

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTION 61.3 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to
amend Chapter 223,
Section 61.3 to the
Code of the City of
Beacon, concerning
Public Notice Signs.

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

SECTION 1. Chapter 223, Section 61.3 of the Code of the City of Beacon entitled “Hearing Notice Requirements” is hereby amended as follows:

Prior to any public hearing required for applications for approval of a site development plan, special permit, subdivision, or any public hearing before the Board of Appeals, the applicant shall comply with the following notice requirements at its sole cost and expense:

- A. Notice of hearing shall be timely submitted to the official City newspaper for publication in said newspaper at least five days before such hearing. Prior to the public hearing, the applicant shall submit to the City a signed affidavit of publication setting forth the details of the publication, including the date of publication, name of the newspaper and a copy of the notice of hearing published.
- B. Notice of hearing shall be sent by the applicant, by certified mail to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, to the adjoining property owner or owners to the rear of the property affected, and to all non-owner occupants of the property affected. For purposes of notice, a property shall be deemed to have non-owner occupants when the primary owner mailing address on file with the City of Beacon Tax Assessor, is different than the property address. In such case, a notice shall be mailed to the property addressed to the occupant, and if a multifamily dwelling, then to all individual dwelling units on the property. Prior to the public hearing, the applicant shall submit to the City a signed affidavit of mailing setting forth details of the mailing, including

date of mailing, names and addresses to whom the mailing was sent, a copy of the notice of hearing, and the certified mail receipts.

C. Public notice signs.

- (1) The applicant shall post one notification sign on the subject property no later than fourteen (14) days prior to the initial public hearing and any continued public hearing thereafter. The applicant shall update said sign at least fourteen (14) days prior to every public hearing which the applicant's matter will be heard. The Building Inspector may require, in his or her discretion, the applicant to post an additional public notice sign, based on topography of the surrounding land, parcel size and shape, or any other factors the Building Inspector, in his or her discretion, feels may impact effective public notice.
- (2) Such sign shall be at least three feet by four feet in size, consist of sturdy and serviceable material containing a white background with black letters and be placed in a location visible from the most commonly traveled street or highway upon which the property fronts, or in the case of a corner lot on both streets, but in no case more than 20 feet back from the front lot line. Such sign shall read as follows, in legible lettering with the heading at least five inches in height and the content at least two inches in height:

<p style="text-align: center;"><u>PUBLIC NOTICE</u></p> <p style="text-align: center;"><u>A PUBLIC HEARING FOR A [application type] APPLICATION WILL BE HELD BY THE CITY OF BEACON [City Council, Planning Board, or Zoning Board of Appeals]</u></p> <p style="text-align: center;"><u>ON [insert date] AT [insert time] P.M.</u></p> <p style="text-align: center;"><u>AT THE CITY OF BEACON CITY HALL, 1 MUNICIPAL PLAZA, BEACON, NY</u></p> <p style="text-align: center;"><u>ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON BUILDING DEPARTMENT</u> <u>(845) 838-5026</u></p>

- (3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board an affidavit certifying to the fact and date of said posting.
- (4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period

- (5) The applicant shall remove the notification sign within five days of the adoption of any resolution concerning the application.

SECTION 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 3. 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 4. Effective Date

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