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DEC 16 2016

New York State Department of State

41 State Street, Albany, NY 12231

Local Law Filing

DEPARTMENT OF STATE

(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.

TOWN OF ELMA
Local Law No. 4-2016

A Local Law Local Law Imposing a Six Month extension on the Twelve Month Moratorium on construction of subdivision in the Town of Elma

Be it hereby enacted by the Town Board of the Town of Elma a local law as follows:

Local Law No. 4-2016

BE IT ENACTED BY THE Town Board of the Town of Elma, New York as follows:

TOWN OF ELMA
LOCAL LAW NO. 4-2016

"Imposing a Six Month Extension of the Twelve Month Moratorium on construction of subdivisions in the Town of Elma"

Section 1: Title.

This Local Law shall be referred to as "Local Law #4-2016 imposing a six month extension of the twelve (12) month moratorium on construction of subdivisions in the Town of Elma"

Section 2: Purpose and Intent.

A. In order to address present and future development within the Town of Elma and to continue updating of the Town's Comprehensive Plan.

B. The zoning, building codes and regulations of the Town of Elma as currently written may be incomplete and inadequate to address certain applications for approval of some land uses.

C. The definitions in the Town of Elma code book need to be more clearly defined.

D. The moratorium halting the application for any new subdivisions enables the assessment of present and future growth and development needs within the Town of Elma and addresses the appropriateness of subdivisions development with respect to the existing surrounding communities and environmental impacts.

E. Therefore, the Town Board of the Town of Elma finds it prudent and necessary for a period of a six month extension of the twelve (12) months following the enactment of the Local Law

#1-2016 a moratorium applicable to all subdivisions projects that include, but is not limited to family structures, senior housing, townhouses, condominiums, all apartment complexes, and any type of building that is classified as a subdivisions. This moratorium would also include commercial projects that include, but is not limited to apartment buildings, hotels/motels, and any type of buildings.

F. This moratorium is intended to insure that no approvals for such land use applications as aforesaid, including but not limited to said building permits, subdivision maps, land divisions, variances, special permits and change of zoning petitions, be granted until this Board may complete its planning studies in respect to said subdivisions projects and have the opportunity to consider and enact comprehensive code and zoning changes as appropriate.

Section 3: Statutory Authority: Suppression.

A. This moratorium is enacted by the Town Board of the Town of Elma pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law 10,20,27 and in compliance with section 239-m of the General Municipal Law.

B. This Local Law #4-2016 supersedes Chapter 123 Subdivision of Land of the Code of the Town of Elma, New York.

Section 4: Term. ????

This Local Law #4-2016 shall be in effect for a period of six (6) months the first of the (2) separate six month extension of the twelve (12) months. There shall be the possibility of two (2) separate six (6) month periods of extension imposed, after proper notice and a public hearing to be held within forty-five (45) days prior to the expiration of said moratorium period.

In the event that any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the Elma Town Board prior to the date that the moratorium imposed by this Local Law #1-2016 expires; the moratorium imposed by this Local Law #4-2016 shall expire on the date such new Local Law takes effect.

Section 5: Scope of Controls.

During the effective period of this Local Law #4-2016:

A. The Code Enforcement Officer of the Town of Elma is prohibited from accepting any application for, or issuing any permit for any project which includes subdivisions residential or commercial.

B. The Town Board of the Town of Elma shall not refer to the Planning Board any new request for site plans for any project which includes subdivisions residential or commercial.

C. The Town of Elma Planning Board shall not make any recommendations or referrals to the Elma Town Board or any

other applicable Board of the Town for any approval, any site plan, or other permit that would result in the development of a subdivision project.

D. The Town Board shall impanel a committee that will convene within forty-five (45) days of passage of this local law to investigate, develop and report its recommendations within the specified time frame. The Town Board may, at its discretion, employ professional services to assist this committee as it deems appropriate.

Section 6: Exceptions.

A. This Local Law #4-2016 will not include or prohibit the consideration of any one (1) family residential home.

B. This Local Law #4-2016 will not include any single two (2) family dwelling on a conforming building lot

C. This Local Law shall not include any project which has received final approval, however has not yet started construction.

Section 7: Definitions.

SUBDIVISION

The division of any parcel of land into two (2) or more lots, plots, sites or other division of land other than open space under § 280A of Town Law or also five-plus acre lots for the purpose, whether immediate or future, of transfer of ownership or building development. Such division shall include re subdivision of parcels of land for which an approved plat has already filed in the office of the county and which is entirely or partially undeveloped. For these Land Subdivision Regulations, a parcel shall be considered already to have been divided into two (2) or more lots by one (1) or more public streets or railroad or utility rights-of-way held in fee simple. A. Minor Subdivision B. Major Subdivision

Section 8: Severability.

If any part or provision of this Local Law #4-2016 or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be limited in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law #4-2016 or the application thereof to other persons or circumstances, and the Town Board of the Town of Elma hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

Section 9: Effective Date. This Local Law #4-2016 shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the Town of Elma was duly passed by the Town Board on January 20, 2016, 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 Town of Elma was duly passed by the Town of Elma on _____ 20____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Exec Officer*) and was deemed duly adopted on adopted _____ 20____, in accordance with the applicable provisions of the law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the Town of Elma was duly passed by the Elma Town Board on _____, and was approved by the _____ Supervisor of the Town of Elma on _____. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general election held on _____, 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 Town of Elma was duly passed by the Elma Town Board on _____ 20____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 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 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.

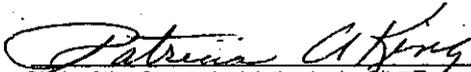
6. (County local law concerning adoption of Charter)

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 subdivision 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 as 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.

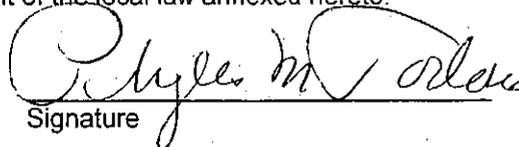
(Seal)


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Date: December 7, 2016

(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 ERIE) SS:

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

Elma Town Attorney
Title

TOWN OF ELMA, COUNTY OF ERIE
Date: December 7, 2016