

**ARTICLE 10
AMENDMENTS****A. Village Board Power to Amend:**

The Village Board of Trustees may, on its own initiative, or upon receipt of an application by a landowner, or upon recommendation from the Planning Board, other commissions/boards, or Village departments, amend, modify, supplement, or repeal the regulations, restrictions, boundaries, and provisions of this Zoning Law.

B. Advisory Report by Planning Board:

Applications to the Village Board to amend the zoning map or zoning text, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report in writing its recommendations thereon to the Village Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. The Planning Board shall take into consideration the goals and recommendations outlined in the Comprehensive Plan, and the purposes set forth in Article 1 of this Zoning Law. If the Planning Board fails to report within a period of forty-five (45) days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Village Board, the Village Board may act without such report. If the Planning Board recommends disapproval of the proposed amendment, or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

C. Petition by Owners of Fifty Percent (50%) of Frontage:

Wherever the owners of part thereof shall present a petition duly signed and acknowledged to the Village Board, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Village Board to act upon said petition within ninety (90) days after filing of the same by the petitioners with the Village Clerk.

D. Protest by Owners:

A favorable vote of at least two thirds of the Village Board is required to approve any zoning map or zoning text amendment, in the event that protest against the proposed amendment is presented to the Village Board, duly signed and acknowledged by:

1. The owners of twenty percent (20%) or more of the area of land included in such proposed amendment; or

2. The owners of twenty percent (20%) or more of the area of land immediately adjacent to that land included in such proposed change, extending one-hundred (100) feet therefrom; or
3. The owners of twenty percent (20%) or more of the area of land directly opposite thereto, extending one-hundred (100) feet from the street frontage of such opposite land.

E. Public Hearing and Notice:

Prior to a Village Board decision being rendered on a proposed zoning map or zoning text amendment, the Village Board is required to conduct a public hearing.

1. A notice of the proposed amendment and the time and place of the public hearing shall be published in a newspaper of general circulation in the Village, not less than ten (10) days prior to the date of public hearing.
2. Written notice of the public hearing shall be forwarded to the appropriate official if a zoning map amendment application involves property located within five hundred (500) feet of the following:
 - a) The property of a housing authority erecting or owning a housing project authorized under the Public Housing Law. Officials to be notified include the Executive Director of the Housing Authority and the Chief Executive Officer of the municipality providing financial assistance thereto.
 - b) The boundary of a City, Village or Town. Officials to be notified include the City, Village or Town Clerk.
 - c) The boundary of a County. Officials to be notified include the County Clerk or Board of Legislature or other persons performing like duties.
 - d) The boundary of a State park or parkway. Officials to be notified include, the Commissioner having jurisdiction over such State park or parkway.

F. Mandated County Referral:

1. Should any proposed amendment consist of or include any of the following conditions, the Village Clerk shall, prior to final action refer the proposed amendment to the County Planning Board, in accordance with Section 239-m of the General Municipal Law. Any change in the district classification of or the regulations applying to real property lying within a distance of five-hundred (500) feet from:
 - a. The boundary of any Village or Town.

- b. The boundary of any existing or proposed County of State park or other recreation area.
 - c. The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway.
 - d. The right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines.
 - e. The boundary of any existing or proposed County or State owned land on which a public building or institution is situated.
 - f. The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agricultural and Markets Law, except this provision does not apply to the granting of area variances.
2. If such County Planning Board recommends modification or disapproval of a proposed action, the Village Board of Trustees shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof. In the case of a extraordinary vote against the County's recommendation, the Village must within thirty (30) days of the final action, file a report with the County Planning Board outlining the reasoning for the contrary action.

G. Compliance with State Environmental Quality Review Act:

The Village Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

H. Filing with the Secretary of State:

Every amendment to this Local Law shall be filed with the Secretary of the State of New York in accordance with Village Law §7-706.