

Town of Windsor, Zoning Board of Appeals (ZBA)

By-Laws

Purpose:

The primary purpose of this Board in the Town of Windsor, New York is to allow “For or Against” applicants for either a “Use Variance” or “Area Variance” to be described as:

- (a) “Use Variance” shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
- (b) “Area Variance” shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulation.

Members:

- 1. Five (5) members appointed to five (5) year terms with no more than one (1) term expiring in any given year.
- 2. Town and/or Village Residents with the majority of the ZBA Town Residents.
- 3. Appointed by the Supervisor with Town Board approval.

Officers:

- 1. Chairperson – one (1) year term, appointed by the Town Supervisor with approval of the Town Board.
- 2. Secretary—one (1) year term, selected by majority of the Zoning Board members present, at the first meeting in January.
- 3. Can be a member or non-member as approved by the Town Board and ZBA.

Duties of Officers:

- 1. Chairperson:
 - a. Conduct meetings.
 - b. Appoint committees.
 - c. Attend all meetings in connection with Zoning Board business and decisions.
 - 1. Appoint a substitute if unable to attend.
 - d. Schedule any special meetings.
 - e. Appoint a temporary secretary in the absence of the regular secretary.
- 2. Secretary:
 - a. Keep written records of ZBA meetings.
 - b. In the event of an appeal, notify all affected property owners of surrounding land of the parcel in question.
 - c. Place notification in the official Town newspaper as determined by the Town Board.
 - d. Notify the Broome County Planning Department of all appeals with a 239 form.
 - e. If absent, a ZBA member will be appointed to take notes.

- f. Provide copy of minutes to ZBA members, to Town Board members, to the Town Clerk and the Code Enforcement Officer.

Meetings:

Once a month, the 3rd Wednesday of the month at 7:30 pm, conducted under normal parliamentary procedures, at the Town of Windsor Offices.

1. Special meetings and work sessions as deemed necessary.

General duties and responsibilities of members:

1. Attend Board meetings.
2. Keep informed of materials and topics and tools of the ZBA:
 - a. Zoning Ordinances.
 - b. By-Laws.
 - c. Rules and Regulations (Policies).
 - d. Town Comprehensive Plan.
 - e. Municipal Laws.
 - f. Zoning Map.

Absences:

1. Recommendations may be made to the Town Supervisor for possible removal from the ZBA after:
 - a. Missing three (3) regularly scheduled consecutive meetings without adequate excuse.

Quorum:

1. Three (3) members (majority of the five (5) member ZBA).

Minutes of meetings to include:

1. Members present (any guests, if any).
2. Date, Time and Place.
3. Discussion:
 - a. Old Business.
 - b. New Business.
4. Recommendations.

Training:

ZBA members must have a minimum of four (4) hours of approved training annually. Training shall be as required by the State of New York Law and the Town Board.

Training shall constitute:

- 1) Sessions offered or sponsored by Broome County Department of Economic Development and Planning; the Town of Windsor, neighboring towns or neighboring New York State counties. This shall include training from New York State Department of State, New York Planning Federation, the American Planning Association, the New York Fire Association, or other applicable training sessions.

- 2) Civil Service distance learning.
- 3) Videos prepared by Broome County Department of Economic Development and Planning: the New York State Department of State, New York Planning Federation, the American Planning Association, and the New York Fire Association, Broome County Health Department or New York State Department of Health demonstrations, as relevant to work.

Topics of study shall be relevant to the responsibilities of the Planning Board/ and or ZBA.

Exemptions:

- 1) ZBA members who have received in excess of (4) hours of training in any one year, may transfer the excess to the succeeding years, at the discretion of the Town Board.
- 2) Professional and other qualified experience.

Consequences:

If a board member doesn't meet the minimum training requirements, that member would not be eligible for reappointment to the board, at the discretion of the Town Board.

Notification:

Training shall be reported to the Zoning Board of Appeals Secretary and certified by the Zoning Board of Appeals chairperson and to be filed with the Town Clerk.

Budget for the ZBA:

1. As requested by the ZBA
2. As allocated by the Town Board.
3. Supplies, Postage and Legal Notices absorbed by the ZBA budget.
4. Budget estimate to be submitted by September 1st of each year.

Procedures for Amending By-Laws:

The amendment is to be introduced at a regular ZBA meeting. After discussion, if the ZBA favors the change, the amended By-Law will be voted upon at the next regular ZBA meeting. At that time, if the ZBA members approve the amendment, it will be sent to the Town Board for approval.