

CITY OF CORTLAND, NEW YORK
LOCAL LAW NO. 3 OF THE YEAR 2023
ADOPTED JANUARY 17, 2023

§300-140. Establishment and Membership.

- A. Establishment. The Zoning Board of Appeals as it is presently constituted is hereby reaffirmed as having been established in accordance with the provisions of New York State General City Law § 81.
- B. Membership.
 - 1. The Board shall consist of five (5) members appointed by the Mayor, subject to confirmation by the Common Council.
 - 2. All appointments shall be made for a term of five (5) years. No person shall be appointed to more than three (3) consecutive full five (5) year terms.
 - 3. Terms of office shall be staggered over a five (5) year period. Terms shall begin the first day of January and shall end the last day of December.
 - 4. The Common Council may, by resolution, reestablish the terms of an existing board, such that the appointment of Board members shall be for terms so fixed that one member's term shall expire at the end of the year in which such appointment is made. The remaining Board members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter.
 - 5. At the expiration of each Board member's reestablished term, the subsequent member shall be appointed for a full five (5) year term.
 - 6. The Board members shall serve without compensation, except the Council may authorize compensation for expenses.
 - 7. The Mayor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause. A Board member may be removed for failure to attend three (3) consecutive meetings, or for noncompliance with any minimum training requirement established by this chapter.
- C. Vacancies. Vacancies for the unexpired term of any member shall be filled for such unexpired period only in accordance with the provisions of New York State General City Law.
- D. Training.
 - 1. Each member of the Board shall complete a basic qualification program for Zoning Board of Appeals persons within twelve (12) months of appointment.
 - 2. Thereafter, each Board member shall participate annually in a continuing education course to be approved by the Common Council upon the recommendation of the Board in order to satisfy Board member training requirements set forth by New York State Municipal Law.

§ 300-141. Chairperson.

- A. The Board shall hold an annual meeting in January of each year to elect, from its members, a Chairperson and a Vice Chairperson to assume the duties of the Chairperson in their absence.

§ 300-142 Meetings and Board Conduct.

- A. The Board shall hold at least one (1) meeting each month and may hold additional meetings at the call of the Chairperson. The Chairperson may cancel any meeting.
- B. The presence of three (3) members shall constitute a quorum for the conduct of business before the Board.
- C. A concurring vote of at least three (3) members of the Board shall be necessary to decide any matter brought before the Board, except as provided for in Subsection E herein, or unless otherwise provided by law.
- D. All votes of the Board shall be taken by roll call.
- E. In accordance with General Municipal Law § 239-m, a concurring vote of a majority of members plus one is necessary to override a recommendation by the Cortland County Planning Commission.
- F. A motion for the Board to hold a rehearing to review any order, decision or determination of the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such a rehearing to occur. Upon such rehearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present.
- G. In accordance with General Municipal Law § 809, a member of the Board having a conflict of interest shall abstain from any discussion or vote on that matter.
- H. The Board may request advice or opinions on the law relating to any matter before it from the Corporation Counsel of the City of Cortland, and require the Corporation Counsel to attend its meetings.
- I. The Board may require the Zoning Officer or the Code Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.
- J. The Chairperson of the Zoning Board of Appeals shall have the authority to administer oaths and to compel the attendance of witnesses.
- K. The Board shall keep minutes of all its meetings. The City Clerk shall be the secretary to the Board and shall take the minutes.
- L. The Board shall make a record of all of its proceedings, including the reading of the case, public hearing, deliberation, voting and decisions of the Board. A public record of such items shall be maintained at City Hall and made available to the public upon request.

§ 300-143. Appeals Procedure.

§ 300-144 Powers of Board.

§ 300-145. through § 300-149. (Reserved)