

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
Village

of Schaghticoke

FILED
STATE RECORDS

FEB 16 2010

Local Law No. 3 of the year 20 10

A local law Amending the Zoning Law and Map of the Town of Schaghticoke

DEPARTMENT OF STATE

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. The Town has been approached by Frank Legace who owns approximately 28 acres of land on the south side of Turner Road which also fronts on N.Y.S. Route 40. In the 2005 zoning amendment, the land was rezoned as "Highway Commercial." The land across Turner Road to the north is zoned as residential and property east of Route 40 is zoned and utilized as residential property. Further, the land to the west was previously rezoned to Residential Agriculture at the request of the owner to allow for residential construction. Mr. Legace would like to use a portion of the land as residential property and has requested that the Town Board revise the zoning map to rezone a portion of the land as Residential Agriculture ("RA") and to leave the portion that already has a business and residence fronting Route 40 as Highway Commercial ("HC").

SECTION 2. AUTHORITY

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

Law and Town of Schaghticoke Zoning Law Article XII.

SECTION 3. APPLICATION

The Zoning Map of the Town of Schaghticoke is hereby amended to change the zoning of a portion of parcel 61.-1-14.113 from Highway Commercial (“HC”) to Residential Agriculture (“RA”) as noted on the attached Exhibit.

SECTION 4. REPEAL

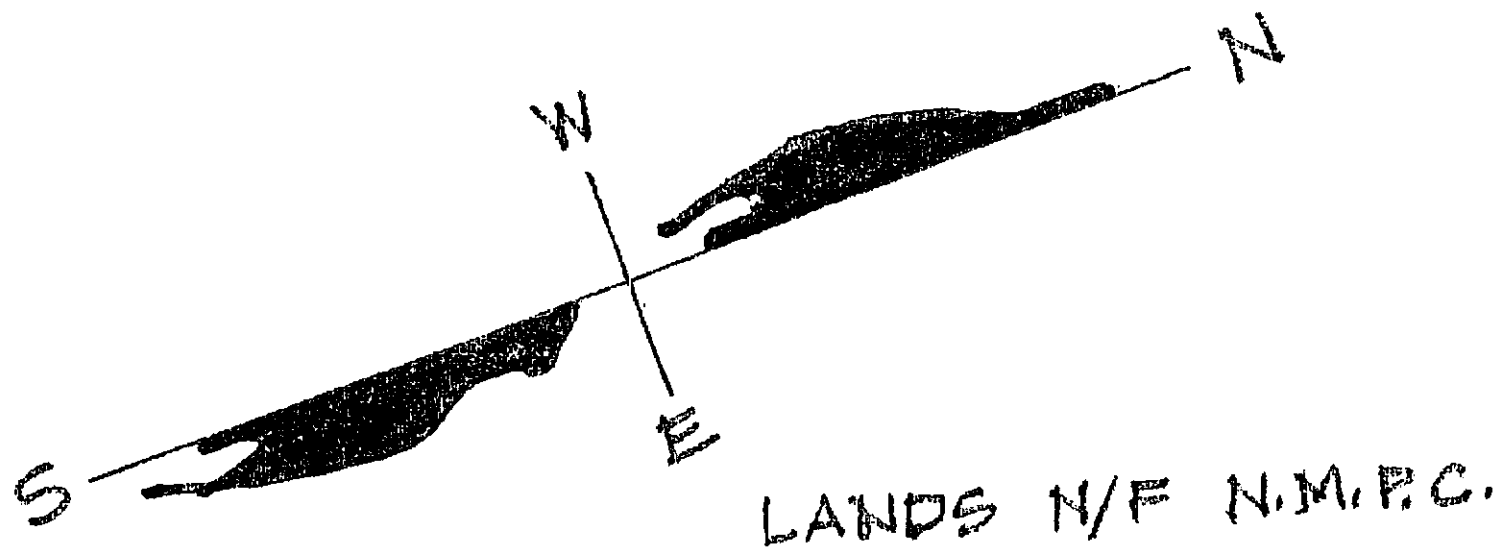
All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

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.



LANDS N/F SCHAGHTICOKE GROUP, INC.

LANDS OF LAGACE
TO BE REZONED
RESIDENTIAL AGRICULTURE
AREA = 20.85 ACRES ±

LANDS OF LAGACE
TO REMAIN ZONED
HIGHWAY COMMERCIAL I
AREA = 7.28 ACRES ±

TURNER ROAD

LANDS

(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. 3 of 20 10 of the ~~(County)~~(City)(Town)(Village) of Schaghticoke was duly passed by the Town Board on 2/10 20 10, 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.

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

Date: 2/10/10

(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 Schenectady

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.

Deon
Signature

Town Attorney

County
City
Town of Schaghticoke
Village

Date: 2/10/10