

(Please Use this Form for Filing your 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.....NEW..SCOTLAND.....
Town
~~Village~~
Local Law No.2..... of the year 19 ..94....

A local lawtemporarily suspending large scale development in the.....
Town of New Scotland. (Insert title)

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

~~County~~
~~City~~ of.....NEW..SCOTLAND..... as follows:
Town
~~Village~~

SECTION I. SHORT TITLE

This local law shall be cited as Local Law # 2
of 1994 of the Town of New Scotland and is entitled
the "1994 Development Suspension Law".

SECTION II. LEGISLATIVE FINDINGS

The Town of New Scotland is facing
unprecedented growth and development. Current proposals
include large scale residential development.

The Town of New Scotland Planning Board on
May 10, 1994 approved a Comprehensive Land Use Plan,
which identifies many valuable resources contained
within the Town, which are threatened by rapid develop-
ment. The current Zoning Law of the Town of
New Scotland is, in many respects, inconsistent with the
newly enacted Comprehensive Land Use Plan and the Town

(If additional space is needed, please attach sheets of the same size as this and number each)

Board has, therefore, assembled an ad hoc committee to study the current Zoning Law and recommend appropriate changes to the Town Board within six (6) months. The Town Board has also established an ad hoc committee to review existing water districts, needs and sources and to recommend an economically feasible water plan for the Town.

While those studies are being conducted, the Town's rural character, historic features, the Helderberg Escarpment and many other valuable resources are threatened by rapid development. The Town Board finds that significant development in the Town prior to the enactment of amendments to the Zoning Law may substantially reduce the effectiveness of such amendments and would lessen the ability of the Town Board to afford adequate facilities for the distribution of public services, comfort, convenience, public health and safety, and the general welfare of the citizens of the Town of New Scotland.

SECTION III.

SCOPE OF CONTROL

For a period of six (6) months from the effective date of this Local Law, no applications for subdivision approval, site plan approval or special use permits shall be accepted or considered by officials, boards or commissions of the Town of New Scotland, except as otherwise expressly provided hereinafter.

The foregoing restriction shall not apply to the following:

1. The maintenance, repair, replacement, modification or alteration of existing commercial or industrial structures provided that such modification or alteration does not increase the size of such structures by more than 50%;
2. Any application for subdivision approval, application for site plan review, or

application for a special use permit which, as of the effective date of this Local Law, is pending before the Planning Board of the Town of New Scotland for review, and which is subsequently approved by the Planning Board of the Town of New Scotland;

3. Any residential subdivision application involving the creation of not more than ten (10) lots.

SECTION IV.

APPEAL 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 notice, that this Local Law would impose extraordinary hardship upon a landowner or developer, 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 Two Hundred Fifty Dollars (\$250.00) 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 that shall construct, erect, enlarge or alter any building or structure in violation of the provisions of this Local Law shall be subject to a penalty in the amount of One Hundred Dollars (\$100.00) for each day such violation shall exist, in addition to all other remedies the Town may have in all other applicable laws, rules and regulations currently in effect.

SECTION VI.

VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VII.

REPEAL OF OTHER LAWS

All state statutes and local ordinances or laws in conflict with the provisions of this Local Law are hereby repealed to the extent necessary to give this Local Law full force and effect during its effective period. Specifically, all provisions of Town Law Sections 274-a, 274-b and 276 and Local Laws #1 of 1993 and #2 of 1993 of the Town of New Scotland which are inconsistent with the provisions hereof are superseded and suspended hereby for a period of six (6) months from the effective date of this Local Law and for any additional period that this Local Law is extended.

SECTION VIII.

EFFECTIVE DATE

This Law shall take effect immediately, as provided by the Law, upon filing with the Secretary of State and shall remain in force and effect for a period of six (6) months from its effective date and for any additional period for which it is extended by the Town Board of the Town of New Scotland.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 2 of 1994.

~~XXXXXX~~
of the ~~XXXX~~ Town of NEW SCOTLAND was duly passed by the TOWN BOARD (Name of Legislative Body)
~~XXXXXX~~
on July 11 1994 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____

County
of the City of _____ was duly passed by the _____ (Name of Legislative Body)
Village
on _____ 19_____ and was approved _____ by the _____ Elective Chief Executive Officer *
repassed after disapproval
and was deemed duly adopted on _____ 19_____, 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 19_____

County
of the City of _____ was duly passed by the _____ (Name of Legislative Body)
Town
Village
on _____ 19_____ and was approved _____ by the _____ Elective Chief Executive Officer *
repassed after disapproval
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
general
thereon at the special election held on _____ 19_____, in accordance with the appli-
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____

County
of the City of _____ was duly passed by the _____ (Name of Legislative Body) on _____
Town
Village
_____ 19_____ and was approved _____ by the _____ Elective Chief Executive Officer *
repassed after disapproval
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with 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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on 19 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 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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.

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

Date: *July 13, 1994*

(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.

John Triccone
Signature
Town Attorney
Title

Date:

County
City of *New Scotland*
Town
Village