

PLANNING BOARD OF THE TOWN OF EAST HAMPTON
EAST HAMPTON, NEW YORK

In the Matter of the Application

Of

WORK SESSION PROCEDURES AND POLICIES

Amended Work Session Procedures and Policies

January 19, 2011

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EAST HAMPTON TOWN
PLANNING DEPARTMENT

1. The Town of East Hampton Planning Board is governed by §41 of the General Construction Law regarding quorum and majority. Work sessions and general meetings shall be conducted in accordance with its provisions.

2. New York General Construction Law §41:

“Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, a majority of the whole number of such persons or officers, gathered together in the presence of each other or through the use of videoconferencing, at a meeting duly held at a time fixed by law, or by any by-law duly adopted by such board or body, or at any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them, shall constitute a quorum and not less than a majority of the whole number may perform and exercise such power, authority or duty. For the purpose of this provision the words “whole number” shall be construed to mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and were none of the persons or officers disqualified from acting.”

3. Town Law §271 is the governing statute regarding creation and appointment of the Planning Board as follows:

Town Law 271(1):

“Authorization. The town board of each town is hereby authorized by local law or ordinance, to create a planning board consisting of five or seven members and shall, by resolution, appoint the members of such board and designate the chairperson thereof. In the absence of a chairperson the planning board may designate a member to serve as chairperson. The town board may, as part of the local law or ordinance creating said planning board, provide for the compensation of planning board members.”

Town Law 271(4):

“Terms of members first appointed. The terms of members of the board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which

such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar 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.”

4. The Town of East Hampton Planning Board is comprised of seven (7) members each serving a seven (7) year term.
5. Work sessions are meetings under the Open Meetings Law of the State of New York (Article 7 of the Public Officers Law) and shall be conducted in accordance with its provisions.
6. Absent exceptional circumstances, the agenda for all work sessions shall be set by 12:00 noon on the Friday preceding the work session. Applicants may request that their applications be cancelled, rescheduled, adjourned or tabled up until 4:00 PM the Monday before the Wednesday meeting, after which cancellation, rescheduling, adjournment or tabling shall be at the discretion of the Planning Board chairman.
7. Complete professional staff reports prepared for the Planning Board to permit the board to discuss and review matters before the board shall be made available to applicants and the public by noon on the Monday prior to the meeting.
8. The order of business for work sessions shall be at the chair’s discretion. The order of the meeting will be established by the chair as listed on the posted agenda prior to the meeting. The chair has the discretion to alter the order of the agenda as needed.
9. A preparation meeting for the chair or vice chair will be held prior to the work session in order to ensure that the meeting runs effectively and efficiently.
10. It shall be the purpose of the Planning Board’s work sessions to permit the Planning Board to discuss and review matters before it, including subdivisions, subdivision waivers, site plan applications, and other matters such as the Town Comprehensive Plan and other referrals from the Town Board. The orderly review and discussion of the Planning Board applications will promote an efficient decision-making process. Work sessions are intended to facilitate decision-making. The Planning Board shall consult with the Planning Department, the town engineer, the town attorney and appropriate professionals.
11. Planning Board members and professional staff shall participate in the discussion and review process. An applicant shall be permitted to address the board regarding his or her application for a reasonable length of time as determined by the chair and as dictated by the agenda for that meeting and by other circumstances. For the purpose of this Statement of Work Session Procedures and Policies, the term “applicant” includes an agent or attorney for the applicant.
12. Notwithstanding the provisions of paragraph 11, an applicant may provide the board with information about his or her application for an extended presentation at the board’s work session by submitting a request to the board in writing. Planning Board districts are established by the

chairman and are depicted on a map that is available at the Planning Board office. These districts establish a committee system whereby each Planning Board member is assigned a particular area of town and can help represent that area and applications that are in that district. Applicants should seek guidance and feedback from the committee person for their applications or from the Planning Department. Applicants are also encouraged to contact the committee person after receipt of the Planning Department's memorandum with any comments or questions regarding the memorandum or to express consent to the recommendations contained therein in order to help expedite the discussion at the work session. This establishes a cohesive planning effort that helps serve the applicant and community through a coordinated effort to bring applications through the process in a consistent and timely manner.

13. The board should attempt to be clear and concise on each matter or issue discussed at the work session in order for the applicant to proceed. After the initial Planning Board review, the applicant may request a meeting with the committee person and the chair for clarification purposes.

14. A member of the public may be permitted to address the board about an application during work session review and discussion of that application at the discretion of the chairman. However, the time allotted for all members of the public to address the board may need to be limited to a reasonable length of time as determined by the chair and as dictated by the agenda for that meeting and by other circumstances. The board and the public are reminded that an applicant and any interested member of the public may provide the board with factual information relevant to the board's deliberations on an application during the public hearing process as well. The board shall not accept written submissions from the applicant during the work session itself unless the chair deems it necessary for the discussion. If so, the applicant shall submit ten (10) copies of the written submission at the work session to ensure that there is a sufficient number for the board, the board's attorney, and Planning Department staff members.

15. During its work sessions, the board may discuss applications, board policies, and information pertaining to other topics provided that such discussions are scheduled with the chair and posted on the agenda. The chair should review requests for discussion with the board prior to scheduling. If the chair and the committee person for the application agree that the matter should be discussed with the board at its work session, the applicant shall be given notice of the agenda item and provided with an opportunity to address the board in response to the new information presented.

16. Work sessions shall not continue after 10.00 PM except under exceptional circumstances as directed by the chair.

17. The Planning Board authorizes the Planning Department to contact the applicant in writing regarding the technical requirements necessary to complete the application so the applicant may have the opportunity to address those technical requirements prior to scheduling the application for work session discussion.

18. Any application for which a positive declaration pursuant to SEQRA (State Environmental Quality Review Act) has been made by the board may be discussed only by the applicant and the

board as a whole and only in accordance with these procedures. This shall not be deemed to limit discussion between the board and applicant concerning issues to be addressed in a Draft Environmental Impact Statement (DEIS) during a DEIS scoping meeting expressly placed on the board's agenda for that purpose.

19. If there is no positive declaration under SEQRA for an application, the committee member for an application may meet with the applicant and professional staff whenever necessary, normally at the Planning Board offices or on site. Recommendations, issues, or concerns raised by the applicant, staff, or committee at such meetings shall be reflected in subsequent staff reports or the committee's testimony presented to the entire board.

20. The applicant should make every effort to complete the project in a timely manner. Applicants' requests for extension of time based on circumstances must be set forth in writing. The Planning Board can deny time extensions at its discretion.

21. At any time, with the majority vote of the Planning Board, these policies and procedures may be amended and revised in whole or in part.

cc: Councilwoman Theresa Quigley
Planning Board Attorney Kathryn Santiago
Planning Department Director Marguerite Wolffsohn