

Topic:	Local Boards; Local Governance
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	State
Municipality:	N/A
Year (adopted, written, etc.):	Unknown
Community Type - applicable to:	Urban; Suburban
Title:	New York State General City Law: Chapter 21; Article 3 Official Maps & Planning Boards; § 27 Planning Board, Creating & Appointing
Document Last Updated in Database:	March 2, 2017

Abstract

This law authorizes cities in New York State to create Planning boards, and describes the appointment procedures for these boards. The law specifies such things as what persons are eligible for positions on the Planning Boards, what the term of service should be for these positions, the size of the Boards, and the voting procedures.

Resource

Mckinney's Consolidated Laws of New York Annotated
General City Law
Chapter 21 Of the Consolidated Laws
Article 3 [Official Maps and Planning Boards]

§ 27. Planning board, creation and appointment

1. Authorization. The legislative body of each city, except a city having a population of more than one million, is hereby authorized by local law or ordinance to create a planning board consisting of five or seven members. Members and the chairperson of such planning board shall be appointed by the mayor or other duly authorized appointing authority. In the absence of a chairperson, the planning board may designate a member to serve as chairperson. In making such appointments, the mayor or other duly authorized appointing authority may require planning board members to complete training and continuing education courses in accordance with any local requirements for the training of such members. Not more than a minority of the members of such board shall hold any other public office or position in such city.

2. Appropriation for planning board. The legislative body of each city is hereby authorized and empowered to make such appropriation as it may see fit for planning board expenses.

The legislative body may, as part of the local law or ordinance creating such planning board, provide for the compensation of planning board members. The planning board shall have the power and authority to employ experts, clerks and a secretary, and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the city legislative body for such planning board; excepting and providing that in cities in which the general power and authority to fix salaries and prescribe positions is placed in some other board or officer the foregoing power and authority shall be in such other duly authorized board or officer.

3. Legislative body members ineligible. No person who is a member of the legislative body of a city to which the provisions of this section are applicable, shall be eligible for membership on such planning board.

4. Terms of members first appointed. The terms of the members of the planning board first appointed shall be so fixed that the term of one member shall expire at the end of the official year in which such members were initially appointed. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each official year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the board.

5. Terms of members now in office. Members now holding office for terms which do not expire at the end of the official year shall, upon the expiration of their term, hold office until the end of the official year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the planning board.

6. Increasing membership. Any legislative body of a city may, by local law or ordinance, increase a five member planning board to seven members. Additional members shall be first appointed for single terms in order that the terms of members shall expire in each of seven successive years and their successors shall thereafter be appointed for full terms of seven years. No such additional member shall take part in the consideration of any matter for which an application was on file with the planning board at the time of his or her appointment.

7. Decreasing membership. A legislative body of a city which has seven members on the planning board may by local law or ordinance, decrease the membership to five, to take effect upon the next two expirations of terms. However, no incumbent shall be removed from office except upon the expiration of his or her term, except as hereinafter provided.

8. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the mayor, or other duly authorized appointing authority, shall appoint the new member for the unexpired term.

9. Removal of members. The mayor, or other duly authorized appointing authority, shall have the power to remove, after public hearing, any member of the planning board for cause. Any planning board member may be removed for non-compliance with minimum

requirements relating to meeting attendance and training as established by the city legislative body by local law or ordinance.

10. Compatibility of offices. The municipal officials or employees on such board shall not, by reason of membership thereon, forfeit their right to exercise the powers, perform the duties or receive the compensation of the municipal office or position held by them during such membership. No municipal officer or employee shall be appointed to the planning board in the event such officer or employee cannot carry out the duties of his or her position without a conflict in the performance of his or her duties as a member of the planning board.

11. Chairperson duties. All meetings of the planning board shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

12. Service on other planning boards. No person shall be disqualified from serving as a member of the city planning board by reason of serving as a member of a county planning board.

13. Rules and regulations. The planning board may recommend to the city legislative body regulations relating to any subject matter over which the planning board has jurisdiction under this article or any other statute, or under local law or ordinance of the city. Adoption of any such recommendations by the city legislative body shall be by local law or ordinance.

14. Report on referred matters; general reports. a. The legislative body of the city may by general or special rule provide for the reference of any matter or class of matters, other than those referred to in subdivision thirteen of this section, to the planning board before final action is taken thereon by the legislative body or other office or officer of said city having final authority over said matter. The legislative body may further stipulate that final action thereon shall not be taken until the planning board has submitted its report thereon, or has had a reasonable time, to be fixed by the legislative body in said rule, to submit the report.

b. The planning board may review and make recommendations on a proposed city comprehensive plan or amendment thereto. In addition, the planning board shall have the full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the city as it deems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefor.

15. Planning commission. In any city in which there is a planning commission created under article twelve-A of the general municipal law, the legislative body of the city, instead of authorizing the appointment of a planning board under this article, may provide that the existing commission shall continue, the members thereof thereafter to be appointed in

accordance with the provisions of such article twelve-A, and to have the powers and duties as specified for a planning board appointed under this article, in addition to the powers and duties as specified in article twelve-A of the general municipal law, provided, however, that in any such city section two hundred thirty-eight of the general municipal law shall not be in force.

16. Alternate members. (a) The legislative body of each city except a city having a population of more than one million may, by local law or ordinance or as a part of the local law or ordinance creating the planning board, establish alternate planning board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the planning board shall be appointed by the mayor or other duly authorized appointing authority, for terms established by the legislative body of the city.

(b) The chairperson of the planning board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.

(c) All provisions of this section relating to planning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members.

17. Voting requirements. Every motion or resolution of a planning board shall require for its adoption the affirmative vote of a majority of all the members of the planning board. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law shall apply.