

Position Description

Town of Mendon Zoning Board of Appeals Member

Purpose of Position

A member of the Zoning Board of Appeals (ZBA) is one of a five member Board that decides appeals from the decisions of the Town's Code Enforcement Officer. The Board exists by virtue of the authority granted to the Town under Town Law Section 267 and the Mendon Town Zoning Code, Chapter 260. Each member is present to reach a judgement in the balancing of the interest of the individual with those of the Town within the confines of New York State law and local law.

Within thirty days of appointment, the member shall provide to the Supervisor written verification that they have read the publication of the New York State Department of State entitled: Zoning Board of Appeals, James A. Coon Local Government Technical Series.

Qualifications

Every member should have:

1. A general understanding of the fundamental concepts of zoning.
2. A general familiarity of the zoning classes within the Town of Mendon.
3. **A general understanding of the distinction between area variance and use variance.**
4. The ability to apply the facts to law.
5. The ability to be instructed, understand and apply the laws to the facts.
6. The ability to be impartial and fair in decision making.
7. A working understanding of the State Environmental Quality Review Act (SEQRA) and its enabling regulations (6 NYCRR Part 617).
8. An appreciation of being a representative of Town government.

Scope of Responsibility

Every member shall be:

1. Responsible for attending all regular ZBA meetings, missing more than 20% of which shall be grounds for removal.
2. Responsible for attending the Land Use Decision Making Training Program presented by the Monroe County Department of Planning and Development, or equivalent, to obtain four hours of training a year. Failure to attend may be grounds for removal.
3. Prepared in advance to knowledgeably review each application brought before the ZBA.
4. Able to communicate with the applicant, their counsel and the public.
5. Able to reach a reasoned decision as to their position on each application.
6. Responsible for keeping abreast of developments in the bodies of knowledge upon which the Board bases its decisions.

The Board member shall not have a direct or indirect property or pecuniary interest either with an applicant or the property in question. In situations of a conflict of interest, or potential conflict of interest, the Board member must recuse himself or herself so as not to be part of any discussion, decision making or vote regarding the particular issue. At minimum, the process of recusal requires that one not participate in any discussion or vote, and further, in the case of a meeting setting, said person shall exit the room until such time as the pertinent discussion has been concluded.

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