

## Chapter 5

### BOARD OF APPEALS

**[HISTORY: Adopted by the Town Board of the Town of Canadice as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I

##### Alternate Members

**[Adopted 5-12-1997 by L.L. No. 4-1997]**

##### **§ 5-1. Title.**

This article shall be known as a "Local Law Designating the Appointment of an Alternate Member to the Town of Canadice Board of Appeals."

##### **§ 5-2. Alternate membership.**

The Town Board of the Town of Canadice, Ontario County, New York, hereby designates that, in addition to the five regular members of the Town Board of Appeals, one alternate member shall be appointed to serve on the Town of Canadice Board of Appeals. An alternate member shall be appointed by resolution of the Town Board and the term of office shall be for five years. The Town Board may provide for compensation to be paid to said alternate.

##### **§ 5-3. Incompatible offices/conflict of interest.**

As with regular members, the alternate member shall hold no elective office in the Town of Canadice nor be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest.

##### **§ 5-4. Procedures regarding alternate members.**

The alternate member may participate in discussion of the proceedings of the Board of Appeals but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. No more than five votes shall be cast for any matter. In the event that the alternate member shall be necessary to create a Board of five members for any application, the absent regular member shall not thereafter vote in any manner with respect to that application.

##### **§ 5-5. Amendment of Town Law.**

The foregoing provisions shall, where applicable, specifically amend and supersede § 267 of the Town Law of the State of New York. Where not so amended, § 267 shall remain in full force and effect.

#### ARTICLE II

**Appeals**  
**[Adopted 4-14-2003 by L.L. No. 1-2003]**

**§ 5-6. Public hearing.**

The Appeals Board shall hold a public hearing within 62 days from the day an appeal is received on any matter referred to under Town Law § 267-a.

**§ 5-7. Notification.**

- A. The Appeals Board shall mail notice of such hearing to the originator of the appeal at least 10 days before the hearing.
- B. The Appeals Board shall give public notice of such hearing in the official Town newspaper at least five days prior to the date of the hearing.
- C. Property sign notification. Any appeal requiring a public hearing shall require a sign be posted within 10 feet of a public highway at a point on or about the ingress/egress to the land for which a change is proposed, and at any other location designated by the Board. This posting shall occur at least five days before such hearing and will remain posted until the appeal has been finally acted upon by Appeals Board. The sign shall be no less than 27 inches in width and 20 inches in height and shall contain the appealing party's name, the proposed activity and the date and time when the public hearing will be held.