

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
OCT 20 2003

MISCELLANEOUS  
& STATE RECORDS

County  
City of ROCKLAND  
Town  
Village

Local Law No. 5 of the year 2003

A local law amending Chapter 30 entitled "Zoning" of the Town of  
*(Insert Title)*  
Rockland Municipal Code with respect to yard regulations.

Be it enacted by the TOWN BOARD of the  
*(Name of Legislative Body)*

~~County~~  
~~City~~ of ROCKLAND as follows:  
~~Town~~  
~~Village~~

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**SECTION I**  
**Amendment of Town of Rockland Zoning Law**

Chapter 30 entitled "Zoning" of the Town of Rockland Municipal Code is hereby amended as follows:

A. Section 30.3.G is amended to read as follows:

"G. Authorization for the Planning Board to modify yard requirements for accessory buildings with site plan review, to authorize lot owners to encroach upon these yards for purposes of non residential building construction in the case of lots served by central sewer/water facilities in supersession of Section 267.5 of the Town Law."

B. Section 30.17.A is amended to read as follows:

"A. Rear and side yard exceptions. Where the side wall of a building is not parallel with the side lot line or is irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width. The Town of Rockland Planning Board shall also have the discretion, in cases of "main street" businesses in Livingston Manor or Roscoe where no side yards are provided and/or buildings will directly adjoin, to permit zero lot line development. Additionally, the Planning Board shall have the authority, for good cause in relationship to the particular nature of the property, to modify any yard requirements as applied to accessory buildings and with site plan review, to authorize lot owners to encroach upon these yards for purposes of non-residential building construction in the case of lots served by central sewer/water facilities."

C. Section 30.17. D is amended to read as follows:

"Waterfront yards. Any yard that borders on a lake, stream or body of water shall be not less than fifty (50) feet in depth, excluding boathouses and docks, except that where the lot is served by central sewer/water facilities, the Town of Rockland Planning Board may, with site plan review, authorize lot owners to encroach upon this yard for purposes of non-residential building construction consistent with floodplain development regulations."

**SECTION II.**  
**Effect of invalidity.**

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby intended to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions not been included.

**SECTION III.**  
**Effective date.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2003 of the ~~(County)~~(City)(Town)(Village) of ROCKLAND was duly passed by the TOWN BOARD on Oct 2 2003, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~  
~~*(Name of Legislative Body)*~~  
~~*(Elective Chief Executive Officer\*)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1\_\_\_\_\_, above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

JUDY A. NEWMAN, Town Clerk

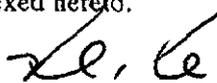
Date: 10/2/03

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature KENNETH C. KLEIN

TOWN ATTORNEY

Title

~~County~~  
~~City~~ of ROCKLAND  
~~Town~~  
~~Village~~

Date: 10/7/03