

**VILLAGE OF OLD BROOKVILLE
LOCAL LAW 1-2008
"BOARD OF APPEALS PROCEDURE"**

A local law pursuant to Municipal Home Rule §10 to amend Sections 7-712-a and 7-712-c of Article 7 of the Village Law of the State of New York in their application to the Village of Old Brookville, and to amend Section 30.67(C) of the Zoning Code of the Incorporated Village of Old Brookville, to allow for an expeditious procedure for the rendering of decisions for area variances of the Board of Zoning Appeals.

BE IT ENACTED by the Board of Trustees of the Village of Old Brookville as follows:

SECTION 1. The following subsection of Section 7-712-a of the Village Law as last amended by Chapter 476 of the Laws of 1999 is hereby superseded and amended in its application to the Village of Old Brookville, New York, as follows:

§ 7-712-a Board of appeals procedure

9. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the village clerk within ~~five~~ twenty business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

(a) The board of appeals may render its decision for an area variance in summary format, setting forth the board's decision and conditions imposed, if any, without enumerating detailed findings which formed the basis for its determination. Any person aggrieved by a decision of the board may within thirty (30) days after filing of the summary decision in the office of the village clerk, file a written demand with the village clerk, demanding that the board of appeals publish its findings which formed the basis for its decision. The village clerk shall deliver this demand to the chairman of the board of appeals, who shall cause the board of appeals to publish and file its findings with the village clerk. If any aggrieved person seeks judicial review without having requested a findings statement, the chairman or a member of the board of appeals may submit the board's findings by affidavit as part of the board's court pleadings.

(b) The date of filing of the board of appeals' decision for an area variance in summary format with the village clerk shall be deemed the date of the filing of the board's decision for all purposes, except when a timely written demand is made for the statement of findings. In those cases, the date of filing of the findings statement with the village clerk shall be deemed the date of filing of the decision of the board of appeals for all purposes.

SECTION 2. The following subsection of Section 7-712-c of the Village Law as last amended by Chapter 248 of the Laws of 1992 is hereby superseded and amended in its application to the Village

of Old Brookville, New York, as follows:

§ 7-712-c Article seventy-eight proceeding

- 1. Application to supreme court by aggrieved persons. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or any officer, department, board or bureau of the village, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the village clerk as provided for in § 7-712-a(9) as amended by Local Law 1-2008 of the Village of Old Brookville.

SECTION 3. The following subsection of § 30.67 of the Zoning Code of the Incorporated Village of Old Brookville as last amended by Local Law No. 6 of the year 2007 is hereby amended to read as follows:

§ 30.67 Board of Appeals

...

C. Procedure

The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Chapter involved, and shall exactly set forth the interpretation that is claimed the use for which the special permit is sought, 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. At least twenty (20) days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report ~~the~~ Planning Board shall be deemed to have approved the application or appeal.

Every decision of the Board of Appeals shall be by resolution, ~~each of which shall contain a full record of the findings of the Board in the particular case.~~ in accordance with New York State Village Law § 7-712-a(9) as amended by Local Law 1-2008 of the Village.

SECTION 4. This local law shall take effect immediately upon filing with the Secretary of State.

Note: New words are underlined. Deletions are ~~struck out~~. Dotted . . . lines set off that portion of a section or subsection which is amended.