

**VILLAGE OF TANNERSVILLE**  
**Local Law 4 of 2006**  
**ESTABLISHMENT OF VILLAGE BOARD OF APPEALS**

Article I. Title and Purpose

A. Title

This local law shall be known and may be cited as “The Establishment Of Village Board Of Appeals Law” of the Village of Tannersville, New York.

B. Enacting Clause

The Village Board of the Village of Tannersville in the County of Greene, pursuant to the Municipal Home Rule Law, hereby ordains, enacts, and publishes this law.

Article II. Village Board of Appeals

A. Board of Appeals Established

The Village of Tannersville Board of trustees hereby creates and establishes a Board of Appeals for the purpose of receiving and reviewing appeals of administrative and other decisions as set forth and authorized in this Article. The Board of Appeals shall consist of three (3) members, including a chairperson. The initial members of the Board shall be appointed to terms by the mayor of the Village in accordance with the New York State Village Law.

B. General Governing Rules

The Board of Appeals of the Village of Tannersville shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules. The Board of Appeals shall become familiar with all the duly enacted ordinances and laws of the Village under which it may be expected to act as well as with the applicable state statutes. The Board of Appeals shall become familiar with the community goals, desires and policies as expressed in the “Village Comprehensive Plan,” and in rendering approvals, recommendations and reports shall be guided by such plan.

C. Officers and Duties

The officers of the Board shall consist of a chairperson, acting chairperson and secretary. The chairperson shall be designated by the Village Board. He/She shall perform all duties required by law, ordinance and these rules. He/She shall preside at all meetings of the Board. The chairperson shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board. The chairperson shall appoint any committees found necessary to carry out the business of the Board. The chairperson may administer oaths and compel the

attendance of witnesses as necessary to carry out the business of the Board. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

An acting chairperson shall be designated by the Village Board to serve in the absence of the chairperson. He/She shall have all the powers of the chairperson during the chairperson's absence, disability or disqualification.

A secretary shall be designated by the Village Board. The secretary, subject to the direction of the Board and the chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of all Board official actions.

Board members shall, including the Chairperson and the Acting Chairperson shall be appointed by the Village Board for a three-year term or to fill the balance of an unexpired term of a former member who has vacated the Board, except those appointed upon the initial creation of the Board of Appeals, who shall be appointed in accordance with the Village Law and shall not be removed except for cause after a hearing to be held by the Village Board.

Among other things, the following shall be prima facie proof of cause for removal by the Village Board: (A) conviction of a felony; (B) conviction of a crime involving a violation of the oath of office; or (C) more than three (3) unexcused absences from a regular or special Board of Appeals meeting in any twelve month period. For the purposes of this paragraph, unexcused absences are any absence for which there is no genuine medical excuse or family or personal emergency.

Should any vacancy on the Board occur for any reason, the Chairman or secretary shall give immediate notice thereof to the Village Clerk for the Village Board for the designation of a replacement. The acting chairperson shall handle the duties of the chairperson until such time as the Village Board shall appoint a new chairperson.

This local law also is also specifically enacted to provide a process for appointing "alternate" members to its Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the Board of Appeals. Alternate members of the Village Board may be appointed by the Village Board for a term of 1 (one) years. All provisions of state law relating to Board of Appeals/zoning board of appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

#### D. Meetings

The Village Board shall set and schedule the time, date and place of regular meetings of the Board of Appeals at its annual Reorganizational meeting. Special meetings of the Board of Appeals may be called by the chairperson. At least forty-eight (48)

hours' written notice of the time, place and business of the meeting shall be given each member of the Board. The chairperson must call a special meeting within ten (10) days of receipt of a written request from any three members of the Board of Appeals or Village Board, which request shall specify the matters to be considered at such special meetings.

Whenever there is no business to be conducted at a regular meeting, the chairperson may dispense with such meeting by written notice to all members not less than forty-eight (48) hours prior to the time set for such meeting. All meetings will comply with the requirements of the Open Meetings Law, section 105 of the Public Officers Law.

The order of business at regular meetings shall be as follows: (A) roll call; (B) reading and approval of minutes of preceding meeting; (C) public hearing (when scheduled); (D) action on held-over matters; (E) new business; (F) adjournment. No new matter will be considered unless the completed appropriate application for said matter is received by the Board of Appeals on the form provided for that purpose at least 14 days prior to the date of the meeting at which it is to be considered.

The Board Secretary shall be responsible, at the direction of the Chairman, for providing any applicant with the proper forms and for instructing the parties concerned on the proper manner for completing and filing said forms. All information required thereon shall be complete before an application is considered filed. The chairperson shall review all applications so received by the Board Secretary for completeness. If the application is in proper form for consideration, he/she shall request that the Board Secretary place it upon the next meeting agenda. The applicant shall pay the charge for the publication of the notice of public hearing in the official newspaper of the Village for any application requiring a public hearing.

#### E. Voting

A quorum shall consist of a majority of the members of the Board. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date. All subsequent hearings shall be republished in accordance with the requirements of the applicable law. All matters shall be decided by roll call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the Board unless otherwise specified herein. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration. No member of the Board shall sit in hearing or vote on any matter in which he/she is personally or financially interested. Said member shall not be counted by the Board in establishing the quorum for such matter.

No member shall vote on the determination of any matter requiring public hearing unless he/she has attended the public hearing thereon; however, where such member has familiarized himself/herself with such matter by reading the record, he/she shall be qualified to vote.

F. General Rules and Standards

Any party may appear in person, by attorney or by agent(s) who have been duly authorized to do so, in writing, by the applicant. The chairperson, or in his/her absence, the acting chairperson, may administer oaths.

Decisions and rulings of the Board of Appeals shall be made in conformity with the standards set forth in the New York State Village Law Sections 7-712-a and 7-712-b.

G. Jurisdiction

The Village Board of Appeals shall have jurisdiction to hear appeals of

1. All administrative decisions of the Village Building Inspector and/or Code Enforcement Officer;
2. Decisions made by any Village Officer or Board in connection with the Village of Tannersville Land Use Ordinance and Set Back Ordinance and variances thereof;
3. Use Variances as that term is defined in the Village Law, and
4. The Board of Appeals shall also have jurisdiction over interpretations of any local law or ordinance not otherwise specifically delegated to another Board of the Village.

Article III. Miscellaneous

- A. This Local Law is expressly adopted pursuant to the relevant sections of the New York State Village Law and the New York State Municipal Home Rule Law.
- B. In the event any section or provision of the laws contained herein or as amended hereafter shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the laws as a whole or any part thereof other than the part so declared to be invalid.
- C. This local law shall be effective immediately upon filing with the Secretary of State.