

Town of Orangetown, NY  
Monday, November 24, 2014

## Chapter 21A. SITE DEVELOPMENT PLAN APPROVAL

### § 21A-14.1. Notice of hearings before Board.

[Added 9-22-2008 by L.L. No. 5-2008]

- A. Any public hearings on applications for pre-preliminary, preliminary and/or final site plan approval by the Board pursuant to this chapter and New York Town Law must be advertised at least once in a newspaper of general circulation pursuant to the terms and conditions of New York Town Law § 274-a, as amended.
- B. In addition, all applicants, at least 10 days prior to any public hearings on applications for preliminary and/or final site plan approval by the Board pursuant to this chapter and New York Town Law, shall send written notice by first-class mail to all owners within 200 feet of the property as measured from the front, side, and rear lot lines of the subject parcel (excluding public roadways, rights-of-way, and property owned by any public utility or public entity in measuring the 200 feet), as well as all properties within 200 feet of the subject parcel along both sides of any street or roadway on which the subject parcel abuts, at the applicant's expense. Prior to mailing the notification, the applicant shall be responsible for generating a list of all property owners required to receive notice pursuant to this section. The written notices, in properly addressed and stamped envelopes, shall be returned to the Clerk of the Planning Board for the purpose of mailing from the Clerk's office. Property owners entitled to such notice shall be those listed as owners on the record in the Town of Orangetown Tax Assessor's office as of the date of the mailing. The written notice shall contain information on a form provided by the Clerk of the Planning Board and shall include the date and time of the hearing and to be continued as necessary, the name and address of the applicant and the applicant's attorney, if any, the street address of the property, the Tax Map designation of the property, the nature of the application, and an indication that further information on the application is available at the Office of Building, Zoning, Planning and Enforcement. Failure of a property owner whose name appears on the affidavit of property owners to receive the notice shall not affect the validity of the public hearing or any action taken thereat by the Board.
- C. All applicants are further required to erect signs containing information regarding the public hearing, as set forth in Subsection **B** of this section, on every lot corner and at least once every 100 feet thereafter, facing each public street on which the property abuts, giving notice that such application has been made and that a public hearing will be held. Such signs shall be obtained from the Chief Clerk to the Planning Board or his/her designee. Such signs are to be displayed for a period of not less than five days immediately preceding the hearing date or any adjourned hearing date. The sign shall not be set back more than 10 feet from any property or street line, shall not be less than two feet or more than six feet above grade at the property line, and shall be clearly visible from the property line.
- D. At the commencement of any public hearing, the applicant must file an affidavit, with the Clerk of the Planning Board, which states that the aforementioned notices have been complied with, and said affidavit shall include a list of the names and addresses of all property owners to whom

notices were sent pursuant to this section and a statement that said properties are the only properties required to be notified pursuant to this section. The Board shall not proceed with the hearing unless the affidavit has been filed.

- E. In addition to the notice requirements contained herein, any applications with respect to the following projects shall require that written notice by mail be made pursuant to Subsection B of this section to all property owners within 500 feet of the proposed project:
- (1) High-tension transmission lines.
  - (2) Railroad and bus terminals.
  - (3) Satellite dish antennas.
  - (4) Public utility substations.
  - (5) Hotels and motels.
  - (6) Radio and television towers.
  - (7) Public parking garages.
  - (8) Airports and heliports.
  - (9) Elevated standpipe and water tanks.
  - (10) Sandpits, gravel pits (mining), and topsoil, landfill and excavation operations, all of which are not in accordance with the construction of buildings, structures or roads.