

**VILLAGE OF TARRYTOWN**  
**PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 7<sup>th</sup> day of March, 2016, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon an amendment to Chapter 305 entitled "Zoning" and an amendment to Chapter 9 entitled "Architectural Review Board". A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

**A LOCAL LAW** to amend the Code of the Village of Tarrytown, Chapter 305 entitled "Zoning", Article XIV, Administration and Enforcement, Section 111, Notice of Public Hearing and Section 118, Board of Appeals and Chapter 9, entitled "Architectural Review Board, Section 8, Notice of Meetings; Filing of Affidavit.

**SECTION 1. PURPOSE.**

The current notice language in the Zoning Code for applications to the Planning Board and Zoning Board of Appeals and in the Chapter 9 of the Village Code for the Architectural Review Board requires that notice of a public hearing be mailed certified mail, return receipt requested. Delivery of notice via certified mail, return receipt requested requires that the notice recipient or another person be present to accept and sign for the notice. If no one is present to accept and sign for the notice, the mail carrier leaves notification of the delivery attempt and informs the recipient that there is certified mail, return receipt requested at the Post Office. It then becomes incumbent upon the recipient to go to the Post Office to obtain the certified mail, return receipt requested. The major reason for sending notice certified mail, return receipt requested is for the applicant to the Planning Board, Zoning Board of Appeals or Architectural Review Board to provide proof that the required notice was sent. Notice can be sent via Certified Mail, which will also provide a receipt evidencing proof that the notice has been mailed pursuant to Chapter 305, Zoning and Chapter 9, Architectural Review Board, but does not require the presence of a person to accept and sign for the return receipt. This change in the notice requirement will simplify the notice requirement for both the recipient and the applicant.

Material to be deleted appears in parenthesis [ ], material to be added is in **bold typeface**.

**SECTION 2. AMENDMENT TO ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT, §305-111 "NOTICE OF PUBLIC HEARING."**

§ 305-111. Notice of public hearing.

A. All applicants, at least 10 days prior to the public hearing, shall send written notice by certified mail,[ return receipt requested,] to all owners within 100 feet of the property and to any other such persons as the applicable Board may deem necessary, all

at the expense of the applicant. Property owners entitled to notice shall be those listed as owners on the record in the Village of Tarrytown Tax Assessor's office as of the date of mailing. The written notice shall contain information equal to the notice published in the newspaper, and proof of mailing receipts must be furnished prior to the public hearing.

**SECTION 3. AMENDMENT TO ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT, §305-118 "BOARD OF APPEALS".**

**§305-118. Board of Appeals**

**D. Procedure.**

**(4) Public hearing required.**

(a) All applicants, at least 10 days prior to the public hearing, shall send written notice by certified mail, [return receipt requested,] to all owners within 100 feet of the property and to any other such persons as the Board may deem necessary, all at the expense of the applicant. Property owners entitled to notice shall be those listed as owners on the record in the Village of Tarrytown Tax Assessor's office as of the date of mailing. The written notice shall contain information equal to the notice published in the newspaper, and proof of mailing receipts must be furnished prior to the public hearing.

**SECTION 4. AMENDMENT TO §9-8 "NOTICE OF MEETINGS; FILING OF AFFIDAVIT.**

**§9-8**

B. All applicants, at least 10 days prior to the public hearing, shall send written notice by certified mail, [return receipt requested,] to owners of property adjacent to the subject property (on all sides) and across the street from the subject property and to any other such persons as the Architectural Review Board may deem necessary, all at the expense of the applicant. Property owners entitled to notice shall be those listed as owners on the record in the Village of Tarrytown Tax Assessor's office as of the date of mailing. The written notice shall contain information equal to the notice published in the newspaper, and proof of mailing receipts must be furnished prior to the public hearing.

**SECTION 5. EFFECTIVE DATE**

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

**BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF TARRYTOWN**

DATED: February 16, 2016

Contact: Michael Blau, Village Administrator  
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