

By-Laws
Variance Committee
for
The Cayuga County Board of Health

Article I

Name of Committee

Section 1. The name and title of this committee shall be the Variance Committee for the Cayuga County Board of Health.

Article II

Purpose

Section 1. The variance committee serves for the Board of Health in entertaining requests for variances to the Cayuga County Sanitary Code. The variance committee, after reviewing the request, may recommend to the Board of Health that a waiver be issued. The Board of Health will review the decisions of the variance committee at its monthly meetings and approve its decisions.

Article III

Membership

Section 1. The Variance Committee for the Cayuga County Board of Health shall consist of three full-time members and one alternate.

1. The members and alternates of the Variance Committee for the Cayuga County Board of Health shall be property owners in Cayuga County.
2. The members and alternates of the Variance Committee for the Cayuga County Board of Health shall not be employees of the County Health Department nor be a provider of septic tank services.

3. The members and alternates of the Variance Committee for the Cayuga County Board of Health shall be appointed by the Board of Health.

Section 2. Beginning in 1999, the term of office of each new member of the variance committee for the Board of Health shall be three years, to expire December 1, unless terminated by the Board of Health or upon resignation by the member. The terms of office of each member are staggered, so that one member's term expires each year.

Beginning in 1998, the term of office of each alternate of the Variance Committee for the Board of Health shall be one year to expire December 1, unless terminated by the Board of Health or upon resignation by the member.

When the member's term expires, December 1 of the end of the third year, the appointed alternate will become a member and a new alternate will be appointed.

The term of the 3 current members in 1998 will be set as follows: one member will be appointed to serve a 1 year term, one member will be appointed to serve a 2 year term, and one member will be appointed to serve a 3 year term.

Vacancies shall be filled by appointment by the Board of Health for the unexpired terms.

The Board of Health may terminate a member's appointment with one month's notice. Terminations will be made in writing from the Board of Health.

Resignations shall be in writing to the President of the Board of Health.

Article IV

Officers

Section 1. The Officers of the Committee shall consist of a Chairperson, Vice-Chairperson, and a Secretary. The committee members will be appointed to these positions by the President of the Board of Health.

- Section 2. The Chairman shall preside at all meetings of the Committee. He shall sign all recommendations in the name of the Committee.
- Section 3. The Vice-Chairman shall, in the absence of the Chairman, perform the duties of that officer.
- Section 4. The Secretary shall make and preserve minutes of all meetings of the committee, regular or special. He/she shall conduct its correspondence, issue notices of meetings, send copies of the minutes of regular or special meetings and the decisions rendered within 10 business days following such meeting, to each member of the Board of Health and shall, if requested by the President of the Board of Health, make a report to the Board of Health. The Board of Health will provide the staff to assist in the preparation of the minutes and correspondence and in the general clerical duties of the committee.

Article V

Operation and Responsibilities

- Section 1. The Operation and responsibilities of the Variance Committee for the Board of Health shall be governed by the New York State Public Health Law, the New York State Sanitary Code, and the Cayuga County Sanitary Code.

Article VI

Rules of Order

- Section 1. The deliberations of the Board shall be governed by parliamentary usage as contained in Robert's "Rules of Order" when not in conflict with the Laws of the State of New York, the New York Sanitary Code, or the Cayuga County Sanitary Code.

Article VII

Meetings

- Section 1. All regular meetings of the Agency shall be held at the Cayuga County Office Building or such place as designated by the Chair, or in his absence, by the Vice-Chair on the first Wednesday of the month

if any requests for variances have been submitted to the Committee for their consideration.

Section 2. Special meetings may be held at any time or place, on twenty-four hours notice to each member of the committee. Special meetings may be called by the Chair, or in his absence, the Vice Chair, or by the President of the Board of Health.

Section 3. Quorum shall consist of 2 members of the committee. If a member cannot make a regularly scheduled or special meeting, that member will contact an alternate to attend in his absence. The alternate may vote when serving for a member.

Section 4. Alternates may attend any meeting of the committee. They will not be allowed to vote unless they are serving for one of the regular members due to that member's absence.

Article VIII

Duties

Section 1. The Variance Committee may recommend a variance from the requirements of the Cayuga County Sanitary Code if the Variance Committee finds that the essential purpose of these regulations, namely the protection of public health and water quality, will be accomplished even if the variance is created. The Variance Committee shall consider the following factors and make applicable findings regarding:

1. Whether the use or activity to be authorized by the waiver or variance is in harmony with the purpose and intent of this Article.
2. Whether a substantial change will be produced in the general condition of the water quality or a substantial risk to groundwater quality or quantity will be created because of the variance.
3. Whether the hardship or difficulty can be alleviated by some other method that is feasible for the applicant to pursue.
4. Whether the variance requested is the minimum

variance necessary to afford relief. To this end, the Variance Committee may recommend a lesser variance than that applied for.

5. Whether the hardship or difficulty has been created by the applicant.

Section 2. The Variance Committee shall act on all requests within a reasonable time of receipt of a properly prepared variance application.

1. Every decision of the Variance Committee to approve, approve with conditions, or deny a variance request shall be made in writing and shall include findings made regarding the aforementioned applicable factors. All conditions shall be expressly set forth and the reasons for such conditions specified. Violations of the conditions of a variance shall be a violation of these Rules and Regulations.
2. The issuance of a variance shall not authorize the establishment or extension of any use nor the construction of any structure but shall merely authorize the filing of an application for any permit or approval that may be required.

Article IX

Amendment of Bylaws

Section 1. Bylaws may be amended by the Board of Health.

NOV1197