

Planning Board (from Town of Ithaca Code § 270-236)

There is hereby established a Planning Board which shall function in the manner prescribed by law (except as the same may be superseded by the terms of this chapter as set forth below).

A. Membership.

(1) There shall be seven members of the Planning Board. The members of the Planning Board shall be residents of the Town of Ithaca and shall be appointed by the Town Board to serve for terms as prescribed by law. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner. No person who is a member of the Town Board shall be eligible for membership on the Planning Board. To the extent reasonably possible, and in the sole discretion of the Town Board, one or more of the members may be an agricultural member as defined in § 271 of Town Law.

(2) Alternate members.[Amended 3-12-2007 by L.L. No. 4-2007]

- (a) There may be appointed additionally up to two alternate members of the Planning Board. Alternate members shall be appointed by resolution of the Town Board for terms established by the Town Board.
- (b) The Chairperson of the Planning Board shall designate an alternate member to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, absence, abstention, or any other reason and an alternate member is present at the meeting when the designation takes place.
- (c) If more than one alternate member is present at a meeting when the Chairperson is designating an alternate member to substitute for a regular member, the Chairperson shall designate the alternate member who has not served on a case or matter the most recently. If that alternate member is not able or willing to vote for a reason listed in Subsection A(2)(b) above, then the Chairperson shall designate the other alternate member to serve.
- (d) To the extent this provision is inconsistent with Town Law § 271(15), it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in said § 271 shall apply.

B. The Town Board shall designate the Chairperson of the Planning Board. The Planning Board shall choose its own Vice Chairperson who shall preside in the absence of the Chairperson. In the absence of both the Chairperson and Vice Chairperson, the Planning Board shall choose one of

its number as Acting Chairperson. Such Chairperson, or the party acting as Chairperson in the Chairperson's absence, may administer oaths and compel the attendance of witnesses. The Planning Board may appoint a Secretary who shall take minutes of all its meetings and keep its records.

- C. The Planning Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter and all its resolutions and orders shall be in accordance therewith.
- D. The Planning Board shall, in accordance with the provisions of this chapter and in accordance with the provisions of Town Law § 271 et seq. hear and determine site plan approval requests, special permit requests, subdivision applications, and such other matters as may be referred to such Board under this chapter or otherwise.
- E. The Planning Board, in making any determination shall have the powers granted to Planning Boards by, and shall apply the procedures and criteria set forth in, this chapter, the laws of the State of New York, and any other law, ordinance, or resolution duly adopted at any time by the Town Board or Planning Board.
- F. In granting site plan approvals, special permits, subdivision approvals, or in taking any other actions in response to any application, the Board may impose upon the applicant such reasonable conditions as are directly related to and incidental to the proposed use of the property or the period of time such special permit or other approval shall be in effect. Such conditions shall be consistent with the spirit and intent of the Zoning Ordinance or Local Law, and shall be imposed for the purpose of minimizing any adverse impact such permit or approval may have on the neighborhood or community.
- G. Unless work has commenced in accordance with the site plan approval or special permit given by the Planning Board within one year from the issuance of the building permit authorizing such work, or within 18 months of the granting of such approval or special permit, whichever is earlier, not only the building permit but the approval or special permit shall expire and the permissible uses and construction on the property shall revert to those in effect prior to the issuance of such approval or special permit.
- H. In making recommendations to the Town Board and the Zoning Board of Appeals, the Planning Board shall determine that:
 - (1) There is a need for the proposed use in the proposed location.
 - (2) The existing and probable future character of the neighborhood in which the use is to be located will not be adversely affected
 - (3) The proposed change or use is in accordance with a Comprehensive Plan of development of the Town.