

(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.

Town of New Scotland

Local Law No. 7 of the year 2006

A local law temporarily suspending large scale development in MDR and R-2 zones
(Insert Title)

Be it enacted by the Town Board of the Town of New Scotland as follows:

SECTION I.

SHORT TITLE

This local law shall be cited as Local Law #7 of 2006 of the Town of New Scotland and is entitled the “2006 Development Suspension Law”.

SECTION II.

LEGISLATIVE FINDINGS

The Town of New Scotland is facing unprecedented growth and development, particularly in the area of the Town zoned MDR and R-2. Current proposals include large scale residential development. To address this issue, the Town Board is studying changes to the zoning in the area in question.

While that study is being conducted, the Town’s rural character, historic features, and many other valuable features, and many other valuable resources are threatened by rapid development. The Town Board finds that significant development in the MDR and R-2 zones, beyond that which is currently under review, prior to the enactment of amendments to the Zoning

Law may substantially reduce the effectiveness of such amendments and might 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, special use permits, or for planned unit developments shall be accepted or considered by officials or boards 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, application for a special use permit, or application for a planned unit development which, as of the effective date of this Local Law, is pending before the Planning Board or Town Board for review, and which is subsequently approved by such board; or
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 promptly be 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

This 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 without such invalid part or parts.

SECTION VII.

REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended 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 VI.

EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by 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 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. 7 of 20 06 of the Town of New Scotland was duly passed by the New Scotland Town Board on September 13 2006, 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 Town of New Scotland was duly passed by the New Scotland Town Board _____ 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 Town of New Scotland was duly passed by the New Scotland Town Board _____ 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 Town of New Scotland 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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ____ / ____, above.


New Scotland Town Clerk

(Seal)

Date: 9/14/06

(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.

Signature *L. Michael Mackey*
New Scotland Town Attorney

Date: 9/13/06