

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of

North Castle

Town

Village

Local Law No. _____ of the year 2015

A local law to amend the mailing Requirements for Public Hearings

(Insert Title)

Be it enacted by the _____ of the

Town Board
(Name of Legislative Body)

County

City

of

North Castle

as follows:

Town

Village

Section 1. Amend Section 80-5.D of the Town Code as follows:

Notice of hearing shall be sent by ~~certified mail, return receipt requested, first class mail~~ to all property owners within a distance of two hundred fifty (250) feet of the property lines on both sides of the street on which the property fronts and to adjoining property owners or owners to the rear of the property affected. In addition, the Town Board shall give any other notice required by law. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817).

Section 2. Amend Section 83-4.L(3) of the Town Code as follows:

Notice of hearing shall be sent by ~~certified mail, return receipt requested, first class mail~~ to all property owners within a distance of 250 feet from all sides of the property. In addition, the Town Board shall give any other notice required by law. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817).

Section 3. Amend Section 126-13 of the Town Code as follows:

Upon receipt of a nomination report of the LPC, the Town Board shall call a public hearing to consider whether or not the Town Board should, by resolution, establish a designation. Such public hearing shall be held within 60 days from the receipt of the LPC's report, which hearing shall be advertised in a newspaper having general circulation in the Town at least 20 days prior to the date of such hearing. Written notice of such hearing shall be sent, ~~by certified mail, return receipt requested~~ first class mail, to the present owner(s) of the property directly affected by such hearing and to all property owners, as appear on the latest tax roll of the Town, within a two-hundred-foot distance from the boundary of the property affected by the proposed designation. The latest assessment roll on file in the office of the Assessor shall be conclusive as to the name(s) of the owner(s) of the property. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817).

Section 4. Amend Section 209-7 of the Town Code as follows:

No sooner than 30 days and not later than 60 days after receipt of a complete application by the Planning Board, the Planning Board shall hold a public hearing on such application. Where the approval authority is the Building Inspector in consultation with the Town Wetland Consultant, then no public hearing shall be required. Notice of such hearings shall be given in the same manner as prescribed for the approval of plats under § 276 of the Town Law, and in addition, the applicant shall notify all abutting property owners of record. Such service shall be made by ~~certified first class mail, return receipt requested~~. Such mailing shall be made at least five business days before the date set for hearing. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817). All applicants, maps and documents relating thereto shall be open for public inspection at the offices of the Planning Department. At such hearing, any person or persons having an interest may appear and be heard.

Section 5. Amend Section 213-22.2.H(2)(b) of the Town Code as follows:

Following receipt of the Architectural Review Board's report and recommendations, the Planning Board shall schedule the application for discussion at a public meeting. The applicant shall be responsible for sending notice of such meeting, by ~~certified first class mail, return receipt requested~~, to all owners of neighboring properties within 250 feet if located in an R-3/4A or smaller minimum lot size zoning district and within 500 feet if located in an R-1A or larger minimum lot size zoning district. Such notice shall indicate the street address and tax lot number of the subject premises; the nature of the proposed application (including height and gross floor area of the proposed dwelling, lot area and any variances which will be required); the date, time and place of the Planning Board meeting; and the name, address and telephone number of the applicant. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817).
~~The applicant shall be responsible for submitting all return receipts to the Planning Board prior to the opening of discussion of the application at the Planning Board meeting~~

Section 6. Amend Section 213-29.C of the Town Code as follows:

Notice of hearing shall be sent by ~~certified first class mail, return receipt requested,~~ to all property owners within a distance of 250 feet of the property lines on both sides of the street on which the property fronts and to adjoining property owners or owners to the rear of the property affected. In addition, the Board shall give any other notice required by law. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817).

Section 7. Amend Section 213-33.K(13)(a) of the Town Code as follows:

A public hearing shall be held by the Planning Board in accordance with the same requirements as set forth in § 213-39. The applicant shall be responsible for the publication of notice in official Town newspapers and shall mail to all other required recipients a copy of the public hearing notice by ~~registered or certified first class mail, return receipt requested. All such return receipts shall be returned to the office of the Building Inspector, who shall also receive from the applicant a separate typewritten list of all such required recipients at least 12 days prior to the date of the public hearing.~~ Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817). The notice of public hearing shall bear the signed approval of the Building Inspector and shall be maintained as part of Town records of the accessory apartment application. Following approval of the public hearing notice text, the Building Inspector shall be responsible for publication in official Town newspapers. Following the close of such public hearing, the Planning Board shall approve, conditionally approve or disapprove on the special permit application, in accordance with the schedule and requirements of § 213-30. The applicant may grant extensions of any review period to the Planning Board.

Section 7. Amend Section 213-35.1.B of the Town Code as follows:

Notice of hearing shall be sent by ~~certified first class mail, return receipt requested,~~ to all property owners within a distance of 250 feet of all property lines. In addition, the Board shall give any other notice required by law. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817).

Section 8. Amend Section 213-66.B(2) of the Town Code as follows:

Notice of hearing shall be sent by ~~certified first class mail, return receipt requested,~~ to all property owners within a distance of 250 feet of the property lines of the applicant. In addition, the Board shall give any other notice required by law. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817).

Section 9. Amend Section 213-68.E(2) of the Town Code as follows:

If a petitioner exists, notice of the hearing shall be sent by ~~certified first class mail, return receipt requested,~~ to all property owners within a distance of 250 feet of the property lines on both sides of the street on which the property fronts and to adjoining property owners or owners to the rear of the property affected. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817). In those instances where the Town Board is acting on its own motion and without petition and the proposed action is in accord with the Town's adopted Comprehensive Plan, the Town Board shall determine whether the mailing of notices shall be required.

Section 10. Amend Section A216-15.G(1) of the Town Code as follows:

Notice of the public hearing shall be advertised at least once in the official Town newspaper(s) at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith, and all property owners of record within a distance of 500 feet from the boundary of the property proposed to be subdivided (200 feet when measured completely within the R-10, R-5 and R-2F Districts) shall be mailed, ~~by registered or certified mail, copies of such notice, return receipt requested.~~ Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817) ~~All such return receipts shall be presented to the office of the Planning Board,~~ along with a separate typewritten list of all required recipients, prior to the date of the public hearing. The notice of public hearing shall bear the signed approval of the Planning Board Secretary and shall be maintained as part of the Town's records of the proposed subdivision.

Section 11. Amend Section A216-16.E(4) of the Town Code as follows:

The applicant shall be responsible for the publication notice in the official Town newspaper and shall mail to all other required recipients a copy of the public hearing notice by ~~registered or certified first class mail, return receipt requested.~~ Proof of mailing to all required property owners shall be demonstrated by providing the Town with a Certificate of Mailing (PS Form 3817) ~~All such return receipts shall be returned to the office of the Planning Board Secretary, who shall also receive from the applicant along with~~ a separate typewritten list of all such required recipients at least 12 days prior to the date of the public hearing. The notice of the public hearing shall bear the signed approval of the applicant or the applicant's appointed representative and shall be maintained as part of the Town records for the proposed subdivision. Following approval of the public hearing notice text, the ~~Planning Board Secretary~~ Applicant shall be responsible for publication in the official Town newspaper.

Section 12. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 13. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 14. Effective Date.

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

Dated: _____, 2015

F:\PLAN6.0\Local Law Revisions\Public Hearing Notice Amendments\Legislation.doc