

in accordance with standards and criteria delineated in any rules and regulations of the ZBA as shall be promulgated.

**§ 197-62. Public hearings.**

- A. Use or area variances or special permits shall be granted only after public notice and hearing as prescribed by the laws of the State of New York and any local law of the Town of North Greenbush.<sup>1</sup>
- B. Posting of notice. [Added 7-8-1993 by L.L. No. 2-1993]
  - (1) Notice of the hearing required by this section shall also be given by conspicuously posting a sign or signs in the form and manner prescribed by the Building Department on the subject premises which state the time, date and location of the hearing as well as a brief description of the relief requested.
  - (2) It shall be the responsibility of the applicant to post such required sign(s) for at least ten (10) consecutive days prior to the hearing. The applicant shall also take all steps necessary to ensure that such signs(s) remain legible.

ARTICLE XIII  
Amendments; Hearings

**§ 197-63. Amendments by Town Board.**

The Town Board by law from time to time on its own motion or on petition by taxpayers or on recommendation of the Planning Board, after public notice and hearing as prescribed by town law, may amend, supplement, modify or repeal, in whole or in part, this chapter or the boundary of any district established by this chapter.

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<sup>1</sup> Editor's Note: Original § 116-63, entitled "Fees," which immediately followed this section, was repealed 3-9-1989 by L.L. No. 2-1989.

**§ 197-64. Advisory reports by Planning Board.**

- A. Any such proposed change in text or zoning district boundary shall first be referred to the Planning Board, which shall submit a written report to the Town Board prior to public hearing thereon by the Town Board. The Planning Board shall submit its advisory report in writing to the Town Board and shall favorably recommend adoption of an amendment or change in this chapter or in a district boundary only if:
- (1) Such change does not conflict with the general purposes, goals and intent of this chapter.
  - (2) Such change is consistent with the Comprehensive Master Plan.
- B. The Planning Board shall submit to the Town Board its advisory report within forty-five (45) days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within forty-five (45) days shall be deemed to be a favorable recommendation.

**§ 197-65. Changes in district boundaries.**

An amendment to this chapter involving a change in zoning district boundaries shall become effective only when such change has been duly adopted, drawn on the Official Zoning Map and the proper entry recorded thereon in accordance with § 197-5B.

**§ 197-66. Effective date of amendment.**

If a copy of this chapter certified by the Town Clerk under the Town Seal and showing the date of adoption and entry in the minutes is served personally against a person, an amendment or change shall take effect immediately from the date of such service as against such person.

**§ 197-67. Public hearing.**

No such change in text or zoning district boundary of this chapter shall become effective until after a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.

**§ 197-68. Publication of notice.**

A notice of the time and place of such hearing shall appear in the designated official town newspaper of general circulation in the town. Such notice shall describe the area, boundaries, regulations or requirements that such proposed change involves.

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**§ 197-69. Agencies to receive written notice of amendment.**

At least ten (10) days prior to the date of said public hearing, written notice of such proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any city, village, town, county or state park or parkway shall be given, in the case of a city, village or town, to the respective Clerk, and in the case of a county, to the Clerk of the County Legislature or other person performing like duties, and in the case of any state park or parkway, to the Regional State Park Commission having jurisdiction. Such city, village, town, county, state park or parkway shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment. Written notice of a proposed change or amendment affecting property shown on the Official Zoning Map.<sup>20</sup> as a protective zoned area of a housing project authorized under the Public Housing Law shall be given to the housing authority erecting or owning the project and to the government providing financial aid for assistance thereto at least ten (10) days prior to the date of public hearing.

**§ 197-70. Protests.**

A protest against a proposed change or amendment to this chapter must be signed by the owners of twenty percent (20%) or more of the area of the land included in such proposed change or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land. Such change or amendment thus protested shall require the favorable vote of three-fourths ( $\frac{3}{4}$ ) of the members of the Town Board to become effective.<sup>21</sup>

<sup>20</sup> Editor's Note: The Zoning Map is on file and available for inspection in the office of the Town Clerk.

<sup>21</sup> Editor's Note: Original § 116-72, entitled "Fees," which immediately followed this section, was repealed 3-9-1989 by L.L. No. 2-1989.