

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
MAY 19 2003

~~County~~
xxx ~~City~~ xxx of Somers
~~Town~~
xxx ~~Village~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 5 of the year 2003.

A local law See Below
(Insert Title)

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

~~County~~
xxx ~~City~~ xxx of Somers as follows:
~~Town~~
xxx ~~Village~~

A LOCAL LAW amending Sections 150-20 and 170-13.3 of the Code of the Town of Somers in relation to incorporating low impact development design features and best management practices in conservation subdivisions and providing for a referral to the Town Board of applications to apply conservation zoning and subdivision provisions to non-contiguous parcels.

BE IT ENACTED, by the Town Board of the Town of Somers as follows:

Section 1. Section 150-20 of the Code of the Town of Somers is amended to add a new "E" to read as follows:

E. Low impact development design features shall be incorporated into all proposed conservation subdivisions that limit the impervious surfaces and increase the open space areas. These design features may include concentration of dwelling units in a portion of the development site, reduced road widths, alternative pavers such as paving blocks, gravel, cobbles and natural stone for driveways and walkways, and alternative

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

turnarounds or reduced cul-de-sac lengths, and natural landscape features on individual lots. In addition, the property's pre-development hydrologic regime shall be emulated through runoff volume control, peak runoff rate control, flow frequency/duration control, and water quality control through the implementation of Best Management Practices on every newly created lot and for all impervious surfaces created. Best Management Practices (BMPs) shall be implemented in conservation subdivisions including wet swales, bioretention facilities, dry wells, rain barrels, rain gardens, and rock trench level spreaders.

§ 2. Section 170-13.3(G) of the Code of the Town of Somers is amended to read as follow:

- G. The Planning Board may, on a case-by-case basis, utilize the authorization granted by Section 170-13.2 of this Article IIIA to treat as a single conservation subdivision the subdivision of two or more parcels of real property which are not contiguous provided that:
1. If the proposed parcels, or any portion thereof, are located within different school districts, no development shall be permitted to be transferred from one school district to another.
 2. Such parcels are located no more than 500 feet apart, measured at their nearest points of proximity.
 3. The application of Article IIIA to such parcels will, in the judgment of the Planning Board, serve the purposes of Article IIIA and of this Chapter.

When an application is made to the Planning Board to apply the provisions of Article IIIA to non-contiguous parcels, the proposed plan shall be referred to the Town Board to afford the Town Board an opportunity to make a recommendation or comment on the application. In any case in which the Planning Board determines to apply the provisions of Article IIIA to non-contiguous parcels as permitted pursuant to this paragraph, the number of acceptable conventional building lots, resulting when all such parcels are taken in the aggregate, as determined by the Planning Board pursuant to Section 170-13.3(A), may be approved for construction on any one or more of such parcels.

§ 3. Section 170-13.3 of the Code of the Town of Somers is amended to add a new “H” to read as follows:

 H. Section 150-20(E) of the Code of the Town of Somers sets forth low impact development design features and best management practices which are to be incorporated in conservation subdivisions.

§4. 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 Somers was duly passed by the Town Board on May 8, 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.
(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 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.
(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 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 ~~one~~ _____, above.

Kathleen R. Pasella

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

(Seal)

Date: May 13, 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 Westchester

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.

Kenneth E. Powell
Signature

Attorney for the Town
Title

County
City of Somerset
Town
Village

Date: May 13, 2003