

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
RULES OF PROCEDURE  
2011**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) has given consideration to the need to adopt Rules of Procedure for conducting the business of the Board; and,

**WHEREAS**, the Board has determined that such Rules of Procedure are in the best interests of the Town,

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby adopt the following Rules of Procedure:

**1. Order of Business**

At each Planning Board Meeting, the order of business shall be:

- a. Call to Order and introductions of Board Members and Town Staff,
- b. Information about Emergency Exits in case of fire or loss of electricity,
- c. Notice given that the Board will be following the adopted Rules of Procedure,
- d. Approval of previous Planning Board Meeting Minutes,
- e. The Clerk of the Board will read the Legal Notices.
- f. Order of Board Business:
  - (1) Public hearings
  - (2) Agenda Items for Final Plan Approval, Preliminary Plan Approval, Sketch Plan Review, Response to Town Board Requests and Actions on Letter of Credit Releases
  - (3) Public Comment
  - (4) Director of Development Report
  - (5) Code Enforcement Officer Report
  - (6) Construction Inspector Report
  - (7) Town Engineer Report
  - (8) Fire Chief Report
  - (9) Chair Report
  - (10) Board Member Comments
- g. Next Planning Board Meeting Date
- h. Adjournment

**2. Agendas and Legal Notices and Meeting Minutes**

Copies of the Meeting Agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 P.M. on the day of the scheduled meeting. Draft agendas will be mailed or delivered to each Board Member along with the packets of information on or before the Saturday prior to the Planning Board Workshop. In case of a change to the agenda, the Development Department Secretary will email an updated agenda to each Board member, involved staff and the Planning Board Clerk no later than 3:00 P.M. on the day of the scheduled meeting. Copies of this updated agenda will also be placed in the meeting room in sufficient

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION**  
**RULES OF PROCEDURE**  
**2011**

quantities for the public and for any staff or Board members not able to access the electronic copy prior to the meeting.

Electronic copies of the agenda and legal notices shall be supplied by the Department Secretary to the Town Clerk's office for posting on the Town Bulletin Board and on the Town website in accordance with the legally required timelines.

Copies of the Meeting Agenda and Legal Notices shall be available in the meeting room by 6:45 p.m. on the day of the scheduled meeting. In the interests of governmental efficiency, the Clerk of the Board shall read aloud the published Legal Notices verbatim.

Draft Minutes of the previous Planning Board Meeting shall be available electronically for Board Members and involved staff to review within ten business days of the previous meeting.

At the Planning Board meeting, the Board, having reviewed the Draft Meeting Minutes, will (as part of the public meeting record), take action to accept the Minutes either with or without corrections. Once the Minutes have been approved by a voice vote of at least three Board members present at the meeting recorded in the Minutes, the Clerk of the Board shall file a certified copy with the Town Clerk's Office as well as providing electronic copies to the Town Board members, the Planning Board Chair and the Town Clerk for posting on the Town's Website. A second certified copy for the Town Development Office will also be provided to the Town Clerk's Office for date stamping.

**3. Public Hearings**

All public hearings shall follow a formal presentation by the applicant, or agent, to the Planning Board. Next, Town Staff will be given the opportunity to discuss the application. Then, Planning Board members will ask questions and discuss the application.

The Planning Board shall identify the Type of Action under review as defined by the State Environmental Quality Review (SEQR) Procedures. The Planning Board shall ascertain whether or not the applicant has duly posted the subject property and whether said sign has been returned to the Town. The Planning Board will also identify whether or not a County Planning Referral has been received.

Once this information has been entered into the public hearing record, the Chair will open the meeting to the general public present. All persons speaking will first provide their names and addresses for the record. In the event of a large audience, each speaker will be provided a maximum of five minutes to present concerns and comments. All comments are to be directed to the Chair, who may, in turn, redirect the question to Town staff or Planning Board members. In no event, shall the public have the right to demand an answer to a specific question from a member of the Board or Town Staff.

Once everyone has had an opportunity for input, the Chair may recognize a person wishing to speak again on the subject. In the event a petition or other written documentation is submitted in evidence, the material shall be given to the Planning Board Chair for inclusion in the application file kept in the Development Department.

All public hearings will either be closed, or, when appropriate, adjourned until the next Planning Board Meeting, or when appropriate, adjourned to a specific date and time. All public hearings shall be held in accordance with the time line established in the various sections of New York State Town Law. The Planning Board shall have the right to require a public hearing on a site plan, when, in the opinion of the Board, a public hearing is warranted. The Planning Board shall also have the right to require an additional public hearing on a final plat application when it is

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION**  
**RULES OF PROCEDURE**  
**2011**

determined that there is a change in what was originally granted preliminary plat approval by the Board.

The subject of a public hearing shall be based upon information that has been previously submitted and reviewed as part of each Planning Board member's packet. In no instance, shall a revised drawing or additional documentation be accepted by the Planning Board at a public hearing and discussed. Any revised drawings shall be grounds for continuing the public hearing to a specified date and time. This also applies to an application that is not the subject of a public hearing. The Planning Board does not want to receive material the night of the meeting and be expected to act upon it.

The Planning Board, upon a finding that a public hearing should be continued, shall have the right to recess the hearing to a specified date, time and location. No action shall be taken upon an application, which is subject to a public hearing, until such time as the public hearing has been closed. The same holds for a matter under consideration at a public meeting.

The closing of public hearings will be with a verbal resolution and said hearing shall be closed upon a verbal vote by the majority of the Planning Board members.

For Subdivision approvals, the public hearing will be closed by a verbal motion offered by any Planning Board member, seconded, and passed with a majority vote of the Planning Board members present, to close the official public hearing for the application.

For all other public hearings not involving Subdivision approvals (i.e. Major Home Occupation, Special Use Permits and site plans when determined necessary), by this Resolution for the Rules of Procedure for 2011, the Planning Board appoints the Planning Board Chair to act on behalf of the entire Board as the person designated by the Planning Board to close the open public hearing.

#### **4. Motions**

When a question is under debate/discussion, no motion shall be received except a motion to amend the question, to put the question, to adjourn it to a day certain, to lay it on the table, to commit to staffers legal counsel, or a motion to adjourn the Board. Any motion laid upon the table shall be subject to the provisions in Section 10 of these Rules of Procedure set forth below.

#### **5. Voting**

The members of the Planning Board shall be eligible to vote upon the Planning Board Meeting Minutes only when they were present for the meeting. The members of the Planning Board shall, at the outset of any application, give public notice of their financial or other private interests in any project that is pending before the Planning Board. Where such disclosure is made, the Board Member shall be in compliance with New York State Town Law or any amendments thereto, relating to Conflicts of Interest, as well as the Code of Ethics contained in the Town of Farmington Code.

In all matters voted upon by the Planning Board, there must be a majority of the entire membership (3 of the 5 Board Members) voting the same way in order for an action to be approved, denied, or modified. In the instance where the Ontario County Planning Board has rendered an advisory report, under the provisions of Sections 239 -l, -m, and -n of the New York State General Municipal Law, the Planning Board, in order to override the County's recommendation must first have a majority plus one (4 of the 5 Board Members) vote on a separate resolution setting forth the reasons for overriding the County's recommendation. The

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION**  
**RULES OF PROCEDURE**  
**2011**

Clerk of the Board is required to send a copy of any Planning Board override to the appropriate person at the Ontario County Planning Department within 30 days of adoption.

Failure to override, results in the Planning Board's either denying the application or approving the application with the modifications subject to the County's Recommendation. Approval of the second resolution requires only a simple majority (3 of 5 members) voting in favor of the action recommended. When the County does not recommend modification or denial of the matter, Town Staff is required to provide the County with a copy of any resolution taken upon said matter.

In no instance, shall the Board vote to approve, modify, or deny a Sketch Plan.

In no instance, shall the Board vote upon a Preliminary Subdivision Plan until SEQR has been satisfied and the public hearing has been closed.

In no instance, shall the Board vote upon a Final Site Plan or Special Use Permit until SEQR has been satisfied.

When staff has prepared a formal SEQR resolution, the Planning Board may vote to waive the reading into the Minutes and, instead, note in the record that such a resolution has been prepared, reviewed and accepted by the Board as being complete. The Planning Board, however, must take action by a roll call vote to approve the determination of significance upon the application under consideration. Such action shall be recorded upon appropriate forms prepared by Town Staff and made a part of the public record.

**6. Votes, when recorded**

Board members shall record their vote by stating either an aye or nay upon a question shall be taken and entered in the Minutes. All votes shall be taken in public, either by voice or by roll call, by the Clerk of the Board for each Board member present. A member who is absent from the vote shall be noted as being either absent or excused in the roll call voting. A Planning Board Member may abstain from voting. When a Board Member exercises this right, it is not necessary for the Board Member to state his or her reason(s) for abstaining.

**7. Privilege of the Floor**

During Public Comment Time, any person, upon request granted by the Planning Board Chair, may address the Planning Board on a matter of public concern. The time allotted for addressing the Board shall be limited to five (5) Minutes unless the Chair has granted prior approval for additional time.

**8. Public Notification**

Public notice shall be given in the manner prescribed by New York State Town Law and the posting of property requirements set forth in the Farmington Town Code. Any property not properly posted shall not be heard by the Planning Board and the matter shall be continued to the next Planning Board Meeting. All signs shall remain on the property until the Planning Board has taken final action upon the application. All signs, once final action has been taken, are to be returned to the Development Office.

**9. Duties and Responsibilities**

The duties and responsibilities of the Planning Board are set forth in the various sections of the Farmington Town Code and the New York State Town Law, New York State Public Officers Law,

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION**  
**RULES OF PROCEDURE**  
**2011**

the State Environmental Quality Review (SEQR) Regulations and the provisions contained in Sections 239-1, -m and -n of the New York State General Municipal Law.

**10. Layover**

Every Resolution before the Planning Board may be laid over until the next regular session of the Planning Board if so demanded by any member of the Board, unless by doing so the application would otherwise be approved by default of the Board. No further action may be taken on the resolution or its amendments, but limited discussion may occur at the discretion of the Chair. However whenever possible, Board members should first attempt to resolve the issue(s) leading to a layover at the Planning Board Workshop session prior to the regular meeting. If a layover is imminent, the Chair should be notified of such action prior to the start of the regular Planning Board meeting. In the event there is no workshop and it becomes apparent to a member of the Board that a lay-over is being contemplated, said member shall bring this matter to the Chair's attention as soon as possible.

Any action on a laid-over resolution must take place at the next scheduled meeting. No resolution shall be laid over a second time. No resolution shall be laid over if it is determined that such action would violate the time limits contained in various sections of the New York Town Law.

No layover can occur at the last meeting of the year because the next meeting in the following year may not have the same members on the Board who originally laid the matter over. The Board may vote to table the matter in this case and the new Board, when constituted, can offer a resolution to bring up the tabled resolution off the table with a motion and a second followed by a voice vote.

**11. Amendment**

The Board, upon a Resolution to amend, may amend these Rules of Procedures from time to time. Once amended, copies of the amended Rules of Procedure shall be distributed to all having received the original adopted Rules of Procedure for the given year.

**12. Board Discussion**

The Chair may, at his or her discretion, limit the discussion between any Planning Board Member and the applicant, staff and/or the general public.

**13. Board Resolutions**

All Resolutions for the Planning Board, except for those to close a public hearing, are to be in writing and drafted by the Town's Director of Planning and Development. The Resolutions are to be read by the Clerk of the Planning Board. The contents of the Resolutions are to be clear and understandable to the Planning Board members as well as the applicant.

The Resolutions are to contain a clear and understandable listing of all Conditions of Approval that are to be incorporated within the "Approval of the Resolution" as read by the Clerk, prior to voting upon by the Planning Board. Before voting on said Resolution, the Planning Board Chair shall ask the applicant if he/she understands the action and any conditions contained therein. The Clerk shall note this question and the applicant's response in the Minutes.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
RULES OF PROCEDURE  
2011**

**14. County Referrals**

Both the Director of Planning and Development and the Code Enforcement Officer will review all Planning Board referrals for completeness before they may be transmitted to the Ontario County Planning Board. The Chair will sign the transmittal, or in the Chair's absence, direct Town Staff to do so, if he or she feels the application is complete, so that it may proceed to the County Planning Board for their review and recommendation.

**15. Acting Chair**

In the event of a known absence at any meeting by the Planning Board Chair, the Chair is authorized by the Planning Board to appoint an Acting Chair, who shall be empowered on behalf of the Chair to preside over the Planning Board meeting or any Workshop meetings.

The Acting Chair for 2011 will be Planning Board member Scott Makin. In the event Scott Makin is not available, then Meg Godly shall serve at the Acting Chair.

**16. Training Requirements and Training Update Classes**

All Planning Board members are expected to complete the number of hours of training required by resolution of the Farmington Town Board. This requirement may be satisfied by training sessions that are offered throughout the year by State Conferences and Seminars and/or at County or Regional Training Classes for the purpose of receiving updates to the State's requirements pertaining to Planning Boards.

In addition to the above training classes and seminars, a Planning Board member may, with the Chair's approval, substitute up to two (2) hours of such training with one on one training from the Town's Director of Planning and Development. In such instance, the Director of Planning and Development shall certify to the Planning Board Chair, the Town Supervisor and to the Town Clerk that such training has been received.

Requests to receive training and class attendance by the Planning Board members are to be given to the Town Supervisor and the Town Board. Annual reporting of all members' attendance at training sessions shall be made by the Planning Board Chair to the Town Supervisor or Town Clerk on or before December 31<sup>st</sup> of the calendar year. In the event the Town Board adopts additional training requirements, this Section of the Planning Board Resolution Rules of Procedure shall be amended as necessary.

**17. Attendance at Work Shops, Public Meetings, and Committee Meetings**

When necessary, the Planning Board Chair shall schedule a workshop on the pending agenda to be held on the Monday evening prior to the public hearing. Minutes of these workshop meetings will be taken by the Clerk and electronically distributed to Planning Board members prior to the following public meeting. Once approved, a signed copy will be filed with the Town Clerk within five business days. If the Clerk is not available or discussion of pending applications is not expected, the Chair, or in his absence, the Vice-Chair, will fill out, sign and submit the Workshop Checklist to the Town Clerk.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
RULES OF PROCEDURE**

**2011**

Planning Board members should attend the Monday night Workshops (if possible) and are encouraged to openly express their thoughts, views, concerns and/or ideas pertaining to the pending applications that are being reviewed by the Planning Board.

Planning Board members are encouraged to attend public meetings regarding issues pertinent to planning in order to obtain the thoughts and ideas of others pertaining to any and all important Town issues.

Planning Board members are also encouraged to attend any of the Town's Committee Meetings regarding issues pertinent to the Town's planning, (i.e. Agricultural Advisory Committee, Historical Preservation, Conservation Board) that are held monthly at the Town Hall.

Planning Board Members are also encouraged to speak on behalf of the Town Planning Board giving the general overview of the current applications that maybe pending before the Planning Board. However, in no event shall a Planning Board Member express their own personal thoughts on a matter that is currently pending before the Board. Also, no Board Member shall speak in such a manner as to imply that is being said is the official position of the Planning Board. Only the Chair may speak on behalf of the Board when authorized to do so by said Board vote. Also, when speaking at such meetings, Planning Board Members shall identify themselves as residents of the Town and members of the Town Planning Board.

The Planning Board Chair shall address the Town Board at their meetings, which are held on the second and fourth Tuesday of each month, to report on any important pending applications or matters pertaining to the growth and/or development of the Town of Farmington.

**18. Support Personnel and Town Staff Attendance:**

At times, the Planning Board may request the presence of Town Staff to attend Planning Board meetings or Workshops if pertinent information is needed by the Board that may be beyond the comments presented in the PRC Minutes.

By this resolution, on behalf of the Planning Board, the Chair is empowered to request the presence of the Town Engineer, Town Attorney, Town Director of Planning and Development, Town Highway and Parks Superintendent, Town Construction Inspector, Town Water and Sewer Superintendent; Town Code Enforcement Officer, and/or their designated representatives, to attend the Planning Board meeting or Workshop. Notice of such requests will be made following receipt of the Planning Board agenda and will be subject to the availability of the Town Staff or the support personnel for the Town.

**19. Site Design Guidelines**

The Town Planning Board, as part of its' annual meeting, is required to review and take action upon the "Town of Farmington Planning Board Site Design Guidelines" which are an attachment to Local Law Number 6 of 2009. Once acted upon, a certified copy of the Planning Board Resolution adopting said Site Design Guidelines shall be filed with the Town Clerk, the Town Development Office, the Town Code Enforcement Officer, the Town Engineer and the Town Director of Planning and Development. Should a need arise during the year to amend these Guidelines, the Planning Board shall direct Town Staff to make such an amendment thereto and then take action to adopt said amended version following a public meeting where said action is documented. Once filed with the Town Clerk's Office, copies shall be made available on the Town Website and to the general public.

In future, the Planning Board may want to consider adding here language from New York State Town Law, Section 271 that provides for the Board to employ experts, clerks and a secretary.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
RULES OF PROCEDURE**

**2011**

Such language would clarify that the Town Engineer shall be appointed, along with the Clerk of the Board.

In future, the Planning Board may want to specify that they have the right to either direct the Code Enforcement Officer to use, or themselves to appoint, someone to provide periodic site inspections and that the costs associated with such inspection(s) shall be the responsibility of the applicant.

**20. Filing**

All adopted Rules of Procedure, as may be amended from time to time, shall be filed with the Town Clerk's Office and made available for public inspection upon demand.

**21. Effective Date**

All adopted Rules of Procedure shall become effective upon filing in the Office of the Farmington Town Clerk

**22. Distribution**

Certified copies of the Planning Board Rules of Procedure shall be filed with all Town Board Members and department heads. A copy of the Planning Board Rules of Procedure shall also be kept on file in the Town Development Office for public inspection.

**22. Conflict with New York Law or Town Code**

If any of these rules conflict with New York Law or any section of the Farmington Town Code, New York Law or the Code shall take precedence and that portion of these rules shall be disregarded with the remainder of the rules retaining their effectiveness.

The above resolution was offered by Scott Makin and seconded by Mary Neale at the Organizational Meeting of the Town of Farmington Planning Board, held on Saturday, January 22, 2011. Following discussion thereon, the following roll call vote was taken and recorded in the Official Meeting Minutes of the Planning Board.

Meg Godly—excused  
Ronald Herendeen—aye  
Mary Neale — aye  
Scott Makin—aye  
David Degear—aye

I, Leslie C. O'Malley, Clerk of the Board, do hereby certify to the above resolution and to its being acted upon by the Planning Board at an Organizational Meeting held on Saturday, January 22, 2011.

---

Leslie C. O'Malley, Ph.D.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
RULES OF PROCEDURE  
2011**

Clerk of the Board  
Town of Farmington Planning Board

Enc: Town Board Resolution on Planning Board Training