

**1ZONING BOARD OF APPEALS
VILLAGE OF CORNWALL-ON-HUDSON, NEW YORK**

Application Processing Procedures

1. Building and Zoning Office:

A. i. The building inspector will issue denials in writing to the applicant, insofar as practicable. A record of all such denials will be kept by the Building Inspector. The denial letter is necessary for the ZBA to verify whether the relief sought by an applicant is a use variance or area variance. The denial letter should be placed in the application folders for the ZBA. The Village Attorney is authorized to confer with the Building Inspector in particular cases to determine the nature of the application and the nature of the ZBA action necessary.

ii. The Building Inspector will meet with the applicant before application is filed to discuss rules of the ZBA and application requirements.

B. The secretary of the ZBA will keep on hand for distribution to prospective applicants complete sets of applications to the ZBA. Each set shall contain application filing instructions, an application form, owner's consent form and long environmental assessment form at minimum, and other documents as may be prescribed from time to time by the ZBA.

C. A newly filed application should be checked by the secretary upon receipt to verify that the necessary forms are filled out adequately and completely. An owner's consent form is necessary when the applicant is not the owner of the property for which relief is requested; a long form environmental assessment form (EAF) is not required for area variance applications on residential properties, but is required for all variances requested on non-residential property and for all use variances. An EAF is not necessary for an interpretation.

D. Application should be date stamped or manually dated upon filing in the Building Inspector's office.

E. If an application is filed in time to be added to the next regular meeting agenda, and if the application is complete, the secretary will place the application on the ZBA agenda for the next regular meeting as a public hearing or otherwise as circumstances require. The applicant will be informed of the date and time of the public hearing at the time the application is filed or as soon thereafter as the

date is determined..

F. If a complete application is not filed in time for inclusion on the ZBA agenda for the next regular meeting, the date for the public hearing shall be set for the regular meeting of the ZBA in the month following the filing of the application.

G. i. Complete application sets should be filed with the Building and Zoning office at Village Hall on or before 4:00 p.m. on the second _____ of the month in order to be included on the agenda of the next regular meeting of the ZBA. Applications filed later than 4:00 p.m. on the second _____ will be considered at the next month's regular ZBA meeting. The Chairman shall have the authority to waive this requirement in particular cases, as where meeting dates have been changed.

ii. The secretary shall refer all applications for use variances to the Orange County Planning Department for recommendations upon receipt of a use variance application. This requirement does not apply to area variance and interpretation applications.

H. After the filing of a complete set of application documents, the secretary will consult with the Village Attorney to determine whether the newly filed applications are for area variance, use variance or interpretation and the Village Attorney will then draft a proper legal notice.

I. The legal notices for public hearings to be held on the same date will be sent to the official newspaper of the Village of Cornwall-on-Hudson by the secretary, and an affidavit of publication will be placed in the folder of each ZBA member and the board's attorney in advance of the public hearing.

J. The legal notice that is sent to the official newspaper must also be sent to the applicant with a cover letter advising the applicant that the notice of public hearing must be mailed to adjoining landowners of premises having their nearest boundary within 300 feet of the applicant's premises, and that a delivery receipt (return receipt) proving delivery of the notice by the U.S. Postal Service must be provided to the ZBA for each such adjoining owner of record prior to the opening of the hearing, and that it is also the responsibility of the applicant to provide a list of all such adjoining owners to the ZBA with addresses as shown on the latest assessment roll. The list is compiled from the most recent tax roll on file with the

Village. Provision of the list of adjoiners to the ZBA and proofs of service of the notices on them prior to the public hearing is mandatory.

K. Since notices must be mailed to adjoiners by the applicant at least 5 days prior to the scheduled hearing, a copy of the notice of hearing that is sent to the official newspaper by the secretary should also be mailed (or faxed) to the applicant or the applicant's attorney or engineer, if applicable, at least 8 days prior to the scheduled public hearing.

L. One set of each application shall be addressed to the Village of Cornwall-on-Hudson Planning Board together with a request by the ZBA for the Planning Board's comments with respect to each application. The request should specify the date of the public hearing so the planning board may file comments in a timely manner.

2. Conduct of ZBA Meetings and Hearings

A. The Building Inspector is invited to attend regular ZBA meetings as well as workshop meetings in order to assist the ZBA to develop an accurate record about the variances and interpretations under consideration.

B. The Building Inspector should inform the ZBA when an application is filed if the applicant's premises is in violation of federal, state or local building, zoning or environmental laws or regulations or if there are other circumstances that should be considered by the ZBA as being material to their determination.

C. The ZBA shall have a secretary or clerk present at each regular meeting except workshop meetings, to record the proceedings and to provide minutes of each meeting to the ZBA as soon as possible thereafter to comply with applicable laws.

D. Minutes for previous meetings shall be approved by the ZBA as the first order of business at each regular meeting, and filed with the Village Clerk as soon as practicable. Therefore, minutes should be date stamped by the Village Clerk ON THE DATE OF FILING.

E. Public hearings shall be opened in the order determined by the Chairman. Hearings should not be opened without proof of publication of the notice of hearing and proof of delivery of notice to adjoining owners by certified mail with

return receipts provided to the ZBA clerk who is in attendance at the meeting. The Chairman may elect to open the hearing if one or more proofs of service to adjoiners is lacking, but only upon such circumstances as justifies the conclusion of the ZBA that said adjoiner(s) have actual notice of the time, place and subject of the said hearing.

F. The Chairman alone, or the full ZBA may set limits to the duration of a public hearing. Time limits on public comment may be set for certain applications for the purpose of assuring maximum public input. The Chairman may determine if specific statements made for or against an application during a public hearing are relevant and in order, and may order that statements ruled out of order or irrelevant should not be considered by the ZBA and may be excluded from the record.

G. Any person may submit written comments to be entered as part of the record of a public hearing if such written comments are delivered to the ZBA prior to the closing of the public hearing. Written comments must be typed and must be relevant to the issues that must be determined by the ZBA. Written comments are accorded equal weight to personal comment.

H. At the conclusion of public input, the Chairman will ask for a motion to close the public hearing.

I. In such cases where the Orange County Planning Department recommendation is required pursuant to Section 239(1)(m) of the General Municipal Law, for use variances, specifically, a final determination by the ZBA may not be made on the application until such recommendation is received into the record, or upon the expiry of 30 days, whichever comes first.

J. The Chairman may require any witness before the ZBA to be sworn to make truthful testimony.

3. Final Decision and Findings:

A. Upon the conclusion of the public hearing, the ZBA Chairman will call for motions to comply with the State Environmental Quality Review Act (SEQRA) and on the relief requested.

B. The ZBA attorney will provide all resolutions that have been adopted or

rejected to the Chairman in final form. The Chairman shall sign the resolutions and cause them to be filed with the Village Clerk and the Building Department.

C. The Building Department shall send a final executed copy of the resolutions, approved or disapproved by the ZBA to the applicant after the Chairman has signed the resolutions.

D.