

## LOCAL LAW NO. 7 OF 2008

### A LOCAL LAW AMENDING THE TOWN ZONING ORDINANCE (SPECIAL PERMITS)

#### **§ 1. Legislative Intent**

There are certain activities conducted within the Town that require the issuance of a special permit. The Town Zoning Ordinance provides that certain special permits shall be within the jurisdiction of the Zoning Board of Appeals and that other special permits are within the jurisdiction of the Planning Board. There are times, however, that the Planning Board has before it either a site plan and/or subdivision which they are reviewing for approval and as part of that approval, the project may also need a special permit. If the special permit is needed by the property owner, then a separate application and process must then be commenced before the Zoning Board of Appeals.

In analyzing the studying of the zoning and planning process of the Town, the Town Board has determined that it would be more efficient and provide for a better review if the Planning Board were vested with concurrent jurisdiction over the granting of the Zoning Board special permits when the permits are part of a site plan and/or subdivision application already pending before the Planning Board. It is with this goal in mind that the Town Board adopts this Local Law.

#### **§ 2. Zoning Ordinance Amendment**

Section 194-38(B) of the Zoning Ordinance be and hereby is amended to read as follows:

"Zoning Board of Appeals. All other special permit applications shall be reviewed by the Zoning Board of Appeals, except that the Planning Board shall also have concurrent jurisdiction with the Zoning Board of Appeals with respect to any special permit normally granted by the Zoning Board of Appeals when the Planning Board has before it either a site plan and/or subdivision application for which they are conducting an approval process which also requires a Zoning Board Special Permit. The issuance by the Planning Board of a special permit under the jurisdiction of the Zoning Board of Appeals is specifically limited to those occasions when the Planning Board has before it an application for site development plan approval and/or subdivision approval.

**§ 3. Effective Date**

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

**Adopted on December 18, 2008  
at a Regular Meeting Held at  
the Town Hall, 330 Route 376,  
Hopewell Junction, NY**