

**TOWN OF PLEASANT VALLEY  
PROPOSED LOCAL LAW 4 OF 2023**

**RE: PUBLIC HEARING SIGNS**

**BE IT ENACTED** by the Town Board of the Town of Pleasant Valley as follows:

**SECTION 1.           TITLE.**

This Local Law shall be entitled “A Local Law Amending Chapters 82 and 98 to Require Public Hearing Signs”.

**SECTION 2.           PURPOSE AND INTENT.**

The Town has determined that it would be beneficial to the public to enhance residents’ awareness of upcoming public hearings by requiring applicants to post one or more physical signs announcing the hearing. Applicants for site plan, special use permit, subdivision, variance, or zoning change will post signs on the subject property prior to public hearings. This notice will supplement other forms of notice required in the Town Code.

**SECTION 3.           AUTHORITY.**

This law is enacted pursuant to Section 10 of the Municipal Home Rule Law.

**SECTION 4.           AMENDMENTS TO THE CODE.**

- A. In Chapter 82, “Subdivision of Land,” section 82-11, “Preliminary plat approval,” paragraph 82-11(G)(1) shall be repealed and replaced as follows:

Within 62 days after the receipt of such complete preliminary plat by the Secretary of the Planning Board, the Planning Board shall hold a public hearing. The hearing shall be advertised at least once in the official newspaper and not less than five days before the date of the hearing, and notice shall be sent to adjoining property owners. At least 10 days prior to the initial public hearing, the owner or applicant shall post one or more signs giving notice of the public hearing. A sign shall be prominently displayed within 25 feet of each property line having frontage on a road or highway, so that it is clearly visible to the public from such road or highway. The sign(s) shall be furnished to the applicant for this purpose by the Town.

- B. In Chapter 98, “Zoning,” section 98-69, “Special use permit review procedure,” a new paragraph 98-69(A)(4) shall be added as follows:

At least 10 days prior to the initial public hearing, the owner or applicant shall post one or more signs giving notice of the public hearing. A sign shall be

prominently displayed within 25 feet of each property line having frontage on a road or highway, so that it is clearly visible to the public from such road or highway. The sign(s) shall be furnished to the applicant for this purpose by the Town.

- C. In Chapter 98, “Zoning,” section 98-79, “Formal application to Planning Board,” regarding site plan procedure, a new paragraph 98-79(E)(3) shall be added as follows:

At least 10 days prior to the initial public hearing, the owner or applicant shall post one or more signs giving notice of the public hearing. A sign shall be prominently displayed within 25 feet of each property line having frontage on a road or highway, so that it is clearly visible to the public from such road or highway. The sign(s) shall be furnished to the applicant for this purpose by the Town.

- D. In Chapter 98, “Zoning,” section 98-96, “Zoning Board of Appeals procedure,” paragraph 98-96(D) shall be repealed and replaced as follows:

Hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of any appeal or other matter referred to it and give public notice thereof by the publication in the official paper of a notice of such hearing at least five days prior to the date thereof, and shall, at least five days before such hearing, mail notices thereof to the parties owning adjoining lots and to the regional State Park Commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal. Compliance with this notification procedure shall be certified to by the Secretary or other designated Town employee. The Town shall charge the applicant either a flat rate or a stated amount per notice for satisfying this requirement. The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town. In addition, at least 10 days prior to the initial public hearing, the owner or applicant shall post one or more signs giving notice of the public hearing. A sign shall be prominently displayed within 25 feet of each property line having frontage on a road or highway, so that it is clearly visible to the public from such road or highway. The sign(s) shall be furnished to the applicant for this purpose by the Town. Provided that there has been substantial compliance with this provision, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Zoning Board of Appeals in either granting or denying an appeal for a variance from a specific provision of this chapter.

- E. In Chapter 98, “Zoning,” section 98-101, “Notice and referrals,” regarding zoning amendments, a new paragraph 98-101(E) shall be added as follows:

For zoning amendments affecting one or more distinct parcels, at least 10 days prior to the initial public hearing, the owner or applicant shall post one or more signs giving notice of the public hearing. A sign shall be prominently displayed within 25 feet of each property line having frontage on a road or highway, so that it is clearly visible to the public from such road or highway. The sign(s) shall be furnished to the applicant for this purpose by the Town. Broad zoning amendments, such as those affecting entire zoning districts, shall not be subject to this requirement.

**SECTION 5.           SUPERSESSION.**

It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this local law.

**SECTION 6.           SEVERABILITY.**

If any provision of this local law is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this local law.

**SECTION 7.           EFFECTIVE DATE.**

This Local Law shall become effective immediately upon its filing in the Office of the New York State Department of State.