

**TOWN OF NEW CASTLE
PLANNING BOARD**

RULES OF PROCEDURE

1. **REGULAR MEETINGS.** Regular meetings of the Planning Board shall be held on the first (1st) and third (3rd) Tuesday of each month. Meeting schedules are subject to change due to legal holidays, conflicts, or other reasons, in which case the new meeting date will be determined by the Chair in consultation with the Planning Director. Regular meetings shall be called to order at 7:00 P.M.
2. **SPECIAL MEETINGS.** Special meetings may be called by the Chair by a written notice which shall contain a statement of the purpose for which the special meeting shall be called, and shall also state the date, time and place of the meeting.
 - a) Notice. The Chair shall cause written notice of a special meeting scheduled at least one week in advance to be posted at Town Hall and on the Town's website at least 72 hours before the meeting. Notice shall also be given to the news media at least 72 hours before the meeting. Notice of meetings scheduled less than one week in advance shall be given to the news media, to the extent practicable, and posted at Town Hall and on the Town's website at a reasonable time prior to the meeting.
 - b) Transaction of Business. At special meetings the business to be transacted shall be only that stated in the notice of such meeting.
 - c) Order of Business. The order of business at special meetings of the Planning Board shall conform as closely as practicable to the order of business at a Regular Meeting.
3. **PRE-APPLICATION REQUIREMENTS.**
 - a) Pre-Application Meeting. Prior to submitting an application to the Planning Board for review and approval, prospective applicants must schedule an appointment with the Planning Board Secretary for a pre-application meeting with the Director of Planning and professional Town staff. These meetings are intended as a consultation that will assist the applicant and improve the efficiency of the application review process. The "Guidelines to Planning Board Applicants for Meeting with Town Planning Consultants" annexed hereto as Appendix A shall be followed.
 - b) Conceptual Sketch Plan Review. Prior to the submission of a formal application, Applicants are urged to consider meeting with the Planning Board for a conceptual sketch plan review with the consent of the Chair upon recommendation of the Planning Director and upon the payment of applicable fees. Based upon the scope of the application, Town Staff will advise the applicant of the information to be submitted for such sketch review at least 12 calendar days prior to a Planning Board meeting. The purpose of a conceptual sketch plan review is to allow an applicant to present a concept plan to the Planning Board for discussion and feedback and to pose questions and request guidance from the Planning

Board prior to submitting a formal application. It allows the Planning Board to identify concerns, requirements or regulations pertinent to the application for the Applicant's consideration prior to the Applicant incurring the expense of preparing a formal application. A conceptual sketch plan review is generally confined to one meeting, and no vote of approval or disapproval shall be taken on the proposal. Comments and opinions made by Planning Board members during a conceptual sketch plan review shall not be construed as being in any way binding on the Planning Board in connection with the application. If the applicant decides to bypass the sketch plan review with the Planning Board, see the submission requirements for a full application.

4. SUBMISSION REQUIREMENTS.

a) Application Submission. All required application materials for initial and supplemental submissions shall be submitted not later than 1:00 P.M., Monday, twenty-two (22) calendar days prior to the date of the Planning Board meeting at which the application is scheduled to be heard or as otherwise noted by the Planning Board Secretary. Application forms are available from the Planning Board Secretary. If all required application materials, including the pertinent application fee(s) and the escrow account deposit (if required), are not submitted by that deadline, the application shall be automatically removed from the agenda.

b) At the time of submission, all required application materials shall be submitted. Piecemeal submissions shall not be accepted.

c) Substitution of previously submitted materials shall not be permitted.

d) All submissions shall be accompanied by a cover letter describing the project and/or any changes as compared to previous submissions. All submissions shall be dated, with revision dates identified on new submissions.

e) For purposes of distribution to the Planning Board Members and others (as required), 12 full-sized copies shall be submitted. Application materials shall be collated into separate sets, each containing one copy of every submitted document. All application materials shall be submitted in a form that fits into a 12" x 17" envelope. Plans shall be folded, not rolled, as necessary. One electronic thumb drive containing all application materials shall be submitted along with the application materials.

f) Once the Site Development Plan has been approved by the Planning Board, found to be acceptable by the Town Engineer and signed by the Planning Board Chairman, the Applicant shall submit the following:

- 1) Three (3) full-sized plans (stamped and signed)
- 2) Three (3) 11" x 17" copies of the plans
- 3) A link to electronic files in AutoCAD and GIS Shape Files

g) Once the Subdivision Plat, as applicable, has been filed with the Westchester County Clerk's Office, Division of Land Records, the Applicant shall submit the following:

- 1) Ten (10) full-sized copies of the subdivision plat as endorsed by the Westchester County Clerk's Office, Division of Land Records, which indicates the filed map number and filing date
- 2) Ten (10) 11" x 17" copies of the subdivision plat
- 3) A link to electronic files in AutoCAD and GIS Shape Files

h) Without prior authorization from the Planning Director, application submissions shall not be accepted at Planning Board meetings.

5. SETTING THE AGENDA.

a) The Planning Board Secretary, in consultation with the Planning Director and the Chair, shall prepare an agenda for each Regular Meeting of the Planning Board, which shall list the matters to be considered by the Planning Board at such meeting. An agenda for a Regular Meeting shall list the matters to be considered by the Planning Board insofar as is possible in the order set forth in these Rules.

b) The Planning Board Secretary shall arrange for the delivery of a copy of the agenda of each meeting of the Planning Board to each member of the Planning Board not later than the Friday prior to the Tuesday meeting date.

c) Agendas are subject to change. Board members may add to meeting agenda items for discussion within the jurisdiction of the Planning Board by notifying the Chair and Planning Board Secretary in advance of the meeting. However, failure to notify the Chair and Planning Board Secretary in advance of a meeting shall not preclude such member from raising the item for discussion at the meeting. In adding an item to the agenda, consideration will be given to whether sufficient notice has been provided to Planning Board members and to Town staff for a meaningful discussion of the item. Any matter involving an application shall not be placed on an agenda without reasonable prior notice to the applicant.

6. ORDER OF BUSINESS. The order of business at regular meetings of the Planning Board shall be as follows:

- a) Extensions;
- b) Public Hearings;
- c) Informal Hearings;
- d) Concept Sketch Plans;

- e) Resolutions;
- f) Referrals;
- g) Discussion Items; and
- h) Minutes;

However, the regular order of business may at any time be modified at the Chair's discretion.

7. PUBLIC HEARINGS

a) The Planning Board shall set the date for a Public Hearing on an Application for which a public hearing is required by law when the Planning Board determines the Applicant has submitted sufficient information for a meaningful review by the public. All applicable public notice requirements shall be met prior to opening a scheduled public hearing.

b) The Chair shall have the discretion, in consultation with the Planning Director, to schedule an Application for a public hearing to be conducted at the first appearance on a Planning Board Agenda where the Application presents limited substantive planning, engineering or environmental issues, particularly in the case of Type II Actions pursuant to SEQRA. The Chair shall also have discretion to direct appropriate Town staff to prepare a draft Resolution for such meeting.

c) Presentations at Public Hearings will generally be made in the following order:

- (i) Introduction by the Chair;
- (ii) Applicant (personally, and/or by its representatives and consultants);
- (iii) Experts employed or retained by the Town;
- (iv) Members of the public;
- (v) Comments and discussion by the members of the Planning Board (Planning Board members may raise questions at any time during the public hearing).

d) The Chair reserves the right to limit a speaker's presentation as the Chair determines in its sole discretion.

e) Written comments from members of the public may be submitted to the Planning Board Secretary in advance of the public hearing. The Planning Board will also give a copy of these written comments to the Applicant upon receipt. No written comments from the public will be accepted or considered after the close of the public hearing, or as otherwise provided.

f) Except for site visits addressed under Section 9 herein, the Planning Board does not intend to interact with the public or Applicants outside of meetings of the Planning Board regarding pending or proposed Applications. Planning Board members shall not engage in substantive discussions of pending or proposed Applications with Applicants or the public, outside of Planning Board meetings. A Planning Board member subjected to ex parte communication shall disclose such communication to the other Planning Board members at the next regularly scheduled meeting.

8. COMMENTS BY MEMBERS OF THE PUBLIC.

a) The Chair shall entertain comments from members of the public as to the merits of any item set forth on the agenda for a Public Hearing. Such comments may be limited. All who speak must identify themselves as to name and address.

b) Members of the public may be heard on non-public hearing items set forth on the meeting agenda at the discretion of the Chair.

c) Speakers shall address all members of the Planning Board. Speakers shall direct comments and questions to the Planning Board rather than the Applicant or the general public present at the meeting.

d) Speaker shall observe commonly accepted rules or courtesy, decorum and dignity.

e) Any statements, comments or remarks made by a speaker (1) shall not concern the motives of a member of the Planning Board, and (2) shall not constitute a personal and/or political attack or criticism of any member of the Planning Board, any officer of the Town, any consultant of the Town, any employee of the Town, or member of the public.

f) The audience shall be respectful of all speakers and shall refrain from comments and gestures (such as clapping, cheering or booing), private discussions, cell phone use, or otherwise interfere with the meeting.

g) Debate or discussion between audience members and the speaker having the floor shall not be permitted.

h) Any speaker who fails to conform their conduct to the rules provided herein shall be directed by the Chair to cease speaking and yield the floor.

i) Interested parties, or their representatives, not in attendance at the meeting may address the Planning Board by written submission prior to the close of the public hearing or as otherwise provided.

9. SITE VISITS.

a) A "Site Visit" is a visit by one or more members of the Planning Board to a location which is the subject of an Application pending before the Planning Board, most times in the company of the Applicant (or their agents or employees), and involves entering onto

the property or visiting areas not customarily available for public access. (This does not include a view of a site from adjoining public streets or other observations that can be made without entering on the property.)

b) When the Planning Board deems it appropriate for the adequate consideration of an Application, the Planning Board may schedule a Site Visit at a date and time mutually acceptable to the Planning Board and the Applicant.

c) Site visits may be conducted by the Planning Board as a group or separately by individual members. The determination of whether a group site visit will be performed shall be made at a regularly scheduled meeting of the Planning Board. Site visits are limited to touring and obtaining factual information pertaining to the site and Application, without substantive discussion concerning the merits of any Application or other matter pending before the Board. Members of the public are not allowed to participate in site visits unless it is on public property or the property owner invites the public to attend the site visit.

d). A list of attendees and the date of the Site Visit shall be provided to the Planning Board Secretary and made a part of the Planning Board's file.

e) In the event a Planning Board member visits the site independently from a scheduled site visit, the Planning Board member shall notify the Planning Board Secretary so the visit can be made part of the Planning Board's file.

10. VOTING.

a) Each member of the Planning Board shall have one vote. A majority of the total authorized voting power is necessary to pass any matter, except as provided herein.

b) Every member of the Planning Board present at any meeting thereof, when a vote is taken, shall vote for or against. However, a member may abstain from voting or may recuse himself or herself in cases of a conflict of interest.

c) A vote upon any question shall be taken by a "yes" or a "no", and the names of the members present and their votes shall be entered in the minutes, except that in minor matters the Chair may ask for a general consensus of the Board. Abstentions and recusals shall also be entered in the minutes.

d) All Resolutions to memorialize any action of the Planning Board shall be in writing.

11. MEMBERSHIP EXPECTATIONS.

a) Members are expected to attend all duly noticed meetings of the Planning Board.

b) All members shall notify the Planning Board Secretary and Planning Board Chair of any expected absences, as soon as practicable.

- c) Members shall be familiar with all materials submitted to the Planning Board in connection with the pending matters.
 - d) Members are required to complete all training required by law for service as a Planning Board member.
 - e) Members are expected to be familiar with the relevant and applicable provisions of the Code of the Town of New Castle, the Town Comprehensive Plan and other plans, reports and studies by or for the Town of New Castle which are necessary for the member to responsibly discharge their duties.
 - f) To facilitate an efficient application review process, the Planning Board will endeavor to conclude each application review appearance with a concise summary of the Board's principal comments which may include required submittals, recommended revisions, request for further information, and other similar comments, if any. Such comments will be limited to those that represent the general consensus of the board, but the applicant is hereby advised that opinions of individual Board members are subject to change based on further review of the application. The purpose of this commitment by the Planning Board is to maintain an efficient, reasonable and streamlined review of the salient aspects of a pending application.
12. EXECUTIVE SESSIONS/ADVICE OF COUNSEL. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Planning Board may conduct an executive session pursuant to the New York State Open Meetings Law. Sessions for confidential advice of counsel are exempted from the New York State Open Meetings Law and may be conducted as necessary.
13. ROBERT'S RULES OF ORDER REVISED FOR DELIBERATIVE ASSEMBLIES TO BE USED. All questions of order or procedure of the Planning Board not herein provided for shall be decided in accordance with Robert's Rules of Order Newly Revised.
14. CONFLICT WITH LAWS. These rules are not intended to modify the provisions of the Code of the Town of New Castle or any New York State or Federal law and all conflicts with these rules and procedures are to be resolved in favor of the Town Code, laws of the State of New York and laws of the United States.
15. AMENDMENTS. The foregoing Rules of Procedure may be amended from time to time by a majority vote of the Planning Board.

Dated: Chappaqua, New York
February 15, 2022

Adopted: February 15, 2022 (4-0)

Aye: Mr. Brownell, Mr. Curley, Mr. Gothelf, Chairman Kirkwood
Excused: Ms. Ajmera