

RULES AND REGULATIONS OF THE ZONING BOARD OF APPEALS VILLAGE OF BRIARCLIFF MANOR

Regularly scheduled meetings are held at 8:00 p.m. in the Court Room located in the Village Hall at 1111 Pleasantville Road. See attached for meeting and required submission dates.

The following information shall be submitted to the Village Clerk by the required submission date by no later than noon:

1. Seven (7) sets of the following:
 - a. Full architectural plan, folded, including plot plan
 - b. Survey which is to be no more than 5 years old
 - c. Application to the Zoning Board
 - d. Code of Ethics Certification in accordance with Chapter 27 of the Village Code
 - e. Denial Notice from the Building Department
 - f. GFA Worksheet
 - g. Copy of Tax Map identifying subject property and surrounding area.

2. A check made payable to : *Village of Briarcliff Manor* in the amount of \$250.00

Prior to the meeting you will receive a package from the Village Clerk which will include:

1. A letter to you with instructions
2. Your Public Notice which will be posted and sent to the Journal News
 - You will receive a call from the Journal News for prepayment
3. A list of property owners within a 250 foot radius of your property
 - You are to send the Public Notice to those on the list by Certified Mail, Return Receipt

The following items shall be submitted to the Village Clerk no later than the Friday before the Public Hearing:

1. Receipt of Certified Mailing of Public Notice
2. Affidavit of Publication of Public Notice

ZONING BOARD OF APPEALS

2007 Calendar of Dates

<u>Submission Date (by 12:00 Noon) **</u>	<u>Meeting Date</u>
December 26, 2006	February 6, 2007
February 20, 2007	April 3, 2007
April 24, 2007	June 5, 2007
June 26, 2007	August 7, 2007
August 21, 2007	October 2, 2007
October 23, 2007	December 4, 2007

Meetings will be held the 1st Tuesday of the Month at 8:00 p.m.
Unless otherwise noted.

** Any requests for a denial letter shall be submitted to the Building Department a minimum of One (1) week prior to submission date.

VILLAGE OF BRIARCLIFF MANOR

APPLICATION TO THE ZONING BOARD OF APPEALS

APPEAL # _____

DATE _____

I (we) _____ of _____
(Name of Applicant) (Street and Number - Current Address)

_____ HEREBY APPEAL TO THE ZONING BOARD OF
(Municipality) (State)

APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR WITH RESPECT TO:

- () A variance of the regulations of the Zoning Ordinance
- () An interpretation of the Zoning Ordinance or Zoning Map
- () A Special Permit
- () Other

1. LOCATION OF PROPERTY _____
(Street and Number)

SECTION _____ PLATE _____ BLOCK _____ LOT _____ ZONE _____

2. PROVISION (s) OF THE ZONING ORDINANCE APPEALED

Section _____

Section _____

Section _____

Reason For Appeal: State precisely the circumstances of the case, referring to the specific provision of the Ordinance involved and set forth the interpretation claimed, the details of the variance applied for and the grounds on which it is claimed that the variance should be granted. Any maps, sketches, plans, etc., are to be attached to the application and should show all pertinent dimensions. (Please use attached page 2)

Lined area for text entry.

APPLICATION FEE: \$250.00

SIGNED _____
(Owner of Property)

TELEPHONE _____

Use Variance Standards

The state statutes provide the Zoning Board of Appeals with the standards for granting the **use variance**. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. That the alleged hardship relating to the property in question is unique, and does not apply to substantial portion of the district or neighborhood;
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

Village Law, Section 7-712-b (2)

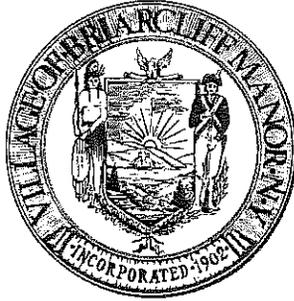
Area Variance Standards

The state statutes provide the Zoning Board of Appeals with the standards for granting the **area variance**. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Zoning Board of Appeals shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Village Law, Section 7-712-b (3)

The Zoning Board of Appeals, in the granting of use and area variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



CODE OF ETHICS

Pursuant to Chapter 27 of the Code of the Village of Briarcliff Manor it is the policy of the Village of Briarcliff Manor and the purpose of this local law to establish standards and guidelines for the ethical conduct of its officials, employees and consultants. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, these standards are another step toward ensuring a) the highest caliber of public administration for the Village, b) government decisions arrived at impartially and free of conflict of interests, and c) public confidence in Village government. It is also the purpose of this chapter to protect Village officials, employees and consultants from unwarranted assaults on their integrity by separating real conflict from the inconsequential.

Pursuant to Section 27-4, the Village Manager shall cause a copy of the Code of Ethics to be distributed to each applicant for a change of zoning, variance, special permit, site plan approval, subdivision or other permission, pursuant to the zoning and planning regulations of the Village, shall disclose with the application the name, nature, and extent of the interest of any Village employee, official or consultant in the application, or in the applicant.

CERTIFICATION

I, _____ OF _____
PRINT NAME STREET ADDRESS

CITY, STATE AND ZIP CODE

acknowledge that I have received Chapter 27 of the Code of the Village of Briarcliff Manor, "Code of Ethics".

Date: _____

Position/Title: _____

Signature: _____

See Chapter 27 of the Village Code (attached)

Chapter 27

ETHICS, CODE OF

§ 27-1.	Legislative intent.	§ 27-6.	Appropriation of funds.
§ 27-2.	Definitions.	§ 27-7.	Penalties for offenses.
§ 27-3.	Conflict of interest standards.	§ 27-8.	Other remedies; effect on other provisions.
§ 27-4.	Disclosure of interest.	§ 27-9.	Repealer.
§ 27-5.	Board of Ethics.		

[HISTORY: Adopted by the Board of Trustees of the Village of Briarcliff Manor 2-6-1997 by L.L. No. 1997. Amendments noted where applicable.]

§ 27-1. Legislative intent.

It is the policy of the Village of Briarcliff Manor (the "Village") and the purpose of this chapter to establish standards and guidelines for the ethical conduct of its officials, employees and consultants. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, these standards are another step toward ensuring:

- A. The highest caliber of public administration for the Village;
- B. Government decisions arrived at impartially and free of conflict of interests; and
- C. Public confidence in Village government. It is also the purpose of this chapter to protect Village officials, employees and consultants from unwarranted assaults on their integrity, by separating real conflict from the inconsequential.

§ 27-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACT IN AN OFFICIAL CAPACITY — Any legislative, administrative, quasi-judicial, appointive or discretionary act of an official, employee or consultant of the Village.

CONSULTANT — Any person or entity (not a Village employee or official), who is compensated by the Village for providing advisory services to the Village, its boards, courts, commissions, districts, departments, committees or other agencies.

FAMILY MEMBER — Any spouse, child or dependent of a Village employee, official or consultant.

INTEREST — A participation, connection or involvement of any sort which may result in a direct or indirect pecuniary or material benefit. For the purposes of this chapter, the interests of a Village official, employee or consultant shall be deemed to include the interest of:

- A. A spouse, child or dependent.

- B. Any person or entity, other than a bank, trust company or other lending institution, with whom he or she has a substantial debtor-creditor or other financial relationship.
- C. Any person or entity by whom he or she is employed or of which he or she is an officer, director or member.
- D. Any person or entity of which the stock or other legal or beneficial ownership is owned by the official, employee or consultant; provided, however, that if the business dealings of such person or entity with the Village form an insubstantial part of the person or entity's total business dealings, then this definition shall only apply to such a person or entity if the Village official, employee or consultant owns more than 5% of the stock or other legal or beneficial ownership of such person or entity. Nevertheless, any such interest shall be disclosed by the official, employee or consultant in accordance with § 27-4 of this chapter.

PERSON or ENTITY — Any individual, business proprietorship, corporation, partnership, association, venture, individual in representative or fiduciary capacity, estate, trust or other entity.

TRANSACTION — Any activity, application or proceeding which requires or may require an act in an official capacity of an officer or employee of the Village or any of its boards, courts, commissions, districts, departments, committees and agencies.

VILLAGE — The Village of Briarcliff Manor and all boards, courts, commissions, districts, departments, committees and other agencies thereof.

VILLAGE EMPLOYEE OR OFFICIAL — Any officer or employee of the Village, its boards, courts, commissions, districts, departments, committees or other agencies, whether full or part-time, whether compensated or not. No person shall be deemed to be a Village employee or official solely by reason of being a volunteer firefighter or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

§ 27-3. Conflict of interest standards.

- A. No Village official, employee or consultant shall represent or advocate any private interests (other than himself or herself) before the Village or in any transaction with the Village.
- B. No Village employee, official or consultant shall participate in the consideration of, vote on, administer or act in an official capacity in connection with a matter in which that person or his or her family member, parent or sibling has an interest.
- C. No Village employee, official or consultant shall participate in the consideration of, vote on, administer or act in an official capacity in connection with a matter in which he or she, or his or her family member, parent or sibling is or has been an employee, consultant, agent, representative, official or fiduciary of the applicant before the Village within any of the preceding two years.
- D. Except as otherwise permitted by General Municipal Law Article 18, no Village employee or official shall, directly or through a person or entity of which he or she or his

or her family member has any direct or indirect interest, sell goods or services (other than through employment) to or be engaged in any business transaction with the Village.

- E. No Village employee, official or consultant shall engage in any business or profession or accept private employment or render any service for private interests which creates a conflict with that employee, official or consultant's official duties. No Village employee, official or consultant, within a period of two years after the termination of such service or employment, shall render services or receive compensation for services before the Village, for private interests, in relation to any matter with respect to which such employee, official or consultant was directly concerned with or personally participated in during the period of the employee, official or consultant's service or employment for the Village.
- F. No Village employee, official or consultant shall directly or indirectly solicit any gift, or accept or receive any gift having a value of \$25 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise,¹ or in any other form.
- G. No Village employee, official or consultant shall permit the use of any Village property for personal convenience or profit or secure privileges or exemptions for himself or herself or for his or her family member, parent or sibling, except when such activity is available to Village citizens generally or is provided as a matter of Village policy.
- H. No Village employee, official or consultant shall use any confidential information received by that person in the course of his or her duties as a Village official, employee or consultant to further the interests of him or herself or others, nor shall any Village official, employee or consultant divulge any confidential information so received.

§ 27-4. Disclosure of interest.

- A. Pursuant to § 806 of the General Municipal Law, the Village Manager shall cause a copy of this Code of Ethics to be distributed to each official, employee and consultant of the Village upon the adoption of this chapter and at the time of commencement of each person's service in each new capacity. Each official, employee and consultant shall acknowledge, in writing, that he or she has received, read and understood this Code of Ethics. Failure to distribute or receive such copy shall have no effect on the duty of compliance with such Code or on its enforcement.
- B. Any Village employee, official or consultant who has a direct or indirect interest in any transaction under consideration by a board, court, commission, district, department, committee or agency of the Village or in any property which may be affected by such transaction, or whose family member, parent or sibling has such an interest, shall publicly disclose the nature and extent of this interest on the record of the board, court, commission, district, department, committee or agency before which such transaction is pending and shall file a copy of such disclosure with the Village Clerk. The Village Board shall review such disclosures in a timely manner.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

- C. Any applicant for a change of zoning, variance, special permit, site plan approval, subdivision or other permission, pursuant to the zoning and planning regulations of the Village, shall disclose with the application the name, nature and extent of the interest of any Village employee, official or consultant in the application or in the applicant, pursuant to § 809 of the General Municipal Law.

§ 27-5. Board of Ethics.

- A. There is hereby created a Board of Ethics which shall consist of five members appointed by the Village Board, which members shall be residents of the Village and shall serve without compensation. One of the members of the Board of Ethics shall be an officer or employee of the Village; provided, however, that no Village Justice, Village Attorney or member of the Village Board shall be eligible for membership. The remaining members shall not be Village officials or employees.
- B. Each member of the Board of Ethics shall be appointed for a term of five years, except that of the members first appointed; one shall be appointed for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. The Village Board shall designate one member as Chairman of the Board of Ethics. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member whom he or she is to succeed.
- C. The Village Attorney shall serve as counsel to the Board of Ethics except when he or she shall recuse himself or herself in any matter in which it is determined that he or she has or may appear to have a conflict of interest. In the event that the Village Attorney has withdrawn from participation in any matter pursuant to this section, the Village Board shall provide the Board of Ethics with the services of substitute counsel at the request of the Board of Ethics or at the pleasure of the Village Board.
- D. The Board of Ethics shall render advisory opinions to Village employees, officials and consultants with respect to Article 18 of the General Municipal Law and this Code of Ethics. Such advisory opinions shall be rendered pursuant to the written request of any two members of the Village Board, or by resolution of a majority of the Village Board. Such advisory opinions may also be rendered pursuant to the written request of the Village employee, official or consultant whose conduct is in question. Advisory opinions of the Board of Ethics shall be solely for the guidance of the Village official, employee or consultant whose conduct is in question, the Village Board and the Village Attorney. The Board of Ethics shall keep a record of its proceedings and opinions.
- E. The Board of Ethics may prescribe rules and regulations governing its own internal organization and procedures in a manner consistent with this law and with the General Municipal Law.
- F. The Board of Ethics shall have such other powers and duties as shall be conferred by the Village Board or pursuant to Article 18 of the General Municipal Law of the State of New York.

§ 27-6. Appropriation of funds.

The Village Board may appropriate moneys from the general Village funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Village moneys except within the appropriations provided, in its discretion, by the Village Board.

§ 27-7. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any Village official or employee who shall knowingly and intentionally violate any of the provisions of this Code of Ethics or of Article 18 of the General Municipal Law may be suspended or removed from office or employment in the manner provided by law.

§ 27-8. Other remedies; effect on other provisions.

- A. No existing right or remedy shall be lost, impaired or affected by reason of this chapter. Nor shall the validity of any action taken by any Village official, employee or consultant under the law in force immediately prior to the effective date of this chapter be affected by the enactment hereof.
- B. All Village officials, employees and consultants who, as a result of these revisions, are in violation of the duly adopted revised Code of Ethics are directed to comply with all of its stipulations and requirements within 60 days of the effective date of this chapter.
- C. In the event of any conflict between the provisions of this chapter and the provisions of Article 18 of the General Municipal Law, the most restrictive provision shall apply.
- D. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this chapter shall not affect the validity of any part of this chapter which can be given effect without such invalid part or parts.

§ 27-9. Repealer.

Ordinance No. 173 of the Village of Briarcliff Manor, enacted November 5, 1970, is hereby repealed in its entirety.