

Rules of Procedure
Westchester County Planning Board
Westchester County, New York

Article I. General Governing Rules

- A. The Westchester County Planning Board shall be governed by the provisions of all applicable State statutes, the Laws of Westchester County, including the Westchester County Code of Ethics, and these Rules of Procedure.
- B. The term “Board” as used in these Rules of Procedure shall mean the duly appointed Westchester County Planning Board.
- C. The business address of the Board shall be: Westchester County Planning Board c/o Westchester County Department of Planning, 432 Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, or such other addresses as the Board may, from time to time, designate by Resolution.

Article II. Membership & Officers

- A. **Composition.** The twelve (12) members of the Board shall be selected in accordance with the provisions of Section 191.11 of the Laws of Westchester County, as may be amended from time to time. Each of the three (3) ex-officio members of the Board, as identified therein, may name a designee to attend Board meetings on his or her behalf when such member is unavailable. Such designees may vote in the place and stead of the absent Board member.
- B. **Chair.** A Chair of the Board shall be named in accordance with the provisions of Section 191.11 of the Laws of Westchester County, as may be amended from time to time. The Chair shall perform all duties required by law, ordinance and these Rules of Procedure, and shall preside over all meetings of the Board. The Chair shall decide on all points of order and procedure, subject to these Rules of Procedure. The Chair shall appoint such committees as he or she may deem necessary to carry out the business of the Board and shall discharge a committee when its work is completed. The Chair’s signature shall be the official signature of the Board and shall appear on all decisions and official communications of the Board.
- C. **Vice Chair.** A Vice Chair of the Board shall be named in accordance with the provisions of Section 191.11 of the Laws of Westchester County, as may be amended from time to time. In the event of the absence from the county or disability of the Chair, the Vice Chair may act in his or her place and stead. In the event of resignation or permanent disability of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as a new Chair is appointed in accordance with the Laws of Westchester County.

- D. Resignation. Resignations shall be submitted in writing to the County Executive and to the Chair and shall take effect at the time specified therein. If no time is specified, the resignation shall be effective upon receipt by the County Executive.

Article III. Meetings

- A. All meetings shall be conducted in accordance with the New York State Open Meetings Law, Article 7 of the New York State Public Officers Law (“Open Meetings Law”) and, except as otherwise provided herein, Robert’s Rules of Order, all as may be amended from time to time. All official business of the Board shall be conducted at regular or special meetings of the Board.
- B. The Chair shall prepare an agenda for all regular and special meetings, work sessions and site walks, which agenda(s) shall outline the subject matter to be considered and the date, time and place of the meeting, work session or site walk, at a reasonable time in advance of each such meeting, work session or site walk. Agendas shall be distributed to all Board members and to the general public and news media as provided below.
- C. Regular Meetings. Regular meetings of the Board shall be conducted monthly and held, whenever possible, at 8:00 a.m. on the first Tuesday of each month in the Westchester County Department of Planning Conference Room, Michaelian Office Building – 4th Floor, 148 Martine Avenue, White Plains, New York 10601, or at an alternate site to be designated in advance by the Chair. The agenda for all regular meetings shall be distributed not less than seven (7) days in advance of the Board meeting for which the agenda is established.
- D. Special Meetings. Special meetings of the Board may be called: (1) by the Chair when he or she deems necessary or (2) upon the request of any five Board members. Notice of the special meeting and the agenda for same shall be distributed at least forty-eight (48) hours in advance of the special meeting.
- E. Work Sessions/Site Walks. Work sessions and site walks may be held as deemed necessary by the Chair or by majority of the Board. The purpose of a work session shall be to conduct an in-depth review or discussion of agenda items or discussion of existing or prospective programs of the Board. Site walks will be conducted, when necessary, to assist the Board in its understanding of the scope and nature of agenda items. No votes shall be taken at work sessions or site walks. Agendas for work sessions and site walks shall be distributed at least forty-eight (48) hours in advance of the work session or site walk.

- F. Executive Session. Upon a majority vote of the entire membership of the Board taken at a regular or special Board meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Board may conduct an executive session in accordance with the provisions of the Open Meetings Law.
- G. Change or Cancellation of Meetings. In the event of conflict with holidays or other considerations, the Chair may cancel a scheduled meeting or change the date, time or location of a scheduled meeting. In such event, the Chair shall provide written notice of such cancellation or change to all members of the Board, to the general public and to the news media not less than forty-eight (48) hours prior to the scheduled time of such meeting.
- H. No meeting of the Board shall be conducted nor shall any action be taken by the Board in the absence of a quorum, which shall be a majority of the entire membership of the Board.
- I. Action on any matter before the Board shall be by written Resolution and shall require, unless otherwise specified herein, the affirmative vote of a majority of the entire membership of the Board, or their duly authorized designees, who shall be physically present at the regular or special meeting of the Board in which such vote is taken. Voting shall be by voice vote. Each member of the Board shall be entitled to one vote. A roll call vote on a matter of substance will be held when requested by any member of the Board. A record of the roll call vote shall be kept as a part of the minutes of any regular or special meeting.
- J. Order of Business. The order of business at regular meetings shall be:
 - 1. Call to Order.
 - 2. Meeting Dates and Announcements
 - 3. Adoption of Minutes.
 - 4. Chair's Remarks.
 - 5. Commissioner's Remarks.
 - 6. Referrals.
 - 7. Matters for Board Action/Public Hearings.
 - 8. Matters for Board Comment.
 - 9. Matters for Board Information.
 - 10. Adjournment.
- K. Minutes. The Board shall ensure that minutes are kept of all proceedings which occur at open sessions of regular and special meetings of the Board. The minutes shall include a record of the members present for each vote of the Board, the individual vote of each member and the outcome of the vote on each action. The minutes for any regular or special meeting shall also include a summary of the proceedings of any public hearing conducted by the Board.

- L. Except as otherwise provided by statute or by these Rules of Procedure, the parliamentary rules contained in Robert's Rules of Order, as Revised, shall govern Board proceedings.

Article IV. Public Hearings/Comment

- A. **Public Hearings.** (i) The Chair may, in his or her sole discretion, determine that a public hearing should be conducted in advance of the Board's action on an agenda item. Public hearings, when deemed necessary, shall be scheduled during regular or special meetings and shall be noticed in the agenda for the special or regular meeting in which such public hearing will be conducted.

(ii) The Chair shall make reference to the notice of the public hearing and give a summary statement of the matter before the Board at the commencement of any such hearing. Thereafter, all interested parties shall be given an opportunity to be heard, subject to the limitations outlined in subsection (B), below. In addition, the Chair shall enter into the record all correspondence, reports and other written comments which have been forwarded to the Board's attention in connection with any such agenda item.

(iii) When a public hearing is to be conducted on a municipal referral, the Board may provide individual notice of the public hearing to the municipal staff members responsible for the municipal referral.

- B. **Public Comment.** (i) The Board may invite experts or other persons having a specialized interest in a particular agenda item or prospective program to attend any meeting or work session of the Board in order to make presentations to the Board or to comment on matters pending before the Board.

(ii) The Board shall allow a reasonable amount of time for general public comment relating to active agenda items. Prior to the commencement of any such public comment, the Chair shall be empowered to place and enforce strict time limits on such comments, which time limits shall be imposed on an item-by-item basis.

Article V. Municipal Referrals to the Board

The Westchester County Department of Planning ("Planning Department") shall provide support to the Board in connection with the gathering of information as may be necessary to provide a basis for the Board's response to referrals of planning, zoning and development matters from cities, towns and villages within the County of Westchester. The Board shall be entitled to seek further information from the Planning Department and from other sources as it deems necessary during the course of its review of municipal referrals. The classification of proposed planning, zoning and development actions referred to the Board by local municipalities shall, for purposes of consideration and review by the Board, be as follows:

- A. The following categories of actions shall require Board review and consideration due to the potential for intermunicipal and/or area-wide impacts which are within the scope of the Board's review authority. Responses to such proposed actions shall be prepared in accordance with the review standards of the Board and shall be presented to the Board for review and action at Board meetings:
- (i) Adoption of or amendment to a municipal comprehensive plan;
 - (ii) Adoption of or amendment to a zoning code or zoning map;
 - (iii) Proposed subdivisions with a proposed new road connecting into a County or State road; and
 - (iv) Actions listed under Article V subsection (B) that have been given a Positive Declaration pursuant to the NYS Environmental Quality Review Act (SEQR) by the local municipality (i.e. projects that may have a significant adverse impact on the environment).
- B. The following categories of actions shall not require Board review and consideration because such actions are, by definition, of local concern. Written notification of such determination shall be provided by the Board to the affected municipality after review and confirmation that the matter referred is governed by this subsection (B).
- (i) All applications for area variances;
 - (ii) Applications for site plans that propose less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance; and
 - (iii) Applications for special permits that propose less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.
- C. All other proposed planning, zoning and development actions referred to the Board by local municipalities shall be considered for Board review and action on a case-by-case basis.

Article VI. Adoption and Amendment

These Rules of Procedure shall be adopted, and may only be amended, by an affirmative vote of a majority of the entire membership of the Board. The adopted Rules of Procedure become and remain a public record.

Adopted by the Westchester County Planning Board on November 5, 2003.
Amended by the Westchester County Planning Board on December 2, 2003.