

- V. The design engineer shall certify that the improvements were constructed in substantial conformance with the Approved Plans on a form provided by the Village prior to the release of any surety.⁴⁰

ARTICLE XIV ZONING BOARD OF APPEALS

§98-66. Continuation of Board; membership; powers and duties.

- A. The ZBA, heretofore duly appointed in conformity with the Village Law, is hereby continued with all powers and duties conferred by the Village Law.
- B. The ZBA shall consist of five (5) members appointed by the Board of Trustees. The Board of Trustees shall also designate a chairman.
- C. The ZBA shall have all the powers and duties prescribed by law and by this chapter, provided that nothing contained herein shall be deemed to limit any power of said Board that is conferred by law:
- D. Training Requirements.⁴¹
 - 1. The State of New York has recognized the importance of training for members of the Zoning Board of Appeals in Section 7-712 of New York State Village Law.
 - 2. Each member of the Zoning Board of Appeals shall be required to attend a minimum of one seminar of training relevant to the responsibilities of the Zoning Board of Appeals within one year of appointment to such Board, and a minimum of one seminar of additional training in each calendar year succeeding the year of appointment. Individuals who are Board members at the time of the enactment of this law shall be required to attend a minimum of one seminar of training in each calendar year. Prospective Board members shall be advised of these requirements.
 - 3. Noncompliance with the Village's minimum requirement for training shall be a proper cause for removal from office as a member of the Zoning Board of Appeals pursuant to Village Law Section 7-712(9).

⁴⁰ §98-65 sections U. and V. added pursuant to Local Law No. 2 of 2007.

⁴¹ § 98-66D added pursuant to Local Law No. 3 of 2002.

4. The costs of training shall be a Village charge, and members shall be reimbursed for the cost of the training, provided such training and attendant costs have been approved in advance by the Village Board.
5. Approved Training Courses. Training sessions which relate to the duties of members of the Board may include programs offered by the New York Department of State, the New York State Department of Environmental Conservation, the Dutchess County Planning Department or Cornell Cooperative Extension or other appropriate entities. The Village Board, after consultation with the Chairperson of the Zoning Board of Appeals, may annually designate training courses which will meet the Village's training requirements.
6. Notwithstanding the foregoing, the failure of a member of the Board to obtain the required training shall not, absent Village Board action, affect the member's appointment to serve on the Board, to entertain and vote on applications or the validity of that member's acts as a Board member.

§98-67. Use and Area Variances.

The ZBA is empowered to grant use variances and area variances and to reverse, affirm or modify certain orders, requirements, decisions, interpretations and determinations of the Building Inspector as provided in Village Law §7-712-b, as amended from time to time.⁴²

§98-68. Procedures.

The powers and duties of the ZBA shall be exercised in accordance with the following procedure:

- A. A public hearing shall be held by the ZBA on every appeal and application made to it. The ZBA shall decide upon the appeal within sixty two (62) days after the conduct of the hearing; provided however that such time may be extended by mutual consent of the applicant and the ZBA.
- B. A notice of such hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the village at least ten (10) days before the date of such hearing. A notice of such hearing shall also be transmitted to the applicant. The applicant shall be required to notify any property owner within two hundred (200) feet of the subject property by certified mail or registered mail and shall, on or before the date of the hearing, file with the Zoning Board of Appeals a verified statement that such property owners were so notified. Should the Zoning Board of Appeals deem an area beyond two hundred (200) feet

⁴² For the convenience of and guidance to applicants, a copy of Village Law §7-712(l)(a) and (b) and 7-712-b in effect as of the date of enactment of this Chapter are attached to this Chapter as Schedule "D".

of the subject property to be affected, it may require the notification of property owners within not more than five hundred (500) feet of said property by certified mail or registered mail. At least ten (10) days before such hearing, the ZBA shall mail notices thereof to the Dutchess County Planning Department, if required by section two hundred thirty-nine-m of the General Municipal Law which notice shall be accompanied by a full statement of the matter under consideration.⁴³

- C. If the land involved in an appeal or application lies within five hundred (500) feet of the boundary of any other municipality, the applicant shall also transmit to the Municipal Clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the Village.
- D. At least five (5) days before the date of any public hearing, the Secretary of the ZBA shall transmit to the Village Clerk a copy of any appeal or application, together with a copy of the notice of such hearing. The Board of Trustees may submit to the Zoning Board of appeals an advisory opinion on said appeal or application at any time prior to the rendering of a decision.
- E. Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance, such variance shall become null and void.
- F. Each and every application for a hearing and determination by the ZBA whereby said Board is called upon to exercise the powers and duties granted to it under and pursuant to the Village Law shall be accompanied by the filing fee determined as provided under Article X, which fee shall be payable to the Village Clerk.
- G. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- H. Every decision of the ZBA shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- I. All the provisions of this chapter relating to the Zoning Board shall be strictly construed; the ZBA, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in strict compliance with all limitations contained therein; provided, however, that if the procedural requirements set forth in this chapter have been substantially observed, no applicant or appellant shall be deprived of the right of application or appeal.
- J. The ZBA shall comply with SEQR

⁴³ §98-68.B amended pursuant to Local Law No. 1 of 1997