

Topic: Local Boards; Local Governance
Resource Type: Regulations
State: New York
Jurisdiction Type: Municipal
Municipality: Village of Port Jefferson
Year (adopted, written, etc.): Unknown
Community Type - applicable to: Suburban; Rural
Title: Village of Port Jefferson Required Training for Members of Planning Board & Zoning Board of Appeals
Document Last Updated in Database: March 15, 2017

Abstract

The Required Training for Members of Planning Board and Zoning Board of Appeals Law (or § 250-54) of the Municipal Code for the Village of Port Jefferson recognizes that the training of planning board and zoning board of appeals members is essential to allow them to carry out their duties. Minimum training requirements are set out and reimbursement provisions are provided for cost of training as well as travel, lodging, and meal expense.

Resource

Village of Port Jefferson NY Planning Board (Training)

Code of the Village of Port Jefferson NY

Chapter 250

§ 250-54.1. Title.

This article shall be entitled "A local law to provide for required training for members of the Planning Board and Zoning Board of Appeals."

§ 250-54.2. Purpose and intent.

A. The Village Board finds that appropriate training of Zoning Board of Appeals and Planning Board members is essential.

B. The State of New York has recognized the importance of training in Village Law Sections 7-718(1) and 7-712(2).

C. It is the purpose of this article to assist Zoning and Planning Board members in obtaining training to enhance their ability to carry out their duties under law and to pay the costs of such training as a Village charge.

D. It is also the purpose of this article to establish minimum training and continuing education course requirements for such members.

§ 250-54.3. Minimum training requirements.

A. All members of the Zoning Board of Appeals and Planning Board shall be required to attend a minimum of six hours in relevant training courses within one year from the date of their initial appointment to such Board and thereafter attend training sessions of not less than six hours every two years thereafter. In the final 12 months of any member's term, such member shall attend training sessions of not less than three hours.

B. Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office.

C. The costs of such seminars, workshops or continuing education courses so designated shall be a Village charge. Members shall also be reimbursed for travel, lodging and meal expenses according to Village policies. Such training sessions shall be approved in advance by the Village Board, which approval shall not be unreasonably withheld.

§ 250-54.4. Approved training courses.

The Village Board, after discussion with the Chairpersons of the Zoning Board of Appeals and Planning Board, shall annually designate such seminars, workshops or continuing education courses which may be offered within a reasonable distance and which may be helpful to or be of assistance to the Zoning Board of Appeals and/or Planning Board in carrying out its functions in a timely, fair and lawful manner.

§ 250-54.5. Lack of training not to affect validity of members' actions.

Notwithstanding the foregoing, the failure of a member of the Planning Board or Zoning Board of Appeals to obtain such training shall not affect said person's appointment to serve on such Board, to entertain applications, to vote on such applications or the validity of such member's actions.

§ 250-54.6. Procedure for removal of member.

The Chairperson of the Zoning Board of Appeals and the Chairperson of the Planning Board shall notify the Village Clerk in writing, on or about May 1 in any year of any member who fails to comply with the minimum requirements for training in any fiscal year of the Village. In the event that a member of the Zoning Board of Appeals or Planning Board has failed to complete the minimum training requirements set forth in § 250-54.3, then the Village Board may remove such member for cause as herein provided.

A. Notice. Such member shall be mailed a written notice, by certified mail, return receipt requested, specifying the nature of the failure of such member to meet the minimum requirements of § 250-54.3 above.

B. Public hearing. Such notice shall specify a date, not less than 10 or more than 30 days from the date of mailing such notice, when the Village Board shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing.

C. Public notice. Public notice of such hearing shall be published at least 10 days prior to the date of the public hearing.

D. Conduct of hearing. The public hearing on the charges shall be conducted before the Village Board. The member shall be given an opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Village Board shall be reduced to writing, together with specific findings of the Village Board with respect to each charge against such member. A copy of such decision and such findings shall be mailed to the member and a copy filed with the Village Clerk.

E. Action by the Village Board. Following the hearing and upon a finding that such member has not met the minimum training established by this article, the Village Board, within 30 days of such finding, may:

(1) Remove such member from the Zoning Board of Appeals or Planning Board; or

(2) Issue a written reprimand to such member without removing such member from such Board; or

(3) If the Village Board shall find that the reasons for failing to meet the minimum training requirements are excusable because of illness, injury or other good and sufficient cause, the Village Board may elect to take no action.

§ 250-54.7. Removal for cause.

Nothing contained herein shall be deemed to limit or restrict the Village Board's authority to remove a member from the Zoning Board of Appeals or Planning Board for cause (i.e., for other than the reasons enumerated herein). The procedural provisions of § 250-54.6, Procedure for removal of member, shall govern any hearing to remove a member for cause.

§ 250-54.8. When effective; applicability.

A. This article shall become effective upon filing with the New York State Secretary of State.

B. This article shall apply to all members of the Village of Port Jefferson Zoning Board of Appeals and Planning Board, regardless of the date of their appointment to such Boards.

C. Prospective members of the Zoning Board of Appeals and Planning Board shall be notified of the requirements of this article prior to their appointment to such Board.