



City of Albany Board of Zoning Appeals Rules of Procedure

Article 1 - Authority

- 1.1 These rules may be cited as the City of Albany Board of Zoning Appeals Rules of Procedure.
- 1.2 The rules shall be effective upon adoption by a majority of the members of the Board, signed by the Chair of the Board, and filed with the office of the City Clerk.
- 1.3 These rules, and any subsequent amendments, will be subject to review and comment by the City of Albany Common Council.
- 1.4 These rules may be amended in the same way as the initial adoption.

Article 2- Membership

- 2.1 Selection and membership shall be as stipulated in §375-11 and §375-12 of the City Code and § 301(e) of the City Charter.
- 2.2 The Chairperson shall be appointed by the Mayor.
- 2.3 A Vice-Chairperson shall be selected by a majority vote of the Board and shall preside over meetings in the absence of the Chairperson.

Article 3- Member Training

- 3.1 In accordance with NY General Municipal Law, Board of Zoning Appeals members are required to obtain four (4) hours of suitable training per year. The training shall be certified by the Planning Director and filed with the City Clerk. If a member completes in excess of four (4) hours in one year, the excess training may be counted towards the next year's requirement.

Article 4- Agenda Preparation and Delivery, Planning Department Duties

- 4.1 Planning Staff shall, upon receipt, assess applications for completeness in accordance with §375-15 and §375-18 of the City Code.
- 4.2 For all meetings, Planning Staff shall prepare an agenda setting forth the time and place of the meeting and a brief general description of each item of business to be

transacted or discussed at the meeting. Items to be included on the agenda must be submitted to the Planning Department no later than the date established by the Department.

4.3 Planning Staff shall distribute the agenda to the designated representatives of each neighborhood association, members of the Common Council, City staff, and any interested member of the public that requests in writing that they be added to the distribution list. The agenda shall be distributed no less than one (1) week prior to the meeting and posted on the City website, at the Department of Development Planning, and in the City Hall Rotunda.

4.4 Planning Staff shall provide each Board member with an agenda, and a staff report containing pertinent facts, information and recommendations, as well as exhibits and any other pertinent material, for each item on the agenda. Applications shall be available for public review at the Department of Development and Planning Office during normal business hours.

4.5 Planning Staff shall be responsible for the maintenance of Board minutes and records as per New York State Open Meetings Law.

4.6 Minutes shall be made available to the public for a fee, if a fee is incurred in the transcription of said minutes.

Article 5- Duties of Members

5.1 The Chairperson shall preside over meetings and shall be responsible for conduct and decorum of the meeting. The Chairperson shall have the responsibility to ensure that all parties receive a full and fair hearing before the Board.

5.2 It is incumbent upon every member to review agendas in advance of meetings and to advise the Planning Department when (a) they expect to be late or unable to attend, or (b) when they expect to recuse themselves from an agenda item.

Article 6- Meeting Conduct, Voting, Decision

6.1 Unless modified by vote, the Board shall follow the following Order of Business:

- a) Call to order/Roll call
- b) Consideration of current agenda items
- c) Consideration of pending items
- d) Discussion items
- e) Adjournment

6.2 Under normal circumstances in which the Board is first considering an application for appeal, the applicant shall be recognized for attendance; a presentation by the applicant;

questions by Board members; questions/input from the public; a rebuttal, if desired by the applicant; staff comments; and further questioning of the Board when necessary.

6.3 All voting shall be by roll-call vote. Upon being called by the Chairperson, each member of the Board who is present and qualified to vote shall state either “aye,” “no,” or “abstain.” Each response of “aye,” “no,” or “abstain” shall be entered into the record of the meeting by Planning Department staff.

6.4 No motion shall be carried by less than four (4) affirmative votes of the Board.

Article 7- Meetings Open to Public, Information from the Public

7.1 All Board of Zoning Appeals meetings shall be open to the public and held in accordance with the requirements of the New York State Open Meetings Law. Legal Notice shall be published and distributed as stipulated in §375-19.

7.2 The Board may prescribe procedures for registration of speakers and shall require that each person come forth and state the following information:

- (a) name
- (b) address, and
- (c) person or organization he/she represents

7.3 The presiding Board member may announce reasonable time limitations and registration requirements for speakers so that all may have an opportunity to be heard.

Article 8- Meeting, Special Meeting, Place; Hours

8.1 The Board shall adopt an annual meeting schedule for each calendar year.

8.2 Special meetings of the Board may be held at the call of the Chairperson or by a majority of Board members upon vote. Special meetings shall conform to all the requirements stipulated herein for regular meetings.

8.3 Meetings may be recessed to a time and place certain as a continuation of said meeting without further notice.

8.4 All meetings shall be held in the Common Council Chambers on the second floor of City Hall unless the Board shall vote to meet at some different place for a particular meeting, provided however that all public hearings shall commence no earlier than 5:30 p.m.

Article 9- Standards of Conduct

9.1 Members shall abide by Article 4 § 74 of New York State Public Officers Law (Laws 1909, Chap. 51).