

RESOLUTION
TO ADOPT TOWN OF FISHKILL PLANNING BOARD RULES AND REGULATIONS
AND TO REFER SAID RULES AND REGULATIONS TO THE TOWN BOARD
FOR THEIR INFORMATION AND CONSIDERATION

WHEREAS, the Planning Board of the Town of Fishkill desires to adopt rules and regulations for the efficient, fair and proper administration of its business, and;

WHEREAS, many municipal planning boards in New York State adopt their own rules of procedure, and;

WHEREAS, many aspects of the Planning Board's operations and functions are governed by relevant sections of NYS Town Law and the Town of Fishkill Code, and adoption of Rules and Regulations can be an efficient means to reference and summarize some of the salient provisions that Planning Board members should be aware of, and;

WHEREAS, the Planning Board desires to adopt its own Rules and Regulations that supplement the authorizing laws, including but not necessarily limited to NYS Town Law and Town of Fishkill Code, but are not intended to conflict with those authorizing laws, and;

WHEREAS, the Town of Fishkill Planning Board has prepared, reviewed, discussed and revised several drafts of proposed Rules and Regulations at its regular meetings on November 12, 2020, December 10, 2020, January 14, 2021, February 11, 2021 and May 13, 2021, and;

WHEREAS, pursuant to Section 271(13) of NYS Town Law, the Planning Board may recommend to the Town Board regulations relating to any subject matter over which the Planning Board has jurisdiction, and;

WHEREAS, the Planning Board has determined that the adoption of its Rules and Regulations is a Type II action pursuant to Part 617 State Environmental Quality Review (SEQR), Section 617.5 (c), #26 – “routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”, and #33 - “adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list”, and therefore is not subject to environmental review under SEQR;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Fishkill hereby adopts the Final Draft 4.0 of Planning Board Rules and Regulations, dated February 25, 2021, Town of Fishkill, NY, as modified at the meeting of May 13, 2021 as the Town of Fishkill Planning Board Rules and Regulations, and;

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Fishkill hereby refers these Rules and Regulations to the Town of Fishkill Town Board for their information and consideration.

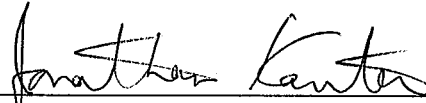
Draft
March 11, 2021

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Resolution to Adopt Town of Fishkill
Planning Board Rules and Regulations
and to Refer Said Rules and Regulations
to the Town Board for Their
Information and Consideration

Resolution adopted on: May 13, 2021

May 19, 2021

Date



Jonathan Kanter, Chairperson
Town of Fishkill Planning Board

cc: Supervisor Albra and Town Board Members
Stephen M. Honan, Esq., Town Planning Board Attorney
Joel Petrus, Town Building Inspector/Zoning Administrator
Peter D. Setaro, P.E., Town Planning Board Engineer
Rebecca Tompkins, Town Clerk

***PLANNING BOARD RULES AND REGULATIONS
TOWN OF FISHKILL, NY***

Preface

It is desirable for the Town of Fishkill Planning Board (hereinafter referred to as the Planning Board) to be governed by rules and regulations for the efficient, fair, and proper administration of its business. Many aspects of the Planning Board's operations and functions are governed by relevant sections of NYS Town Law and the Town of Fishkill Code. Where appropriate in these Rules and Regulations, references are made to those sections of NYS Town Law and the Town of Fishkill Code. These Rules and Regulations are intended to supplement those laws, but not to conflict with them. To the extent that the Rules and Regulations are inconsistent with the Town of Fishkill Code or New York State Law, the respective laws will govern.

Article I – Authorization, Powers and Duties

Section 1.1 - Authorization

The Planning Board has been created and is authorized by the Town of Fishkill Town Board pursuant to NYS Town Law, Section 271(1), and Town of Fishkill Code, Chapter 25, Section 25-1.

Section 1.2 - Powers and Duties of the Planning Board

The Planning Board's jurisdiction is within the Town of Fishkill outside the limits of any incorporated city or village. The Planning Board has been authorized to review and approve Subdivision Plats (T. Fishkill Code, Chapter 25, Sec. 25-1), Site Development Plans (T. Fishkill Code, Chapter 150, Article X), Special Use Permits (T. Fishkill Code, Chapter 150, Articles XI and XII), Freshwater Wetland/Watercourses/Water Body Permits (T. Fishkill Code, Chapter 82), and Land Development Permits in the Beacon Hills District (T, Fishkill Code, Chapter 150, Article VIII B). The Zoning Board of Appeals refers to the Planning Board applications for use variances and may refer to the Planning Board any other pertinent matters for review and recommendation (Town of Fishkill Code, Chapter 150, Sec. 150-179.E. In addition, "the Planning Board may review and make recommendations on a proposed town comprehensive plan or amendment thereto. In addition, the Planning 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 it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefor" (NYS Town Law, Section 271(14)(b)).

Article II - Officers and Duties

Section 2.1 - Officers

The officers of the Planning Board shall consist of a Chairperson and a Vice-Chairperson, each of whom shall serve for a term of one (1) year. The Town Board has the authority to appoint a Chairperson of the Planning Board. In the absence of such appointment by the Town Board, the Planning Board may designate, by resolution, a member to serve as Chairperson (NYS Town Law, Sec. 271(1) unless and until the Town Board appoints a Chairperson. In addition, the Planning Board may designate a Vice-Chairperson. The officers of the Planning Board shall be designated from among the appointed members of the Planning Board.

Section 2.2 - Duties of Officers

The duties and powers of the Officers of the Planning Board shall include, but not necessarily be limited to the following:

- a. Chairperson:
 1. Supervise the business of the Planning Board,
 2. Preside at and run all meetings and public hearings of the Planning Board,
 3. During a meeting may designate an alternate member(s) to substitute for a member on any particular matter before the Planning Board (or for an entire meeting in the case of the absence of a member) pursuant to T. Fishkill Code, Chapter 25, Sec. 25.4.1.B,
 4. Call special meetings in accordance with the Rules and Regulations,
 5. May administer oaths and compel the attendance of witnesses (NYS Town Law, Sec. 271(10)),
 6. Sign all official documents of the Planning Board in accordance with the requirements of the Rules and Regulations and all applicable sections of the Town of Fishkill Code,
 7. Serve as liaison to the Town Board and other boards and committees of the Town at the direction of the Planning Board, and
 8. Attend pre-application meetings with potential applicants, Planning Board Secretary, Town Building Inspector, other Town officials, and Town consultants.
- b. Vice-Chairperson
 1. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform all the duties and exercise all the powers of the Chairperson, and
 2. Shall perform such duties as may be delegated by the Chairperson.
- c. In the absence of both the Chairperson and Vice-Chairperson at a meeting at which there is a quorum, all other Board members present may vote to appoint a member as Acting Chairperson for that meeting until the return of either the Chairperson or the Vice-Chairperson.

Article III – Staff and Consultants

Section 3.1 - Planning Board Secretary

The Planning Board Secretary provides technical assistance and administrative support to the Planning Board. The Planning Board Secretary is an employee of the Town of Fishkill Building, Fire, Planning and Zoning Department.

Section 3.2 - Consultants

The Town of Fishkill currently contracts with the Planning Board Attorney and Planning Board Engineer as consultants to provide legal and engineering services respectively for the Planning Board. The Attorney and Engineer typically attend Planning Board meetings, review development applications and provide technical assistance and recommendations to the Planning Board. In addition, the Town contracts with other consultants for the benefit of the Planning Board to assist with the review of applications relating to traffic, historic/cultural resources, wetlands and other environmental features, and other issues on a case-by-case basis.

Article IV – Members

Section 4.1 - Membership and Terms (T. Fishkill Code, Chapter 25, Sec. 25-4)

The Planning Board consists of seven (7) members who are appointed by the Town Board. Members must be residents of the Town of Fishkill and are appointed for a term of four (4) years, commencing on the first day of May of the year of appointment. Within 30 days after appointment or prior to taking an action as a Planning Board Member (whichever occurs first), an oath of office must be signed and filed in the Town Clerk's Office. If a vacancy occurs other than by expiration of a member's term, the position shall be filled by the Town Board by appointment for the unexpired term. The Town Board may set an amount of compensation, if any, to be paid by the Town to Planning Board members as a stipend. Interested residents of the Town may apply for a vacant position as a member of the Planning Board by completing and submitting a Town of Fishkill Application for Appointment to Boards and Committees, which is available on the Town website (www.fishkill-ny.gov).

Section 4.2 - Alternate Members (T. Fishkill Code, Chapter 25, Sec. 25-4.1)

The Town Board may appoint up to three (3) alternate members, with each position having a term of one (1) year, for purposes of substituting for a member(s) in the event such member(s) is absent or unable to participate because of a conflict of interest. All provisions relating to members of the Planning Board, including training, continuing education, attendance and compensation, also apply to alternate members. The Chairperson of the Planning Board shall determine when an alternate member shall substitute for a member on any particular application or matter before the Board. Once designated, the alternate member shall possess all the voting powers and responsibilities of the member being substituted for to make determinations. The minutes of the Planning Board shall reflect the meeting, or portion thereof, at which the substitution is made. Alternate members should regularly attend Planning Board meetings and be prepared to substitute if called upon. Alternate members are also encouraged to participate in discussions and ask questions at Planning Board meetings even when not designated as a voting member.

Article V – Meetings

Section 5.1 - Regular Meetings

Regular meetings of the Planning Board are held in the Francois R. Cross Meeting Room in the Fishkill Town Hall at 7:00 p.m. on the second (2nd) Thursday of each month, unless such day is a recognized holiday or unless otherwise determined by the Planning Board. A Meeting Schedule is prepared for each upcoming year by December of the preceding year, and such schedule is posted on the Town Hall Bulletin Board, mailed or emailed to local media and the Town's official newspaper and is available on the Town website.

The application submission deadline for an applicant to be placed on the agenda for an upcoming meeting is no later than fifteen (15) calendar days prior to that meeting date no later than 2:30 p.m. on that deadline date. Submission deadlines are listed on the Planning Board Meeting Schedule.

Section 5.2 - Special Meetings

Special meetings of the Planning Board may be called by the Chairperson at a time and place designated by the Chairperson. Written or email notice thereof shall be given to all members not less than twenty-four (24) hours in advance thereof.

Section 5.3 - Open Meetings Law

All regular and special meetings of the Planning Board are open to the public to attend and/or observe such meetings, pursuant to NYS Public Officers Law, Article 7 (Open Meetings Law). Planning Board and other Town meetings are live-streamed on the Town's website (www.fishkill-ny.gov) and are broadcast live (and re-run) on

local cable public access channels. Notice of all meetings shall be in accordance with the notice requirements of Article 7 of the NYS Public Officers Law (Open Meetings Law).

Section 5.4 - Quorum

A quorum shall consist of a majority of the total membership of the Planning Board for any meeting (e.g., for a seven (7) member board, a quorum consists of a minimum of four (4) members being present). No action at any meeting shall be taken in the absence of a quorum, except that less than a quorum may adjourn a meeting.

Section 5.5 - Voting

Each action of the Planning Board shall be embodied in a formal resolution duly entered in full into the meeting minutes after an affirmative vote of Planning Board members present at the meeting. Each resolution so adopted shall specifically authorize, if necessary, the official signature of the Planning Board Chairperson on such resolution and on any official documents, plans or plats approved under such action(s).

At all meetings of the Planning Board, each member properly appointed and attending shall be entitled to cast one (1) vote. Voting shall normally be by voice vote, but in some cases, the Chairperson may call for a roll call vote. The Chairperson will ask for a motion and then a second of a motion, inquire if there is any discussion (if permitted) and then will ask for those in favor of the motion to indicate by saying "aye", those opposed to indicate by saying "nay", and any abstentions. A majority vote of the total membership of the Planning Board shall be necessary for the adoption of any proposed action, resolution or other voting matter. In the case where an application is referred to the County Planning Department for review and advisory comments pursuant to General Municipal Law, Sections 239 l, m and n, and the County recommends disapproval or modification within the required timeframe, then the Planning Board must vote by a majority plus one to override the County's negative recommendation.

Section 5.6 - Executive Sessions

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 enter into an executive session for any of the enumerated purposes specified in Article 7 of the New York State Public Officers Law (the Open Meetings Law). Attendance at an executive session shall be permitted to any member of the Planning Board. The Planning Board is authorized to invite any other person into an executive session. Minutes of executive sessions shall not be required unless an action is taken in executive session as permitted by law.

Section 5.7 - Proceedings

At any regular meeting of the Planning Board, the following is the normal framework for the regular order of business, as reflected in agendas:

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Minutes
4. Public Hearings (if any)
5. Privilege of the Floor (as determined by the Planning Board)
6. Acceptance and Referral of New Applications (if any)

7. Project Reviews
8. Other Business
9. Report by the Chair (as needed)
10. Adjournment

Agendas are prepared by the Planning Board Secretary in consultation with the Chairperson. Agendas for each meeting are adjusted on a case-by-case basis according to the submission of materials for the Planning Board's review and possible action. Agendas are available one (1) week prior to each meeting and are circulated to Planning Board members, consultants, and are placed on the Town's website at www.fishkill-ny.gov. The above list of proceedings is meant to be a guide and may vary from meeting to meeting. A motion may be made to amend an Agenda and, if approved by the majority of the Planning Board, the agenda shall be so amended.

Section 5.8 - Meeting Minutes

Minutes shall be taken at all meetings of the Planning Board, which shall consist at minimum of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Audio of each meeting is recorded and used to assist in preparing draft minutes. Minutes of meetings of the Planning Board should be available to the public (at least in draft form) pursuant to Article 6 of the NYS Public Officers Law (Freedom of Information Law) and within two weeks from the date of such meeting in accordance with Article 7 of the NYS Public Officers Law (Open Meetings Law). Draft meeting minutes are prepared under the supervision of the Planning Board Secretary and are distributed to Planning Board members for review, acceptance and approval usually at the subsequent meeting. Meeting minutes are placed on the Town's website and copies are available to the public upon request.

Section 5.9 - Meetings Conducted by Video/Tele-conference

During 2020 and 2021, the Planning Board has scheduled some public meetings via video/tele-conference with no physical meeting location because of the COVID-19 pandemic, consistent with the NYS Governor's Executive Orders for public health and safety reasons. The Planning Board may determine that for similar or other reasons, it may be necessary to conduct public meetings virtually or remotely by conference call, video conference or similar service, as long as such meetings are held in accordance with Article 7 of the NYS Public Officers Law (Open Meetings Law) and any Executive Orders that may be issued that control the holding of public meetings. Notification of any such remote or virtual public meetings will be included on Planning Board meeting agendas and on the Town of Fishkill website. Videoconference meetings conducted pursuant to law where no Executive Order is in effect concerning such meetings, shall be conducted pursuant to NYS Public Officers Law § 104.

Article VI – Site Visits

Site visits are typically conducted by the Planning Board during the review of a development application. Site visits are often done by individual Planning Board members for simpler applications, especially in cases where a drive-by visit can allow observations of site conditions, character of and uses in the surrounding area, character of the road providing access to the site, etc. Planning Board members and the Planning Board's consultants are authorized to enter the site which is the subject of an application to observe conditions and complete a thorough review of the application (the applicant and property owner, if not the same person as the applicant, must sign a statement to this effect on each application form that is submitted).

The Planning Board as a whole may conduct a site visit, especially for more complex applications. NYS courts have ruled that a site visit consisting of a quorum of the Planning Board is not a meeting subject to Article 7 of the NYS Public Officers Law (OML) if its sole purpose is to 'observe and acquire information' (see OML-AO-3560). At such site visits where the sole purpose is for the Planning Board to observe and obtain information about the

conditions of the site and surrounding area, Planning Board members will not discuss their observations or comments during the site visit. Such site visits are not public meetings subject to the Open Meetings Law and will not be open to the public. The Planning Board policy for such site visit will be to post note of the site visit, although not required by the Open Meetings Law, on the Town's website and Town Hall Bulletin Board. If, on the other hand, the Planning Board intends to discuss the application during a site visit at which a quorum of the Planning Board will be present, then it would be a public meeting, and the public would be allowed to attend, and proper notices of such meeting would be made.

Article VII – Public Hearings and Informal Public Comments

Section 7.1 - Public Hearings

Public hearings are held when required by state and local law and provide the public a formal opportunity to provide comments on matters before the Planning Board. Required public hearings are held at a specific point in the approval process, and requirements are detailed in appropriate sections of the Town of Fishkill Code. Timing and notification requirements for public hearings are specified in Chapter 114 of the Town of Fishkill Code.

- a. Notices of public hearings and adjournments or continuations of public hearings will be posted on the Town's website as required in Article 7 of NYS Public Officers Law (Open Meetings Law), Sec. 104(6) (<https://www.fishkill-ny.gov/public-hearings.html>).
- b. The Planning Board has established "Rules of Conduct for Public Hearings" that are held at Board meetings. These rules are as follows and are read by the Chairperson prior to opening a public hearing:
 1. Verbal interruptions, shouting, or other outbursts, as well as slanderous or obscene language or making signs with body or face are prohibited. No speaker shall make any personal attacks on anyone.
 2. Speakers are limited to one (1) turn at the microphone.
 3. Speakers are limited to no more than four (4) minutes. There will be a warning when there is one (1) minute left.
 4. Speakers should provide only new or different information or commentary. Repetitive comments made previously or at prior meetings or at public hearings that have been continued are prohibited.
 5. Speakers are encouraged to submit their comments in writing, so that they can summarize their comments during the hearing.
 6. Comments are limited to matters involving the business before the Board (i.e., the particular application under review at the hearing).
 7. Speakers are asked to come to the podium and identify themselves so that their name may be entered into the record.
 8. If a person continues to interrupt after the Chair has asked them to stop or otherwise refuses to comply with the directions of the Chair, they will be asked to leave and escorted from the meeting room if necessary.
- c. Public hearings will be opened upon a motion, second, and vote being approved by the Planning Board. At the conclusion of the public hearing, the hearing will be closed upon a motion, second and vote being approved by the Planning Board. The Planning Board may decide to adjourn or continue a public hearing to a stated future date upon a motion, second and vote being approved by the Planning Board if the Board

determines that the public needs more time to comment on a matter that is the subject of the hearing or if the Board believes that it can obtain more information through the hearing process regarding the matter before the Board. The Planning Board may also, in its discretion, close oral comment and continue a public hearing for written comments only to a date certain.

- d. Applicants are required to prepare written responses to substantive comments made at a public hearing, and once the hearing is closed, to submit their written responses to the Planning Board prior to their next appearance before the Planning Board.

In addition, public hearings may, but are not required to be, held by the Planning Board during the SEQR (State Environmental Quality Review) process for actions in which an Environmental Impact Statement (EIS) has been required. The procedural requirements of SEQR are detailed in 6 NYCRR Part 617: State Environmental Quality Review available on the NYS Dept. of Environmental Conservation website <https://www.dec.ny.gov/permits/83389.html>.

Section 7.2 Informal Community Comment Sessions at Regular Meetings

In addition to a formal public hearing required by NYS Town Law or Town of Fishkill Code, the Planning Board will allow an informal community comment session to be conducted at the initial Planning Board meeting on an application. The Planning Board will provide for an informal public comment session to take place at the sketch plan review stage of an application, if a sketch plan review is held, or alternatively, at the first Planning Board meeting at which initial acceptance and referral of an application is being considered. The Board will reserve the right to conduct a further informal community comment session at a Planning Board meeting prior to making a SEQR determination of environmental significance, or at other points in the review process if the Board determines there is a need.

The conduct of an informal community comment session before the Planning Board is not required by any statute and is in addition to any required public hearing(s). The opportunity for an informal community comment session shall be at the discretion of the Planning Board on any application. The purpose of the informal community comment session is to afford the public an opportunity to bring to the Board's attention any matters of significance or potential factors concerning an application early in the Planning Board's review process.

An informal community comment session will not be formally scheduled or noticed by the Planning Board or the applicant. However, the initial notice to surrounding property owners of the Planning Board application and meeting may include information to the effect that the Board may permit and conduct an informal community comment session with respect to the application. In addition, Planning Board agendas including such new applications may include a statement that the Planning Board will allow informal public comments after the Planning Board has completed its discussion of such new application.

The informal community comment session shall be conducted in compliance with the rules of conduct for public hearings listed in Section 7.1 of these Rules and Regulations. An informal comment session does not require an applicant to respond in writing to those informal comments.

Article VIII – Conflicts of Interest

Any member of the Planning Board having an interest in any matter(s) brought before the Planning Board shall announce such conflict of interest prior to the Board taking up that matter and shall recuse or disqualify him or herself from any consideration, discussion or vote upon such matter(s). Such recusal or disqualification shall be noted in the minutes of the Planning Board, and the minutes shall also note that no vote was cast by such member on said matter(s). The Planning Board member recusing or disqualifying him or herself shall leave the meeting room during any discussion, deliberation or vote on such matter(s). In addition, an applicant for a matter requiring the Planning Board's approval must disclose his or her knowledge of any interest in the application possessed by a Board member. Nothing herein shall preclude a Planning Board member from remaining present on a matter, but choosing to abstain from a vote for reasons not requiring a recusal or disqualification of the member.

If any member of the Planning Board is not sure whether they may have a conflict of interest in any matter(s) brought before the Planning Board, said member shall at minimum disclose their potential conflict of interest prior to the Board taking up that matter, and said member may ask the Planning Board Attorney for an opinion as to whether the potential conflict may require that member to recuse him or herself as outlined above.

Article IX – Training

Planning Board members are required to receive training on an annual basis to enable such members to more effectively carry out their duties (NYS Town Law, Sec. 271(7-a)).

Section 9.1 - Minimum Required Annual Training

Each member of the Planning Board shall be required to attend a minimum of three (3) hours of training relevant to the responsibilities of the Board within one year of appointment to such Board, and a minimum of three hours of additional training in each calendar year succeeding the year of appointment. Prospective Board members shall be advised of these requirements. (T. Fishkill Code, Chapter 25, Sec. 25-5.A) Any hours in excess of three (3) during a calendar year will roll over into the upcoming calendar year. Planning Board members must report completed training to the Planning Board Secretary. The Planning Board Secretary will keep a record of completed training credit hours for each Planning Board member.

Section 9.2 - Approved Training Courses

Training sessions which relate to the duties of members of the Planning Board may include programs offered by the New York State Department of State, the New York State Association of Towns, the New York State Department of Environmental Conservation, the New York Planning Federation, the Dutchess County or Westchester County Planning Federations or other appropriate entities. The Town Board, after consultation with the Chairperson of the Planning Board, may annually designate or approve training courses which will meet the Town's training requirements. (T. Fishkill Code, Chapter 25, Sec. 25-5.D)

Section 9.3 - Costs of Training

The costs of training shall be a Town charge, and members of the Planning Board shall be reimbursed for the cost of the training, provided such training and attendant costs have been approved in advance by the Town Board. (T. Fishkill Code, Chapter 25, Sec. 25-5.C)

Section 9.4 - Non-compliance with Training Requirements

Noncompliance with the Town's minimum requirements for training shall be a proper cause for removal from office pursuant to Town Law § 271, Subdivision 9. Notwithstanding the foregoing, the failure of a member of the Planning Board to obtain the required training shall not, absent Town Board action, affect that member's appointment to serve on the Board, to entertain and vote on applications or the validity of that member's acts as a Board member. (T. Fishkill Code, Chapter 25, Sections 5.B and 5.E)

The Town Board shall have the power, after public hearing, to remove any member of the Planning Board for cause or for failing to comply with the minimum training requirements established. (T. Fishkill Code, Chapter 6, Sec. 6-4)

Article X – Attendance

In each calendar year, all Planning Board members shall attend at least 60 % of all regularly scheduled meetings (T. Fishkill Code, Chapter 6, Sec. 6-3.B). The Town Board shall have the power, after Public Hearing, to remove any Planning Board member for cause or for failing to comply with the minimum meeting attendance requirement established (T. Fishkill Code, Chapter 6, Sec. 6-4).

Article XI – Use of Electronic Devices at Meetings

Public and/or media video and audio recordings of Planning Board meetings are permitted, provided that such recording shall not be obtrusive or disruptive of the meeting. All those present at meetings are requested to silence their cell phones or other electronic devices so as not to disrupt the meeting.

Planning Board members, staff and consultants are permitted to use a laptop computer, tablet or other electronic device at meetings to facilitate the conducting of Planning Board business.

Article XII – Official Signature

The official signature of the Town of Fishkill Planning Board shall be endorsed upon all papers and documents requiring the same by reason of the requirements of law or rules and regulations of the Planning Board. Such signature shall be endorsed upon such papers only pursuant to the direction of the Planning Board embodied in a resolution so directing, and shall be personally signed by the Planning Board Chairperson, or the Vice-Chairperson if the Chairperson is not available.

Article XIII – Application Procedures

Section 13.1 - Application Forms

Applicants shall file applications and required materials with the Planning Board Secretary. Fillable, downloadable development review applications are available on the Town of Fishkill website (<https://www.fishkill-ny.gov/planning.html>) or by contacting the Planning Board Secretary at Town Hall.

Section 13.2 - Pre-application Meetings

Potential applicants are encouraged to attend Pre-application meetings (informational meetings) prior to submitting an application to discuss their proposal with Town officials/consultants to become familiar with the Town's Code requirements and application procedures.

Section 13.3 - Application Submission Deadlines

Applications received by the Planning Board Secretary no later than fifteen (15) calendar days prior to the next Planning Board meeting date (and no later than 2:30 p.m. on that deadline date) will be placed on the Planning Board agenda for that upcoming meeting.

Section 13.4 - Environmental Assessment Forms

Applications will include either a completed and current Short Environmental Assessment Form (EAF) or Full Environmental Assessment Form (EAF) so that the Planning Board can initiate and complete the SEQR process prior to taking action on the development proposal. EAF's are available on the Town website (<https://www.fishkill-ny.gov/planning.html>).

Section 13.5 - Notification to Nearby Property Owners

Within 10 business days following acceptance of an application filed with the Planning Board, the applicant shall mail a letter by regular first-class mail prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the acceptance of that plan and application. The list of property owners shall be obtained by the applicant from the Town Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered.

Section 13.6 - Acceptance by Planning Board and Referral of Application

At that first Planning Board meeting after receipt of an application (received by the submission deadline stated above), the Planning Board will ask the applicant to briefly discuss the proposal, and the Planning Board may direct questions to the applicant to clarify the proposal. Upon completion of that discussion, the Planning Board will consider a resolution to accept the application and to refer the application to Planning Board consultants, relevant Town officials, and Dutchess County (including any required referral to the County Planning Department under GML Sections 239 l, m and n), New York State, and Federal agencies and officials as appropriate, for initial review and comment.

Section 13.7 - Applications for Amended Site Development Plan Approval

In cases in which the Planning Board makes a determination that an application submitted for an amended site development plan consists of minor modifications that have no significant impacts compared to the previously approved site development plan, the Planning Board may by resolution waive any further public hearing requirements and may authorize the Planning Board Chair to sign a “letter to file” to the Town of Fishkill Building Department indicating that the application consists of a minor site development plan amendment, and such letter to file may contain additional conditions of approval, and that any relevant conditions in the previous site development plan approval resolution that have not been fulfilled shall remain in effect.

Article XIV – Development Application and Review Fees

Development application and review fees are charged to applicants who submit applications to the Planning Board (as well as other boards that review and process development applications, such as the Zoning Board of Appeals and the Town Board). These fees are enumerated in the Town of Fishkill Fee Schedule, which is adopted by the Town Board by resolution and updated annually. Application fees are non-refundable and cover the administrative costs of processing applications. Review fees (also known as escrow fees) are borne by the applicant and are intended to cover the cost of any Engineering, SEQR (State Environmental Quality Review), Planning, Legal or other Consultation Fees incurred by the Town of Fishkill with respect to matters before the Planning Board, Town Board or Zoning Board of Appeals. Escrow funds shall be remitted by the applicant prior to the review process and deposited into an escrow account assigned to each individual project/application and are replenished by the applicant upon notice by the authorized Town official that funds in the escrow account are running out. Fees for services rendered by the Town’s consultants shall be submitted to the Town in the form of a voucher and invoice, and shall be paid as approved by the Planning Board / Zoning Board of Appeals Secretary, Town Building Inspector/Zoning Administrator, Town Comptroller and/or Town Supervisor. Failure of the applicant to maintain a current escrow account may result in an application being delayed.

Article XV – Amending Planning Board Rules and Regulations

These Rules and Regulations may be amended by a majority vote of the Planning Board at any meeting of the Planning Board as a scheduled agenda item. However, unless the full board is present, notice shall be given to all Planning Board members at least 24 hours prior to a meeting of any intent to amend the Rules and Regulations and the substance of the proposed amendments. The Planning Board may approve a resolution to amend the Rules and Regulations and may recommend that the Town Board adopt the amended Rules and Regulations, pursuant to Section 271(13) of NYS Town Law. Such resolution shall contain a precise description of the change(s) proposed in the Rules and Regulations.

Article XVI – Conflicts With Authorizing Laws

In the case of any conflict between any state statute, state regulation or Town of Fishkill Town Code provisions and these Rules and Regulations, the applicable state statute, state regulation or Town of Fishkill Town Code shall control.

