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DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND SECTIONS 195-12 AND CHAPTER 223 OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Sections 195-12 and Chapter 223 of the City Code regarding Disclosure of information regarding an Applicant.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Section 195-12 of the Code of the City of Beacon entitled "Initial Conference and Review" is hereby amended as follows:

§ 195-12 **Initial conference and review.** This step is recommended for the benefit of the applicant, but is not required. If followed, the procedure shall be as follows:

A.
Initial conference. The applicant should notify the Planning Board Secretary, at least one week in advance of a regular Planning Board meeting, of his desire to be placed on the agenda for an initial conference. At such conference, he shall present a sketch layout of the proposed subdivision. It shall include a site location sketch (at a scale of one inch equals 800 feet) indicating the applicant's entire holdings in relation to neighboring streets, private roads and properties, and shall show the general nature of the proposed arrangement of streets, private roads, lots, recreation areas, and the proposed concept for providing utility service. The applicant should also discuss with the County Health Department its requirements in connection with subdividing. The sketch layout shall be drawn on a topographic map with a vertical contour interval of no more than five feet, at a scale of no smaller than one inch equals 100 feet. It shall be submitted in four copies. The applicant shall also provide the information required in Section 223-62.

B.
Field trip. After the initial conference, the Planning Board may schedule a field trip to the proposed subdivision site. The applicant, or his representative, should attend the site

inspection and, prior to it, should have the center line of all proposed streets and private roads located by temporary stakes.

C.

Planning Board recommendations. At or subsequent to the field trip, the Planning Board shall advise the applicant, or his representative, of the additions and modifications, if any, which should be made if an application for subdivision approval is to be submitted.

Section 2. Chapter 223 of the City Code entitled "Administration and Enforcement" is amended to add a new Section 223-62 as follows:

§ 223-62 **Disclosure.**

Every application, petition or request submitted for a variance, amendment, change of zoning, any license, certificate or permit, special use or exception, approval of plot plans or subdivision maps, with respect to the use, improvement change or alteration of any land, building or structure erected or to be erected thereon and every application for a building permit or certificate of occupancy shall, in addition to the general requisites for such application, petition or request and at the time of filing such application, petition or request, be accompanied by a sworn statement which shall contain the following information, where required:

A. If the affiant is an individual, he or she shall set forth his or her name, residence address and his or her residence telephone number.

B. If the affiant is a partnership, joint venture or other business entity, except a corporation, it shall set forth:

(1) The name, address and telephone of the business entity or partnership.
(2) The date such business entity or partnership was established or created.
(3) The place where such business entity or partnership was created or established and the official Registrar's or Clerk's office where the documents and papers creating or establishing such business entity or partnership were filed.
(4) The names, residence addresses and residence telephone numbers of all parties in interest in such business entity or partnership, showing the nature and extent of the interest.

C. If the affiant is a corporation, it shall set forth the following:

(1) The name, principal business address and telephone number of the corporation.
(2) The place, date and method of incorporation and the official place where the documents and papers of incorporation have been filed and the name and address of each incorporator.

(3) The name, residence address and telephone number of every officer, director and shareholder as of the date of filing or submission of the application, request or petition.

(4) The name and business or residence address and telephone number of all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock.

D. The name, residence or business address and telephone number of all owners of record of the subject property or any part thereof; the date and manner title was acquired; and the date and place where the deed or document of conveyance was recorded or filed.

E. The name, residence or business address and telephone number of each person having any mortgage, encumbrance or other interest (recorded or unrecorded) in the subject property, together with the nature and extent thereof.

F. Whether any owner, of record or otherwise, is an officer, director, stockholder, agent or employee of any person referred to in Subsection **A, B, C** or **E** of this section.

G. Whether any person referred to in Subsection **A, B, C, D** or **E** of this section was known by any other name within five (5) years preceding the date of the application, request or petition, and, if so, such other names.

H. Whether any person named in Subsection **A, B, C, D** or **E** of this section is an official, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to an official or employee of the City of Beacon and, if so, the nature of such relationship.

I. The name and address of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application, request or petition.

J. If the applicant is not one of the record owners of the subject property, the interest of the applicant in the subject property and the relationship to the record owners. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modifications and amendments thereto, shall be submitted with the application.

K. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted with the application:

(1) The name and principal business address and telephone of the corporation.

(2) The method, date and place of incorporation, together with the name and address of each incorporator and the place where the documents of incorporation have been filed.

(3) The name, residence or business address and telephone number of each officer, director and shareholder of the corporation.

(4) Whether any shares of the stock of the corporation or of any stockholder have been pledged, mortgaged or encumbered and, if so, the name and address of each person having, holding, owning or claiming such interest.

L. Whether the present owners, or any of them, have entered into any contract for the sale of all or any part of the subject property and, if in the affirmative, there shall be submitted a duplicate original or photocopy of the full and complete contract of sale, including all riders, modifications and amendments thereto.

M. Such additional information as may be requested by the board, agency or commission having jurisdiction over such application, request or petition, pertaining to ownership, operation or control of the subject property.

N. The provisions of § **80-1C(2), (3)** and **(4)** and **K(2), (3)** and **(4)** shall not apply where the corporation named in said sections is a corporation the shares of stock of which are publicly traded on a recognized stock exchange.

O. In the event that there is any change in any matter set forth on any affidavit submitted hereunder prior to the time a determination is made concerning the subject application, request or petition, the affiant shall file a supplemental affidavit within forty-eight (48) hours after such change has occurred, giving the full details thereof and in compliance with the requirements of this chapter, and shall thereafter be subject to all the requirements set forth in this chapter.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 191 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not

been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

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