

(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
APR 07 2003
MISCELLANEOUS
& STATE RECORDS

County
City of CHESTNUT RIDGE
Town
Village

Local Law No 1 of the year 2003

A local law AMENDING LOCAL LAW NO.20 OF 1987, THE ZONING LAW OF THE VILLAGE OF CHESTNUT RIDGE, IN RELATION TO EXPIRATION OF VARIANCES

BOARD OF TRUSTEES

Be it enacted by the _____ of the
County **CHESTNUT RIDGE**
City of _____ as follows:
Town
Village

A LOCAL LAW AMENDING LOCAL LAW NO.
20 OF 1987, THE ZONING LAW OF THE VILLAGE
OF CHESTNUT RIDGE, IN RELATION TO
EXPIRATION OF VARIANCES

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CHESTNUT RIDGE, as follows:

Section 1. Paragraph (2) of subdivision C of Section 2 of Article XV of Local Law No. 20 of 1987, as amended, is hereby amended to read as follows:

- (2) Use variances. The Board shall have the power to grant a use variance authorizing a use of land which otherwise would not be allowed or would be prohibited by the terms of this local law. No such use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning Regulations for the particular district where the property is located:
 - (a) the applicant cannot realize a reasonable return, provided that such lack of return is substantial as demonstrated by competent financial evidence and
 - (b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood, and
 - (c) that the requested use variance, if granted, will not alter the essential character of the neighborhood, and
 - (d) that the alleged hardship has not been self-created.

Section 2. Subdivision C of Section 2 of Article XV of such local law is hereby amended by adding thereto two new paragraphs, to be Paragraphs (4) and (5), to read as follows:

- (4) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (5) Any variance granted pursuant to this Article shall expire three years after the date of the resolution granting such variance unless a building permit has been issued for the building or structure for which the variance has been granted and construction commenced on said building or structure.

Section 3. This local law shall take effect ten days after publishing, posting and filing with the Secretary of State.

ADOPTED: March 20, 2003

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. 1 of 2003 of the (County)(City)(Town)(Village) of CHESTNUT RIDGE was duly passed by the Board of Trustees on March 20, 2003, in accordance with the applicable provisions of law.

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.

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)(per-missive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ----- 20L---, 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 countywide 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.)

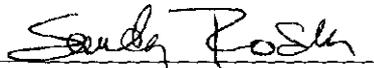
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative Vote of a majority of the qualified electors 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 of 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

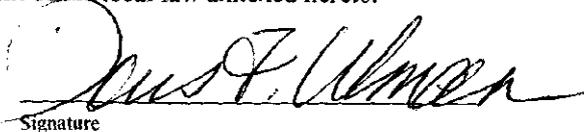
Date: March 20, 2003

(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 ROCKLAND

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

VILLAGE ATTORNEY

Title

VILLAGE OF CHESTNUT RIDGE

Date: March 20, 2003