

**TOWN OF MOUNT MORRIS
LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that on December 15, 2022, there has been presented to the Town Council of the Town of Mount Morris, in the County of Livingston, proposed Local Law No. 1 For the Year 2023, a Local Law to establish a Joint Zoning Board of Appeals between the Town of Mount Morris and the Village of Mount Morris. The purpose of this Local Law is to create a Joint Zoning Board of Appeals between the Town of Mount Morris and Village of Mount Morris. The Joint Zoning Board of Appeals shall replace and abolish the Town of Mount Morris Zoning Board of Appeals.

THEREFORE, pursuant to statute the Town Board will hold a public hearing on said Local Law at 6:30 P.M. on January 19, 2023 at the Mount Morris Town Hall, 103 Main Street, Mount Morris, New York 14510, at which time and place all persons interested will be heard. A copy of the proposed Local Law is on file for public review at the Town Office of the Town of Mount Morris during normal business hours.

December 19, 2022
By Order of The Town Board
Chelsey Woodworth
Town Clerk
Mount Morris, New York

TOWN OF MOUNT MORRIS
Local Law No. 1
of the Year 2023

**A Local Law to Provide for the Establishment of a Joint Zoning Board of Appeals
between the Town of Mount Morris and the Village of Mount Morris.**

Be it enacted by the Town Board of the Town of Mount Morris as follows:

Title.

This Local Law shall be known as the Local Law to establish a Joint Zoning Board of Appeals between the Town of Mount Morris and the Village of Mount Morris, and which supersedes Section 48-12 of the Town of Mount Morris Code, as well as various applicable provisions throughout the entirety of the Code

Authority; Intent and Purpose; Creation, Appointment, and Organization of Joint Zoning Board of Appeals.

- A. Authority and Intent. This Local Law is intended to be consistent with and is adopted pursuant to the authority to enact zoning laws granted to the Town under the New York State Constitution, and the laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, § 2(c)(ii)(10); Municipal Home Rule Law § 10; and Statute of Local Governments § 10.
- B. Purpose and Creation. A Joint Zoning Board of Appeals is hereby created by the Town of Mount Morris and Village of Mount Morris and shall be known as the "Joint Zoning Board of Appeals", "Board of Appeals". Said Board of Appeals shall replace the Town of Mount Morris Zoning Board of Appeals previously amended by L.L. No. 1-1999. The previously created Town of Mount Morris Zoning Board of Appeals is hereby abolished.
- C. Matters Transferred to New Joint Zoning Board of Appeals. Upon the effective date of this Local Law, the existing Zoning Board of the Town of Town of Mount Morris shall be abolished and all matters currently pending before the Zoning Board shall be transferred to the new Joint Zoning Board of Appeals serving both the Town of Town of Mount Morris and the Village of Town of Mount Morris. The Board of Appeals shall have the same powers, authority, duties, and responsibilities as are set forth in the New York State Town Law and the New York Village Law, respectively, governing the presently separate zoning boards of the two jurisdictions. The Joint Zoning Board of Appeals shall be empowered and authorized to deal with such matters as would heretofore have come before the separate zoning boards of either municipality.
- D. Organization and Membership of the Joint Zoning Board of Appeals. The Joint Zoning Board of Appeals shall consist of seven members and two alternate members, who shall be appointed and serve as follows:
 - 1. The Board of the Town of Mount Morris shall appoint four (4) members of the Joint

Zoning Board of Appeals.

2. The Mayor of the Village of Mount Morris, subject to the approval of the Board of Trustees of the Village of Mount Morris, shall appoint three (3) members of the Joint Zoning Board of Appeals.
 3. Upon the expiration of the term of a member of the Joint Zoning Board of Appeals, that person or body which appointed the incumbent to the expiring term shall appoint his or her successor to a full five-year term. If a vacancy occurs other than by expiration of a term of office, that person or body which appointed the member who filled such office prior to the vacancy occurring shall appoint a successor for the balance of the term.
- E. Chairperson. The Town of Mount Morris Village Board of Trustees (the “Village Board”) and the Town Board of the Town of Mount Morris (the “Town Board”) shall annually and jointly select the Chairperson for the Joint Zoning Board of Appeals from the membership thereof. In the absence of such selection by the governing boards, such Joint Board of Appeals may select one of its members to serve as Chair.
- F. Appointments and Terms. Appointment of members of the Board of Appeals and the alternate members shall be as follows:
1. One member shall be appointed by each of the Town Board and the Village Board for an initial term of one year.
 2. One member shall be appointed by each of the Town Board and the Village Board for an initial term of two years.
 3. One member shall be appointed by each of the Town Board and the Village Board for an initial term of three years.
 4. One member shall be appointed by each of the Town Board for an initial term of four years.
 5. Upon the expiration of the initial term of any one member of the Joint Zoning Board, the term of such member shall thereafter be for a term or period of five years.
 6. One alternate member of the Board of Appeals shall be appointed by the Town Board, and one alternate member shall be appointed by the Mayor of the Village, with the approval of the Village Board of Trustees. The term of appointment of the alternate members of the Board of Appeals shall be for a term of two years.
- G. Minimum Training and Attendance Requirements for Board of Appeals Members.
1. Training. Each Board member is required to complete five (5) hours of training per calendar year for a total of twenty five (25) hours of training during each five-year term. Failure to comply with this requirement without good cause shall be grounds for removal from the Board.
 2. Attendance. Each Board member shall be required to attend 75% of the scheduled meetings in each calendar year. At the discretion of the remaining members of the Board of Appeals, failure to attend the required number of meetings without good cause may be grounds for removal from the Board. In addition, failure to attend three consecutive meetings without good cause may be grounds for removal from the Board.

Powers and Duties of Board of Appeals.

The Joint Zoning Board of Appeals shall have all the powers and duties prescribed by § 267-b of the Town Law and § 7-712-b of Village Law of the State of New York and by this chapter. These powers and duties are more particularly specified as follows:

- A. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- B. Permits for Special Uses. The Board of Appeals shall have the power to hear and decide upon application for special use permits, as specified in this Zoning chapter.
- C. Variances. The Board of Appeals may vary or adopt the strict application of any of the requirements of this Zoning chapter in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.
 - 1. No variance in the strict application of this chapter shall be granted by the Board of Appeals unless it finds:
 - i. That there are special circumstances or conditions fully described in the findings of the Board applying to such land or buildings and not applying generally to land or buildings in the neighborhood and that said circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings.
 - ii. That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance granted by the Board is the minimum variance that will accomplish this purpose.
 - iii. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - 2. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

Application 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, and available from the Zoning Officer. Every appeal or application shall refer to the specific provision of the 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.

Board of Appeals Office.

The office of the Town Clerk shall be the office of the Board of Appeals, and every rule, regulation, amendment, or repeal thereof and every order, requirement, decision or determination of the Board shall be filed in said office within five (5) business days as required by Section 267-a of the Town Law of the State of New York.

Notice of Board Hearings.

The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof by the publication in the official paper of a notice of such hearing at least five days prior to the date of the hearing. Notice shall be served upon the applicant and to the regional State Park Commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal at least five days prior to the date of the hearing. The Board shall also notify, in writing, all property owners directly adjacent to the property to be affected by said appeal.

Superseding Intent and Effect.

This Local Law shall supersede any inconsistent provisions of the Town Code, or all other local ordinances, laws, or resolutions of the Town of Mount Morris.

Severability.

If any provision of this Local Law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

Repealer.

All ordinances, Local Law and parts thereof inconsistent with this Local Law are hereby repealed.

Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.