

Local Law 6 of 2025

Adopted 09.16.2025

**A LOCAL LAW AMENDING CHAPTER 295 ZONING, TO AMEND PROVISIONS
RELATED TO PLANNING BOARD AND ZONING BOARD APPLICATION
PROCEDURES**

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1. Article XII Site Plan Approval, Section 295-106, Application is hereby amended to read as follows:

§ 295-106. Application.

At least four weeks before the regular Planning Board meeting at which the site plan or an amendment to the site plan is to be presented, the applicant shall submit to the Building Department four (4) hard copies and one (1) flash drive containing a PDF version including the following:

- A. Site Plan Application Form on the official Village form with all required information filled in and signed by the fee owner of the property.
- B. A copy of the Deed to the property and any existing covenants or deed restrictions that cover all or any part of the property to be developed.
- C. A detailed site plan showing, at a scale of not less than 20 feet to the inch on sheets not to exceed 30 inches by 40 inches, the applicant's entire property and adjacent properties and existing streets and indicating:
 - (1) The title of the development, if any; the date the plan was prepared; the North point; the scale; and the name and address of the record owner, the engineer, the architect, the land planner, the surveyor and the person who prepared the site plan.
 - (2) A vicinity map, at a scale of not less than 200 feet to the inch, showing buildings on contiguous lots.
 - (3) The location of all existing and proposed lot lines, easements, reservations and areas dedicated to public uses.
 - (4) All existing municipal school district, zoning district and special district boundaries.
 - (5) A zoning compliance table that shall include four columns, specifying:
 - i. A description of each applicable zoning requirements;
 - ii. A citation to the corresponding Zoning Code provision;
 - iii. The existing condition relative to each zoning requirement; and
 - iv. The proposed condition relative to each requirement.
 - (6) The location and dimensions of all existing and proposed buildings and structures,

including, without limitation, the height of all buildings and structures and the width of all courts.

- (7) The existing and proposed use of all land and the existing and proposed use and exterior design of all existing and proposed buildings and structures, including, without limitation, the proposed grades, facades and other architectural features, and the location and attachment of mechanical equipment and other appurtenances to the exterior or at the roof.
 - (8) The existing and proposed division of all existing and proposed buildings and structures into units of separate occupancy.
 - (9) The location of all existing watercourses, marshes, wooded areas, rock outcrops, single trees with a diameter of eight inches or more measured three feet above the base of the trunk, and all other significant existing land features.
 - (10) The location, layout and surfacing of all existing and proposed driveways, paving and off-street parking and loading areas, including individual parking spaces.
 - (11) The location, size and type of all proposed landscaping, screening and buffer areas.
 - (12) The location of all existing and proposed outdoor storage areas, including snow storage in parking areas.
 - (13) The location of all proposed streets, with profiles indicating grading and cross-sections showing the width of the roadway, the location and width of all sidewalks and the location and size of utility lines.
 - (14) The location of all existing and proposed water mains, valves, hydrants, culverts, drains and sewer lines, or alternate means of water supply and sewer disposal and treatments, with pipe sizes, grades, direction of flow and location of connection to public utilities.
 - (15) The location, height and design of all existing and proposed fences and retaining walls.
 - (16) The location, direction, power, design and time of all existing and proposed exterior lighting.
 - (17) The location, design and size of all existing and proposed signs.
 - (18) The location of all other existing and proposed site improvements.
 - (19) Existing soils and existing and proposed topography of the site, including existing and proposed contours, with intervals of five feet or less, referred to a datum satisfactory to the Planning Board. Where the variations in the proposed elevation above or below the average level of the street in front of the property exceed 10 feet, the application shall be accompanied by a map, certified by a licensed surveyor, showing the contours at two-foot intervals.
- D. A stormwater pollution prevention plan (SWPPP), if required by Chapter 250 of the Code of the Village of Hastings-on-Hudson.

- E. An Environmental Assessment Form
- F. Any other information or documents identified as required during the pre-submission conference pursuant to § 106.1.
- G. A fee in the amount set by the Board of Trustees pursuant to § 295-152 of this chapter together with an escrow deposit in an amount to be determined by the Building Inspector. The application shall not be considered complete or officially submitted until all of the information, documents and fees required by this section have been received, in proper form, by the Building Department.
- H. The Planning Board may waive any of the required submissions if it finds, because of the special circumstances of a particular case, that the information is not necessary to assist the Planning Board in making its decision, or that compliance with the requirements may cause extraordinary and unnecessary hardship.
- I. The applicant shall follow such other procedures and requirements for submission of the application as may be set forth in the instructions provided on the Village Website Planning Board page.

SECTION 2. Article XII Site Plan Approval of Chapter 295 Zoning is amended to add a new Section 295-6.1 to read as follows:

§ 295-106.1. Pre-submission conference and review.

A pre-submission conference with Village Staff is required for all new applications and for continuing applications that involve significant changes, as determined by Village Staff. The pre-submission conference procedure shall be conducted in accordance with the following procedure:

- A. The applicant shall submit a request for a pre-submission conference with Village Staff to the Building Department, using the form designated by the Building Department and accompanied by the required fee established by the Board of Trustees pursuant to § 295-152 of this chapter.
- B. The pre-submission conference will be scheduled by the Building Department and shall include the Building Inspector, Planning Consultant, Engineering Consultant, and Village Attorney, as determined appropriate by Village Staff, and shall be scheduled by the Building Department at a mutually agreed upon time.
- C. At such conference, Village Staff will provide input on application materials necessary and may identify what material, information or required documentation may be waived because of the special circumstances of a particular case, and therefore not required in the submission.

SECTION 3. Section 295-107, Action by Planning Board, is hereby amended to read as follows:

§ 295-107 Action by Planning Board.

- A. Within 62 days after receipt by the Building Inspector of the completed

application, the Planning Board shall conduct a public hearing held upon the same notice as that required for a zoning variance.

- B. The decision of the Planning Board shall be filed in the office of the Village Clerk, and a copy of the decision shall be provided to the applicant.
- C. Upon satisfaction of all conditions of approval set forth in the Planning Board decision the applicant shall provide the Building Department with three (3) paper sets of the final site plans and one pdf copy. The plans shall be stamped as final approved and one set returned to the applicant.

SECTION 4. Section 295-108, Planning Board site plans, is hereby deleted in its entirety.

SECTION 5. Section 295-120, Application procedures, application and action on preliminary plat and final plat is hereby amended to replace all references to "Building Inspector" within this section to "Building Department."

SECTION 6. Section 295-120, Application procedures, application and action on preliminary plat and final plat, subsections A , B and C are hereby amended to read as follows:

A. General procedures. Whenever any subdivision of land is proposed, and before any contract for the sale is carried out or title to any part thereof is transferred, the subdividing owner or his or her duly authorized agent shall proceed to secure approval of the proposed subdivision in accordance with the following steps:

- (1) Pre-submission conference.
- (2) Preparation of preliminary plat.
- (3) Preparation of final plat.

B. Pre-submission conference. The pre-submission conference procedure shall be as follows:

- a. The applicant shall submit a request for a pre-submission conference with Village Staff to the Building Department, using the form designated by the Building Department and accompanied by the required fee established by the Board of Trustees pursuant to § 295-152 of this chapter.
- b. The pre-submission conference shall be scheduled by the Building Department at a mutually agreed-upon time and may include the Building Inspector, Planning Consultant, Engineering Consultant, and Village Attorney, as deemed appropriate by Village Staff.
- c. At the conference, the applicant shall present a sketch layout of the proposed subdivision, including a site location map showing the applicant's entire holdings in relation to adjacent streets and properties, along with a general depiction of the proposed arrangement of streets, lots, recreation areas, and the intended approach for providing utility services. Village staff will provide input

on the materials to be formally submitted and any issues to be addressed.

A. Preliminary Plat.

- (1) At least four weeks before the regular Planning Board meeting at which the preliminary subdivision is to be considered, the applicant shall submit to the Building Department four (4) hard copies and one (1) flash drive containing a PDF version including the following:
 - a) Subdivision Application Form on the official Village form with all required information filled in and signed by the fee owner of the property.
 - b) A copy of the Deed to the property and any existing covenants or deed restrictions that cover all or any part of the property to be developed.
 - c) A stormwater pollution prevention plan (SWPPP), if required by Chapter 250 of the Code of the Village of Hastings-on-Hudson.
 - d) An Environmental Assessment Form
 - e) The preliminary plat, including all contiguous land of the applicant, and preliminary construction plans, showing all items listed in Sections A-1 and A-2 of Appendix A to the Zoning Code.
 - f) Any other information or documents identified as required during the pre-submission conference pursuant to § 120A above.
 - g) A fee in the amount set by the Board of Trustees pursuant to § 295-152 of this chapter together with an escrow deposit in an amount to be determined by the Building Inspector. The application shall not be considered complete or officially submitted until all of the information, documents and fees required by this section have been received, in proper form, by the Building Department.
 - h) The Planning Board may waive any of the required submissions if it finds, because of the special circumstances of a particular case, that the information is not necessary to assist the Planning Board in making its decision, or that compliance with the requirements may cause extraordinary and unnecessary hardship.
 - i) The applicant shall follow such other procedures and requirements for submission of the application as may be set forth in the instructions provided on the Village Website Planning Board page.
- (2) Action on preliminary plat application. Within 62 days after the receipt of a completed preliminary plat and all accompanying material by the Building Inspector, the Planning Board shall hold a public hearing on the application.
- (3) Notice of hearing.

- a) By practice of the Planning Board, every meeting shall be held as a public hearing for any application requiring a public hearing.
- b) The applicant shall prepare the notice of hearing, which notice shall state the time and place of the hearing, the street address, sheet, lot and block, zoning district and location of the premises; the name of the applicant; and a brief description of the proposed development and approvals required. The applicant shall submit the proposed notice to the Building Department.
- c) The Building Department shall have the notice published in a newspaper of general circulation in the Village at least 10 days prior to the public hearing.
- d) The Building Department shall provide the applicant with the list of all property owners within 300 feet of each boundary line of the property and mailing address stickers. The applicant shall mail the notice to each property owner on such list at least 10 days prior to the date of the public hearing and provide the Building Department with a Certificate of Mailing from the US Postal Service prior to the date of the public hearing.

SECTION 7. Section 295-120, Application procedures, application and action on preliminary plat and final plat, subsections D Final Plat is hereby amended to read as follows:

D. Final Plat.

- (1) At least two weeks before the regular Planning Board meeting at which the final subdivision is to be considered, the applicant shall submit to the Building Department four (4) hard copies and one (1) flash drive containing a PDF version including the following:
 - a) Subdivision Application Form on the official Village form with all required information filled in and signed by the fee owner of the property.
 - b) The final plat, including all contiguous land of the applicant, and construction plans, showing all items listed in Sections A-1 and A-2 of Appendix A to the Zoning Code and incorporating and conditions and revisions required by the preliminary plat approval.
 - c) Where subdivision roads and/or other improvements are involved and where the applicant intends to post a performance bond to cover the cost of such improvements, a statement from the applicant's engineer giving the estimated cost of construction, together with the quantities and unit costs used in making the estimate.
 - d) A fee in the amount set by the Board of Trustees pursuant to § 295-152 of this chapter. The application shall not be considered complete or officially submitted until all of the information, documents and fees required by this section have been received, in proper form, by the Building Department.

- e) The applicant shall follow such other procedures and requirements for submission of the application as may be set forth in the instructions provided on the Village Website Planning Board page.

(2) Action by Planning Board: final plats that are in substantial agreement with approved preliminary plat. When a final plat is submitted that the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to these subdivision regulations, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days after receipt of the completed final plat and all accompanying material. The grounds for modification, if any, or the grounds for disapproval shall be stated in the resolution of the Planning Board. The time in which the Planning Board must take action may be extended by mutual consent of the property owner and the Planning Board. A copy of the resolution shall be filed in the office of the Village Clerk and a copy provided to the applicant.

(3) Action by Planning Board: final plats that are not in substantial agreement with approved preliminary plats. When a final plat is submitted that the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to these subdivision regulations, the following shall apply:

- (a) The Planning Board shall hold a public hearing on such plat not later than 62 days after receipt of the completed final plat and all accompanying material by the Building Inspector. The hearing shall be noticed in accordance with the provisions of Section 295-120C(3).

- (b) The Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days after the date of the public hearing. The grounds for modification, if any, or the grounds for disapproval shall be stated in the resolution of the Planning Board. The time in which the Planning Board must take action may be extended by mutual consent of the property owner and the Planning Board. A copy of the resolution shall be filed in the office of the Village Clerk and a copy provided to the applicant.

(4) Approval by default. In the event that the Planning Board fails to take action on a final plat within the time prescribed, or within such extended period established by the mutual consent of the owner and the Planning Board, the plat shall be deemed approved. A certificate of the Village Clerk as to the date of submission, and the failure of the Planning Board to take action within the prescribed time, shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval. Such approval shall expire within 62 days unless the applicant files the plat in the office of the Westchester County Clerk, Division of Land Records, within that sixty-two-day period.

- (5) Duration of approval. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting conditional final plat approval unless all conditions and requirements have been certified by Village staff as complete and the plat is ready for signature as set forth below. The Planning Board may extend the time in which a conditionally approved plat in final form must be submitted with all conditions satisfied if, in its opinion, such extension is warranted.
- (6) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections. In its resolution granting such approval, the Planning Board may state that such requirements as it deems necessary to ensure the orderly development of the plat be completed before said sections may be signed by the authorized member of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
- (7) Action by applicant. Based upon the Planning Board resolution, the applicant shall have the final subdivision plat and construction plans revised, if necessary, in accordance with said resolution, and provide proof of satisfaction of all other conditions set forth in the resolution, and submit three (3) paper copies and one pdf copy of such revised maps to the Building Inspector. Any performance bond or security agreement that is to be posted shall be submitted to the Village Attorney. The Village Attorney shall be responsible for determining and certifying to the Planning Board whether or not the surety, form, sufficiency and manner of execution of the bond or security agreement is acceptable to and has been approved by the Board of Trustees.
- (8) Approval of construction plans. The final revised construction plans shall be stamped as final approved and one set returned to the applicant.
- (9) Final approval of subdivision plat. The Chairperson or other duly authorized member of the Planning Board shall endorse the Planning Board's final approval of the plat only after all required improvements have been completed in accordance with the Planning Board's approval of the plat and construction plans, or alternatively after a bond or other security in the required amount and surety has been filed, and after all other required conditions of the resolution of approval, including the payment of all fees, have been complied with. Said endorsement shall be by signature and date on the original of the plat (which shall be returned to the applicant for filing) and on a print of the plat (which shall be retained in the record files of the Planning Board).
- (10) Filing plat with County Clerk; expiration of approval. The applicant shall file the approved plat with the Westchester County Clerk, Division of Land Records, within 62 days of the date of Planning Board signing. The approval of any plat not so filed shall expire 62 days after the date of signing. The applicant shall submit five paper copies and one pdf of the final plat, showing the endorsements of the County Clerk, to the Building Inspector within 30 days of the date of filing.

SECTION 8. Section 295-143, Notice of hearing, of Article XIV Board of Appeals; Variances, is hereby amended to read as follows:

§295-143 Notice of hearing.

- A. Every meeting of the Zoning Board of Appeals shall be held as a public hearing for the applications before it.
- B. The Building Inspector shall prepare the notice of hearing, which notice shall state the time and place of the hearing, the street address, sheet, lot and block, zoning district and location of the premises; the name of the applicant; and a brief description of the proposed development and variances required.
- C. The Building Department shall have the notice published in a newspaper of general circulation in the Village at least 10 days prior to the public hearing.
- D. The Building Department shall provide the applicant with the list of all property owners within 300 feet of each boundary line of the property and mailing address stickers. The applicant shall mail the notice to each property owner on such list at least 10 days prior to the date of the public hearing and provide the Building Department with a Certificate of Mailing from the US Postal Service prior to the date of the public hearing.

SECTION 9. Section 295-82 View Preservation (VP) Districts, subsection C.(4) is hereby amended to read as follows:

- C. (4) Notice of each of the Planning Board and Zoning Board of Appeals meeting at which the application is first to be considered shall be given as required by §295-143.

SECTION 10. SEVERABILITY

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 11. 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.