

- D. Of religious, civic, educational or philanthropic organizations which are resident or located in the County of Broome and State of New York.
- E. For the hand delivery of newspapers and periodicals.
- F. Of any person who is a resident of the Village of Port Dickinson and under the age of eighteen (18) years.
- G. Of any person, firm or corporation licensed by the State of New York to sell insurance or real estate.

§ 43-4. Penalties for offenses.

Any person, firm, partnership or corporation committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.

## Chapter 44

### PLANNING BOARD RULES AND REGULATIONS

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[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson 7-11-95 as Local Law 5-1995.]

- § 44-1. Authority

This Local Law is enacted pursuant to the provisions of paragraph 13 of Section 7-718 of the Village Law of the State of New York.

§ 44-2. Purpose

The purpose of this Local Law is to adopt the recommendations of the Village of Port Dickinson Planning Board approved at the June 14, 1995 regular meeting of said Board to establish rules and regulations pursuant to which the Village of Port Dickinson Planning Board shall conduct its business, as set forth hereinafter:

§ 44-3. General Governing Rules.

44-3.1 The Planning Board of the Village of Port Dickinson shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.

44-3.2 The term “board” as used in these rules shall mean the duly appointed Planning Board of the Village of Port Dickinson.

44-3.3 The board shall become familiar with all the duly enacted ordinances and laws of the village under which it may be expected to act as well as with the applicable state statutes.

44-3.4 The board shall become familiar with the community goals, desires and policies as expressed in the “Village comprehensive plan,” and in rendering approvals, recommendations and reports shall be guided by such plan.

§ 44-4. Officers and Duties

44-4.1 The officers of the board shall consist of a chairperson, acting chairperson and secretary.

44-4.2 Chairperson. The chairperson shall be designated by the village mayor or on failure to do so, shall be elected by the board from its own members. He shall perform all duties required by law, ordinance and these rules. He shall preside at all meetings of the board. The chairperson shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the board. The chairperson shall appoint any committees found necessary to carry out the business of the board. The chairperson may administer oaths and compel the attendance of witnesses as necessary to carry the business of the board. The chairperson’s signature shall be the official signature of the board and shall appear on all decisions as directed by the board.

44-4.3 Acting Chairperson. An acting chairperson shall be designated by the board to serve in the absence of the chairperson. He shall have all the powers of the chairperson during his absence, disability or disqualification.

44-4.4 Secretary. A secretary shall be designated by the board. The secretary, subject to the direction of the board and the chairperson, shall keep minutes of all board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of all board official actions.

44-4.5 Vacancies. Should any vacancy on the board occur for any reason, the secretary shall give immediate notice thereof to the village clerk for the village mayor for the designation of a replacement.

44-4.6 Should such a vacancy occur among the officers of the board subject to election by the board, such office shall be filled by election, for the unexpired term, at the next meeting of the board.

44-4.7 Should the office of chairperson become vacant, the secretary shall add such fact to the notice required in section 2.5.1 of these rules. The acting chairperson shall handle the duties of the chairperson until such time as the village mayor shall appoint a new chairperson.

#### § 44-5. Meetings

44-5.1 Regular Meetings. Meetings will be held as required whenever a matter over which the Board has jurisdiction is filed with chairperson.

44-5.2 Annual Meeting. The annual organizational meeting of the board shall be the last Monday of April.

44-5.3 Special Meetings. Special meetings of the board may be called by the chairperson. At least 48 hrs. notice of the time, place and business of the meeting shall be given each member of the board.

44-5.4 The chairperson shall call a special meeting within ten (10) days of receipt of a written request from any three members of the board, which request shall specify the matters to be considered at such special meetings.

44-5.5 Proceeding. The order of business at regular meetings shall be as follows: (A) roll call; (B) reading and approval of minutes of preceding meeting; (C) public hearing (when scheduled); (D) action on held over matters; (E) new business; (F) adjournment.

44-5.6 New business. No new matter will be considered unless the completed appropriate application for said matter is received by the Enforcement Officer on behalf of the Planning Board on the form provided for that purpose at least 14 days prior to the date of the meeting at which it is to be considered.

44-5.7 Meeting Agenda. The Enforcement Officer shall be responsible, at the direction of the board, for providing any applicant with the proper forms and for instructing the parties concerned on the proper manner for completing and filing said forms. All information required thereon shall be complete before an application is considered filed. The chairperson shall review all applications so received by the Enforcement Officer for completeness. If the application is in proper form for consideration, he shall place it upon the next meeting agenda which he shall mail to all Planning Board members at least seven (7) days prior to the meeting. He shall also notify the applicant that the matter has been placed on said agenda. If said application is incomplete, he shall return it to the applicant within five (5) days of receipt with instructions as to remedying the same. The chairperson shall then report to the board as to all incomplete applications not on the agenda.

44-5.8 Enforcement Officer. At each meeting of the Planning Board, the Enforcement Officer shall be present to report, if the chairperson deems necessary, on the nature of any matter on the agenda.

44-5.9 Fees. The applicant shall pay the charge for the publication of the notice of public hearing in the official newspaper of the Village for any application requiring a public hearing.

44-5.10 Executive Meetings. All meetings will comply with the requirements of the Open Meetings Law, Section 105 of the Public Officers Law.

#### § 44-6. Voting

44-6.1 Quorum. A quorum shall consist of a majority of the members of the board.

44-6.2 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 for a subsequent date. All subsequent hearings shall be republished in accordance with the requirements of the applicable law.

44-6.3 Voting. All matters shall be decided by roll call vote. Decisions on any matter before the board shall require the affirmative vote of a majority of the board unless otherwise specified herein.

44-6.4 A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.

44-6.5 No member of the board shall sit in hearing or vote on any matter in which he is personally or financially interested. Said member shall not be counted by the board in establishing the quorum for such matter.

44-6.6 No member shall vote on the determination of any matter requiring public hearing unless he has attended the public hearing thereon; however, where such member has familiarized himself with such matter by reading the record, he shall be qualified to vote.

#### § 44-7. Referrals

44-7.1 Zoning Referrals. All matters requiring referral as specified by an ordinance or local law shall be so referred to the Planning Board for its recommendations. Within a reasonable time as specified by the Village Board of Trustees or other party making the referral after receipt of a full statement of such referred matter, the Planning Board shall report its recommendations thereon, with a full statement of the reasons for such recommendations. If the Planning Board fails to respond within the prescribed time the referring board or agency may act without such report.

44-7.2 County Zoning Referrals. Prior to taking action on any matter which would cause change in the regulations or use of land or buildings on real property as specified in Section 239-n of the General Municipal Law, the board shall make referrals to the Broome County Department of Planning having jurisdiction in accordance with Sections 239-1 and m of the General Municipal Law.

Within thirty (30) days after receipt of a full statement of such referred matter, the Broome County Department of Planning to which referral is made, shall report its recommendations thereon to the board, accompanied by a full statement of the reasons for such recommendations. If such planning agency disapproves the proposal, or recommends modification thereof, the board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action. The chairperson shall read the report of the county planning agency at the public hearing on the matter under review.

If such planning agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the board may act without such report. However, if the Board receives the report of the county planning agency after thirty (30) days, but prior to the final action by the Board, then the Board shall not act contrary to the recommendation by the county planning agency, except by a vote of a majority plus one of all of the members thereof.

#### § 44-8. Site Plan Review

44-8.1 The Planning Board has been delegated by the Village Board of Trustees in Section 65.20 (Zoning) of the Village Code, the authority to conduct site plan reviews.

Pursuant to the provisions of said Section 65.20 and Section 7-725a of the Village Law the rules and regulations set forth herein are hereby adopted to establish a procedure to review the same.

#### § 4-9. Land Subdivision Regulations

The Planning Board has been delegated by the Village Board of Trustees on May 6, 1975 to approve subdivision plats in Chapter 53 of the Village Code in the Village of Port Dickinson. Pursuant to the resolution of delegation and Sections 7-728, 7-730 and 7-732 of the Village Law the rules and regulations set forth herein are hereby adopted to establish a procedure to review the same.

#### § 44-10. Planned Unit Development District

The Village Board of Trustees pursuant to Article XI of the Village Code delegated to the Planning Board the power to recommend to the Village Board approval, disapproval or conditional approval of any application filed to obtain a change in zone to permit development as a Planned Unit Development District.

Pursuant to the provisions of said Article XI, the rules and regulations set forth herein are hereby adopted to establish a procedure to review and recommend relative to the same.

#### § 44-11. Hearings

44-11.1 Time of Hearing. If a public hearing is required, the board shall schedule a hearing of all applications within the time permitted by the applicable ordinance, law or regulation giving jurisdiction to the Planning Board in the matter but not later than sixty-two (62) days of the filing of the completed application.

44-11.2 Notice of Hearing. The board shall notify the Village Clerk to give notice of the hearing at last five (5) business days prior to the date thereof by publication in the official paper. The board shall notify the Village Clerk to mail notices of the hearing to the parties and to the members of the Village Board of Trustees and, if required by §239-m of the General Municipal Law, to the Broome County Planning Board.

44-11.3 Form of Notice. Such notice shall state the name of the applicant, the location of the property involved, the general nature of the application involved, and the date, time and place of the hearing sought.

44-11.4 Proceedings. The order of business at a hearing shall be as follows: (A) roll call; (B) the chairperson shall give a statement of the case; (C) the chairperson shall read all correspondence and reports received thereon; (D) the applicant shall present his case; (E) those in favor shall present their arguments; (F) those opposed shall present their arguments; (G) rebuttal by both sides; (H) adjournment of hearings.

44-11.5 General Rules. Any party may appear in person or by agent or by attorney.

44-11.6 The chairperson, or in his absence, the acting chairperson, may administer oaths.

#### § 44-12. Determinations

44-12.1 Time of Determinations. Determinations by the board shall be made within the time permitted by the applicable ordinance, law or regulation giving jurisdiction to the Planning Board on the matter but not later than sixty-two (62) days from the date of receipt of the completed application, unless such time be further extended by the applicant.

44-12.2 Form of Determination. The final determination on any matter before the board shall be made by written order signed by the chairperson.

44-12.3 Basis for Determination. The board in reaching said determination shall be guided by standards specified in the applicable ordinance, law or regulation as well as by the community goals and policies as specified in the Village comprehensive plan.

44-12.4 Findings. The findings of the board may be based on evidence submitted or on the personal knowledge of the board to show that:

1. It has made an intelligent review of the question.
2. It has considered all of the information or evidence.
3. It has heard all parties in question.
4. Any intimate knowledge it has of the subject under question has been taken into account.
5. It has made a personal inspection of the parcel in question and from this examination certain findings were ascertained.

44-12.5 Compliance with State Environmental Quality Review Act. The Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR 617.

44-12.6 Conflicts with Other Laws or Regulations. In reviewing any application on any matter, the standards in any applicable local law or ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.

44-12.7 Filing of Determinations. Determinations of the board shall be immediately filed in the office of the Village Clerk and shall be a public record. The date of filing of each decision shall be entered in the official records and minutes of the board.

§44-13. Ad Hoc Temporary Members. [Added 6-12-01 by L.L. No. 5-2001]

Pursuant to the provisions of Local Law 3-2000 authorizing the Board of Trustees of the Village of Port Dickinson to appoint temporary ad hoc members to the Planning Board to be assigned by the Chairperson to serve when absence or the conflict of interest of regular members of the Planning Board would otherwise prevent five (5) members of said Board from considering any pending matter, which temporary ad hoc members shall be designated on a rotating basis in the manner provided in these rules, the following procedure shall prevail:

- a. After the Village Board of Trustees shall designate the temporary ad hoc members to serve that year, the names of such temporary ad hoc members shall be placed in alphabetical order by the Secretary of the Planning Board.
- b. Thereafter should a situation arise when less than five members are present at any meeting of the Planning Board, the Chairperson of the Planning Board shall assign in alphabetic order one or

more temporary ad hoc members present at said meeting (but not more than two such temporary ad hoc members) when absence or conflict of regular members of the Planning Board shall occur.

- c. Should such situation arise at any further meeting of the Planning Board, the Chair person shall assign in alphabetic order commencing with the next name of such members in said such alphabetic order (but not more than two such members) who is present at said meeting when absence or conflict of regular members of the Planning Board shall occur.

§44-14

§44-14.2

§44-14. Training Requirements. [Added 6-12-01 by L.L. No. 6-2001]

§44-14.1 Purpose and Intent.

- A. The Board of Trustees (hereinafter the “Board”) of the Village of Port Dickinson (hereinafter the “Village”) finds that appropriate training of the Village Planning Board (hereinafter the “Planning board”) members is essential to the proper functioning of said Board.
- B. The State of New York has recognized the importance of training in its recent amendments to the Planning Board statute (Village Law Section 7-718).
- C. It is the purpose of this Local Law to assist the Planning board members in obtaining appropriate training to enhance their ability to carry out their duties under applicable provisions of Law, and to pay the reasonable costs of such training as a Village charge.
- D. It is also the purpose of this local law to establish minimum training and continuing education course requirements for such members.

§44-14.2 Minimum Training Requirements.

- A. All members and alternate members (hereinafter individually or collectively referred to as “Member”) of the Planning Board shall be required to attend a minimum of six (6) hours in relevant training courses within the first year from the date of their initial appointment to such board; and thereafter, attend training sessions of not less than 3 hours every year thereafter.
- B. Non-compliance with these minimum requirements relating to training shall be deemed a proper cause from removal from office.
- C. The reasonable costs of such training courses, seminars, workshops or continuing education courses so designated shall be a Village charge. Members shall also be reimbursed for reasonable travel and meal expenses according to Village policies. Such training sessions shall be approved in advance by the Village Board.

## §44-14.3 Approved Training Courses.

Training sessions which relate to the duties of members of the Planning Board may include programs offered by the New York State Department of State, New York State Association of Towns, New York State Conference of Mayors, New York State Department of Environmental Conservation, the New York State Planning Federation, the Broome County Department of Planning and Economic Development, the Broome County Cooperative Extension, and other such entities, as well as in-house up-dates or training seminars or Municipal Law seminars conducted by the Village Attorney of the Village of the Law Firm with which such Village Attorney is affiliated. The Village Board, after discussion with the Chairperson of the Planning Board, shall annually designate such training courses, seminars, workshops, or continuing education courses which may be offered within a reasonable distance and which may be helpful to or of assistance to the Planning Board in carrying out their functions in a timely, fair and lawful manner.

## §44-14.4 Lack of Training Not to Affect Validity of Members Actions.

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

## §44-14.5 Procedure for Removal of a Member.

The Chairperson of the Planning Board shall notify the Village Board in writing on or about December 1 in any year of any member who fails to comply with the minimum requirements for training in any calendar year. In the event a member of the Planning Board has failed to complete the minimum training requirements set forth in Section 3, then the Village Board may remove such member for cause as herein provided:

- A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements of Section 3 above.
- B. Public Hearing. Such notice shall specify a date, not less than ten (10) nor more than thirty (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, date and place of such hearing.
- C. Public Notice. Public notice of such hearing shall be published in the official news paper of the time at least ten (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 retain an attorney, present evidence, call witnesses to refute the charges, and cross-examine witnesses. 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 filed in the Office of the Village Clerk and mailed to the member.
- 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 local law the Village Board may:
  - i. Remove such member from the Planning Board; or

- ii. Issue a written reprimand to such member without removing such member from such board; or
- iii. 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.

#### §44-14.6 Removal for Cause.

Nothing contained herein shall be deemed to limit or restrict the Village Board's authority to remove a member from the Planning Board for cause (i.e. for other than the reasons enumerated herein). The procedural provisions of Section 6 (Procedure) of this Local Law shall govern any hearing to remove a member for cause.

### Chapter 45

#### PROPERTY MAINTENANCE

- § 45-1. Purpose and application.
- § 45-2. Definitions.
- § 45-3. Regulations.
- § 45-4.1 Removal by Village.
- § 45-5. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson 7-9-74 as Local Law No. 5-1974. Amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction — See Ch. 26.  
Fire prevention — See Ch. 34.  
Abandoned vehicles — See Ch. 59.

#### § 45-1. Purpose and application.

- A. In order to prevent blight and the spread thereof it is hereby declared that all structures, including but not limited to one- and two-family and multiple-family dwellings, whether or not used for residential purposes; garden apartments; all other apartment complexes; all shopping centers; supermarkets; retail stores; discount houses; warehouses; storage plants; factories; gasoline service stations; public garages; or buildings used for other business purposes; and accessory structures of all of the foregoing, whether occupied or vacant; shall be maintained in conformity with the standards set out in this chapter so as to assure that none of these structures or properties will adversely affect their neighborhood or the village community.
- B. It is found and declared that, by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighting conditions and