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I. PREAMBLE

The Town of Candor Planning Board is empowered to perform work as authorized under Section 267 of NY Town Law, State of New York.

The Board shall be known as the Town of Candor Board of Appeals and the following, as adopted, shall be the By-Laws for the conduct of business. Within these By-Laws the Town of Candor Board of Appeals may be referred to as the Board.

II. ORGANIZATION

a. Board of Appeals Creation and Appointment

- i. Composition and Qualifications: The Town Board of Candor is authorized and empowered to appoint a Board of Appeals consisting of five members, at the discretion of the Town Board, and shall have authority to remove a member of such Board for cause and after public hearing.

The membership shall include an agricultural representative. The other members appointed shall represent various aspects of the community including but not limited to education, labor, industry, commerce, and citizens at large.

1. Ex-officio: Town Supervisor or his representative, Mayor of Candor or his representative, and Board of Appeals Clerk.
- ii. Terms of Office: Of the members first appointed to the Board consisting of five members, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years after their appointment. Their successor shall be appointed for a term of five years from and after the expiration of the term of their predecessor in office.
 1. Terms of Vacancy: If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.
 - a. Recommendation for replacement shall be made by the Board to the Town Board after soliciting interested parties and reviewing of resumes.
- iii. Expenses: Members shall be reimbursed for expenses actually and necessarily incurred in the performance of duties. Expenses exceeding twenty-five dollars per individual shall be approved by the Town Board prior to expenditure.

b. Officers

The executive officers of the Town of Candor Board of Appeals shall be the Chairperson, Vice-Chairperson, and Secretary. The persons to hold these offices may, from time to time, name such other officers as it deems necessary. In case the Chairperson and Vice-Chairperson are absent the Board may appoint a Chairperson pro tempore.

- i. Chairperson: The Chairperson shall:

1. Preside at all meetings and hearings of the Board;
2. Appoint committees and Chairperson thereof;
3. Be an ex-officio member to all committees;
4. Be an authorized spokesperson for the Board;
5. Prepare the agenda for each meeting;
6. Perform such other duties as may be required.

ii. Vice-Chairperson: The Vice-Chairperson shall:

1. Perform all duties of the Chairperson in case of his absence;
2. Perform such other duties as may be required.

iii. Secretary: The Secretary shall oversee:

1. The keeping of the records of the Board including the minutes of all meetings, public hearings, and proceedings;
2. Notification of members of special meetings and other important events;
3. Perform such other duties as may be required.

iv. Other Officers: Other officers shall have such authority and perform such duties as may be assigned by the Chairperson.

v. Vacancies: If an executive office, except that of Chairperson, shall become vacant by reason of death, resignation, or any other reason, the Board shall elect, at the next regular meeting, a successor to hold the office for the unexpired term.

1. If the office of Chairperson shall become vacant by reason of death, resignation, or any other reason, the Town Board shall appoint, at the next regular meeting, a successor to hold the office for the unexpired term.
 - a. Nominee for Chairperson shall be made by the Board to the Town Board prior to their next scheduled meeting.

c. Committees

- i. Creation: The Board shall create such standing or temporary committees as it may find desirable. The members thereof shall be appointed by the Chairperson.
- ii. Limitation: No committee shall take final action in any matter unless specifically authorized by the Board to do so.

- iii. Citizen Participation: Any committee may solicit advice, counsel, and assistance from citizens who are not members of the Board.

III. POWERS AND DUTIES

Pursuant to the New York State General Municipal Laws, Local Laws and Resolutions of the Town, The Town of Candor Board of Appeals may:

- a. Organization: The Board will organize itself to carry out its responsibilities.
- b. Advisory:
 - i. Report on any matter or class of matters referred to it by the local governing board.
 - ii. Make such investigations, maps, reports, and recommendations concerning local planning and development as it thinks desirable.
 - iii. Serve as a zoning commission if appointed by the Town Board.
 - iv. Report to the Town Board on proposed changes in the official map of the town.
 - v. Prepare rules and regulations on procedures before it and subject matter over which it has jurisdiction for approval by the Town Board.

- c. Administrative:

May do the following if authorized to do so by the Town Board of Candor:

- i. Reverse or affirm any order, requirement, decision or determination made by the Code Enforcement Officer in the administration and enforcement of local and state laws. Such order, requirement, decision or determination shall include, but are not limited to, building permits, certificates of occupancy, interpretations, requirements, decisions and determinations
- ii. To grant area variances from the area or dimensional requirements which apply in the Town of Candor.
- iii. To impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community
- iv. Any additional administrative duties authorized by the Town Board of Candor.

- d. Public Liaison:

The Board shall serve as liaison between the public and the town government.

IV. MEETINGS

The Board of Appeals is subject to the laws relating to open government. These are the Freedom of Information Law and the Open Meeting Law, and must hold public meetings with adequate notice to the public.

a. Schedule:

- i. Regular open meetings: The Board shall hold meetings at the places and times designated by the Board. If such date is a legal holiday, the meeting shall be held the following day, unless otherwise determined by the chairperson. All regular and annual meetings shall be open to public attendance.
- ii. Annual Organizational Meeting: The regular January meeting each year shall constitute the annual organizational meeting.
 1. The officers of the Board, except that of Chairperson, shall be elected for the coming year.
 - a. Nominee for Chairperson shall be made to the Town Board prior to their annual organizational meeting.
 2. The number and place of the regular meetings may be established.
 3. The Board may create or discontinue standing committees.
 4. The By-Laws shall be reviewed.
- iii. Special Meetings: The Chairperson or a majority of voting members of the Board may call a special meeting. Notice thereof shall be given to all members of the Board at least forty-eight hours in advance and the notice shall specify the matters to be considered at such meetings.
- iv. Executive Session: The Board may meet in executive session for permitted purposes.

b. Proceedings:

Robert's rules of order shall govern the Board's proceedings except as specified otherwise in the By-Laws.

i. Order of Business:

1. Roll Call
2. Privilege of the Floor
3. Review and Modify Agenda
4. Approval of Minutes

5. Correspondence
6. New Business
7. Old Business
8. Adjournment

ii. Quorum: A quorum shall consist of three of the voting members of the Board.

1. The voting membership shall be the five members of the Board.

iii. Visitors at a meeting may enter into a discussion, or present petitions, in the manner and for the period of time prescribed by the Chairperson.

V. AMENDMENTS

The By-Laws shall be adopted at a regular meeting of the Board and shall be amended only by a majority vote of the voting membership. A one-month notice will be given to members of the Board of Appeals and the Town Board prior to the meeting amending the By-Laws.

Date Adopted: _____

Signed: _____
Chairperson of the Board of Appeals

Secretary