

Chapter II. The Duties of Planning Boards and Zoning Boards of Appeals

A. Planning Boards & Commissions

A planning board has no mandatory functions under New York law. Its functions are determined by the municipal governing board. The governing board may assign various review-and-approval functions to its planning board, or it may give the planning board an advisory role only, or both. The duties which may be assigned to a planning board are theoretically limitless, but certain quite common powers are provided for in the state statutes. These are: comprehensive plan preparation, subdivision plat approval, site plan review, and the granting of special use permits. The exercise of any or all of these powers by a planning board will require the board to adhere to strict procedural rules set by the statutes.

Subdivision plat approval, if it is to be performed according to the enabling statutes, *must* be assigned to the planning board, not to any other board. By contrast, comprehensive plan preparation, site plan review and the granting of special use permits are typically assigned to the planning board, but they may be assigned instead to another board, or retained by the governing board itself. The procedural and substantive rules governing subdivision, site plan, and special use permit approvals are all discussed later in this Guide.

While planning *boards* have no mandatory powers, city and village planning *commissions*, created under Article 12-A of the General Municipal Law, do. In addition to having all the permissive powers possessed by planning boards under the General City Law or the Village Law, planning commissions have the direct statutory duty to make recommendations on the adoption or change of official maps, drainage or water system plans, waterfront plans, and certain activities related to waterfront plans, the proposed location of all public buildings, bridges, statues or monuments, highways, parks, parkways, squares, playgrounds, recreation areas or public open spaces. The planning commission must render a recommendation on each of these matters before any other board or official of the city or village may make any final decision.