



Town of Berne ZONING BOARD OF APPEALS MEMBER Job Description

The Zoning Board of Appeals plays a critical role in the development of Berne. Its decisions will permanently positively or negatively impact neighborhoods, our community, and the landscape surrounding them, and will set precedent for future actions. It is essential, therefore, that all decisions are based in regulation, laws, and plans applicable to the Town, reflect the concerns and wishes of the community at large, and protect the public health, safety, morals, and general welfare of the residents, the environment, and community character of the Town of Berne.

Powers and Duties of the Zoning Board of Appeals

The Zoning Board of Appeals is an administrative body with limited jurisdiction and powers. It is designed to uphold the intent of the town's zoning while acting as a "safety valve" to relieve the pressure of inflexible regulations if the circumstances show the need and essential legal criteria are met. The ZBA operates under and makes decisions utilizing criteria outlined in New York State Law; it has no power to set aside zoning law that is perceived to be arbitrary or unreasonable.

The ZBA conducts hearings and can issue area variances, use variances, and certain special use permits. It also hears appeals of decisions made by the Planning Board or the Building and Zoning Administrator.

Length of Term: 5 years, ending on December 31

Time Commitment: Approximately 3-6 hours per month

- Meetings and hearings: 1-3 hours each; minimum of 3 per year, but could be every month
- Preparatory time for meetings and hearings: Variable, but plan on 1-2 hours per case
- Training: 4 hours per year

Meeting Schedule

Regular meetings are held in the months of January, May, and September.

Hearings and other meetings may take place in any month as called by the Chair.

When held, all meetings and hearings take place on the third Wednesday of the month, at 7PM at the Town Hall unless otherwise noticed.

Zoning Board of Appeals Member Appointment and Compensation

All Zoning Board of Appeals members are appointed by and serve at the discretion of the Town Board. Comprised of five members, the Town Board appoints a Chair from these appointees annually, rotating from among the members when practicable.

Zoning Board of Appeals members receive an annual stipend.

Responsibilities of Appointed Zoning Board of Appeals Members

- Attendance at all regularly scheduled meetings, and all meeting and hearings as called by the Chair, arriving in a timely manner
 - Given the intermittent nature of ZBA cases, it is the responsibility of each ZBA member to keep abreast of the schedule and to make themselves available for all meetings and hearings
- Complete a minimum of 4 hours of relevant training yearly
- Understand the powers and duties of the Planning Board and Zoning Board of Appeals
 - It is very helpful to occasionally attend Planning Board meetings as well, as it gives the opportunity to see actual cases go through the entire process.
- Develop a working knowledge of regulations, laws, and plans applicable to the Planning Board and Zoning Board of Appeals
 - Code of the Town of Berne, including Zoning, Subdivision Laws, and Local Laws
 - Town of Berne Comprehensive Plan (when adopted)
 - New York State Town Law pertinent to ZBA function and actions
 - New York’s State Environmental Quality Review Act (SEQR)
 - New York State Open Meetings Law
- Complete preparation necessary to function effectively at all meetings
 - Review and be familiar with each pertinent case file prior to hearings
 - Access and review Town Code and NYS Town Law and case law referenced above when necessary to inform decision-making
- Understand your role as a representative of the Town of Berne

Ethical Responsibilities of Appointed Town Officials

- Recognize and avoid or make public any conflict of interest your position may place you in
- Pursue no special privilege
- Maintain confidentiality
- Conduct yourself in a professional manner that contributes to the smooth operation of your board and which respects applicants and others appearing before the ZBA
- Conduct yourself in a professional manner in public and on social media

I have read and understand the commitments, expectations, duties, and responsibilities as outlined above.

Print name

Signature

Date