

Article VIII. Amendments

§ 98-39. Amendment procedure.

This chapter or any part thereof may be amended, supplemented or repealed, from time to time, by the Town Board on its own motion, upon recommendation by the Planning Board or upon petition. Prior to public hearing, every such proposed amendment shall be referred by the Town Board to the Planning Board for a report. The Town Board shall not take action on any such amendment without such report from the Planning Board unless the Planning Board fails for any reason to render such report within 62 days ~~after its next regularly scheduled meeting~~ following the date of such referral.

A. Report of the Planning Board. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

(1) Concerning a proposed amendment to or change in text of the chapter:

- a. Whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned.
- b. Which areas, land uses, buildings and establishments in the Town will directly be affected by such change and in what way they will be affected.
- c. The indirect implications of such change in its effect on other regulations.
- d. Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Town.

(2) Concerning a proposed amendment involving a change in the Zoning Map:

- a. Whether the uses permitted by the proposed change would be appropriate in the area concerned.
- b. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.
- c. Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
- d. The effect of the proposed amendment upon the growth of the Town as envisaged by the Comprehensive Development Plan.

- e. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town and the probable effect thereof.
- B. Each petition for a zoning amendment shall be accompanied by a fee of ~~\$50~~ as set forth on the fee schedule, payable to the Town Clerk upon the filing thereof. Petitions for amendments to the zoning code shall be subject to consultant fees in accordance with Chapter 48, entitled "Fees" of the Town Code No fee shall be required for petitions filed in favor of or against a pending application.
- C. By resolution adopted at a meeting of the Town Board, the Town Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with provisions of § 264 of Article 16 of the Town Law. All notices of public hearing shall specify the nature of any proposed amendment, the land or district affected and the date when and the place where the public hearing will be held. At least 10 days' notice of the time and place of such hearing shall be published in the official newspaper.
- D. Notice of hearing to state, county or other officials.
- (1) Should any proposed amendment consist of or include either of the two following conditions, the Town Clerk shall transmit to the designated office or official a copy of the official notice of the public hearing not later than 10 days prior to the date of hearing:
 - a. Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of any village, town or county or any boundary of a state park or parkway.
 - b. Any change in the regulations prescribed for any district, any portion of which is located within 500 feet of the boundaries listed in Subsection D(1)(a) above.
 - (2) ~~The designated official for Orange County counties shall be the Clerk of the County Legislature. In villages and towns, the designated official shall be the Clerk of the municipality. In the case of state parks or parkways, the designated office shall be the Palisades Interstate Park Commission.~~
 - (2)(3) To the extent this provision is inconsistent with Article 12-B of the General Municipal Law, the General Municipal Law shall control.
- E. Should any proposed amendment consist of or include any of the following conditions, the Town Clerk shall, prior to final action, refer the proposed

amendment to the Orange County Planning Department in accordance with § 239-m of Article 12-B of the General Municipal Law:

(1) Any change in the district classification of or the regulations applying to real property lying within a distance of 500 feet from:

- a. The boundary of any village or town.
- b. The boundary of any existing or proposed county or state park or other recreation area.
- c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway.
- d. The right-of-way of any existing or proposed stream or drainage channel owned by the county or for which the county has established channel lines.
- e. The boundary of any existing or proposed county- or state-owned land on which a public building or institution is situated.
- f. A farm operation located in a County Agricultural District, but not subject to area variances.

F. In the case of protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 265 of Article 16 of the Town Law.