

Local Law Filing

(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. Use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
NOV 07 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Schaghticoke
~~Town~~
~~Village~~

Local Law No. 4 of the year 2003

A local law establishing a temporary moratorium on the subdivision of land
(Insert Title)
into three or more lots.

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

County
City of Schaghticoke as follows:
Town
Village

SECTION 1. PURPOSE AND INTENT

Section I, paragraph D, of the existing zoning law of the Town of Schaghticoke imposes a mandatory comprehensive review of the existing zoning law to be undertaken no later than five years after the enactment of the zoning law, *i.e.* by the year 2003.

In furtherance of said mandatory comprehensive review, the Town Board of the Town of Schaghticoke has received a grant for the purpose of creating a master plan for the Town, including analysis of existing land uses, roads, population trends, institutional, human and environmental resources of the Town with the goal of proposing a comprehensive revision of the existing zoning law.

It is the desire and intent of the Town Board to protect the integrity of the above-described planning and revision process and to allow time for all necessary legal and environmental procedures. The Town Board finds that any further residential subdivision development may interfere with the goals cited above and the Board wishes to prevent the permitting and establishment of development which would be incompatible or inconsistent with said goals.

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

In the interests of preserving the multi-generational, family ownership of properties located throughout the Town, the Town Board hereby expresses its intent that two-lot subdivisions are exempt from this moratorium. It is the intent of the Town Board, however, that the moratorium shall apply to applications for resubdivision, in which a previously subdivided lot is sought to be subdivided again.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the provisions of section 10 of the Municipal Home Rule Law and is intended to supersede Town Law Section 274-a(8) and Town Law Section 276.

SECTION 3. APPLICATION

This law shall apply to all agricultural and residential zoning districts within the Town and shall be applicable to all subdivisions in which three lots or more are to be created. It shall also apply to resubdivision, in which a previously subdivided parcel is proposed to be subdivided again.

SECTION 4. DURATION

This law shall be in effect for one year from and after its adoption.

SECTION 5. SCOPE OF CONTROL

During the effective period of this local law, no board or agency of the town shall accept, process, review or grant approval to any subdivision other than two-lot subdivisions as set forth in section 3 above and those subdivisions for which a complete application has already been submitted as of the date of the introduction of this local law.

SECTION 6. VARIANCES

The Town Board shall have the power to vary or modify the application of any provision of this local law upon its determination, after public hearing that this law would impose extraordinary hardship upon an applicant for any required permit or approval affected by this local law, and that a variance from this local law will not adversely impact the health, safety and general welfare of the town or unduly undermine the land use revisions now under development and consideration. Any request for a variance shall be filed with the Town Clerk and shall include a fee of \$ 25.00.

SECTION 7. EXISTING ACTIVITIES

The development of all projects already approved or for which permits have already been issued may be continued and shall not be affected by the terms and provisions of this local law.

SECTION 8. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect.

SECTION 9. EFFECTIVE DATE

This local law shall take effect immediately upon the filing of such law with the office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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. 4 of 20 03 of the (County)(City)(~~Town~~)Village) of Schaghticoke was duly passed by the Town Board on Oct. 8, 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)(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 _____, above.

(Seal)

✓ Roni E. Holmberg
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Date: 10/9/03

(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 Albany

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.

Linda L. Mendel Clemente
Signature
Attorney for the Town
Title

County
City of Schaghticoke
Town
Village

Date: 10/9/03