

**LOCAL LAW NO. A OF THE YEAR 2017**

**LOCAL LAW AMENDING §108-33.5 OF THE  
TOWN OF HYDE PARK CODE**

**BE IT ENACTED** by the Town Board of the Town of Hyde Park as follows:

**Section I: Title.**

This Local Law shall be known as: “A Local Law Amending §108-33.5 of the Town of Hyde Park Code to Add a New Subsection ‘G’ Regarding the Scheduling of Public Hearings for Area Variances for Single-Family Residences.”

**Section 11: Enacting Authority.**

This Local Law is enacted pursuant to the authority granted to the Town by the Municipal Home Rule Law of the State of New York.

**Section III: Purpose.**

The purpose of this Local Law is to amend §108-33.5 of the Town of Hyde Park Code to add a new subsection “G” which will permit the Chairperson of the Zoning Board of Appeals to schedule a public hearing without the necessity of formal action by the Zoning Board, with regard to certain area variance applications involving single-family residences. The purpose of this Local Law is to expedite the public hearing process and eliminate the necessity for an extra meeting of the ZBA to schedule a public hearing in certain instances.

**Section IV:**

A. §108-33.5 of the Zoning Law is hereby amended to add a new subsection “G”, which shall read as follows:

“Notwithstanding the provisions set forth in §108-33.5(C), the Chairperson of the Zoning Board of Appeals shall have the power to schedule a date for a public hearing involving an area variance application for a single-family residence provided the Chairperson makes the following determination: (i) the application for the area variance is complete and ready for public review; (ii) the zoning administrator has reviewed the application, and has given his or her consent to the scheduling of a public hearing without the necessity for a formal vote of the Zoning Board of Appeals; (iii) that the application for the area variance does not require the review or

input of the attorney to the Zoning Board or the Town engineer; and (iv) that all other requirements for the scheduling of the public hearing, as set forth in §108-33.5, be followed with regard to the application.

A Vice Chairperson of the Zoning Board of Appeals, in fulfilling the duties of the Chairperson, shall have the same powers as the Chairperson pursuant to this section.”

**Section V.           Supersession.**

This local law is hereby adopted pursuant to the provisions of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the Municipal Home Rule Law to supersede the provisions of §267-a of the Town Law and §108-33.5(C) of the Town Code to the extent that they may be inconsistent with the provisions of this Local Law.

**Section VI.           Severability.**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Hyde Park hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section VII:        Effective Date.**

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.