

**TOWN OF BLOOMING GROVE  
LOCAL LAW NO. 4 OF 2024**

**A LOCAL LAW TO AMEND CHAPTERS 210 AND 235 OF THE  
TOWN CODE OF THE TOWN OF BLOOMING GROVE REGARDING PLANNING  
BOARD MAILINGS**

BE IT ENACTED by the Town Board of the Town of Blooming Grove, Orange County, New York (“Town Board”) as follows:

**Section 1. Authority.**

The adoption of this Local Law is in accordance with Municipal Home Rule Law §10.

**Section 2. Title and Purpose.**

This local law shall be known as and may be cited as “A Local Law to Amend Chapters 210 and 235 of the Town Code of the Town of Blooming Grove Regarding Planning Board Notifications.

The purpose of this local law is to amend Chapter 210, Subdivision of Land and Chapter 235, Zoning. Specifically, this local law is adopted to amend the mailing procedures for applicants to the Planning Board to align the mailing requirements to the requirements of the Town of Blooming Grove Zoning Board of Appeals

**Section 3. Amendment to § 210-7(B)(8).**

Chapter 210 (Subdivision of Land), Article III (Procedure for Filing Subdivision Requests), Section 210-7(B)(8) of the Code of the Town of Blooming Grove is hereby repealed and replaced as follows:

(8) Notice of public hearing.

- (a) At the applicant’s expense, notice of said hearing is to be sent to all known property owners within a radius from the outside boundary of the site of the proposed subdivision based upon the total number of proposed lots in the following manner:
  - [1] For subdivisions of four or fewer lots: 100 feet;
  - [2] For subdivisions of five to 24 lots: 200 feet; and
  - [3] For subdivisions of 25 or more lots: 500 feet.
- (b) The sealed, addressed, stamped envelopes shall be brought to the Town Hall and delivered to the Planning Board Clerk not less than fifteen (15) calendar days but not more than twenty-one (21) calendar days prior to the public hearing date scheduled by the Planning Board.
- (c) The notice shall be in the form approved by the Planning Board and shall include, at a minimum:

- [1] The name of the applicant.
  - [2] The location of the site of the proposed subdivision or resubdivision.
  - [3] A brief description of the proposed subdivision or resubdivision, including, as a minimum, the total acreage involved, the total number of lots, the location of proposed roadways and the proposed methods of providing for water supply and sewage disposal.
  - [4] The date, time and place of the public hearing.
- (d) The Clerk shall verify the names and addresses and compare the same to the certified mailing list supplied by the Assessor and shall thereafter deposit said envelopes in a United States Postal Service depository within the Town of Blooming Grove. The Clerk shall execute an affidavit of mailing setting forth that said Clerk has compared all the envelopes addressed to the certified list supplied by the Assessor and also finds that the appropriate number of envelopes have been prepared. The affidavit shall also set forth that the Clerk has personally deposited the envelopes in a United States Postal Service depository within the Town of Blooming Grove and set forth the date upon which said deposit was made. Giving notice as specified in this subsection shall be material, and failure to give notice as specified in this subsection may be sufficient ground for denial of preliminary plat approval. In the event the Planning Board permits the applicant to reschedule the public hearing, the applicant shall pay all resultant costs and expenses (including cost of publication), and an additional 62 days shall be added to any time constraint imposed on the Planning Board regarding preliminary plat review. Any delay arising from failure to give proper hearing notice shall not provide any basis of a demand for default approval.

**Section 4. Amendment to § 235-55.**

Article XI, entitled “Planning Board,” Section 235-55(D)(3) of Chapter 235, entitled “Zoning” of the Code of the Town of Blooming Grove is hereby repealed and replaced as follows:

(D) Procedure.

- (3) (a) Any application for site plan approval shall be made within six months following the presubmission conference directly to the Secretary of the Planning Board, and in the form required by the Board. Said application shall also include the site plan, environmental assessment form and application fee, which fee shall be in accordance with the Standard Schedule of fees for the Town.
- (b) No decision by the Planning Board to approve or deny a site plan application shall be made until after a public hearing. Written notice of said hearing shall be published in the official newspaper and posted at Town Hall.

- (c) At the applicant's expense, notice of said hearing is to be sent to all known owners of property located within 500 feet of each boundary of the subject property. The sealed, addressed, stamped envelopes shall be brought to the Town Hall and delivered to the Planning Board Clerk not less than fifteen (15) calendar days but not more than twenty-one (21) days prior to the hearing date. The Clerk shall verify the names and addresses and compare the same to the certified mailing list supplied by the Assessor and shall thereafter deposit said envelopes in a United States Postal Service depository within the Town of Blooming Grove. The Clerk shall execute an affidavit of mailing setting forth that said Clerk has compared all the envelopes addressed to the certified list supplied by the Assessor and also finds that the appropriate number of envelopes have been prepared. The affidavit shall also set forth that the Clerk has personally deposited the envelopes in a United States Postal Service depository within the Town of Blooming Grove and set forth the date upon which said deposit was made.
- (d) Such other notice as required by Article 12-B of the General Municipal Law, Article 8 of the Environmental Conservation Law and other applicable laws shall also be given. The public hearing shall be held within 62 days after the Board's first regular meeting following receipt of the application, and the Board shall make a decision within sixty-two (62) days after close of the public hearing.

**Section 5. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5(26) and (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

**Section 6. Severability.**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**Section 7. Code Preparation**

The Town's Code preparation contractor is authorized, without further action of the Town Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

**Section 8. Effective Date.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.