of New York. Alternates may, but need not, be Design Review Committee Advisors. **[Amended 2-14-2000 by L.L. No. 1-2000]**

(2) The term of each member shall be five years, with eligibility for reappointment, computed from the first day of the official Village year of the year of appointment except that full terms filled for the first time shall be so fixed (for five or less years) and so arranged that, to the greatest practicable extent, the expiration of terms will be distributed evenly over the first five years after the initial appointments. If a vacancy shall occur, it shall be filled by appointment as above provided for the unexpired term only. Members shall serve after the expiration of their terms until their successors shall have been appointed and qualified.

(3) Members shall serve without salary.

(4) Members shall hold no other Village office or position except that a member may also serve as a member of the Design Review Committee.

(5) No member shall be permitted to act on any matter in which he has, directly or indirectly, any personal or financial interest.

(6) Each alternate member of the Planning Board shall attend meetings of the Planning Board and shall be entitled to participate in all activities of the Planning Board as if such alternate was a member, but shall vote only in the event that a member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter and the Chairman designates such alternate to so vote. At any meeting at which the Chairman determines that one or more members is unable to vote for any of the foregoing reasons, the Chairman may (but shall not be required to) designate an alternate (or alternates, as appropriate) to vote at such meeting in place of such member or members. One or more of the alternates may be substituted for member(s) when required for a quorum. This subsection is adopted pursuant to the authority granted by § 10, Subdivision 1e(3), of the Municipal Home Rule Law and shall supersede any provision of the Village Law which is inconsistent herewith. **[Added 2-14-2000 by L.L. No. 1-2000]**

(7) The provisions of this Subsection B regarding terms, vacancies, compensation and interest of members of the Planning Board shall apply to alternate members, except that the terms of alternates shall be three years. **[Added 2-14-2000 by L.L. No. 1-2000]**

C. Officers; Counsel; staff.

(1) The Chairman and Vice Chairman of the Planning Board shall be appointed by the Mayor, with the consent of the Board of Trustees, from among the members. Their terms of office as such shall each be two years to run concurrently, with eligibility for reappointment.

(2) The Planning Board may appoint Counsel, who shall be an attorney-at-law of the State of New York, who shall serve without pay and whose term of office shall be one year, with eligibility for reappointment.

(3) The Planning Board may, with the consent of the Board of Trustees, employ or contract for and fix the compensation of such experts and other staff and services as it deems necessary. Obligations for the foregoing shall not exceed, exclusive of gifts or grants, the amounts agreed upon and appropriated annually for the Planning Board's use by the Board of Trustees.

D. Design Review Committee.

(1) The Design Review Committee shall consist of three Advisors, residents of the Village of Bronxville and, insofar as practicable, individuals especially qualified in design by reason of training, education and/or experience in architecture, landscape architecture, urban design, engineering, building construction or similar business or profession, to be appointed by the Mayor with the consent of the Board of Trustees. An Advisor may, but need not, be a member of the Planning Board. A Chairman of the Design Review Committee shall be appointed by the Mayor, with the consent of the Board of Trustees, from among its members. His or her term of office as such shall be two years with eligibility for reappointment.

(2) The provisions of Subsection B of this section regarding terms, vacancies, compensation and interest of members of the Planning Board shall apply to Advisors, except that Advisors' terms shall be three years.

(3) The Advisors and any non-member Secretary shall be entitled to participate in all activities of the Planning Board as if they were members, except that they shall not be entitled to vote and shall not be counted in determining the presence of a quorum.

(4) In addition to the other duties and responsibilities set forth in this article, the Design Review Committee shall review such aspects of an application for development as the Planning Board may refer to it, conduct such investigations as it may deem appropriate and make recommendations thereon to the Planning Board.

(5) The Design Review Committee's meeting shall be open to the public and held on notice to members, Advisors, Secretary, Counsel, the applicant and the public, in accordance with applicable legal requirements.

E. Powers and duties as to Comprehensive Plan. The Planning Board shall prepare and recommend to the Board of Trustees to adopt a Comprehensive Plan within the meaning of § 7-722 of the Village Law for the physical, economic and social development of the Village and shall review and may recommend to the Board of Trustees to amend the same from time to time. It may make such additional surveys and studies as may be necessary or desirable to carry out its duties.

F. Powers and duties as to applications for development; exemptions.

(1) The Planning Board shall receive, review and act upon applications for development, except as provided in Subsection F(2) hereof.

(2) Applications for development relating to detached single family residential buildings permitted as of right under applicable zoning regulations and structures and uses incidental thereto, are exempt from the provisions of this article; but this exemption shall not apply to any subdivision nor to the construction of two or more dwelling units under common ownership or control on contiguous lots or on lots within the same subdivision under a building permit issued during the same period of 12 months beginning with the date of the first permit issued.

(3) Notwithstanding the foregoing Subsection F(2), any proposed use of nonincandescent lighting which is or may be visible from public or adjacent premises shall be subject to Planning Board review and approval as hereinafter provided.

G. Powers as to CD District applications. The Planning Board shall receive, review and act upon CD District applications as provided in § 310-44C(4) of this article.

H. Delegated powers and duties generally. All other powers and duties provided by New York State Law (statutory, judicial or otherwise) for a planning board are hereby delegated to the Planning Board.

I. Planning Board powers not to be exercised by any other body. No power expressly authorized by this article to be exercised by the Planning Board shall be exercised by any other body.

J. Appropriations; disbursing officer.

(1) Special appropriations for the activities of the Planning Board may be made from time to time by the Board of Trustees in such amounts and for such purposes as it shall approve and such special appropriations shall be raised, assessed, levied and collected in the manner provided by law.

(2) The Treasurer of the Village shall disburse moneys to the Planning Board only upon authorization signed and approved by the Chairman or, in his or her absence, the Vice Chairman of the Planning Board and supported by proper vouchers, after satisfying himself or herself that such disbursements are within budgetary limitations and appropriations made available for the use of the Planning Board.