

PROPOSED LOCAL LAW B OF 2017

A LOCAL LAW Amending Section 295-143.C. of the Zoning Code with respect to the requirements for mailing of Notice of Hearing

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1. Section 295-143, Notice of Hearing, subsection C. shall be amended to read as follows:

§ 295-143. Notice of hearing.

C. In addition, the applicant shall provide actual notice to certain property owners as follows:

(1) The applicant shall either deliver by hand or send by certified mail a copy of the notice of the hearing to all persons who, according to the latest completed assessment roll of the Town of Greenburgh, own property within a radius of 300 feet of the property lines of the subject property; provided, however, that where, in the opinion of the Building Inspector, the appeal may affect property located more than 300 feet from the property lines of the subject property, the applicant shall thus notify all owners of property within that affected area, as determined by the Building Inspector, but need not notify any person owning property more than 500 feet from the property lines of the subject property.

(2) The notices shall be delivered by hand not less than 10 days, or mailed or otherwise delivered not less than 13 days, before the date of the hearing to the street address of each of the properties specified in Subsection C(1), whether or not the owner resides there, and to any other address indicated by the assessment roll as the address of an absentee owner.

(3) The public hearing shall not be held unless the applicant has filed with the Board the proof of the mailing of notice or, if the notice was delivered by hand, a written affidavit of service; provided, however, that the Board of Appeals may excuse the failure to notify each property owner pursuant to this Subsection C upon proof by the applicant of diligent efforts to comply with the requirements of this Subsection C and upon a showing that reasonable grounds exist for that failure to comply, including, without limitation, difficulties in determining lot lines or the names or addresses of the property owners.

(4) No hearing or action by the Board of Appeals shall be held to be invalid or illegal because of the failure of any person or any Village officer, agency or board, including the Board of Appeals, to comply with this Subsection C.

SECTION 2. SEVERABILITY

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.