

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 and do not use italics or underlining to indicate new matter.

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

FILED
STATE RECORDS

APR 19 2012

Local Law No. 1 of the year 20 12

DEPARTMENT OF STATE

A local law Amending the Zoning Law of the Town of Schaghticoke with Respect to the Review of Minor Projects

Be it enacted by the Town Board
of the

~~County~~
~~City~~
Town of Schaghticoke as follows:
~~Village~~

SECTION 1. PURPOSE AND INTENT

In 2004 and 2005 the Town of Schaghticoke adopted a Comprehensive Plan and enacted an updated Zoning Law. Since that time, on occasion the Planning Board has confronted a situation where a small project has come before it for site plan and/or special use permit approvals and the Planning Board found that the minor nature of projects warranted relief from the application and review requirements found in the zoning law, compliance with which often made a project not financially viable or compliance with was wasteful, unnecessary or inappropriate. One such example was an application for a lawn mower repair shop and sales out of a resident's home. Strict application of the Zoning Law required a full site plan prepared by a licensed individual even though there would be no changes to the site necessary for the business. In an effort to relieve such instances, this Local Law is enacted

SECTION 2. AUTHORITY

This local law is enacted pursuant to the provisions of section 10 of the Municipal Home Rule

SECTION 3. APPLICATION

The Zoning Law of the Town of Schaghticoke is hereby amended by adding a new section A(8) and a new subparagraph to the end of existing D(1) both of which are located in Section VI - Special Use Permits and by adding a new paragraph at the end of the introductory paragraph located in Section VII – Site Plan review, as follows:

The Planning Board is hereby authorized and provided the discretion to modify or waive the application material and review requirements for small projects that in its judgment are unlikely to generate significant traffic and do not have the likelihood of posing adverse impacts to the neighborhood or environment. Any such modification or waiver shall be made by resolution of the Planning Board detailing the grounds for the modification or waiver and shall be approved by a supermajority vote of the Planning Board. Any materials deemed necessary by the Planning Board for compliance with the State Environmental Quality Review Act shall be provided by an applicant. This provision shall not permit the Planning Board to vary the dimensional, use or other requirements that are the typical province of the Zoning Board of Appeals.

SECTION 4. REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 5. 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 6. 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. 1 of 2012 of the ~~(County)~~(City)(Town)(Village) of Schaghticoke was duly passed by the Town Board _____ on 4/11 2012, 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

James E. Salisbury
Clerk of the county legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 4/11/12

(Seal)

(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.

Paul A. Sten
Signature

Town Attorney

County

City

Town of Schaghticoke

Village

Date: 4/11/12