

**RULES AND PROCEDURES  
FOR THE TOWN OF FORESTBURGH  
PLANNING BOARD**

Planning Board  
Town of Forestburgh, Sullivan County, New York

**SECTION 1: GENERAL GOVERNING RULES**

1.1 The Planning Board of the Town of Forestburgh shall be governed by the provisions of these rules, and all applicable state statutes, local laws and ordinances, including Town Code Chapters 10 (Code of Ethics), 28 (Planning and Zoning Board of Appeals), and 180 (Zoning). To the extent these rules conflict with applicable state or local law, such laws shall be deemed to supersede these rules.

1.2 The term “Board” as used in these rules shall mean the duly appointed seven (7) members of the Planning Board of the Town of Forestburgh and any duly appointed alternate Board members.

1.3 The Board shall become familiar with all duly enacted ordinances and laws of the Town under which it may be expected to act as well as with the applicable state statutes.

1.4 The Board shall become familiar with the community goals, desires, and policies as expressed in the Town Comprehensive Plan, Town Zoning Code, and grant the minimum relief, which will ensure that the goals and policies of the Town are preserved and substantial justice is done.

1.5 Board members also shall review and be familiar with the Town Code of Ethics.

**SECTION 2: MEETINGS**

2.1 Meetings. Meetings shall be held in accordance with the Board’s adopted schedule, at the call of the Chairperson, or at other times as the Board shall determine. There may be a work session of the Board held prior to such meeting.

2.2 Special Meetings. Special meetings may be called by the Chairperson provided that all members are notified at least two days in advance of such meeting. Additionally, the Chair shall call a special meeting when requested to do so by two or more members of the Board within ten days of such request. Special meetings shall be duly noticed in accordance with the New York State Open Meetings Law (“OML”).

2.3 Chairperson. The Chairperson shall preside at all meetings and hearings of the Planning Board, decide all points of order or procedure in consultation with the Board, and perform all duties required by law or these rules. The Chairperson shall designate a member as a temporary Vice-Chairperson for a meeting in which the Chairperson expects to be absent. The Vice-Chairperson shall serve as chair of the meeting for which he or she

has been so designated. In the absence of the Chairperson and the Vice-Chairperson, the members present shall elect one of their members to be the temporary chair for that meeting.

2.2 Proceedings. The business at regular meetings may include:

- A. Roll Call (ascertainment of a quorum), minutes approved, reading of all public hearings;
- B. Action on held applications;
- C. New business;
- D. Other business;
- E. Public Comment
- F. Executive Session, when needed, in accordance with the OML; and
- G. Adjournment.

### **SECTION 3: VOTING**

3.1 Quorum. A quorum shall consist of Four (4) of the seven (7) Board members. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting to be held on a future date. All subsequent hearings shall be noticed in accordance with applicable requirements.

3.2 Voting. All matters shall be decided by a roll call vote. Decisions on any matter pending before the Board shall require the affirmative vote of (4) members of the Board.

- A. A tie vote or affirmative vote by a number less than the required majority shall be considered a disapproval of the application under consideration.
- B. No member of the Board shall sit in a hearing or vote on any matter which would violate the Town Code of Ethics, the Code of Conduct in these rules, or other applicable law. Said member shall not be counted by the Board in establishing the quorum for such matter.
- C. No member shall vote on the determination of any application requiring a public hearing unless he or she has attended the public hearings held thereon; however, where such member has familiarized himself/herself with such application by reviewing the established record in the matter, he/she shall be qualified to vote on the same.

### **SECTION 4: CODE OF CONDUCT**

4.1 Code of Ethics. The Board is subject to the Town of Forestburgh Code of Ethics (Town Code Chapter 10). In addition, the Board shall adhere to the Code of Conduct rules in this section.

4.2 Disclosure. Each Board member shall disclose whether such member has the following relationship to any applicant for a permit or approval under the Board's consideration or to any interested party appearing before the Board on an application: (a) a family member; (b) an employee or employer; (c) a customer or client; (d) any local organization, civic group; or an ownership or maintenance organization; (e) any professional relationship (attorney, engineer, etc.); or (f) any person who is entitled to notice of an application before the Board.

4.2 Appearance of Impropriety. In undertaking his or her official duties, it is the responsibility of every Board member to avoid the appearance of impropriety; that is, conduct which appears to a reasonable person as inappropriate in the context of his or her duties to the Town and this Board.

As part of this responsibility, Board members must declare any monetary, business, political or personal affiliation which may raise the appearance of affecting or influencing the judgment of such member in his or her actions connected to his or her membership on the Board.

While there is no bright line rule to determine whether conduct constitutes an "appearance of impropriety," a Board member must avoid circumstances that compromise his or her ability to make decisions solely in the public interest or that violate the spirit or intent of these rules or the Town Code of Ethics. In such a case, that Board member should consider whether voluntarily recusal would be appropriate.

An applicant or Board member may also request a determination from the Board as to whether facts and circumstances related to a matter before the Board constitute a conflict of interest or an appearance of impropriety. Upon such request, the Board may, upon a motion, make a determination on the matter. Where the Board determines that a conflict of interest or an appearance of impropriety exists, the affected Board member may request that the determination be reviewed by the Town Attorney for an opinion.

In the event of a conflict of interest or appearance of impropriety, the Board member shall recuse himself or herself and end participation in the matter. Recusal includes ending advice, input, direction, recommendations, or discussion, as well as refraining from any decision or vote.

#### 4.3 Ex Parte Communications.

A. Communications. Except as provided below, a Board member must not directly or through a representative, communicate with any applicant, applicant representative, or interested party that relates in any way to the merits of any proceeding, matter, or application pending before the Board.

B. Exceptions Allowed. The Board Chairperson, however, may communicate with any applicant or interested party on ministerial matters such as scheduling, procedure, or the location of a hearing.

C. Disclosure. Board members are required to disclose to the Board if an applicant, applicant representative, or interested party has attempted to communicate with such member in violation of these rules.

## **SECTION 5: ADOPTION AND AMENDMENT OF RULES AND REGULATIONS**

5.1 Town Board Review. Prior to the adoption of these rules or any amendments thereto, a final draft shall be presented to the Town Supervisor and Town Board for its review and advisory opinion. The Board may take action after 25 days of presenting these rules or any amendments thereto to the Town Supervisor and Town Board. Rules or amendments shall be deemed “presented” on the day the Chairperson provides a copy to the Town Supervisor.

5.2 Adoption and Filing. Upon adoption of these rules by the Board, the secretary shall file a copy of these rules with the Town Clerk for the public record.

5.3 Amendment. These rules may be amended by an affirmative vote of not less than four (4) members of the Board at a Board meeting.

Dated: January \_\_, 2024