

<b>Topic:</b>	Site Plan Approval
<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Town of Gardiner
<b>Year (adopted, written, etc.):</b>	2005
<b>Community Type - applicable to:</b>	Suburban; Rural
<b>Title:</b>	Town of Gardiner Notification Requirements for Applications Relating to Certain Land Use Approvals Ordinance
<b>Document Last Updated in Database:</b>	April 14, 2017

### ***Abstract***

The Town of Gardiner Notification Requirement for Land Use Approvals outlines the procedure for applications for land use approvals and zoning changes as they affect neighborhood property owners, the Town Board, the Planning Board, and the Zoning Board of Appeals. The law provides that notices of public hearings must be printed in local newspapers and lists the time frames in which parties must be notified regarding the application and the public hearing. The law also includes what radius of property owners must be notified for the following applications: special permits, use variances, area variances, subdivision approvals, zoning changes, site plans, junkyard licenses, and appeals to the Zoning Board of Appeals of any decision of the Building Inspector.

### ***Resource***

Town of Gardiner NY Notification Requirements for Land Use Approvals  
Code of the Town of Gardiner NY  
Chapter 160: Notification requirements for Applications Relating to Certain Land Use Approvals  
General Code  
[HISTORY: Adopted by the Town Board of the Town of Gardiner by L.L. No. 7-2005. Amendments noted where applicable.]

#### **§ 160-1. Title.**

This chapter shall be known as "Notification Requirements for Applications Relating to Certain Land Use Approvals."

#### **§ 160-2. Purpose; findings.**

- A. This chapter implements a procedure for applications for certain land use approvals and zoning changes to the Town Board, Planning Board and Zoning Board of Appeals to ensure that certain neighboring properties are appropriately apprised of the fact that an application has been made and the date of any public hearing on such application.
- B. The Town of Gardiner Town Board has determined that increased opportunities for dialogue and public comment on certain land use applications and requests for zoning changes will benefit the decision-making process by providing additional information to the various hoards to consider in making a decision on an application.

**§ 160-3. Notice requirements.**

- A. For any application or petition (collectively "application") received for a zone change, zoning variance, appeal of a decision of the Building Inspector, special permit, subdivision approval, site plan approval, or junkyard license, whether before the Town Board, Planning Board or Zoning Board of Appeals, the Clerk of the hoard in receipt of such application shall implement such procedures to accomplish the notice requirements contained herein. Where this section refers to a distance, such distance is measured from the property boundary of the parcel which is the subject of the application.

(1) Notice of application. Upon receipt of an application, the Clerk of the board shall make provision to notify certain property owners, as set forth herein, by providing written notice of the application to be delivered via first class mail, with such notice to be mailed within seven days of the board's receipt of the application. Such notices shall be sent to the last known address of the property owner as shown by the most recent Town tax records, If the subject property lies within 500 feet of the boundary of any other municipality, the Clerk shall notify the Municipal Clerk of such other municipality of the application in the manner set forth in this subsection. The property owners to be notified are:

- (a) Special permit: properties within 250 feet;
- (b) Use variance: properties within 500 feet;
- (c) Area variance: properties within 250 feet;
- (d) Subdivision approval (major): properties within 500 feet;
- (e) Subdivision approval (minor): properties within 250 feet;

- (f) Zoning changes: properties within 500 feet;
- (g) Appeals to the ZBA of any decision of the Building Inspector: properties within 250 feet;
- (h) Site plans: properties within 250 feet; and
- (i) Junkyard licenses: properties within 500 feet.

(2) Notice of public hearing.

- (a) Upon the scheduling of a public hearing by a board, the Clerk of the board shall make provision to notify certain property owners, as set forth herein, by providing written notice of the public hearing to be delivered via first class mail, with mailing of the notice to be completed at least five days prior to the public hearing, except for zoning changes, which shall be mailed at least 10 days prior to the public hearing. Such notices shall be sent to the last known address of the property owner as shown by the most recent Town tax records. If the subject property lies within 500 feet of the boundary of any other municipality, the Clerk shall notify the Municipal Clerk of such other municipality of the application in the manner set forth in this subsection. The property owners to be notified are:

- [1] Special permit: properties within 250 feet;
- [2] Use variance: properties within 500 feet;
- [3] Area variance: properties within 250 feet;
- [4] Subdivision approval (major): properties within 500 feet;
- [5] Subdivision approval (minor): properties within 250 feet;
- [6] Zoning changes: properties within 500 feet;
- [7] Appeals to the ZBA of any decision of the Building Inspector: properties within 250 feet;
- [8] Site plans: properties within 250 feet; and

[9] Junkyard licenses: properties within 500 feet.

(b) In addition, notice of such public hearing shall be published in a newspaper of general circulation in the Town at least five days prior to such hearing, except for zoning changes, which shall be published at least 10 days prior to the public hearing. Such notice shall also be displayed on the Town signboard maintained by the Town Clerk at least five days before the hearing, except for zoning changes, which shall be displayed at least 10 days prior to the public hearing.

(3) Posting of property. Notice that the property is subject to any of the above applications shall also be given by conspicuously posting signs on the subject premises. There shall be posted a minimum of two such signs on each subject parcel along the public roadway thereof. Such signs shall be of a form as determined by the Code Enforcement Officer. It is the responsibility of the applicant to post such signs within five days of the submission of the application and to take all steps necessary to ensure that the signs remain legible during the pendency of the application. Such signs shall be removed within one week after the board makes a determination on the application. The applicant shall be required to submit an affidavit of posting to the Clerk of the board.

- B. The Clerk of the board may elect to combine the notice of the application and the notice of a public hearing into one mailing where the minimum time frames can be met.
- C. The Clerk of the board may elect to combine the notices provided for in this chapter with any notices required under the State Environmental Quality Review Act.
- D. The costs of all mailings, publications and signs shall be borne by the applicant. The applicant shall provide as part of its application two sets of envelopes, with a return address for the Town of Gardiner displayed, along with a master list of the addressees to be notified and payment for the required postage.
- E. Provided that there shall have been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by a board in the granting or denying any application. Nothing contained in this chapter shall be construed to confer standing or any other rights in any proceeding commenced to challenge any action of the Town.
- F. Nothing herein shall supersede any other notice or referral requirement contained in any state or other law. In the event of conflicting requirements, the earlier notification requirement shall control.

G. Any proposed zoning amendment introduced by the Town Board and of Town-wide or district-wide effect shall not be subject to this section except for the publication of notice, However, nothing in this chapter shall prohibit the Town Board from determining on a case-by-case basis to provide additional notice of any such zoning amendment.