

## **ARTICLE VII ADMINISTRATION**

### **Section 7.01 Purpose**

The purpose of this article is to ensure that all citizens and property owners are treated fairly, equally, consistently, and with justice, in accordance with the equal protection and due process provisions of state and federal laws and the Town's legally constituted comprehensive planning process.

### **Section 7.02 Appointment of the Code Enforcement Officer (CEO)**

This Zoning Ordinance shall be administered and enforced by a Code Enforcement Officer who shall be appointed by the Town Board. The Code Enforcement Officer shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive the requirements of this Ordinance.

### **Section 7.03 Duties of the Code Enforcement Officer**

**(A) Review and Approval.** The Code Enforcement Officer shall:

- (1) Have the power to review and approve all applications for a Building and Zoning Permit, Certificate of Occupancy, and Certificate of Compliance. No Building and Zoning Permit, Certificate of Occupancy or Certificate of Compliance shall be issued by him/her except where all the provisions of this Ordinance have been complied with.
- (2) As may be requested, review and make recommendations to the Planning Board, Zoning Board of Appeals and Town Board with regard to all applications for a Special Use Permit, Site Plan approval, Subdivision approval, and Planned Development (P-D) approval.
- (3) Review permits for proposed developments to ensure that all necessary permits have been obtained from those federal, state, county, or local government agencies from which prior approval is required.
- (4) As necessary, review proposed developments for compliance with the provisions of Town of Allegany Local Law No. 1-1987 entitled "A Local Law for Flood Damage Prevention."
- (5) **Temporary Permits.** The Code Enforcement Officer may issue a temporary use permit for the uses described in Section 5.02 of Article V in this Ordinance, in accordance therewith. The CEO may also issue other temporary permits as described in this Ordinance, in accordance with the regulations of the pertinent section.

- (B) **Report to Town Board.** The Code Enforcement Officer shall give a monthly report to the Town Board describing and enumerating all zoning actions that have been taken and all permits that have been issued.
- (C) **Inspection.** The Code Enforcement Officer shall be responsible for the overall inspection of all site improvements including coordination with the Planning Board, the Zoning Board of Appeals, the Town Board and other officials and agencies, as appropriate.
- (D) **Supervision.** The Code Enforcement Officer shall coordinate all zoning procedures and requirements with Town officials and agencies that are involved in matters that affect Town zoning.
- (E) **Referrals of Applications.** The Code Enforcement Officer shall make the following referrals, including all information submitted with the applications:
- (1) All applications for Special Use Permit, Site Plan approval, and Subdivision approval shall be referred to the Planning Board for its action.
  - (2) All applications for Zoning Amendments and Planned Development (P-D) Districts shall be referred to the Town Board.
  - (3) All applications for variances and all requests for interpretations of this Ordinance shall be referred to the Zoning Board of Appeals.
- (F) **Enforcement.** The Code Enforcement Officer shall have the authority to investigate and enforce alleged or suspected violations of this Zoning Ordinance, as described in Article X, Enforcement, Penalties and Other Remedies.
- (G) **Public Record.** The Code Enforcement Officer shall keep a complete file of all applications, permits, orders, certificates, requirements and decisions affecting each and every application filed with the Town pursuant to his/her duties under this Ordinance. It shall be his/her responsibility to ensure that a complete public record of all zoning actions is available, including approvals and denials for Building Permits.

#### **Section 7.04 Procedures for Obtaining a Building and Zoning Permit, Certificate of Occupancy and Certificate of Compliance**

- (A) **Relationship Between Zoning and the Uniform Code.** The Zoning Ordinance provides regulations relating to land use, location, bulk and coverage of structures. The New York State Uniform Fire Prevention and Building Code provides regulations concerning structural content and fire safety. This Zoning Ordinance complements the Uniform Code.

**(B) Building and Zoning Permit**

- (1) ***Applicability and Intent of a Building and Zoning Permit.*** The provisions of this Ordinance shall control the issuance of the Building and Zoning Permit. This permit certifies that the proposed use is appropriate for its class of use and geographic location, as defined in the Zoning Ordinance, and does not violate any of the provisions of this Ordinance, in addition to compliance with NYS Uniform Fire Prevention and Building Code requirements.
- (2) ***Application.*** All persons desiring to undertake any new construction, structural alterations, or changes in the use of a building or lot shall apply to the Code Enforcement Officer for a Building and Zoning Permit.
- (3) ***Information Necessary for Application.*** All applications for a Building and Zoning Permit shall include two copies of a layout or plot plan drawn to an indicated scale with north arrow, showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, with all front, rear and side yard measurements clearly indicated, and the nature and definite purpose of the building or use, and such other information as may be necessary to determine that the proposal complies with the provisions of this Ordinance.
- (4) ***Criteria for issuance of a Building and Zoning Permit***
  - (a) **Adjoining Properties Not Included.** A Building and Zoning Permit shall not be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
  - (b) **Water Supply and Sewage Disposal.** All water supply and sewage disposal installations and systems shall conform with New York State and Cattaraugus County Health Department regulations. No Building and Zoning Permit shall be issued by the Code Enforcement Officer unless such system is approved by the Cattaraugus County Health Department, where required.
  - (c) **Drainage.** Drainage affecting adjacent properties shall be considered by the Code Enforcement Officer before issuing a Building and Zoning Permit.
  - (d) **Zoning Ordinance.** The Code Enforcement Officer shall not issue a Building and Zoning Permit unless such use or structure complies with the provisions of this Ordinance.

- (5) **Decision.** The Code Enforcement Officer shall review the application for Zoning Permit and issue a determination within a reasonable timeframe from the date of receipt of a complete application.
- (a) **Issuance of Permit.** If the Code Enforcement Officer determines that all requirements of this Ordinance are satisfied, or upon order by the Planning Board or Zoning Board of Appeals, the Code Enforcement Officer shall issue a Building and Zoning Permit, provided that all other reviews and actions, if any are called for in this Ordinance, have been complied with and all necessary approvals have been obtained.
- (b) **Referral of Permit.** If the Code Enforcement Officer determines that the proposed project requires a Special Use Permit and/or Site Plan Review, he/she shall refer the application to the Planning Board and shall so notify the applicant. In this instance the Code Enforcement Officer shall take no action on the Building and Zoning Permit application until the Planning Board has made a determination and notified the Code Enforcement Officer of that determination. That notification shall include a copy of the Planning Board's Notice of Decision, which shall contain all conditions of approval, if any. Applicable conditions of approval shall be satisfied prior to the issuance of the Building and Zoning Permit.
- (c) **Denial of Permit.** When the Code Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this Ordinance, he/she shall deny the application for a Building and Zoning Permit. The applicant may appeal the CEO's decision to the Zoning Board of Appeals.
- (6) **Notification.** After a Building and Zoning Permit is issued or denied, one copy of the Permit, or letter of denial, shall be sent to the applicant. The application and a copy of the decision shall be retained by the Code Enforcement Officer and shall become a public record.
- (7) **Expiration of Zoning Permit.** A Building and Zoning Permit shall expire one (1) year from date of issuance, if the applicant fails to start action on the project.
- (8) **Commencement of Action.** The applicant shall keep a copy of the Building and Zoning Permit conspicuously displayed on the premises whenever construction work is being performed. No owner, contractor, workman or other person shall perform any building operations of any kind unless a Building and Zoning Permit covering such operation is displayed, nor shall they perform building operations of any kind after notification of the revocation of said Building and Zoning Permit.
- (9) **Revocation of Permits.** If it shall appear, at any time, to the Code Enforcement Officer that the application or accompanying plot is in any material respect false or misleading, or that the work being done upon the premises is materially different from that called for in the application, he may revoke the Building and Zoning Permit,

whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Code Enforcement Officer. After the Building and Zoning Permit has been revoked, the Code Enforcement Officer, in his discretion, before issuing a new Permit, may require the applicant to file an indemnity bond in the favor of the Town with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

**(C) Certificate of Occupancy or Certificate of Compliance**

- (1) Upon completion of the construction or other action permitted in the Building and Zoning Permit, the applicant shall apply to the Code Enforcement Officer for a Certificate of Occupancy or a Certificate of Compliance. No premises shall be occupied until either a Certificate of Occupancy or a Certificate of Compliance has been issued.
- (2) Where the action permitted by the Building and Zoning Permit results in occupancy of a building, the applicant shall apply for a Certificate of Occupancy. Upon a determination by the Code Enforcement Officer that the project, as completed, complies with the Building and Zoning Permit, he/she shall issue the Certificate of Occupancy.
- (3) Where the action permitted by the Building and Zoning Permit does not result in the occupancy of a building (for example, a cell tower), the applicant shall apply for a Certificate of Compliance. Upon a determination by the Code Enforcement Officer that the project, as completed, complies with the Building and Zoning Permit, he/she shall issue the Certificate of Compliance.
- (4) The issuance of a Certificate of Occupancy or a Certificate of Compliance certifies that all the applicable requirements of the Zoning Ordinance have been met, including site features on a site plan approved by the Planning Board and any conditions of approval imposed by the Zoning Board of Appeals and/or the Planning Board and that all applicable requirements of the NYS Uniform Fire Prevention and Building Code have been met.

## **Section 7.05 Planning Board**

**(A) Creation.** The Town Board has heretofore appointed a Town Planning Board in accordance with Article 16 of the Town Law.

### **(B) Membership and Organization**

- (1) The Planning Board shall consist of five (5) members.
- (2) The terms of office shall be five (5) years. All appointments thereafter shall be for terms of five years, beginning with the expiration of each previous member's appointment. All terms of office shall expire at the end of the calendar year.
- (3) If a vacancy shall occur otherwise than by expiration of term, the new member shall be appointed for the unexpired term.
- (4) No member of the Planning Board shall hold other elective or appointive office in the Town government.
- (5) The Town Board shall annually designate a chairperson from the Planning Board members to serve for one year or the remaining term of office.
- (6) The members of the Planning Board shall be removable for cause by the Town Board, upon written charges and after public hearing.

**(C) Powers and Duties.** The Planning Board shall have the authority to perform the following duties:

- (1) Prepare and develop a comprehensive plan for the Town of Allegany, including but not limited to recommending improvements and amendments to the Town's adopted comprehensive plan. The Planning Board shall have the authority to make investigations and prepare maps, reports and recommendations in any matter related to planning and development as it deems desirable, providing that expenditures of the Planning Board do not exceed appropriations. The Planning Board shall work in cooperation with the Code Enforcement Officer, the Zoning Board of Appeals, the Town Board, community groups and private sector organizations, and other local, state and federal agencies as may be necessary to secure successful results in the comprehensive planning process.
- (2) Study and review plans, programs or projects with respect to all matters related to the planning and development of the Town, the regulation of land use within the Town, housing development, conservation of the environment, capital programming, and economic development.

- (3) Study and report to the Town Board with respect to plans, programs and projects that may be referred to it by the Town Board and submit a report within such time as the Town Board may prescribe.
- (4) Review and decide upon each application for a Special Use Permit, as authorized in Article VIII of this Ordinance.
- (5) Review and decide upon each application for Site Plan, as authorized by Article IX of this Ordinance.
- (6) Review and decide upon each application for Subdivision, as authorized by the Land Division Regulations of the Town of Allegany. Pursuant to Section 278 of New York Town Law, the Planning Board is authorized to approve a cluster development simultaneously with the approval of a subdivision plat.
- (7) Review and make a recommendation, upon referral from the Town Board, for any proposed Planned Development (P-D) District and associated Development Plan, as authorized in Article IV of this Ordinance.
- (8) Review and comment on all proposed zoning amendments, as authorized by Article XI of this Ordinance.
- (9) Review and make a recommendation, upon referral from the Town Board, for any applications for Incentive Zoning, as authorized in Section 1.09 of this Ordinance.
- (10) Render assistance to the Zoning Board of Appeals at its request.

**(D) Procedure and Operations**

- (1) The Planning Board, subject to the provisions of Town Law and this Ordinance, may adopt written rules of procedure, by-laws, and forms as it may deem necessary for the proper execution of its duties.
- (2) The Planning Board in its operations shall incorporate the following procedures:
  - (a) The Planning Board shall convene on a regular monthly meeting date, and may hold special meetings as needed to conduct business in a timely manner.
  - (b) The Planning Board shall report monthly to the Town Board on all Planning Board business.
  - (c) The Planning Board may call upon any department, agency, employee of or consultant to the Town for any assistance as shall be deemed necessary and as shall be authorized by the Town Board.



- (d) Documentation of Proceedings. The Planning Board shall keep minutes of each of its meetings. The minutes shall contain written findings for each decision, describing the factors considered by the Board in reaching its decision and showing the vote of each member on every application. If a member is absent or abstains from voting the minutes shall indicate such fact. The Planning Board shall approve the minutes and file them with the Town Clerk.
- (e) Quorum and Majority Vote. A quorum shall consist of three members of the five-member Planning Board. Three votes shall be necessary to decide in favor of any applicant or upon any matter upon which said Board is required to pass under the provisions of this Ordinance.
- (f) Each member present at any meeting of the Board shall have a vote on every question brought before the Board for its consideration.

## **Section 7.06 Zoning Board of Appeals**

### **(A) Organization**

- (1) The Town Board, Town of Allegany, pursuant to the provisions of the Town Law applicable thereto, appointed on January 6, 1971, a Zoning Board of Appeals consisting of five members. The terms of office shall be five years. All terms of office shall expire at the end of the calendar year.
- (2) If a vacancy shall occur otherwise than by expiration of term, the new member shall be appointed for the unexpired term.
- (3) No member of the Board of Appeals shall hold other elective or appointive office in the Town government.
- (4) The Town Board shall annually designate a chairperson from the ZBA members to serve for one year or the remaining term of office.
- (5) The members of the Board of Appeals shall be removable for cause by the Town Board, upon written charges and after public hearing.
- (6) The Board of Appeals, subject to the provisions of Town Law and this Ordinance, may adopt written rules of procedure, by-laws, and forms as it may deem necessary for the proper execution of its duties. The Board of Appeals may call upon any department, agency, employee of or consultant to the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.
- (7) The Board of Appeals shall keep minutes of each of its meetings. The minutes shall contain written findings for each decision, describing the factors considered by the Board in reaching its decision and showing the vote of each member on every



application. If a member is absent or abstains from voting the minutes shall indicate such fact. The Board of Appeals shall approve the minutes and file them with the Town Clerk.

- (8) Quorum and Majority Vote. A quorum shall consist of three members of the five-member Board. Three votes shall be necessary to decide in favor of any applicant or upon any matter upon which said Board is required to pass under the provisions of this Ordinance.
- (9) Each member present at any meeting of the Board shall have a vote on every question brought before the Board for its consideration.

## **(B) Powers and Duties**

Without limiting the powers with which the Board is vested by Sections 267, 267-a or 267-b of the Town Law, the Zoning Board of Appeals shall have the power and authority to hear and decide appeals from, and review any order, requirement, decision, or interpretation made by the Code Enforcement Officer.

### **(1) Interpretation**

- (a) The Zoning Board of Appeals shall have the power and authority to decide any question involving the interpretation of any provision of this Ordinance.
- (b) The Zoning Board of Appeals shall have the power and authority to decide the exact location of any zoning district boundary if there is uncertainty with respect thereto. In making this determination, the Board shall rely upon the provisions contained in Article III of this Ordinance.
- (c) Pursuant to Section 4.02(B) of this Ordinance, The Zoning Board of Appeals shall have the power and authority to determine whether a particular land use is allowed as a permitted or special permitted use. That determination will be based upon whether a use is similar to uses permitted in Section 4.02, Schedule A, using the criteria below. This determination shall be considered as an interpretation of the use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be included in the enumeration of uses permitted by right or as special permitted uses. In making a determination that a use is similar, the Zoning Board of Appeals shall first determine that:
  - i. The use is not listed in any other classification of permitted or special uses.
  - ii. The use is similar in nature and scale to the Permitted and Special Permitted uses that are listed in Schedule A, Section 4.02 and conforms to the basic characteristics of the classification to which it is to be added.

- iii. The use does not create dangers to health and safety and does not create offensive noise, vibration, waste material, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than those resulting from other uses listed in the classification to which it is to be added.
- iv. The use does not create traffic volumes to a greater extent than the other uses listed in the classification to which it is to be added.

(2) *Use Variances*

- (a) The Zoning Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant use variances.
- (b) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located that:
  - i. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and
  - ii. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
  - iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - iv. that the alleged hardship has not been self-created.
- (c) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) *Area Variances*

- (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant area variances.
- (b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or

community by such grant. In making such determination the Zoning Board of Appeals shall also consider:

- i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - iii. Whether the requested area variance is substantial;
  - iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
  - v. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (c) If the Zoning Board of Appeals, in its discretion, shall grant an area variance, it shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (4) ***Imposition of conditions.*** The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intention of this Ordinance and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- (5) ***Revocation.*** After a hearing, the Zoning Board of Appeals may revoke any decision to grant a use or area variance, if the current owner or operator fails to comply with any conditions of approval. Prior to a public hearing on this issue, the Code Enforcement Officer shall pursue abatement of the failure to comply as a violation in accordance with Article X of this Ordinance.

### **(C) Procedure for Appeals**

- (1) Each order, requirement, decision, interpretation or determination of the Code Enforcement Officer shall be filed, in writing, in his/her office within five business days from the day it is rendered, and shall be a public record.
- (2) Any party aggrieved by a decision of the Code Enforcement Officer shall have sixty (60) days after the filing of such order, requirement, decision, interpretation or determination to file an appeal with the Zoning Board of Appeals.

- (3) All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by said Board. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted.
- (4) Within 62 days after receipt of a complete application for an appeal or request for interpretation, the Zoning Board of Appeals shall hold a public hearing on the matter. At the hearing, any person may appear in person, by agent or by attorney. Notice of the public hearing shall be provided in the following manner:
  - (a) *For all variances and interpretations*, the Town shall publish the notice of public hearing in the Town's official newspaper at least five (5) days prior to the date scheduled for the public hearing.
  - (b) For a *use variance and for an area variance*, the Town shall mail notices of the public hearing to the owners of all lands within a radius of five hundred (500) feet of the perimeter of the property for which the variance is being requested. Such notices shall be mailed to the property owner of record at the address shown on the current tax assessment roll and shall be postmarked at least 10 days prior to the date scheduled for the public hearing.
  - (c) For all appeals that meet the requirements contained in Section 239-m of the General Municipal law, the Town shall mail notice of such hearing to the Cattaraugus County Planning Board. Such notice shall be mailed at least five (5) days prior to the hearing.
- (5) The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after the close of the hearing at which the matter was considered. The time within which the board must render its decision may be extended by mutual consent of the applicant and the board.
- (6) Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of said Board in the particular case.
- (7) Every decision of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is made and shall be a public record. A copy of the decision of the Zoning Board of Appeals shall be mailed to the applicant within five (5) business days of the decision.

**(D) Expiration of Grant of Variance**

- (1) A variance shall expire one (1) year from the date of approval if a building permit has not been issued or if use of the property in accordance with the grant of variance has not commenced, in cases where a building permit is not needed. The Zoning Board of

Appeals may grant an extension of the variance for up to one additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction or operation, such as inclement weather, delays in financing, or similar factors. The applicant shall apply to the Zoning Board of Appeals for such extension, prior to the expiration of the grant of variance. The extension of the grant of variance is deemed to be a *de minimus* action that does not require a public hearing. However, the Board of Appeals may choose to hold a public hearing prior to any such extension of the grant of variance.

- (2) A use variance shall expire if the use of the property in accordance with the grant of a variance shall cease continuously for one (1) year.
- (3) Nothing in this section shall be construed to prohibit the Zoning Board of Appeals from requiring, as a condition of approval, that a variance be renewed periodically.

## **Section 7.07 Mandatory Referrals to County Planning Board**

### **(A) Applicability**

- (1) In accordance with the laws of New York State, all proposed comprehensive plans, zoning regulations, special use permits, site plans, use variances and area variances, and amendments thereto, shall be referred to the Cattaraugus County Planning Board for its review and comment prior to final action by the local Board, whenever such proposed action applies to real property that is located within five hundred (500) feet of the following features:
  - (a) the boundary of any city, village, or town
  - (b) the boundary of any existing or proposed county or state park or any other recreation area
  - (c) the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway
  - (d) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines
  - (e) the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated
  - (f) the boundary of a farm operation located in an agricultural district, as defined by Article twenty-five-AA of the agriculture and markets law, except that this requirement shall not apply to area variances.
- (2) Notwithstanding the above sub-section, an application need not be referred to the

County Planning Board if it is exempt from referral pursuant to the *Referral Exemption Agreement between Cattaraugus County Planning Board and the Town of Allegany*, dated March 7, 2013. (See Appendix A).

**(B) County Review.** The Cattaraugus County Planning Board shall have thirty (30) days from date of County receipt to take action on the matter. By mutual agreement of the County and Town, such 30-day period may be extended in special cases.

**(C) Effect of County Planning Board Review**

- (1) If the County Planning Board has no objection to a referred action, then the decision of the Town Board, Zoning Board of Appeals or Planning Board shall be governed by a majority vote.
- (2) If the County disapproves or approves subject to stated conditions or modifications, the Town Board, Planning Board or Zoning Board of Appeals may override the County determination only by a majority plus one vote.

**(D) Report on Final Local Action.** The Town Board, Zoning Board of Appeals, or Planning Board shall send to the County Planning Board a copy of its final decision and reasons for such decision on a referred action within thirty (30) days after the local decision is reached.

## **Section 7.08 State Environmental Quality Review (SEQR)**

All applications for approvals pursuant to this Zoning Ordinance shall be subject to the requirements of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law), and the New York State rules and regulations which implement the Act, known as Part 617 of Title 6 of the New York State Code of Rules and Regulations.