

Town of Berkshire
Planning Board Creation Local Law

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Section I: Purpose and Intent:

The Town of Berkshire Town Board (Town Board) hereby creates a Planning Board which shall function in the manner prescribed by New York State Town Law. The Berkshire Planning Board shall function as an advisory body, providing support to the Town Board primarily by creating, amending and interpreting local laws, but may undertake any other town matters as directed.

Section II: Definitions:

Alternate Member: Any resident appointed to serve a one-year term as backup to the regular members of the Planning Board, and upon designation by the Chair, perform the duties of a regular member.

Planning Board: The Planning Board (The Board) of the Town of Berkshire as established by the Town Board, pursuant to the provisions of section 271 of the Town Law.

Regular Member: Any resident who is appointed by the Town Board to serve a five (5) year term, or fill a vacancy for the remainder of a five (5) year term, on the Planning Board.

Section III: Provisions and Requirements:

- (a) The Board shall, in accordance with the provisions of this local law and New York State Town Law § 271 and at the direction of the Town Board, hear and report to the Town Board on any matter referred to it by the Town Board.
- (b) The members of The Board shall be residents of the Town of Berkshire and shall be appointed by the Town Board to serve for terms as prescribed by law. No person who is a member of the Town Board shall be eligible for membership on The Board.
- (c) Service on The Board shall not disqualify anyone from also serving as a member of the Tioga County Planning Board.
- (d) The Board shall adopt by-laws consistent with New York State law and the provisions in this local law as it may deem necessary to execute the provisions of this chapter, and all its resolutions and orders shall be in accordance therewith. Such by-laws shall be filed with the Town Clerk within five (5) business days of adoption.
- (e) The Town Board shall designate the Chairperson of The Board. The Board shall choose its own Vice Chairperson who shall preside in the absence of the Chairperson. In the absence of both the Chairperson and Vice Chairperson, The Board shall choose one of its members as Acting Chairperson. All meetings of The Board shall be held at the discretion of the Chairperson.
- (f) The Town Board shall require reporting of completed training and continuing education in accordance with local and state requirements.
- (g) The Town Board may establish an appropriation for The Board to cover expenses for doing business and will provide reimbursement for travel, training, or other authorized expenses. Members do not receive compensation and positions are filled as voluntary appointments.
- (h) The Town Board authorizes The Board to solicit citizens to participate in an advisory capacity to gain knowledge of particular issues or carry out assignments.

Section IV: Exclusions: Not Applicable.

Section V: Administration and Enforcement:

A. Membership

1. Regular Members - There shall be five (5) regular members of The Board serving five (5) year terms. The terms shall be so fixed that one term shall expire at the end of each calendar year and no two members terms shall expire at the same time.
2. Alternate Members - There may be appointed additionally up to two alternate members of The Board. Alternate members shall be appointed by resolution of the Town Board for one year terms.
 - a. The Chairperson of The Board shall designate an alternate member who is present to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, or absence.
 - b. If more than one alternate member is present at a meeting when the Chairperson is designating an alternate member to substitute for a regular member, the Chairperson shall designate the alternate member who has not served on a case or matter most recently. If that alternate member is not able or willing to vote for a reason listed in subsection V(A)(2a) above, then the Chairperson shall designate the other alternate member to serve.
 - c. To the extent this provision is inconsistent with Town Law § 271(15), it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in Town Law § 271 and in this local law shall apply.
3. Vacancies - If a vacancy shall occur other than by expiration of a term, the Town Board shall appoint the new member for the unexpired term.
4. Removal of members - The Town Board shall have the power to remove, after public hearing, any member of The Board for cause. Any member may be removed for non-compliance with minimum requirements related to meeting attendance, training and behavior.

B. General Duties

1. The Board may recommend to the Town Board regulations relating to any subject matter over which they have jurisdiction. Any adoption of the recommendations by the Town Board shall be by local law or ordinance.
2. The Board shall have full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the town as designated by the Town Board. The Town Board may by resolution provide for the referral of any matter or class of matters to The Board before final action is taken.

Section VI: Enforcement Procedures, Appeals, and Variance: Not Applicable.

Section VII: Severability/Invalid Segments: Should any section or provision of this Local Law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part declared to be invalid.

Section IX: Penalties: Not Applicable.

Section X: Effective Date: This local law shall take effect upon filing by the Secretary of State.