

Rules of Procedure

City of Mount Vernon Planning Board

Article I. General Governing Rules.

- A.** The Planning Board of the City of Mount Vernon shall be governed by the provisions of all applicable state statues, county and local laws and ordinances, and the Rules of Procedure contained herein.
- B.** The term “Board” as used in these rules shall mean the duly appointed Planning Board of the City of Mount Vernon.

Article II. Membership.

The seven (7) members of the Board shall be appointed by the Mayor of the City of Mount Vernon as provided by Section 53-2 of the City Code and Section 27 of the New York State General Municipal Law. In accordance with said sections, each member shall be appointed to a seven (7) year term. Pursuant to Section 27 the terms of office of members first appointed shall be so fixed that the term of one member shall expire at the end of the official year in which such members were initially appointed. In the event of a vacancy, the Mayor shall appoint a member to fill the unexpired term. Each member shall be entitled to one vote.

Article III. Officers and Duties.

- A. Officers.** The officers of the Board shall include a Chairperson and Vice Chairperson. The City of Mount Vernon Planning Board Secretary shall serve the Board as staff. In the absence of the Chairperson or Vice Chairperson, the Board shall select an Acting Chairperson for the meeting.
- B. Chairperson.** The Mayor shall designate a member of the Board to act as the Chairperson of the Board, or in the event that a Chairperson is not designated by the Mayor, the Planning Board shall elect a chairperson from its own members by a majority vote of the entire membership appointed to the Board. The Chairperson shall perform all duties required by law, ordinance and these rules. The Chairperson shall preside at all meetings of the Board. The Chairperson shall decide on all points of order and procedures unless a different determination on a point of order or procedure is requested by a Board member and seconded by another Board member and there is a majority vote of all Board members present supporting a different determination than that of the Chairperson. The Chairperson shall appoint any subcommittees deemed necessary to carry out the business of the Board.
- C. Vice Chairperson.** The Mayor shall designate a member of the Board to act as the Vice Chairperson. In the event of the absence of the Chairperson, the Vice Chairperson shall perform all duties required by law, ordinance and these rules until the Chairperson is available. In the absence of the Chairperson, the Vice Chairperson shall preside at the meeting of the Board. At a meeting

where the Chairperson is not available, the Vice Chairperson shall decide on all points of order and procedures unless a different determination on a point of order or procedure is requested by a Board member and seconded by another Board member and there is a majority vote of all Board members present supporting a different determination than that of the Vice Chairperson.

D. Acting Chairperson. In the event of the absence of both the Chairperson and the Vice Chairperson at a Board meeting, an Acting Chairperson shall be elected by a majority vote of the membership of the Board present at such meeting. When disability or disqualification prevents the Chairperson and Vice Chairperson from exercising his or her duties, an Acting Chairperson shall be elected by a majority vote of the entire membership of the Board. The Acting Chairperson shall be prepared to serve as the Chairperson or Vice Chairperson with all attendant powers and duties of such position until such time as the Chairperson is in a position to resume his or her duties.

E. Secretary to the Board. The Secretary to the Planning Board (“Secretary”) shall notice all regular meetings and special meetings in accordance with General Municipal Law, record and maintain minutes of all regular and special meetings and perform all functions and duties described herein.

F. Board Staff. Any staff member from the Department of Planning and Community Development who provides information or otherwise participates in any Planning Board proceeding must comply with any ethics rules adopted by the Board.

Article IV. Conduct and Board Attendance

A. Conduct. When considering any matter under these Rules of Procedure, the Planning Board deals with persons who are directly affected by its decision (such as the applicant and neighbors of a proposed site). Each of these interested persons needs the assurance that other interested persons will not have an unfair advantage in presenting their version of the relevant facts or concerns to the Board. To that end, Board members must avoid communicating with applicants or any other persons about a pending application except at Board meetings when the application is considered.

B. Attendance. Board members must attend all regularly scheduled Board meetings. Absences of three (3) or more regular meetings in any twelve (12) month period may result in removal from the Board pursuant to General City Law.

C. Voting. A quorum shall consist of four (4) members of the Board.

1. Neither any hearing nor formal meeting of the Board shall be held, conducted nor any action taken by the Board in the absence of a quorum.

2. Where there is no quorum on the scheduled date of a hearing or meeting, all agenda items scheduled to be heard or discussed shall be adjourned to the next regular meeting of the Planning Board.
3. It shall be the responsibility of each Board member to notify the Secretary as soon as such Board member becomes aware that he or she may not be able to attend any scheduled meeting. The Secretary will canvass the Board regarding available attendees for each scheduled meeting.
4. A vote shall be taken by the Chairperson on all questions or issues of substance. A record of the vote shall be kept by the Secretary as part of the minutes of the meeting. Roll call of the vote by the Secretary should be taken and recorded of each Board member.
5. Decisions on any matter before the Board shall require an affirmative vote of a majority of the members present at a meeting. A tie vote shall be considered a rejection of the matter or application under consideration.
6. No member shall vote on the determination of any matter requiring a public hearing unless such Board member has attended the public hearing thereon or has familiarized herself or himself with the matter by reading the minutes, reading the public hearing transcript and/or listening to the audio tape of the public hearing.

- D. Site Visits.** It is the requirement for Board members to take all measures to familiarize themselves with every application which appears before them for consideration. To that end, Board members shall take every initiative to visit proposed sites for those items on any meeting agenda prior to the scheduled meeting.
- E. Recusal.** Board members must recuse themselves from voting when he or she may have a personal and/or business interest in any application before the Board. All recusals must be on the record, with reason(s) indicated and should be disclosed prior to any presentation/discussion of Board members and applicants.
- F. Training.** As required by General Municipal Law, Board members must obtain a minimum of four (4) hours of training each year. Such training may include in-house, regional or county planning office, county planning federation, state agency, statewide municipal association, college or other similar entity. In addition, training may be provided in a variety of formats, including but not limited to electronic media, video, distance learning and traditional classroom learning. Training credits in excess of four (4) hours in any one year may be carried over by the member into succeeding years. Board members who fail to obtain the minimum yearly requirements are ineligible for reappointment.

Article V. Meetings.

- A. Public Meetings.** Official business of the Board may be conducted at all public meetings where notice requirements have been met. All meetings of the Board, except as specifically provided below for executive sessions, shall be open to the general public. The Board's Staff shall establish an agenda with corresponding meeting dates and submission deadlines in consultation with the Chairperson of the Board in advance of each meeting. The agenda, applications, materials, and correspondence received by the Secretary shall be sent to all members of the Board no later than one (1) week prior to a Board meeting. The Commissioner of Planning and Community Development or Staff may add items to the agenda or discuss items that are received after the deadline when required.
- B. Regular Meetings.** The Board's regular meetings shall be held on the 1st Wednesday of each month beginning at 9:00 a.m. in the City of Mount Vernon City Council Chambers or at an alternate site and/or time designated in advance of the meeting and contained in the legal notice. Regular work sessions shall be closed to public participation but open to the public subject to the Open Meetings Law, [Section 105 of the New York State Public Officers Law, Article 7] however, when further information on an issue(s) is necessary the Board may inquire of the applicant or others present to clarify a point or points. Prior to December 31 of any calendar year, the Board will provide a meeting schedule for the upcoming year with the City Clerk's Office and the City's official newspaper.
- C. Special Meetings.** Official business of the Board may be conducted at a special meeting where notice requirements applicable to a regular meeting have been met. Special meetings of the Board may be called by the Chairperson, the Vice Chairperson (in the absence of the Chairperson), the Commissioner of Planning and Community Development or a majority of Board members. At least forty-eight (48) hours advance written notice of the date, time, place and business of the special meeting shall be given by the Secretary to each Board member and the Office of the City Clerk. A meeting notice of the special meeting shall be posted in City Hall. Board meeting notification will also be posted in the lobby of the Department of Planning and Community Development offices and on the City's website.
- D. Work Sessions.** Work sessions will be held thirty (30) minutes prior to the regularly scheduled Board meeting and facilitated by Staff. These meetings will be closed to public participation but open to the public subject to the Open Meetings Law, [Section 105 of the New York State Public Officers Law, Article 7]. During work sessions, the Board may inquire to clarify a point or points regarding the topic being discussed.

- E. Executive Session.** Upon a motion by one Board member, and seconded by another Board member, the Board, by a majority vote of the members present at a meeting, may approve an executive session only for a subject provided in Section 105 of the New York State Public Officers Law, Article 7, the Open Meeting Law. In making such motion, the moving Board member must identify the general area or areas of the subject or subjects to be considered at such session to insure that the subject is one that can be properly held in executive session. All executive sessions shall be closed to the general public and the information discussed therein shall remain confidential and not disseminated to any non-Board member.
- F. Setting and Cancellation of Meeting.** The Secretary shall establish all meeting dates in consultation with the Board. In the event of conflict with holidays or other events, the Board may change the regular meeting date, time or place of a scheduled meeting. The Secretary may cancel any meeting by written notice to all members no less than forty-eight (48) hours prior to the time set for any meeting where unforeseen circumstances arise that negate the value or need for the meeting. The Secretary may cancel a meeting within forty-eight (48) hours prior to the time set for a meeting if a quorum will not be available for the meeting. If a quorum is not available, the Secretary may cancel the meeting by written or telephone notice to the Board members, the City Clerk's Office, and applicants having business scheduled before the Board at such meetings. A notice shall be posted in City Hall prior to the scheduled start of the meeting stating that the Board meeting was cancelled and the business of the meeting adjourned to the next date of the Board meeting, such specific date being provided in the notice.
- G. Public Notice.** Public notice of the time and place of scheduled meetings shall be sent to City Clerk's Office, the City's official newspaper, conspicuously posted in City Hall, including in the lobby of the Department of Planning and Community Development offices and on the City's website.

Article VI. Establishment of the Agenda.

- A.** All applicants submitting materials to the Planning Board must do so by the submission deadline which is twenty-one (21) days prior to the Board's regularly scheduled meeting.
- B.** No matter(s) shall be placed on the agenda of a Board meeting unless all required materials are received by the submission deadline for said meeting.
- C.** The Secretary will notify the applicant or the applicant's representative in writing when a matter has been placed on a meeting agenda indicating the application number, the date, time and location of the meeting. The applicant shall not mail out public notices or publish a public notice in the official paper until the said written notification has been received by the applicant.

- D. In the event of circumstances beyond the Board's control, any matters scheduled for an agenda that are not heard by the Board will be given first priority on the next meeting agenda.
- E. In the event that the Board schedules a special meeting, the Board and/or Board Staff will identify the submission deadline for the special meeting as part of its approval of said special meeting.
- F. The Board will not review new materials or plans at a meeting for which such materials are submitted. However, the Planning Board may review the material at a later date.
- G. Board agendas for all Board meetings will be incorporated with the notice and posted in City Hall, the Office of the Department of Planning & Community Development and on the City's website.

Article VII. Proceedings.

- A. **Business of the Board.** The business of the Board's meetings shall include:
 - 1. Notation of attendance/roll call.
 - 2. Consideration of minutes of previous meetings and approval of the minutes.
 - 3. Old business/City Staff recommendations.
 - 4. New business/City Staff recommendations.
 - 5. Review of communications received for public hearings scheduled for that day's meeting, which are being heard for the first time before the Board.
 - 6. Announcement/scheduling of the next meeting date.
- B. The parliamentary rules contained in Robert's Rules of Order shall govern the proceedings at the meetings of the Board unless otherwise provided by statute or by these rules.

Article VIII. Concept Plan Presentation.

- A. **Intent.** The intent of the concept plan presentation is to allow an applicant one (1) presentation wherein the Board may become familiarized with an anticipated application. The presentation is to allow an informal discussion pertaining to the improvements proposed by the applicant. In addition, the concept plan presentation may illuminate any preliminary request for additional information that the Board may feel required to assist in the facilitation of their decision making. These informal discussions do not bind the Board to any decisions or determinations. Any indication that the Board does not have any objections to a proposal does not preclude the Board from denying the application upon its formal submission. The Board may inquire of Staff concerning only the facts of

the case. The Board takes no formal action and no decisions are rendered during the concept plan presentation process.

B. Requirements. Potential applicants to the Board may request in writing to present a concept on their anticipated application by the submission deadline. Board Staff in consultation with the potential applicant will develop the list of drawings and documents to be submitted for presentation to the Board.

C. Procedure. A concept plan presentation shall be conducted as follows:

1. Staff shall make the concept plan presentation, stating the facts of the application.
2. Board members may only ask Staff questions regarding the facts of the anticipated application.
3. Board members shall indicate for the record any additional materials they need from either the applicant or Board Staff to assist in the deliberation of the application.

Article IX. Initial Presentation.

A. Intent. The intent of the initial presentation is to allow an applicant one (1) initial presentation wherein the Board may become familiarized with a completed application. The purpose is to allow a discussion pertaining to the facts of the case. In addition, the initial presentation may illuminate any preliminary request for additional information that the Board may feel required to assist in the facilitation of their decision making. Any indication that the Board does not have any objections to a proposal does not preclude the Board from denying the application upon its formal submission. In addition, the initial presentation may illuminate any preliminary request for additional information that the Board may feel required to assist in the facilitation of their decision making. If any questions arise, the Board may inquire of Staff concerning only the facts of the case. The Board takes no formal action and no decisions are rendered during the initial presentation process.

B. Requirements. Applications will be approved for an initial presentation if the following requirements have been met by the applicant:

1. A written request shall be submitted at least ten (10) days prior to the anticipated initial hearing date.
2. The application shall be deemed complete.
3. Applicants may only request an initial presentation to the Board prior to a public hearing on the matter under consideration.
4. Applicants requesting an initial presentation are also required to meet with Board Staff concerning the application to familiarize Staff with said application at which time Staff may request any additional material from the applicant in order for Staff to make the initial presentation.

C. Procedure. An initial presentation shall be conducted as follows:

1. Staff shall make the initial presentation, stating the facts of the application.
2. Board members may only ask Staff questions regarding the facts of the case/application.
3. Board members shall indicate for the record any additional materials they need from either the applicant or Board Staff to assist in the deliberation of the application.

Article X. Public Hearings.

A. Time and Notice. Public hearings shall be scheduled and due notice posted by the Board in accordance with the provisions of the New York State Environmental Quality Review Act (“SEQRA”), the Code of the City of Mount Vernon and other applicable federal, state, or local laws.

B. Conduct. At any meeting at which a public hearing is to take place, the following shall be done:

1. The Chairperson shall state the disposition of matters as indicated by the meeting agenda. The Chairperson shall state how the legal notice was published for each of the hearings on cases appearing on that day’s Board agenda.
2. The Chairperson, Secretary or Staff shall give a summary statement of a case before the Board at the opening of the hearing. The Secretary shall list all correspondence and reports received on this case before the hearing.
3. The Chairperson shall note that the correspondence and reports are part of the case record and that these items are available for public inspection at the Offices of the Department of Planning and Community Development in the City of Mount Vernon City Hall during daytime operating hours.
4. The applicant shall be given the opportunity to make a presentation on the matter.
5. All Board members present shall have the opportunity to question the applicant and/or his or her representatives or experts.
6. All other interested parties shall be given an opportunity to be heard, directing their comments solely to the Board.
7. The Chairperson, upon approval of the majority of the Board members present at a meeting, and when time limits constrain the deliberation process, may adjourn the hearing or discussion to the next available public hearing date and/or may limit the time available to individual speakers.
8. As determined by the Chairperson, the applicant may provide to the Board a response to the public’s comments for a period of time to be determined by the Chairperson.

C. Written Correspondence. City Departments and Agencies may provide the Board with written comments on each application. Additionally, letters and Board case consent/objection forms shall be accepted by the Board into the record prior to the date the Board sets for the close of the record on a particular case. The Board will weigh all written correspondence when making its determination on the application.

D. Closing. After the Board is satisfied it has received sufficient information regarding the application in question, the Board may vote to close the public hearing. The Board must make a determination on the matter in accordance with the applicable requirements stated in the Code of the City of Mount Vernon, General City Law and General Municipal Law.

Article XI. Adjournments.

The adjournment of any Board case must be requested in writing at least one week in advance of the meeting for which the item has been calendared, with reason(s) stated. Requested adjournments will be granted for a period of time no greater than two (2) meetings from the case's original calendar date. There shall be only one (1) adjournment per application. Applicants or their representatives that do not appear before the Board as scheduled will receive a certified letter indicating their need to appear at the next Board meeting. If the applicant does not appear at the next Board meeting, the application will be rendered null and void. In these instances, if the applicant wishes to continue with the project, a new application will have to be filed and the applicable filing fees paid.

Article XII. Recommendations and Referrals.

A. Recommendations. The Board may make recommendations on issues or applications being considered by City Agencies or other City Boards and the governmental administration of adjacent municipalities on matters in accordance with their related powers and duties as outlined in Chapter 53 of the Code of the City of Mount Vernon. The Board shall handle recommendations in the following manner:

1. Recommendations will be based solely on information provided to the Board.
2. All Board recommendations are only advisory.
3. The Board shall provide a written advisory opinion indicating the basis for its determination. In those instances where the Board makes a negative or unfavorable recommendation to the referring board or agency, those reasons must be articulated in the written report.
4. The Board may ask Staff to provide additional background information as needed that will aid in the Board's determination of its written advisory opinion.

B. Recommendations to the Zoning Board of Appeals.

Applications that meet the following criteria must be referred by the Zoning Board of Appeals (“ZBA”) to the Board for their review:

1. Any action that can be classified as a Type I action under State Environmental Quality Review Act (“SEQRA”).
2. Expansion or construction of a residential structure containing four (4) or more units.
3. Expansion or construction of non-residential structures.
4. Subdivision applications where the proposed lots do not conform to zoning regulations.
5. The Planning Board may make recommendations to the Zoning Board of Appeals (“ZBA”) on issues or applications under consideration by the ZBA related to their Board powers and duties in Chapter 53 of the City Code.
6. The ZBA may refer any other cases it deems appropriate to the Board.

C. Recommendations to the City Council.

1. The Board may make recommendations to the City Council on proposed zone changes.
2. Pursuant to Section 267-22 (9) (c) of the Zoning Code, the Board shall make a report and recommendation to the City Council regarding the establishment of the PUD-2 District.
3. The Board may make recommendations to the City Council on all matters in accordance with Chapter 53, Section 3.

D. Recommendations to the Real Estate Committee.

Pursuant to Section 205-5 of the City Code, the Board shall make recommendations to the Real Estate Committee on real property owned and/or acquired by the city not needed for municipal use and what buildings, if any, on such property should, in the interest of public health, safety and public good, be demolished.

E. Recommendations to the Sign Appeals Board.

Pursuant to Section 267-75 of the Zoning Code, the Board shall make a recommendation to the Sign Appeals Board on the placement of the sign(s) prior to any decision by the Sign Appeals Board if a proposed sign is part of an application for site plan, special permit and/or subdivision approval.

F. Referrals to the Architectural Review Board.

Pursuant to Section 10-7 of the City Code of Mount Vernon, the Board may refer any site plan under its consideration to the Architectural Review Board (“ARB”) for their review and written opinion to the Board.

G. Referrals from Adjacent Municipalities.

Pursuant to General Municipal Law, the Board shall make recommendations to adjacent municipalities upon receipt of the adjacent municipalities' comprehensive plans, zoning amendments, development proposals and other actions which must be referred within 500' of the border of the municipality.

Article XIII. Record.

- A.** The Secretary shall take steps to ensure that substantive minutes are kept of all Board meetings, public hearings and discussions. The minutes shall indicate the Board members and Staff in attendance. The minutes shall also include the name, address and comments of those speaking before the Board, as well as whether they represented any association, group or business interest. The minutes shall consist of a record of any action(s) taken and the vote thereon
- B.** The Secretary shall take measures to ensure that a summary is kept of all executive sessions. These summaries shall consist of a record of any action(s) taken and the vote thereon.

Article XIV. Subcommittees.

The Board may create subcommittees to review proposed developments, projects and concepts made by applicants. All subcommittees shall consist of three (3) members; the Chairperson and two (2) persons appointed by the Chairperson. The following are the standing subcommittees of the Board: Project Land Review, Subdivision Review and Site Plan Review. A synopsis of all subcommittee meetings, with a concise overview of matters discussed shall be prepared by Staff or subcommittee members and shall be provided to the full Board.

Article XV. Submission of Applications and Fees.

- A.** The Board will only entertain one (1) development proposal for a site at a time. A development proposal may consist of one or more of the following application types: site plan, special use permit and subdivision.
- B.** Applicants must submit fully completed application forms.
- C.** All applications must be accompanied by payment of applicable fees and escrow deposits as set forth in the City of Mount Vernon's fee schedule and in City of Mount Vernon Code. No application will be processed or considered without payment of the requisite fees and escrow deposits.
- D.** Application fees are non-refundable.

- E. Unused portions of any required escrow deposits will be returned to the applicant upon the issuance of all required payments and the Board's disposition of the matter.
- F. Applicants may only deliver submission materials directly to the Board's consultants if permitted to do so by Board Staff. The applicant may reduce the number of required submission copies that it delivers to the Planning Department by the number of copies that it delivers directly to the Planning Board's consultants. A copy of the transmittal letter must be delivered to the Planning Department

Article XVI. State Environmental Quality Review ("SEQR").

- A. All applicants must initially submit a completed and signed SEQR Short Form Environmental Assessment Form ("EAF"). The Board Staff will make determinations regarding any additional documentation to be completed by the applicant in accordance with the State Environmental Quality Review Act ("SEQRA").
- B. Applicants required to complete a Long Form EAF must prepare Part 1 of the EAF. Board Staff will review the EAF for accuracy and completeness. The Board Staff may request further information regarding Part 1 of the EAF, if it believes such change or further information is necessary to make the required determination of significance under SEQRA.
- C. For applicants required to complete Part 2 of a Long Form EAF, the applicant or its consultants shall prepare Part 2 of the EAF for the Board's review and consideration. The Board may change or request further information regarding Part 2, if it believes such change or further information is necessary to make the required determination of significance under SEQRA. If necessary, the Board Staff will prepare Part 3.
- D. If the Board determines that the proposed project may have the potential for at least one significant adverse environmental impact, a positive declaration may be issued by the Board and an Environmental Impact Statement (EIS) regarding the application will be required.
- E. If the Board determines that the proposed project will not have any significant adverse environmental impacts, a negative declaration will be issued by the Board.
- F. Under Article 8 of the New York State Environmental Conservation Law and its implementing regulations found in 6 NYCRR 617, the Board cannot take any action to approve or deny an application until the Board has complied with the provisions of SEQRA.

Article XVII. Consultant Services.

A. Retention of Consultants. The Board may hire any consultant and/or expert necessary to assist the Board in reviewing and evaluating an application.

B. Payment of Consultants by Applicant. An applicant shall deposit with the Board funds sufficient to reimburse the Board for all reasonable costs of consultant and expert evaluation and consultation to the Board in connection with the review of any application. The initial deposit shall be determined by the Board on a case by case basis. The total amount of escrow funds needed may vary based on the scope and complexity of the project. The payment of the escrow deposit with the Board shall be submitted in conjunction with the application or when requested by the Board. The Board will maintain a separate escrow account for all such funds. The Board's consultants/experts shall invoice the Board for its services in reviewing the application. At any time during the process this escrow account must retain a minimum balance to be determined by the Board. The applicant, shall immediately, upon notification by Board Staff, replenish said escrow account so that it retains the minimum balance. Such additional escrow funds shall be deposited with the Board before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Board is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

Article XVIII. Application Components.

- A.** For an application to be deemed complete, the following documents, related to the subject Board approval must be collated in sets and submitted by or before the submission deadline of the next regularly scheduled Board meeting:
1. One (1) original and fifteen (15) copies of completed, signed and notarized application forms;
 2. One (1) original and fifteen (15) copies of the Plan Examiner's Report, issued by the Building Department;
 3. One (1) original and fifteen (15) copies of the Information/Violation Search, issued by the Building Department;
 4. One (1) original and fifteen (15) completed and signed Short Environmental Assessment Forms;
 5. One (1) original and fifteen (15) copies of the Statement of Principal Points including a detailed description of all proposed uses on the site;
 6. Sixteen (16) copies of past Zoning Board Findings of Fact, Planning Board Resolutions or Architectural Review Board Decisions, (when applicable);
 7. Sixteen (16) copies of current Zoning Board Findings of Fact, or proof of filing to the Architectural Review Board, (when applicable);
 8. Sixteen (16) sets of Color photographs depicting four (4) views of the property;
 9. Sixteen (16) signed and sealed site plans. For requirements regarding document size, scale of drawing, plan components, must comply with

Section 267-33 of the City's Zoning Code. Applicants must provide proof of compliance with the criteria set forth in Section 267-33; and
10. Sixteen (16) signed and sealed surveys.

B. If the applicant is required to receive approval from the ZBA or ARB regarding the Board's proposed application; the applicant must provide proof that ZBA/ARB applications have been filed.

C. For special permit applications, applicants must provide proof of compliance with the criteria set forth in Section 267-27 and Section 267-28 of the Zoning Code which should be clearly identified in the statement of points. Additionally, all special permit applications should be accompanied with a site plan application.

D. Any applicant that believes they are not required to comply with certain criteria set forth in Section 267-33 of the City's Zoning Code regarding site plan applications, must submit a written waiver request justifying the item(s) they believe are not required to be provided as part of the application.

E. For Subdivision applications, applicants must provide proof of compliance with subdivision regulations. At a minimum, the applicant must submit a plot plan illustrating an accurate depiction of the property showing the precise dimensions and location of all man made features, (e.g. buildings, driveways, walls or fences) and any desired physical changes to the property. Plot plans must be signed and sealed by a licensed surveyor and include any proposed or potential building envelope.

F. The following is the process Staff will utilize to determine if an application is complete and proceed to the Board for a public hearing:

1. Application submitted by submission deadline;
2. Application is reviewed by Staff. If all materials have been submitted and are correct, Staff deems the application complete. If materials submitted are incomplete and/or incorrect, a letter will be sent by Staff informing applicants of missing/incomplete documentation required to be provided.
3. Applicants whose applications have been deemed complete will receive a letter from the Secretary of the next available public hearing date which will include the radius for notification in accordance with Chapter 53 of the City Code.

G. Indemnifications of Encroachments. Encroachments are physical structures that are placed in the City's Right of Way that are not owned or maintained by the City of Mount Vernon. Such encroachments are prohibited pursuant to Section 267-14 of the Zoning Code. Where an application involves a site with encroachments into the City's right of way, an indemnification form, which releases and holds harmless the City of all legal liability and maintenance, is required and must be completed and submitted as part of the application. If an

applicant does not wish to submit an indemnification, they will be required to remove the encroaching structure(s).

Article XIX. Public Hearing Notification.

A. Mailing. Public notices must be sent to property owners in the affected radius by certified mail returned receipt requested and regular mail to such neighboring property owners whose names appear as the owners of record in the office of the Assessor of the City of Mount Vernon. Such notices shall be mailed not more than twenty-one (21) days prior to and not less than ten (10) days before the date of the public hearing. The applicant shall file with the Secretary proof of notification. Such proof shall be filed not less than nine (9) days prior to the date of the public hearing.

B. Sign Posting and Requirements. In addition to notification and publication requirements, the Planning Board also requires that a sign is posted on the site fourteen (14) days prior to the hearing date. All signs shall meet the following requirements:

- 1) Be at least twenty-four inches (24") by thirty-six inches (36").
- 2) Consist of sturdy and serviceable material.
- 3) Contain a white background with black letters.
- 4) Legible with lettering and at least two inches (2") in height.
- 5) Be placed in a location plainly visible from each street frontage upon which the property fronts.
- 6) Be placed more than five (5') feet back from the property line.
- 7) Not placed in the City's Right-of-Way.
- 8) Not be placed more than five (5') feet above ground.
- 9) Shall read as follows:

THIS SITE IS PROPOSED FOR ISSUANCE OF A (SPECIAL PERMIT/SITE PLAN/SUBDIVISION). THIS MATTER IS SUBJECT TO A PUBLIC HEARING BEFORE THE CITY OF MOUNT VERNON PLANNING BOARD TO BE HELD AT CITY HALL ON_____.

FOR FURTHER INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT AT (914) 699-7230.

The sign must be removed forty-eight (48) hours after the public hearing. Failure to abide by these rules for public hearing notification will result in a delay of processing the application and scheduling of the public hearing.

Article XX. Board Decisions.

A. Decisions. Pursuant to the Code of the City of Mount Vernon, General City Law and General Municipal Law, sixty-two (62) days after the close of a public hearing, the Board may approve, approve with modifications or disapprove the application unless such time is extended by mutual agreement between the Board and the applicant.

B. Extensions of Time. An applicant has the right to apply to the Planning Board for an extension of time in which to comply with the conditions or to commence the proposed project. The applicant must apply in writing for an extension of time. The written statement must include the following:

1. The reason for the extension of time request;
2. Whether there has been a change in the application/project;
3. Whether there have been any changes in the surrounding area that may affect the subject project.
4. Provide a chronological list of events related to the subject site that have occurred from the date of the Board's approval to the present.
5. In making a determination in granting an extension of time, the Board has the right to apply additional conditions related to the timing of the project's execution.

C. Amendments. In accordance with Section 267-32 F, where the applicant wishes to modify the approved site plan, an amended site plan shall be filed for review and approval in accordance with the same procedures required for an initial presentation.

Article XXI. Certificate of Failure of the Planning Board to Take Action.

The City Clerk is specified in Section 53-5 of the City of Mount Vernon City Code as the officer who shall issue on behalf of the city the certification of failure of the Planning Board to take action as prescribed in Section 32 of the General City Law.

Article XXII. Adoption and Amendment.

- A.** These rules of procedures may be amended from time to time by an affirmative vote of a majority of the entire membership of the Board.
 - B.** The Secretary shall file a copy of these rules of procedure and any subsequent amendments with the City of Mount Vernon City Clerk and they shall be maintained by the City Clerk as a public record.
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The Planning Board's Rules of Procedure were adopted by the Planning Board of the City of Mount Vernon on _____.

Anthony V. DeBellis, Acting Chairperson

The Planning Board's rules of Procedure were received in the City Clerk's Office of the City of Mount Vernon on _____.

George W. Brown, City Clerk