

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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 use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUN 03 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Saugerties
Town
~~Village~~

Local Law No. 1 of the year 2003

Enacting a temporary moratorium on building permits, demolition permits, and site
A local law plan review in the Town of Saugerties involving structures listed on the Nat'l
(Insert Title) or State registers of historic places.

Be it enacted by the Town Board of the
(Name of Legislative Body)

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

(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 ~~19~~ 2003 of the ~~(County)(City)(Town)(Village)~~ of Saugerties was duly passed by the Town Board on May 7 ~~19 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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
of officer designated by local legislative body

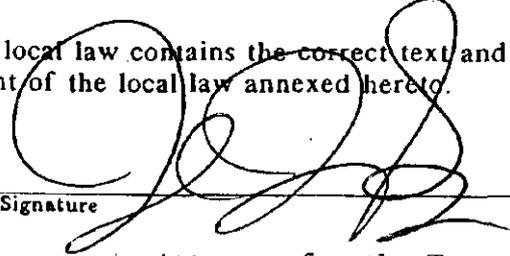
(Seal)

Date: May 8, 2003

(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 Ulster

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

Attorney for the Town
Title

~~County~~
~~City~~ of Saugerties
~~Town~~
~~Village~~

Date: May 8, 2003

LOCAL LAW NO. 1 FOR THE YEAR 2003

A LOCAL LAW ENACTING A TEMPORARY MORATORIUM
ON BUILDING PERMITS, DEMOLITION PERMITS, AND
SITE PLAN REVIEW IN THE TOWN OF SAUGERTIES
INVOLVING STRUCTURES LISTED ON THE
NATIONAL OR STATE REGISTERS OF HISTORIC PLACES

BE IT ENACTED by the Town Board of the Town of Saugerties,
County of Ulster as follows:

SECTION 1 - LEGISLATIVE INTENT

The Town Board of the Town of Saugerties, Ulster County, New York is vitally concerned with the lack of an historic preservation law. The National and State Registers of Historic Places are official lists of properties that are significant in history, architecture, engineering, landscape design, archeology and culture within local, state and/or national contexts. Many properties within the Town of Saugerties are on the National or State historic registers. The Town of Saugerties has never catalogued these properties. The Town desires to do so.

The Town of Saugerties faces significant growth and environmental pressures. It is reasonably anticipated that applications will be made for alteration or demolition of historic buildings and for site plan review of projects involving such alteration, demolition or removal. Such would be detrimental to the accomplishment of an historic preservation

law, which will reflect a process for consideration of the historic, architectural, engineering, landscape design, archeology and culture of these properties.

Pending necessary studies, referrals, revisions and hearing incident to the adoption of an historic preservation law, the Town Board finds that unless reasonable measures are taken during an interim period to preserve the status quo, alteration, demolition or destruction of properties which are listed on the National or State Register of Historic Places may result. It is the intention of the Town Board to preserve the status quo for the time necessary to afford the Town time to enact an historic preservation law governing alteration, demolition and development of properties listed on the National or State Registers of Historic Places. Pursuant to the provisions of §96-a and Article 5-K of the New York General Municipal Law, it is hereby declared a matter of public policy that the protection, enhancement, perpetuation and the use of buildings, structures, places and sites of historic value is in the public interest for towns to:

A. Safeguard the heritage of the Town of Saugerties by protecting and enhancing the landmarks which represent cultural, social, economic, political and architectural history;

B. Foster civic pride in the beauty and history of Saugerties through education;

C. Protect and enhance the attractiveness of Saugerties to home buyers, visitors, shoppers and residents and thereby provide economic benefits to the town and its citizens;

D. Conserve and improve the value of property within Saugerties;

E. Foster, encourage and advise the preservation, restoration and rehabilitation of structures.

As such, the Town Board hereby adopts, pursuant to the Municipal Home Rule Law, interim legislation for a reasonable time during consideration of an historic preservation law.

SECTION 2 - SCOPE AND CONTROL

A. Building Permits.

The Building Inspector of the Town of Saugerties shall not accept, process or review building permit applications or grant building permits for any exterior alteration, restoration, reconstruction or new construction of or to a structure listed on the National or State Register of Historic Places at the time such application is made or at the time such building permit is otherwise scheduled to be issued.

B. Demolition Permits.

The Building Inspector of the Town of Saugerties shall not accept, process or review demolition permit applications or grant demolition permits for any demolition or removal of any structure

listed on the National or State Register of Historic Places at the time such application is made or at the time such demolition permit is otherwise scheduled to be issued.

That portion of the Town of Saugerties ordinance for administration and enforcement of the New York State Building Construction Code providing for application for building permits, demolition permits and approvals shall be suspended for the Term of this moratorium, and no building permits or demolition permits shall be issued with respect to any building or structure listed on the National or State Register of Historic Places, except as permitted under this Local Law. Any currently effective building permits or demolition permits shall not be renewed or extended, except those pursuant to which construction or demolition has been substantially commenced prior to the effective date of this Local Law.

C. Site Plan Approvals.

The Planning Board of the Town of Saugerties shall not accept, process, review or grant approval of any site plan involving any property listed on the National or State Register of Historic Places in the Town of Saugerties. The temporary moratorium as to Site Plan review shall be applicable whether or not such plans or maps had been submitted to the Planning Board prior to the effective date of this Local Law. The moratorium as

to site plan review shall not be applicable, however, to site plans for which preliminary approval has been granted by the Town of Saugerties Planning Board prior to the effective date of this Local Law.

SECTION 3 - TERM OF MORATORIUM

The term of this moratorium shall be for a period of nine (9) months following the effective date of this Local Law or less if the Town Board so determines the intent and purpose of this Local Law have been satisfied. The Town Board may also extend the term of this Local Law by resolution, which resolution shall fully set forth the reasons for such extension. Such extension by resolution shall not exceed an additional period of one hundred eighty (180) days.

SECTION 4 - VIOLATION

Any persons or firms violating any provision of this Local Law shall be guilty of an offense, and upon conviction thereof, be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Every day's continued violation after notice shall constitute a separate additional violation. In addition, the Town Board may also maintain an action or proceeding in the name of the Town of Saugerties in a court of

competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.

SECTION 5 - SEPARABILITY

Should any section, paragraph, division, phrase or provision of this Local Law be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect the validity of this Local Law as a whole, or any part or provision hereof, other than the part so adjudged as invalid or unconstitutional.

SECTION 6 - VARIANCES

Should the enforcement of this moratorium result in undue hardship and practical difficulties, the Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law.

Application for a variance shall be filed in triplicate with the Town Clerk, together with a filing fee of One Hundred Dollars (\$100.00). The application shall specifically recite the nature of the construction, demolition and/or the proposed use of land, the circumstances pursuant to which the variance is sought and the reasons for which the variance is claimed. The applicant shall be required to comply with all aspects of the State Environmental Quality Review Act (SEQRA).

All decisions on granting or denying such variances shall be made by the Town Board solely, after determining whether or not the enforcement of this moratorium would result in undue hardship; In order to prove the existence of hardship, the applicant shall establish that:

A. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible or, in the case of a property owned by an entity certified under Section 501(c)(3) of the Internal Revenue Code, where the failure to permit demolition would unreasonably interfere with the applicant's charitable purpose;

B. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

C. Reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.

The Town Board shall conduct a public hearing on any request for a variance and the Town Board shall issue its final decision on requests for a variance within a reasonable time after such application and public hearing.

SECTION 7 - EFFECTIVE DATE

This Local Law shall be effective as provided by law, upon filing and acceptance by the Secretary of State.

Passed, adopted and approved this 7th day of May,
2003.

SAUGERTIES TOWN BOARD



Gregory Helsmoortel, Supervisor



Patricia Donohue, Town Clerk