Town of Queensbury Planning Board
Bylaws and
Policies & Procedures

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INTRODUCTION

This document was written with several intentions, not the least of which is to make the job of the Planning Board**,** Planning Staff, and ultimately that of the applicant, a smoother and more cohesive process.

The purpose of this document is:

1. To provide an informational resource on commonly asked questions concerning Planning Board process;

2. To establish policies for application processing and review;

3. To serve as the rules of conduct for Planning Board meetings; and

4. To detail Planning Board member Code of Ethics.

Included also are the Planning Board Bylaws. Bylaws are the operating rules of an organization, which are based on the authority given to that organization which enables it to exist. Bylaws are a formal set of secondary rules which governs the internal affairs of the organization.

Policies and procedures need only the approval of the Planning Board, which is done via Resolution. Policies are guiding principles and procedures are a set of methods or forms established to conduct the business of the Planning Board.

PLANNING BOARD BYLAWS

I Establishment and Purpose

I A. Planning Board

The Planning Board, created by the Town Board of the Town of Queensbury, is established pursuant to Section 271 of Town Law.

The Planning Board is established to review site plan and subdivision applications and advise and make recommendations to the Queensbury Town Board regarding matters, which will contribute to the planning and development of the Town of Queensbury, as it deems desirable. The Planning Board shall perform other duties as mandated by law.

I B. Bylaws

The Bylaws of the Town of Queensbury Planning Board are hereby established, effective April 24, 2001. These bylaws may be amended from time to time by an affirmative vote and Resolution of two-thirds of the members of the Planning Board.

II Organization

II A. Membership and Terms

The membership and terms of office shall be for a term of seven (7) years or as specified by the Town Board enabling resolution(s) <u>and</u> as set forth in Town Law.

II B. Officers

The Executive Officers of the Planning Board shall be the Chairperson, Vice-Chairperson and Secretary. The Planning Board shall annually make a recommendation (before its organizational meeting) to the Town Board and the Town Board shall annually designate a member of said Planning Board to act as Chairperson thereof. The Planning Board shall annually elect a Vice Chairperson and Secretary from its members, and other officers, as it deems necessary. In case the Chairperson and Vice-Chairperson are absent, the Planning Board may appoint a temporary Chairperson.

II C. Responsibility of Officers

1. Chairperson

The Chairperson shall:

a. Preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary procedure;

b. Sign all approved final plats and site plans;

c. Appoint committees and a chairperson thereof;

d. Be an ex-officio member of all Planning Board committees;

e. Sign all contracts, agreements and other instruments made and approved by the Planning Board;

f. Serve as official spokesperson for the Planning Board. However, written public statements, press releases, etc. shall be approved by the members.

g. Perform all the duties incidental to the office;

h. Perform such other duties as may, from time to time, be required, and;

i. Call emergency meetings of the Planning Board with a consensus of four (4) Planning Board members, with at least 48 hours notice whenever possible.

2. Vice Chairperson

The Vice Chairperson shall:

a. Perform all the duties of the Chairperson in case of his or her absence;

b. Perform such other duties as may, from time to time, be assigned by the Chairperson.

3. Secretary

The Secretary shall, with the assistance of such Staff as is available:

a. Keep the minutes and records of the Planning Board;

b. Provide notice of all meetings to Planning Board members;

c. Ascertain that proper and legal notice of hearings has been provided;

d. Attend to the correspondence of the Planning Board; and

e. Read all official correspondence to the Planning Board as part of the minutes of the public hearings

These functions can be divided as needed at the discretion of the Planning Board, among Planning Department Staff, the Clerk/Transcriber and elected Secretary of the Planning Board. The person designated to perform these functions need not be a Planning Board member.

In the absence of the Secretary due to illness or personal reasons, the Chairperson shall appoint a temporary Secretary.

4. Other Officers

Other officials shall have such authority and perform such duties as, from time to time, may be assigned by the Planning Board.

II D. Planning Board Committees

The Chairperson may appoint committees, pertaining to special projects or studies, of any number from the membership. Such committees shall report to the Planning Board and may advise the Planning Board as to actions, which may be taken by the Planning Board as a whole.

Planning Board committees may solicit advice and expertise from outside its membership. If such advice and expertise carries a fee, funds must be approved by the Town Board.

Planning Board committees are distinguished from Town Committees in that Town Committees are appointed by the Town Board. Town Committees may assist the Planning Board in a similar fashion as a Planning Board committee if their purpose is so designated.

II *E. Alternate Members*

As per Local Law 1 of 2000, the Town Board shall appoint two (2) alternate members to the Planning Board to serve in the event of a conflict of interest, illness, vacation, or other absence. The Planning Board Chairperson may designate an alternate Planning Board member to serve in a particular matter or matters in the event of an absence, conflict of interest, or scheduling difficulty. Upon designation, the alternate Planning Board member shall have all of the same duties and responsibilities of a regular Planning Board member.

II F. Vacancies

If a vacancy shall occur other than by term expiration, it shall be filled by the Town Board by appointment for the remainder of the unexpired term.

II G. Terms of Officers

The officers of the Planning Board shall be elected for one year terms.

III. Meetings

III A. Open Meetings Law

Under the terms set forth herein, the Open Meetings Law shall apply to meetings of the Planning Board, and appropriate notice shall be given.

III B. Public Hearings and Public Information Sessions

1. As Required by Law

The Planning Board shall hold public hearings as required by law.

2. As Allowed

The Planning Board may hold public hearings or public information sessions, in addition to those required by law, when it is deemed such hearings or sessions would be in the best interest of the public and other parties concerned.

3. Advertisement

Any matter for which a public hearing or information session is required by law or by determination of the Planning Board shall be advertised for public hearing or information session upon its addition to the meeting agenda.

4. Conduct for all Public Hearings

   a. Any person wishing to comment shall be recognized by the Chairperson and shall give his or her name and address.

   b. The Chairperson shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The Chairperson shall reserve the right to terminate or adjourn the hearing in the event the discussion becomes unruly or unmanageable.

III C. Schedule

Regular Planning Board meetings will be held each month on a schedule established by the Planning Board. All meetings shall begin at 7:00 p.m. unless otherwise announced. If any such day should fall on a legal holiday, or for other reasons by which the Planning Board cannot meet, the new meeting date shall be determined by the Planning Board.

All matters on the regularly scheduled Planning Board agenda must be submitted to the Planning Department by the submission deadline for that meeting in order to be placed on the agenda, unless the Planning Board by majority vote allows for extension of the submission deadline.

1. Regular Meetings

The Board shall set the dates of its regular meetings by Resolution.

2. Special Meetings

Planning Board members may, at a regular meeting, set a special meeting when deemed necessary.

3. Emergency Meetings

The Chairperson may call an emergency meeting when necessary, and upon concurrence of four (4) members of the Planning Board. All members of the Planning Board shall be notified of such emergency meeting and the date, time, place, and agenda, at least 48 hours prior to the meeting, whenever possible.

4. Workshop Sessions

A Workshop Session primarily consists of matters for in-depth discussion or educational purposes. General or specific planning or procedural information, or work updates on particular topics as provided by planning staff or consultants are appropriate matters. Workshop Sessions are not intended to be held to discuss particular applications before the Planning Board. Accordingly, Workshop Sessions may be less formal than Regular, Special, or Emergency Meetings. Public comments may be allowed at the discretion of the Planning Board Chairperson.

The Planning Board may conduct workshop sessions as deemed necessary. Such sessions shall be subject to all provisions of the New York State Open Meetings Law.

5. Annual Meeting

The annual organizational meeting of the Board shall be the first regular meeting in the month of January of each year. At such time the Planning Board shall elect officers, designate the dates of regular meetings for the upcoming year, and conduct such other business as is necessary.

III D. Executive Session

Executive Sessions of the Planning Board shall be conducted only in accordance with the New York State Open Meetings Law. All official actions of the Planning Board shall be taken at an open public meeting.

IV Proceedings

IV A. Governing Rules

Robert's Rules of Order, as revised, shall serve as guidelines for the Planning Board's proceedings, except as specified otherwise by the Planning Board Policies and Procedures.

IV B. Quorum

A quorum shall consist of four (4) members of the Planning Board, or not less than a majority of the members.

IV C. Voting

1. Action

Action shall be taken only upon the affirmative vote of a necessary number of members as provided by law, i.e. a quorum, which is a majority of the full Planning Board. Each member shall have one vote. A majority vote of those members present but not in sufficient number to constitute a majority of the entire membership of the full Planning Board, shall not constitute any formal action by the Board.

In the event of a tie vote, the proposition being voted has not been acted upon.

The Chairman of the Planning Board shall have the same right to act on matters before the Board as other members, including the right to make and second motions.

2. Disqualification

Each member of the Planning Board shall vote on all questions before the Board unless required to abstain in accordance with any applicable law or regulations. The member in question shall cite the categorical reason for abstaining. Examples of such reasons include, but are not limited to, business interest,

financial interest, or relationship with the applicant. Indecision is not a valid reason for abstaining from voting.

For reasons of a conflict of interest, bias, prejudice, illness, vacation, or other absence, such member shall contact the Planning Board Chairman and Community Development Department Planning Staff, so that an Alternate Planning Board member may be designated to substitute for the unavailable Board member.

V MINUTES AND RECORDS OF MEETINGS

V A. Records

Minutes shall be kept of all Planning Board meetings and hearings. At a minimum, minutes shall include the names of persons appearing and addressing the Planning Board; a summary of statements made at public hearings, actions taken; findings made, if any, and reasons therefor.

The official record of meetings shall be the minutes prepared by the Community Development Department Planning Staff. Should such meetings and hearings be recorded for later transcription, such recordings shall be retained for a period of not less than three (3) years and any notes made during any meeting shall be maintained as part of the official record.

The official record shall be kept in the office of the Town Clerk of the Town of Queensbury.

V B. Copies and Distribution

Copies of meeting minutes shall be sent to all members of the Planning Board. Copies shall be available in the Community Development Department offices for use by Community Development Department Planning Staff, including the Code Compliance Officer.

V C. Adoption

Minutes shall not be considered officially adopted until formally approved by the Planning Board.

V D. Resolutions

Resolutions are recorded as a part of all minutes taken, since Resolutions are considered the Planning Board's official actions. Resolutions are also transcribed as separate documents and are provided to the Town Clerk within 5 days, or as prescribed by law. Resolutions are also kept as part of the official files for the corresponding applications and matters to which they pertain.

VI PUBLIC INFORMATION

In compliance with the Freedom of Information Law (FOIL), the right of the public of access to records of meetings and documentation, in accordance with law, shall not be denied. The Records Officer of the Town shall be designated as the Information Officer and shall fill all requests for information as required by the Freedom of Information Law. The Town Clerk shall collect any fees, as established from time to time by the Town Board, for copies made of any such documents requested. Any such fees collected shall be given to the office of the Town Clerk.

VII ETHICS

VII A. Town Code

Rules of ethical conduct for public officers, employees, and administrative Board members of the Town of Queensbury are governed by the Code of Ethics as adopted by the Town Board of the Town of Queensbury and as outlined in Chapter 14 of the Code of the Town of Queensbury.

The Code prohibits a Planning Board member from participating in any official action affecting the Board member's own pecuniary or material interests, or that of his or her immediate family or his or her firm, partnership or association; from using the position to obtain an unwarranted privilege; or from acting in a manner that would cause a reasonable person to conclude that the Planning Board member can be improperly influenced or that a person could unduly enjoy the Planning Board member's favor in the performance of his or her official duties.

VII B. Disclosure

Any Planning Board member who believes that he or she should not participate in the discussion and vote on any issue shall recuse himself or herself, and publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest held in such application.

VIII Amendments to Bylaws

These Bylaws may be amended only by the affirmative vote of a two-thirds majority vote of the Planning Board members.

POLICIES AND PROCEDURES

I ORGANIZATIONAL MEETING

At each organizational meeting all new members shall receive copies of the following items:

- Planning Board Bylaws
- Policies and Procedures
- Town of Queensbury Comprehensive Land Use Plan
- Copy of the Town of Queensbury Code
- Zoning Map

Educational materials as received from time to time will also be distributed. Amendments or revised documents will be distributed upon final adoption.

II ESTABLISHMENT OF AGENDA

II A. Ready Agenda

This agenda is the initial agenda maintained by the Community Development Department Planning Staff, and notes all matters for which preliminarily complete applications have been timely submitted to the Planning Board.

II B. Meeting Agenda

The meeting agenda is prepared by Community Development Department Planning Staff and is authorized for distribution upon approval of the Planning Board Chairperson.

Meeting agendas consist of all matters for which public hearings have been advertised or for which no public hearing is necessary. Meeting agendas are comprised of old business, new business, and/or other matters for which applications are not necessary, such as workshop sessions.

II C. Agenda Limits (adopted April 24, 2003, revised April 26, 2005, revised October 17, 2006)

1. Maximum Number of Items

The maximum number of items to be considered by the Planning Board during a typical monthly review shall be twelve (12).

2. Application Placement on the Agenda

Applications will be considered for placement on the Board's agenda as follows:

a. Applications tabled to a specific calendar date;

b. Applications referred by the Town Board;
c. Old business previously reviewed and satisfying submission requirements;
d. Complete application received during the previous month but not placed due to agenda limits, in excess of the 12 item limit; and
e. New applications satisfying submission requirements.

3. Agenda Modification

The Planning Board agenda may be further modified at the discretion of the Planning Board Chairman and/or zoning Administrator. Additional items exceeding the maximum number established in Section II.C.1 above may be allowed at the approval of the Chairman.

III SITE VISITS

Site visits by all Planning Board members should be conducted prior to the meeting. Site visits done by Planning Board members as a group should be limited to touring the sites, without substantive discussion of the applications.

IV MEETINGS

IV A. Schedule

The Planning Board shall have two (2) regular meetings to be held on the 3rd and 4th Tuesdays of each month. The second regular meeting may be cancelled if all agenda items can be covered during the first meeting. All meetings shall begin at 7:00 p.m. unless otherwise announced. Meetings shall take place at the Town of Queensbury Community Center, unless otherwise noticed.

Additional meetings may be established by the Planning Board Chairperson in consultation with Planning Staff.

IV B. Public Notice

1. Regular Meetings

Meetings scheduled one week or more in advance shall be subject to a minimum notice of three (3) days. Such notice shall be provided to the newspaper of record in addition to posting in the Queensbury Town offices.

2. Special Meetings

Planning Board members may, at a regular meeting, set a special meeting when deemed necessary.

3. Emergency Meetings

Meetings scheduled less than one week in advance shall be subject to notice to the media and posting as soon as possible.

4. Workshop Sessions

The Planning Board may conduct workshop sessions as deemed necessary.

5. Public Hearings

All public hearings require five (5) days advance notice to appear in print in the local newspaper of record. Anyone who wishes to may speak at any public hearing. Any speaker shall identify himself or herself when making comments. All comments shall be addressed to the Planning Board, not to the applicant. Comments may be made in the form of questions, but neither the applicant nor the Board is necessarily obligated to answer them. The purpose of public comments is to bring issues to the attention of the Planning Board, not to engage in dialogue with the applicant. The Planning Board has the sole discretion to determine whether questions or comments require response and, if so, when, how and by whom response shall be provided.

IV C. Order of Business

The Chairperson shall call the meeting of the Planning Board to order. Business of a meeting shall be conducted as follows:

1. Approval of minutes of previous meeting(s);
2. Expedited Matters
3. Sketch Plans
4. Applications tabled to a specific calendar date
5. Applications referred by the Town Board
6. Old Business; public hearing if scheduled
7. New Business; public hearing if scheduled
8. Discussion Items
9. Committee and officers reports;
10. Correspondence;
11. Election of officers, if appropriate;
12. Adjournment.

IV D. Recording

All meetings shall be recorded. Proceedings shall be stopped when recording tape stops. All speakers shall speak into the microphone at the location designated by the Planning Board.

IV E. Public Participation

It is the intent of public hearings and public information meetings to allow public participation. Such participation shall be directed to the Planning Board.

IV F. Tabling Motions/Request for Additional Information

Motions to table and/or requests for additional information shall specify the date for continuation and submission of requested information.

IV G. Continuation of Public Hearings

Public hearings that are continued need not be re-noticed, but should be duly announced at the conclusion of discussion of the application.

V ALTERNATE MEMBERS

V A. Use of Alternate Members

Alternate members are to be used only in cases of absence, conflicts of interest, or scheduling difficulties. The use of alternates to continually alter the membership of the Planning Board is not intended. Regular Planning Board members shall attend and participate unless an absence or conflict is duly noted.

The Chairperson of the Planning Board shall designate the use of an alternate member. Planning Board members shall inform the Chairperson and Planning Staff of any absence, if known in advance, so that an alternate member may be used.

V B. Duties

Alternate Planning Board members shall have the same powers and duties as regular members. Alternate Planning Board members shall review the applications and minutes as supplied and may request additional information as necessary. Alternate Planning Board members are encouraged to perform site visits.

VI ADVISORY COMMITTEES

VI A. Town Committees

Town Committees have regularly scheduled meeting times. All Town Committee activity should be ratified by vote of the committee before presentation to the Planning Board. All substantive actions of the committee should be recorded in the written minutes kept current by the Committee Chairperson or Chairperson designee.

Town Committee members are appointed by the Town Board.

VI B. Planning Board Committees

To facilitate accomplishment of the Planning Board's work, the Planning Board Chairperson may establish temporary Planning Board committees to assist in duties, including but not limited to:

1. Preparation of Comprehensive Plans and amendments;

2. Preparation of Zoning Ordinances and amendments;

3. Preparation of Subdivision Regulations and amendments; and

4. Conduct of studies and surveys.

VI C. Conduct of Planning Board Committees

The members of Planning Board Committees shall be recommended at the Annual Meeting of the Planning Board in January of each year or as needed. The members of said committees shall serve for the term of one year or until a successor has been appointed. The Chairperson of each standing committee shall report to the Planning Board when there is business to report, or by call of the Planning Board. The Planning Board Chairperson shall be a non-voting ex-officio member of all Planning Board Committees.

Any committee may solicit advice from citizens who are not members of the Planning Board.

VII APPLICATION REVIEW

VII A. Schedule

Complete applications for Planning Board review are due the 15th day of each month or the next business day by the end of the Community Development Department regular workday.

VII B. Pre-application Conference

A pre-application conference conducted by Planning Staff with applicants and/or their representatives is required before applications are accepted for submittal.

VII C. Complete Application

Applications must be considered preliminarily complete for purposes of commencing review by Community Development Department Planning Staff to be included on the Planning Board meeting agenda. All applications submitted will be checked against the "Plan Review Checklist" and "Application Review Checklist" by Community Development Department Planning Staff.

Applicants will be informed in writing of incomplete submissions.

VII D. Staff Notes

1. Purpose

Professional Staff develops Staff notes as a summary tool to assist the Planning Board in assessing applications**.** Staff notes are not meant to replace the evaluation and analysis performed by the Planning Board.

2. Format

Staff notes contain the following elements:

- Project description
- Project analysis
- Areas of concern or importance
- Comments, suggestions, and considerations

Staff notes are developed after a thorough review of all items noted on the "Application Review Checklist." The "Application Review Checklist" is not meant to be all-inclusive and Staff must use their professional judgment in analysis and evaluation of a proposal. Staff notes also consider and evaluate a proposal as per SEQRA (State Environmental Quality Review Act) items.

3. Distribution

Staff notes are provided to all Planning Board members, the applicant and applicant representatives, and a copy is placed in the official applicant files. Staff notes are also available to any members of the public who request them.

4. Other Review Assistance

Staff will initially determine when other review assistance in evaluating proposals is required. Such assistance includes, but is not limited to engineering, traffic,

lighting, noise, and other Town department or State/Federal agency input. The Planning Board may request additional technical assistance when applicable.

VII E. Consultant Notes

Engineering or other consultants to the Town of Queensbury shall provide in writing their analysis of projects according to Town of Queensbury Code or other questions as given to them, in writing, by Staff or as directed by the Planning Board.

VII F. Types of Applications

1. Administrative - Community Development Department Planning Staff

   Two Lot Subdivisions
   Subdivisions of parcels into two lots for single family dwelling unit purposes shall be permitted without Planning Board approval if the Zoning Administrator determines compliance with Section 178-6 of the Town of Queensbury Code, and as amended.

   Boundary Line Adjustments
   Boundary line adjustments to correct a boundary of a lot, so long as such conveyance does not create additional lots, are not considered subdivisions.

   Co-location of Telecommunications Towers
   Applications for shared use of existing towers shall not be subject to Site Plan review or Public Hearing provided the application complies with the terms and conditions noted in Section 179-73.1 E of the Town of Queensbury Code, and as amended, as determined by the Zoning Administrator.

2. Zoning Changes - Planning Board Jurisdiction

   Zone changes require application to the Town Clerk for consideration by the Town Board. A "Petition for a Change of Zone" application must be completed along with a Full Environmental Assessment Form (EAF)**,** or short EAF if so determined by Community Development Department Planning Staff. Zone changes require the Planning Board to review the Petition and make non-binding, advisory recommendations to the Town Board upon referral. The Town Board also conducts a Public Hearing on any request for zone change.

3. Site Plan Review

Site Plan Review applications usually have a public hearing. However, a public hearing is not required as per 179-36 of Town Code, and as amended. Applications must be accompanied by a Short or Full EAF, as appropriate. Waivers from some Site Plan requirements may be requested by the applicant, in writing, to the Planning Board for consideration.

4. Subdivision Applications

Subdivision applications require a three-step process: sketch plan review, preliminary plat review, and final plat review. Waivers from some subdivision application requirements may be requested by the applicant, in writing, to the Planning Board for consideration. The Planning Board may allow variations from the three-step process regarding the sketch plan review stage.

Sketch plan review does not require a Public Hearing. A Public Hearing is required for Preliminary Plat Planning Board reviews. A Short or Full EAF, as appropriate, must accompany the application. The Planning Board may require a Public Hearing for Final Plat review if the Final Plat is not in complete conformance with the Preliminary Plat, if new issues are raised, or if the Planning Board determines it is in the public interest to conduct a Public Hearing.

5. Freshwater Wetlands

Activities on or adjacent to a Freshwater Wetland as per Local Law 1, 1976, require a permit, upon Site Plan review by the Planning Board.

6. Transient Merchant/Transient Merchant Market - Planning Board Jurisdiction

Operation as a Transient Merchant/Transient Merchant Market requires application to the Town Clerk for consideration by the Town Board. The Planning Board is required to review the application and make advisory recommendation to the Town Board upon referral. The Town Board conducts a Public Hearing on these applications.

An appropriate EAF is also required.

7. Telecommunication Towers

Site Plan review is required, with additional application items as per Section 179-73.1 of the Town of Queensbury Code, and as amended. A Visual EAF is required in addition to a Full or Short EAF, as appropriate.

8. Interpretation Requests, Variances, and Appeals

Interpretation requests, variances, and appeals are under the jurisdiction of the Zoning Administrator and/or Zoning Board of Appeals.

9. Special Use Permits

Special Use Permits are required for certain classes of projects including but not limited to Marinas, Kennels, and additional use in specific zones as identified in the Zoning Ordinance Schedule of Uses, Article 10, and all other applicable sections.

VII G. Modifications

1. Site Plans

Modifications to site plans are subject to Planning Board review. A Public Hearing is required if the modification is considered material as determined by the Town of Queensbury Zoning Administrator or Planning Board.

2. Subdivisions

Modifications to subdivisions are subject to Planning Board review. A Public Hearing is required if the modification is considered material as determined by the Town of Queensbury Zoning Administrator or Planning Board.

VII H. Planned Unit Developments (PUD's)

A Planned Unit Development (PUD) is a special zoning category, which allows flexible land use and design through the use of performance criteria to meet the objectives noted in the Town of Queensbury Code, Section 179-51, and as amended. PUD's require a zoning map change to accommodate the overall concept. Subsequent development of the PUD requires Subdivision and/or Site Plan approval by the Planning Board. Other considerations pertaining to PUD's, as noted in the Town of Queensbury Code, must also be followed.

VII I. Application Forms

Application Forms for subdivision and site plan approval are available at the Department of Community Development. Application forms may be changed from time to time to reflect changes in Municipal Codes or affiliated regulations.

VII J. Expedited Review (adopted September 24, 2002)

1. Purpose

The Planning Board (the Board) recognizes that certain classes or categories of projects that require the approval of the Board may be appropriately reviewed and approved in an expedited manner. This policy is developed in order to: identify those classes of project(s) that may be eligible for expedited review and; outline the process by which such projects shall be reviewed.

Projects reviewed under this policy shall be handled in a manner consistent with NYS Town Law, the Town of Queensbury Subdivision and/or Zoning ordinance, and the NY State Environmental Quality Review Act (SEQRA).

It is the policy of the Planning Board that any applications submitted, and requiring a permit, where the project has already been constructed, or where construction is underway, without a permit having been granted, shall not be eligible for expedited review.

2. Classes of Project Eligible for Expedited Review

a. Replacement Uses Where No Physical Alterations to Site/Facilities are Proposed

Applications requiring site plan approval by the Planning Board where no major physical alterations to the site are required or proposed and where no major physical improvements to the site structure are required (or requested by the Board), may be eligible for an expedited review. This class of project may allow changes in occupancy (or tenant) for a previously approved commercial or industrial site plan where no increase in the intensity of use (i.e., increase in traffic, noise, parking, etc.) is proposed. Minor site modifications may be allowed under this classification.

b. Boathouses, Conversion of Boathouses, Waterfront Decks

Applications for covered boathouses, conversion of peaked roof boathouses to flat-roofed boathouses, waterfront decks, normally requiring site plan approval by the Planning Board where the project does not require any relief from the Town's zoning ordinance, may be eligible for expedited review. This class of project may be eligible for expedited review where the applicant and/or Zoning Administrator can identify minimal or no impacts to adjoining properties and the environment.

c. Hard Surfacing within 50 feet of a Shoreline or Filling/Excavation of the Shoreline.

Applications for hard surfacing within fifty (50) feet of a shoreline, filling/excavation, alteration of a shoreline normally requiring site plan approval by the Planning Board, may be eligible for expedited review, if not located within a Critical Environmental Area (CEA). Applications should demonstrate compliance with best management practices and regulations as published or adopted by

NYS DEC, LGPC, US EPA, USDA , US ACOE, or other federal or State regulating authority.

d. Off Premise Directional Signs

e. Modification of Previously Approved Subdivisions

Applications for modifications to subdivisions previously approved by the Planning Board normally requiring site plan approval by the Planning Board where the modification involves adjustments to property line(s) and no new lots are proposed. This class of project may be eligible for expedited review where the applicant and/or Zoning Administrator can identify minimal or no impacts to adjoining properties and the environment.

f. Subdivision of Lands Creating Four (4) or Fewer Lots

Applications for subdivision approval creating four (4) or fewer lots where the property has not been previously subdivided. This class of project may be eligible for expedited review where no new roads are to be constructed, conventional on site wastewater disposal or municipal disposal is proposed, no variances are requested or required, no associated site plan is proposed, and which is not located wholly or partially within a CEA.

3. Procedure

The Zoning Administrator shall notify relevant applicants of their eligibility for inclusion in the expedited process, and explain the procedure. The Zoning Administrator shall evaluate a completed site plan application for eligibility and place the application on the Planning Board agenda for consideration by the Board.

The Planning Board Chairman shall conduct a public hearing of all projects on the expedited list. The Chairman shall poll the public in attendance at the Planning Board meeting for participation in the public hearing process. If there is no indication of participation, the Chairman may advise the applicant that his/her comments are not necessary, unless Planning Board members have questions, or if the project is recommended for further review by the Planning Board. Should public participation be extensive, the Chairman may recommend the project for further review by the Planning Board.

After opening and closing the public hearing(s), the Planning Board Chairman shall invite discussion on the projects from the members of the Planning Board. After discussion has been completed – the Chairman shall entertain resolution(s) authorizing action on the matter(s). Compliance with 6 NYCRR Part 617 (SEQRA) is required.

VIII. Planning Staff Duties

- *Staff shall provide administrative assistance with applications, meeting agendas, meetings, minutes, and other duties as directed and appropriate.*

- *Staff shall provide a summary of considerations based on professional evaluation of all information presented by the applicant, utilizing the provisions as set out in Town Code for zoning and subdivision regulations, and other applicable sections of the Town Code as necessary.*

- *Staff shall participate in Planning Board meetings as requested and directed by the Board.*

- *Staff shall perform an on-site investigation of all applications and note if the field check does not conform to the plans submitted, or if there are questions to that effect.*

- *Staff shall assist the Planning Board with preparation and updates of the Comprehensive Land Use Plan (CLUP), CLUP amendments, and special studies, as directed and as appropriate.*

- *Staff shall assist the Planning Board with preparation and updates of the Zoning and Subdivision Ordinances, their amendments, and other regulations, as directed and as appropriate.*

- *Staff shall work with Town and Planning Board Committees, as directed and as appropriate.*

- *Staff shall participate in pre-application meetings with applicants and/or their representatives.*

- *Staff shall modify application forms as necessary.*

- *Staff shall provide educational materials and participate in Planning Board workshops, as directed and appropriate.*

- *Staff will be available to discuss regulations and applications with Planning Board members.*