



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

Webmaster 3 2a.2
Copy
Date

GEORGE E. PATAKI
Governor

RANDY A. DANIELS
Secretary of State

October 9, 2002

Ruth A Kelder
Town of Halcott
79 Turk Hollow Road
Halcott Center, NY 12430

RE: Town of Halcott, Local Law 3, 2002, filed 10/02/2002

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

Linda Lasch
Principal Clerk
State Records & Law Bureau
(513) 474-2755

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
11 STATE STREET
ALBANY, NY 12243

(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~~

of

Baldott

~~Town~~

~~Varapex~~

Local Law No. 2 of the year 2002

A local law Enacting a 90-day moratorium on call structure exceeding
(insert title)
60 feet

be it enacted by the Town Board of the
(insert official title)

~~County~~

~~City~~

of

Baldott

~~Town~~

~~Varapex~~

as follows:

See Schedule A attached hereto and made a part hereof.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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 02 of the (County)(City)(Town)(Village) of Halecott was duly passed by the Town Board on 06/10 2002, 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 6 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 herefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Richard A. Kelly Town Clerk
Clerk of the county legislative body, City, Town or Village Clerks
officer designated by local legislative body

(Seal,

Date: September 30, 2002

(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 _____

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]
Signature

Town Attorney

Title

County

City, Halcyon

Town

Village

Date: September 30, 2002

SCHEDULE A

A LOCAL LAW regarding a Temporary Ninety Day
Moratorium on Tall Structures Exceeding Sixty (60) Feet

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HALCOTT, as follows:

Section 1. Title

This Local Law shall be referred to as the "Temporary Ninety Day Moratorium on the Placement of Tall Structures Exceeding Sixty (60) Feet".

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town Board of the Town of Halcott to regulate and control and use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary ninety (90) day moratorium on the establishment, placement, construction, enlargement and erection of structures exceeding sixty (60) feet in height.

The Town of Halcott does not have regulations that effectively govern tall structures exceeding sixty (60) feet. The Town of Halcott presently anticipates that applications for construction and location of various tall structures exceeding sixty (60) feet will be filed in the near future.

The Town Board desires to address the establishment, placement, construction, enlargement and erection of tall structures exceeding sixty (60) feet on a comprehensive Town wide basis, rather than on the present ad hoc basis, and to adopt laws to regulate same.

Section 3. Scope of Controls

- A. During the effective period of this local law:
- 1) The Town Board shall not grant any approvals which would have as the result the establishment, placement, construction, enlargement or erection of structures exceeding sixty (60) feet in height.
 - 2) The Planning Board shall not grant any approval to a subdivision plat, site plan, special permit, wetlands permit or other permit which would have as the result the establishment, placement and construction, enlargement or erection of structures exceeding sixty (60) feet in height.
 - 3) The Building Inspector shall not issue any permit, approval or certificate which would have as the result the establishment, placement, construction, enlargement or erection of structures exceeding sixty (60) feet in height.

Section 4. No Action Upon or Final Consideration of Applications

A. No currently pending application for establishment, placement, construction, enlargement or erection of said tall structures exceeding sixty (60) feet for approval for subdivision plat, site plan, special permit, wetlands permit or other permit, variance, Building Permit or Certificate of Occupancy of or for a currently situated or proposed tall structure exceeding sixty (60) feet shall be finally considered by any Board or agency of the Town of

.....

Halcott while this Local Law is in effect. Nothing in this Local Law shall preclude an applicant from having conferences with regard to such pending application with appropriate Boards or agencies of the Town of Halcott while this Local Law is in effect.

B. No new application for establishment, placement, construction, enlargement or erection of a tall structure exceeding sixty (60) feet for approval for subdivision plat, site plan, special permit, wetlands permit or other permit, variance, Building Permit or Certificate of Occupancy of or for a currently situated or proposed tall structure exceeding sixty (60) feet shall be acted upon or considered by any Board or agency of the Town of Halcott while this Local Law is in effect.

Section 5. Terms

This Local Law shall be in effect for a period of Ninety (90) days from its effective date.

Section 6. Penalties

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any tall structure exceeding sixty (60) feet in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by laws, rules, regulations of the Town of Halcott for violations; and

B. Injunctive relief in favor of the Town of Halcott to cease any and all such actions which conflict with this Local Law; and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

Section 7. Validity

The invalidity of any provision of this Local Law shall not effect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Hardship

A. Application to the Town Board. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purpose of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, wetlands permit, subdivision, building permit or other governmental permit or approval during the pendency of this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. At said Public Hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard; and the Town Board shall within fifteen (15) days of the close

of said Public Hearing render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Board determines in an affirmative vote of at least eighty (80%) percent of the entire board that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner with relief from strict compliance with this Local Law.

Section 9. Effective Date

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.