

CITY OF PORT JERVIS

**Proposed Local Law No. 1 of 2021  
AMENDMENTS TO CHAPTER 535, ARTICLE XV  
ENTITLED: PLANNING BOARD AND  
ARTICLE XIX ENTITLED: ZONING BOARD OF APPEALS  
OF THE CITY CODE OF THE CITY OF PORT JERVIS**

Be it enacted by the City Council of the City of Port Jervis, County of Orange, State of New York as follows:

**Section 1.** Chapter 535, Article XV entitled “Planning Board” shall be and hereby is amended by this Local Law as follows by:

**Section 535-80(D):** Shall be amended to read as follows:

D. Application fee. All applications made to the Planning Board or Building Official shall be in writing on forms prescribed by the Planning Board or Building Official and shall be accompanied by a fee as determined by the fee schedule of the City of Port Jervis.

- (1) A site plan requiring Planning Board approval, along with all the materials and/or documentation necessary for such applications as provided for in Section 535-80(G) herein, shall be submitted to the Planning Board Secretary at least 14 days prior to the Planning Board meeting at which review is sought.
- (2) Site and sketch plans shall be provided with every application as follows **or as otherwise determined by the Planning Board Chairperson:**
  - i. Two (2) full size set of plans, one (1) 11”x17” hard copy of said plans and one (1) electronic copy to the Building Department;
  - ii. One (1) full size set of plans and one (1) electronic copy to the Fire Inspector;
  - iii. One (1) 11”x17” set of plans and one (1) electronic copy of same to the Fire Chief;
  - iv. One (1) 11”x17” set of plans and one (1) electronic copy of same to the Department of Public Works Director;
  - v. One (1) 11”x17” set of plans and one (1) electronic copy of same to the Police Chief;
  - vi. One (1) 11”x17” set of plans and one (1) electronic copy of same for submission to the Orange County Planning Department; and
  - vii. One (1) full size set of plans, eight (8) 11”x17” set of plans, and one (1) electronic set to the Planning Board Secretary for distribution to Planning Board members and Planning Board attorney.
  - viii. At least two (2) final revised set of plans must be submitted to the Planning Board for final approval and signature.
- (3) A site plan requiring only Building Official approval shall be submitted to the Building Official with four (4) hard copies.

All other provisions of City of Port Jervis Code Article XV shall remain in full force and effect for the newly stated term as amended above.

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**Section 2.** Chapter 535, Article XIX entitled “Zoning Board of Appeal” shall be and hereby is amended by this Local Law as follows by:

**Section 535-105 Entitled Procedure:** Shall be amended to read as follows:

§ 535-105 Procedure.

The powers and duties of the Zoning Board of Appeals shall be exercised in accordance with the following procedure:

- A. Appeals/Application fee. All appeals applications made to Zoning Board of Appeals shall be in writing on forms prescribed by the Zoning Board of Appeals and shall be accompanied by a fee as determined by the fee schedule of the City of Port Jervis. The fee filed in connection with applications shall not be returnable regardless of disposition of the case by the Board.
  - (1) An appeal and/or application requiring Zoning Board of Appeals review shall be submitted to the Zoning Board of Appeals Secretary at least 14 days prior to the Zoning Board of Appeals meeting at which review is sought.
  - (2) Every appeal/application shall include the following to the extent necessary as determined by the Chairperson:
    - i. Two (2) full size set of plans, one 11”x17” hard copy of said plans and one (1) electronic copy to the Building Department; and
    - ii. One (1) full size set of plans, seven (7) 11”x17” set of plans and one electronic copy to the Zoning Board of Appeals Secretary for distribution to the board and attorney.
    - iii. At least two (2) final revised set of plans must be submitted to the Zoning Board of Appeals for final approval and signature.
- B. Public hearing. The Zoning Board of Appeals shall not decide upon any appeal for a variance or interpretation of this chapter without first holding a public hearing, notice of which hearing, including the substance of the appeal or application, shall be given by publication in the official newspaper of the City at least 10 days before the date of such hearing. In addition to such published notice, the applicant shall cause such notice to be mailed (certified mail, return receipt requested) at least 10 days before the hearing to all owners of property which lies adjacent to the property for which relief is sought and to such other owners as the Zoning Board of Appeals may deem advisable.
- C. Surrounding owners. The names of said owners shall be taken as they appear on the last completed tax roll of the City.
- D. Substantial compliance. Provided that due notice shall have been published and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Zoning Board of Appeals in connection with the granting of any appeal or variance.
- E. Appeals and applications. All appeals and applications made to the Zoning Board of Appeals shall be in writing and shall be accompanied by the required fee payable to the Building Department. The fee filed in connection with applications shall not be returnable regardless of disposition of the case by the Board.

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- F. Circumstances to be set forth. Each appeal or application shall fully set forth the circumstances of the case, shall refer to the specific provisions of the section(s) of this chapter involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for, and the grounds on which it is claimed that the same should be granted.
- G. Transmittal of official notification. Should any appeal involve either of the two following conditions, the Secretary of the Zoning Board of Appeals 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 the hearing.
  - (1) Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of any city or town.
  - (2) Any change in the regulations prescribed for any district, any portion of which is located within 500 feet of the boundary of any city or town.
- H. Designated officials. The designated official for counties shall be the clerk of the county legislature. In cities and towns, the designated official shall be the clerk of the municipality.
- I. Advisory opinion of Planning Board. Prior to the date of any public hearing, the Secretary of the Zoning Board of Appeals shall transmit to the Secretary of the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Zoning Board of Appeals an advisory opinion on said appeal or application at any time prior to the rendering of a decision by the Zoning Board of Appeals.
- J. Record. Every decision of the Zoning Board of Appeals shall be recorded in accordance with the standard forms adopted by the Board, shall fully set forth the circumstances of the case, shall contain a full record of the findings on which the decision is based, and, if such decision is not in accordance with the recommendation of the Planning Board, the reasons therefor. Every decision of said Board shall be by resolution, and each such resolution shall be filed in the office of the City Clerk-Treasurer by case number, under one of the following headings: "Interpretation" or "Variances," together with all documents pertaining thereto. Regarding its decision in each case, the Zoning Board of Appeals shall notify the Building Official, Common Council, City Planning Board, and the municipal clerk of any affected municipality given notice of hearing.
- K. Minutes. The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the City Clerk-Treasurer and shall be a public record.
- L. Strict construal. All provisions of this chapter relating to the Zoning Board of Appeals shall be strictly construed. Said Board as a body of limited jurisdiction shall act in full conformity with all provisions of law and of this chapter and in compliance with all limitations contained therein.
- M. Expiration. Unless construction is commenced and diligently pursued within six months of the date of the granting of a variance, such variance shall become null and void, unless renewed upon application to the Zoning Board of Appeals.

All other provisions of City of Port Jervis Code Article XIX shall remain in full force and

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effect for the newly stated term as amended above.

**Section 3. 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 circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 4. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 5. 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.