

# 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.

County  
City of YORK  
Town  
Village

Local Law No. 2 of the year 20<sup>06</sup>

A local law TOWN OF YORK  
*(Insert Title)*  
SUBDIVISION MORATORIUM  
LAW OF 2006

Be it enacted by the TOWN BOARD of the  
*(Name of Legislative Body)*

County  
City of LIVINGSTON as follows:  
Town  
Village

(PLEASE SEE ATTACHED SHEETS)

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

LOCAL LAW NO. 2 OF THE YEAR 2006

\* \* \* \* \*

|                   |                           |
|-------------------|---------------------------|
| SECTION I .....   | SHORT TITLE               |
| SECTION II.....   | LEGISLATIVE FINDINGS      |
| SECTION III.....  | SCOPE OF CONTROL          |
| SECTION IV.....   | APPEAL PROVISIONS         |
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SECTION I

SHORT TITLE

This Local Law shall be known as LOCAL LAW NO. 2 OF 2006, of the TOWN OF YORK  
SUBDIVISION MORATORIUM LAW OF 2006.

SECTION II

LEGISLATIVE FINDINGS

The Town Board of the Town of York has adopted a Zoning Law and Zoning Map which divided  
the Town into the following districts:

1. Residential,
2. Agricultural-Residential,
3. Commercial, and
4. Industrial.
5. Land Conservation
6. Flood Plain Overlay

## 7. Planned Unit Development

The vast majority of land in the Town of York is situated in an Agricultural-Residential district. The Town's Zoning Law states that an Agricultural-Residential District is designed to accommodate primarily agricultural uses in order to preserve the Town's agricultural base and to maintain its rural nature, but that residential uses are permitted therein. The said Law further states that it is recognized, however, that agricultural and residential uses have a number of inherent conflicts between the individuals who plan to develop residential uses within an Agricultural-Residential District should be both aware of such inherent conflicts and that residences are a secondary use.

Consequently, the said Zoning Law adopted by the Town of York explicitly states that the primary resource in the Town is agricultural and that it is the desire of the Town to preserve its agricultural nature.

Since the adoption of the said Zoning Law, persons both within and outside the Town of York have expressed a desire to establish residential subdivisions in an Agricultural-Residential District. The Town has no regulations which would control the orderly development of such residential subdivisions, and the Town Planning Board is currently in the process of studying this matter at the request of the Town Board for the purpose of proposing subdivision regulations and related land use controls to insure the orderly development of residential uses in the Town.

The adverse effects upon residential uses resulting from normal adjoining agricultural operations include:

1. Odors that emanate from both animals and crop residue.
2. Noise caused by agricultural uses, including animals and the operation of farm machinery, especially during planting, growing, and harvesting seasons.
3. Traffic delays and tie-ups caused by slow moving, large, agricultural machinery.
4. Significant amounts of dust which occur during the planting, cultivating and harvesting seasons.
5. Mud which is brought onto highways and streets by farm machinery.
6. Potential pollution caused by agricultural operations, including polluted run-off water, both above ground and underground from manure, feed storage areas, fertilizers, pesticides, soil erosion and wash water along with aerial applications of pesticides.

SECTION VI

VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Local Law or the application thereof to any other person or circumstance.

SECTION VII

SUPERCEDING OF OTHER LAWS

All state statutes and local ordinances or laws in conflict with the provision of this Local Law, including Sections 1115 through 1120 of the New York State Public Health Law, Sections 17-1501 through 17-1515 of the New York State Environmental Conservation Law, Section 334 of the New York Real Property Law and Section 276 (3) and (4) and 277 of the New York State Town Law, are hereby superceded to the extent necessary to give this Local Law full force and effect, but only during its effective period.

SECTION VIII

EFFECTIVE DATE

This Local Law shall take effect after the publication provisions have been complied with and it has been filed with the New York Department of State, whichever occurs last. It will remain in effect for a period of nine months from the effective date.

(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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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. \_\_\_\_\_ 2 \_\_\_\_\_ of 20<sup>06</sup> of the (County)(City)(Town)(Village) of \_\_\_\_\_ YORK \_\_\_\_\_ was duly passed by the \_\_\_\_\_ TOWN BOARD \_\_\_\_\_ on Sept. 14 20<sup>06</sup>, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ SUPERVISOR \_\_\_\_\_ and was deemed duly adopted on Sept. 14 20<sup>06</sup>,  
*(Elective Chief Executive Officer\*)* 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.  
*(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.  
*(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.)

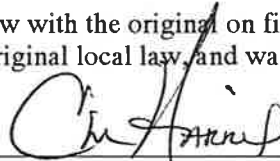
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 \_\_\_\_\_, above.



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

(Seal)

Date: September 15, 2006

(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 LIVINGSTON

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

TOWN ATTORNEY

Title

County \_\_\_\_\_  
City \_\_\_\_\_ of \_\_\_\_\_ YORK  
town Village \_\_\_\_\_

Date: September 15, 2006