

# 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  
**Town**  
Village

of YORK

Local Law No. 2 of the year 2007

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

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

**County**  
City  
Town  
Village

of LIVINGSTON as follows:

( 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 2007  
\* \* \* \* \*

SECTION I .....	SHORT TITLE
SECTION II.....	LEGISLATIVE FINDINGS
SECTION III.....	SCOPE OF CONTROL
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SECTION I

SHORT TITLE

This Local Law shall be known as LOCAL LAW NO. 2 OF 2007, EXTENSION 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.

Adverse effects upon agricultural from adjoining residential development includes potential pollution resulting from septic system overflow, excessive lawn treatments, increased traffic, and problems caused by motor bikes, ATVs, and snowmobiles.

A number of residents of the Town of York have expressed concern as to the impact significant residential development would have upon the quality of life in the Town, including the adequacy of water supplies, fire and emergency services, garbage collection and sewage treatment, and increased traffic upon the roadways within the Town.

The present study being carried out by the Town of York Planning Board includes analysis of population density within the Town, the protection, conservation and appropriate use of water supplies, the adequacy of, and planning for garbage and sewage disposal, the planning for and mitigation of traffic impacts, and the preservation of the quality of life in the Town.

The public health, safety and general welfare of the residents of the Town of York requires that the present efforts of the Planning Board proceed in a cautious and thorough manner so that reasonable subdivisions regulations and related land use controls are developed and adopted by the Town Board. During the interim, however, the carrying out of significant residential development involving any subdivision of lands would impede the Town in its effort to reasonably regulate the impact of such development within the Town. The Town Board, therefore, finds it necessary to adopt a reasonable interim local law to prohibit such subdivision of real property during the time that the Town's Planning Board is conducting its study and making recommendations to the Town Board.

### SECTION III

#### SCOPE OF CONTROL

For a period of six months from the effective date of this Local Law no lot of record in existence in the Town of York as of the effective date of this Local Law shall be divided into more than two parcels. Further, for a period of six months from the effective date of this Local Law, no lot of record created after the effective date of this Local Law shall be subdivided.

It shall also be a violation of this Local Law for any person, partnership, corporation or other entity to sell, convey, transfer or otherwise dispose of land in the Town of York, which, after the effective date hereof, has been subdivided other than in compliance with the above stated restriction, or to file, record, or designate such a subdivision by means of a map, design, deed , or any other instrument, or to design, lay out or construct any streets, highways, roads, or other means of access to any such land.

#### SECTION IV

##### APPEALS PROVISIONS

The Town Board shall have the power to vary or modify the application of any provision of this Local Law upon its determination, in its absolute legislative discretion, after public hearing on reasonable prior notice, that this local law would impose extraordinary hardship upon a landowner, and that a variance from this act will not adversely affect the health, safety and general welfare of the Town. Any request for an exception or variance shall be filed with the Town Supervisor, or his designee, and shall include a fee of One Hundred Fifty Dollars (\$150.00) for the processing of such application. All such applications shall be promptly referred to the Planning Board for a hearing and recommendation, and shall thereafter be remanded to the Town Board for a public hearing and final decision.

#### SECTION V

##### PENALTIES

Any person, firm entity or corporation which subdivides or uses land in violation of the provisions of this Local Law shall be guilty of a misdemeanor and subject to a civil penalty in the amount of Five Hundred and no/100 Dollars (\$500.00), or thirty (30) days imprisonment, or both. Each week's continued violation after notice shall constitute a separate, additional violation.

## 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 six 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. \_\_\_\_\_<sup>2</sup> of 2007 of the (County)(City)(Town)(Village) of \_\_\_\_\_<sup>YORK</sup> was duly passed by the \_\_\_\_\_<sup>TOWN BOARD</sup> on May 24th 2007, and was approved(not approved)(repassed after disapproval) by the \_\_\_\_\_<sup>SUPERVISOR</sup> and was deemed duly adopted on May 24th 2007, 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----2-----, above.

*Ch. Harari*

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

(Seal)

Date: May 25, 2007

(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.

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature

TOWN ATTORNEY  
\_\_\_\_\_  
Title

County  
City of YORK  
 Town  
Village

Date: May 25, 2007