

## Chapter 31

### PLANNING BOARD

**[HISTORY: Adopted by the Town Board of the Town of Liberty 7-8-1996 by L.L. No. 4-1996. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Alternate members of Planning Board and Zoning Board of Appeals — See Ch. 3.  
Subdivision of Land — See Ch. 130.

**§ 31-1. Establishment.** [Amended 5-3-2004 by L.L. No. 1-2004]

A Planning Board is hereby established for the Town of Liberty to consist of five members appointed in accordance with § 271 of the Town Law.

**§ 31-2. Selection of Chairperson.** [Amended 8-7-2006 by L.L. No. 7-2006]

Pursuant to § 271 of the Town Law, the Town Board shall, by resolution, designate the Chairperson of the Planning Board of the Town of Liberty.

**§ 31-3. Powers and duties.**

The Planning Board shall have the powers granted to Town planning boards under Article 16 of the Town Law.

**§ 31-4. Training requirements.** [Added 8-7-2006 by L.L. No. 7-2006]

- A. Within six months from the effective date of this section with respect to existing Planning Board members, and within six months of appointment of any new Planning Board members, each such member of the Planning Board shall be required to successfully complete the Land Use Training and Certification School established by the Land Use Law Center of Pace University School of Law in cooperation with the New York Municipal Insurance Reciprocal and the New York State Planning Federation.
- B. During each calendar year following the year in which Planning Board members have satisfied the training requirements set forth in Subsection A above, each such member shall be required to complete training in accordance with the requirements of Subdivision 7-a of § 271 of the Town Law of the State of New York. [Amended 2-20-2007 by L.L. No. 3-2007]
- C. The costs of training pursuant to this section shall be a Town charge for which members of the Planning Board shall be reimbursed for the cost thereof, provided that such costs have been approved in advance by the Town Board.
- D. Noncompliance by a member of the Planning Board with the training requirements of this section shall constitute proper and sufficient cause for removal of such member from office pursuant to Subdivision 9 of § 271 of the Town Law. However, the failure of a member of

the Planning Board to obtain the required training shall not, in the absence of Town Board action, affect such member's appointment to serve on the Planning Board, or his or her authority to entertain and vote on applications, or the validity of his or her acts as a Planning Board member.

**§ 31-5. Limited authority to complete review and determine pending applications.** [Added 11-4-2013 by L.L. No. 4-2013; amended 12-30-2014 by L.L. No. 1-2015]

- A. Subject to the qualifications and limitations set forth in Subsection B below, the Planning Board is hereby authorized to continue and complete the review of and approve, approve with modifications or disapprove 1) the pending application for the Lake Marie Subdivision [35-2-7], and/or 2) the pending application for the White Sulphur Home Subdivision [38-1-43 and 38-1-34.12], notwithstanding that such subdivisions were otherwise rendered nonconforming as the result of the adoption of Local Law No. 1 of the year 2011 and which applications were identified as being subject to the provisions of the version of this § 31-5 as originally enacted by Local Law No. 4 of 2013.
- B. Qualifications and limitations of authority.
  - (1) Preliminary approval must be obtained from the Planning Board no later than March 31, 2015.
  - (2) Final, unconditional approval must be obtained from the Planning Board no later than December 31, 2015.