

Bill VSC 1809A

A local law to amend the Code of the Village of Sea Cliff, in relation to the mailing of public hearing notices for applications before the Zoning Board of Appeals and the Planning Board and the deposit of monies on account of costs.

Section one. Section A145-3 of the Code of the Village of Sea Cliff is hereby amended to include a new subsection (F) to read as follows:

§A145-3. Applications and Fees.

...

(F) Deposit requirements. In all cases where the Village will incur expenses, including attorneys' fees in excess of five (5) hours or any other consultant providing engineering, surveying or other investigative or expert advice, payment for those fees shall be the responsibility of the applicant. As determined by the Building Department, at the time of the submission of an application or at such time as the Building Department, upon becoming aware of any such anticipated costs, determines, every applicant shall be required to deposit with the Village a sum as a reasonable estimate of those costs, as may be determined from time to time by the Board of Trustees. An applicant shall only be responsible for the costs that are actually and necessarily incurred by the Village in connection with the application. If the amount of the deposit is insufficient to cover the direct costs incurred by the Village, the applicant shall, at such time as fixed by the Village Clerk, deposit with the Village an amount deemed sufficient to defray all such costs. Upon a determination that a deposit is required or that the then on hand deposit is insufficient, no further hearings on the application shall take place until the required sum is deposited with the Village Clerk. If the amount deposited exceeds the actual costs actually and necessarily incurred by the Village, the unused portion of such deposit shall be returned to the applicant within 90 days after the decision on the application is filed with the Village Clerk.

Section two. Section A145-5(A)(5) is amended as follows:

(A)(5) The applicant shall prepare a map (in such form as may be required by the Village) showing the names of the owners of all parcels of property located within a radius of 200 feet of the applicant's property. Upon being provided with a copy of the legal notice of public hearing (on a form provided by the Village), the applicant shall deliver to the Building Department, prepaid, first-class mail, stamped envelopes addressed to each owner on the radius list, with a return address provided on the envelope as Village Hall, 300 Sea Cliff Avenue, PO Box 340, Sea Cliff, New York 11579, and each envelope containing therein a copy of the legal notice of public hearing, not less than twelve (12) days prior to the public hearing. The names of said owners shall be taken as they appear on the last completed tax roll of the Village, except that the addresses must be those of the actual places of residence of the owners. Provided that the applicant timely submits all required, pre-paid envelopes containing the required legal notice, at least ten (10) days prior to the public hearing, the Village shall mail the envelopes.

Section three. Section A150-3(E) of the Code of the Village of Sea Cliff is hereby amended to read as follows:

(E) Deposit requirements. In all cases where the Village will incur expenses, including attorneys' fees in excess of five (5) hours or any other consultant providing engineering, surveying or other investigative or expert advice, payment for those fees shall be the responsibility of the applicant. As determined by the Building Department, at the time of the submission of an application or at such time as the Building Department, upon becoming aware of any such anticipated costs, determines, every applicant shall be required to deposit with the Village a sum as a reasonable estimate of those costs, as may be determined from time to time by the Board of Trustees. An applicant shall only be responsible for the costs that are actually and necessarily incurred by the Village in connection with the application. If the amount of the deposit is insufficient to cover the direct costs incurred by the Village, the applicant shall, at such time as fixed by the Village Clerk, deposit with the Village an amount deemed sufficient to defray all such costs. Upon a determination that a deposit is required or that the then on hand deposit is insufficient, no further hearings on the application shall take place until the required sum is deposited with the Village Clerk. If the amount deposited exceeds the actual costs actually and necessarily incurred by the Village, the unused portion of such deposit shall be returned to the applicant within 90 days after the decision on the application is filed with the Village Clerk.

Section four. Section A150-5(A)(5) of the Code of the Village of Sea Cliff is hereby amended to read as follows:

(A)(5) The applicant shall prepare a map (in such form as may be required by the Village) showing the names of the owners of all parcels of property located within a radius of 200 feet of the applicant's property. Upon being provided with a copy of the legal notice of public hearing (on a form provided by the Village), the applicant shall deliver to the Building Department, prepaid, first-class mail, stamped envelopes addressed to each owner on the radius list, with a return address provided on the envelope as Village Hall, 300 Sea Cliff Avenue, PO Box 340, Sea Cliff, New York 11579, and each envelope containing therein a copy of the legal notice of public hearing, not less than twelve (12) days prior to the public hearing. The names of said owners shall be taken as they appear on the last completed tax roll of the Village, except that the addresses must be those of the actual places of residence of the owners. Provided that the applicant timely submits all required, pre-paid envelopes containing the required legal notice, at least ten (10) days prior to the public hearing, the Village shall mail the envelopes."

Section five. Any local law, ordinance, or resolution of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section six. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section seven. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.