

VILLAGE OF CHESTNUT RIDGE LOCAL LAW NO. "B" of 2022 (v.4)

A LOCAL LAW AMENDING THE VILLAGE CODE TO REQUIRE NOTICES OF ALL PUBLIC HEARINGS ON ALL LAND USE APPLICATIONS TO BE SENT VIA FIRST CLASS U.S. MAIL INSTEAD OF CERTIFIED MAIL AND FOR THE APPLICANTS TO OBTAIN A CERTIFICATE OF SUCH MAILING TO BE FILED WITH THE VILLAGE OF CHESTNUT RIDGE, NEW YORK, AND, TO THE EXTENT PERMITTED BY LAW, SHIFT THE BURDEN OF PUBLICATION AND POSTINGS RELATING TO SUCH APPLICATIONS FROM VILLAGE STAFF ONTO THE APPLICANT.

BE IT ENACTED by the Village Board of the Village of Chestnut Ridge, Rockland County, New York ("Village Board") as follows:

Section 1. Legislative Intent

It is the intent of this local law to amend certain provisions of the Village Code to require the service of notices of public hearing to be made via first class U.S. Mail with corresponding Certificates of Mailing to be filed with the Village, instead of and in lieu of requiring service via Certified Mail with Return Receipt Requested, as related to certain land use applications. It is further the intent of this local law to make uniform such code provisions as they appear throughout the Village Code. It is further the intent of this local law to shift the burden of publication and postings relating to land use applications to the applicant, to the extent permitted by law, and to the extent practicable.

Section 2. Authority

This local law is adopted pursuant to the provisions of § 10 of the Municipal Home Rule Law.

Section 3. Amendments of Village Code Chapter 226

Chapter 226, Section 4, "Public Hearing Notice" shall be amended as follows:

At least five days prior to the public hearing on the preliminary and final site development plan, the applicant shall submit an affidavit stating that he has sent notice of such hearing by first class U.S. Mail to property owners and registered mailing addresses within 500 feet of the perimeter of the site (as shown on the latest Town of Ramapo tax rolls), at least 10 days prior to the public hearing. The applicant shall file with the Village a copy of the Certificates of Mailing as provided by the U.S. Postal Service evidencing such mailing to each of the said property owners and registered mailing addresses. The applicant shall also submit an affidavit that, at least 10 days prior to the public hearing, posters (in a form as available from the Clerk to the Planning Board) were placed in visible locations on any public thoroughfare abutting the site at each boundary line, and at distances of every 200feet along the entire street frontage of the property. All such posters shall be removed from the site and from the public thoroughfares within 24 hours after the close of the public hearing to which they relate. The notice of public hearing shall also be published in the official newspaper of the Village at least 10 days prior to said hearing. To the extent permitted by

law, and to the extent practicable, the applicant is responsible for complying with all notice, posting, and publication requirements, General Municipal Law referral compliance, and for filing proof of compliance with the Village at least five days prior to the public hearing. The foregoing requirements shall be enforced for all applications pursuant to this Chapter notwithstanding any other contrary provisions that may exist in the Village Code.

Section 4. Amendments of Village Code Chapter 290

Chapter 290, Section 46, "Preliminary Site Development Plan Review", Subsection (B)(1) shall be amended as follows:

Upon submission of a completed application, a public hearing on the preliminary site development plan shall be scheduled for the next available Planning Board meeting. Not later than 10 days prior to said public hearing, the applicant shall notify all owners of real property and registered mailing addresses within 500 feet of the perimeter of the site (as shown on the latest Town of Ramapo tax rolls) by first class U.S. Mail of the date, time and place of such public hearing and shall place posters (in a form as available from the Clerk to the Planning Board) containing such information in visible locations on any public thoroughfare abutting the site at each boundary line, and at distances of every 200 feet along the entire street frontage of the property. The applicant shall file with the Village a copy of the Certificates of Mailing as provided by the U.S. Postal Service evidencing such mailing to each of the said property owners and registered mailing addresses. In addition, at least one such poster shall be posted on the site in a manner to be visible to the public. All such posters shall be removed from the site and from the public thoroughfares within 24 hours after the close of the public hearing to which they relate. The notice of public hearing shall also be published in the official newspaper of the Village at least 10 days prior to said hearing. To the extent permitted by law, and to the extent practicable, the applicant is responsible for complying with all notice, posting, and publication requirements, General Municipal Law referral compliance, and for filing proof of compliance with the Village at least five days prior to the public hearing. The foregoing requirements shall be enforced for all applications pursuant to this Chapter notwithstanding any other contrary provisions that may exist in the Village Code.

Chapter 290, Section 104, "Power and duties" shall be amended to add Subsection (F) as follows:

F. At least five days prior to the public hearing on the application before the Zoning Board of Appeals, the applicant shall submit an affidavit stating that he has sent notice of such hearing by first class U.S. Mail to property owners and registered mailing addresses within 500 feet of the perimeter of the site (as shown on the latest Town of Ramapo tax rolls), at least 10 days prior to the public hearing. The applicant shall file with the Village a copy of the Certificates of Mailing as provided by the U.S. Postal Service evidencing such mailing to each of the said property owners and registered mailing addresses. The applicant shall also submit an affidavit that, at least 10 days prior to the public hearing, posters (in a form as available from the Clerk to the Planning Board) were placed in visible locations on any public thoroughfare abutting the site at each boundary line, and at distances of every 200 feet along the entire street frontage of the property. All such posters shall be removed from the site and from the public thoroughfares within 24 hours after the close of the public hearing to which they relate. The notice of public hearing shall also be published in the official newspaper of the Village at least 10 days prior to said hearing. To the extent permitted

by law, and to the extent practicable, the applicant is responsible for complying with all notice, posting, and publication requirements, General Municipal Law referral compliance, and for filing proof of compliance with the Village at least five days prior to the public hearing. The foregoing requirements shall be enforced for all applications pursuant to this Chapter notwithstanding any other contrary provisions that may exist in the Village Code.

Section 5. Amendment of Village Code Chapter 254

Chapter 254, Section 11, “Preliminary Plat”, Subsection (B)(2) shall be amended as follows:

At the time of the public hearing, the applicant shall submit an affidavit stating that he/she has notified by first class U.S. Mail each adjacent or opposite owner of property, or registered mailing address, as indicated on the application for subdivision approval at least 10 days prior to the public hearing. The applicant shall file with the Village a copy of the Certificates of Mailing as provided by the U.S. Postal Service evidencing such mailing to each of the said property owners and registered mailing addresses. Such affidavit shall also state that, at least 10 days prior to the public hearing, the applicant has placed four posters (in a form as available from the Clerk to the Planning Board) on the four closest public roads in visible locations surrounding the proposed subdivision property, and that the applicant has placed two posters in visible locations on the property proposed to be subdivided. All such posters shall be removed from the site and from the public thoroughfares within 24 hours after the close of the public hearing to which they relate. The notice of public hearing shall also be published in the official newspaper of the Village at least 10 days prior to said hearing. To the extent permitted by law, and to the extent practicable, the applicant is responsible for complying with all notice, posting, and publication requirements, General Municipal Law referral compliance, and for filing proof of compliance with the Village at least five days prior to the public hearing. The foregoing requirements shall be enforced for all applications pursuant to this Chapter notwithstanding any other contrary provisions that may exist in the Village Code.

Chapter 254, Section 12, “Final Subdivision Plat”, Subsection © shall be amended as follows:

Authorization to call public hearing. Upon receipt of a formal application and all accompanying material, the Clerk to the Planning Board shall refer such application to the consultants for review and shall schedule a public hearing for a meeting of the Planning Board to be held within 62 days after the submission of a complete application. Copies of the proposed plat and construction plans will be maintained for public review prior to the hearing. The applicant shall post posters (in a form as available from the Clerk to the Planning Board) on the four closest public roads in visible locations surrounding the proposed subdivision property and two posters in visible locations on said property. Posting shall take place at least 10 days prior to the public hearing. In addition, the applicant shall, at least 10 days prior to the date of said public hearing, mail notices to record owners of all properties and registered mailing addresses within 500 feet of the perimeter (as shown on the latest Town of Ramapo tax rolls) of the proposed subdivision property. All such posters shall be removed from the site and from the public thoroughfares within 24 hours after the close of the public hearing to which they relate. The applicant shall file with the Village a copy of the Certificates of Mailing as provided by the U.S. Postal Service evidencing such mailing to each of the said property owners and registered mailing addresses. The notice of public hearing shall

also be published in the official newspaper of the Village at least 10 days prior to said hearing. To the extent permitted by law, and to the extent practicable, the applicant is responsible for complying with all notice, posting, and publication requirements, General Municipal Law referral compliance, and for filing proof of compliance with the Village at least five days prior to the public hearing. The foregoing requirements shall be enforced for all applications pursuant to this Chapter notwithstanding any other contrary provisions that may exist in the Village Code.

Chapter 254, Section 12, "Final Subdivision Plat", Subsection (D) shall be amended as follows:

Public hearing and resolution approving or disapproving application. At the public hearing, the applicant shall furnish an affidavit of posting and mailings together with receipts for the mailings, as well as a Certificate of Mailing furnished by the U.S. Postal Service as required by Subsection **C** of this section, and the Planning Board will give an opportunity to any interested persons to examine and comment upon the plat and construction plans. The Planning Board shall, within 62 days after closing the public hearing, approve, modify and approve or disapprove the subdivision application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval, pursuant to Article 7 of the Village Law. Conditional approval of a final subdivision plat shall expire 180 days after the date of the resolution granting conditional approval unless such requirements have been completed. The Planning Board, upon written request of the applicant, may extend the time of conditional approval for additional periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances thereof. Final approval shall be deemed to have been granted for the purposes of the thirty-day requirement for filing the plat pursuant to Article 7 of the Village Law as of the date of signature of the plat by the Chairman of the Planning Board. The foregoing requirements shall be enforced for all applications pursuant to this Chapter notwithstanding any other contrary provisions that may exist in the Village Code.

Section 6. Amendment of Village Code Chapter 13

Chapter 13, Section 8, "Procedure", Subsection (C) shall be amended as follows:

Notice. For matters heard pursuant to § **13-6A** and § **13-6B** of this article, the applicant shall submit, together with the plans required under Subsection **A** of this section, an affidavit setting forth the names and addresses of all owners of property, and registered mailing addresses, situated within 500 feet of the lot (as shown on the latest Town of Ramapo tax rolls) for which the application has been made and declaring that such names and addresses are correct as within the knowledge of the applicant and as shown on the latest tax assessment roll maintained by the Town of Ramapo. The applicant shall provide the Clerk to the Architectural Review Board with a copy of the Certificates of Mailing as provided by the U.S. Postal Service evidencing such mailing for those properties within 500 feet at least seven days prior to the meeting at which the Architectural Review Board will consider the application. The notices shall indicate the lot for which the application has been made and the date, time and location of the meeting. The notice of public hearing shall also be published in the official newspaper of the Village at least 10 days prior to said hearing. To the extent permitted by law, and to the extent practicable, the applicant is responsible for complying with all notice, posting, and publication requirements, General Municipal Law referral compliance, and for filing proof of compliance with the Village at least

five days prior to the public hearing. The foregoing requirements shall be enforced for all applications pursuant to this Chapter notwithstanding any other contrary provisions that may exist in the Village Code.

Section 7. State Environmental Quality Review Act.

This Local Law is classified as a Type II action under the Regulations governing the State Environmental Quality Review Act.

Section 8. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective Date.

This Local Law shall become effective immediately upon filing with the Secretary of State for all new applications filed on or after June 1, 2022.