



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

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2-2003 Webmaster
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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

June 9, 2003

RUTH A. KELDER
TOWN CLERK
79 TURK HOLLOW RD.
HALCOTT CENTER NY 12430

Re: TOWN of HALCOTT, Local Law 2, 2003, filed on 5/28/03

To Whom It May Concern:

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
(518) 474-2755

LOCAL LAW NO. 2 OF THE YEAR 2003
INTERIM DEVELOPMENT MORATORIUM
LOCAL LAW OF THE TOWN OF HALCOTT

Be it enacted by the Town Board of the Town of Halcott as follows:

Section 1. - Short Title.

This Local Law shall be known as the Interim Development Moratorium Local Law of the Town of Halcott.

Section 2. - Findings of Facts and Legislative Intent.

A. The Town of Halcott is concerned about land use and development trends in the Town. Accordingly, the Board has commenced the preparation of a Comprehensive Community Development Plan (Master Plan). For this purpose, the Town is conducting research, studies and surveys, and will present findings and recommendations to the public through informational meetings and formal public hearings. This process will lead to the creation of a Master Plan and the preparation of necessary amendments to the Codes of the Town to implement such Plan.

B. Legislative Findings of Fact

1. The Town of Halcott currently is experiencing a trend of increased land use development proposals, which may be inconsistent with sound planning and anticipated provisions of the Town's Master Plan.
2. The Town Board does hereby find that, pending the completion of the necessary surveys, studies, meetings, hearings and other actions incident to proper consideration and decisions upon the Master Plan, including any revisions and amendments of Town codes, appropriate measures must be taken for a reasonable interim period to protect the public interest by preserving the integrity of said Master Plan. The Town Board also finds

that any significant variations in the areas where the Master Plan may recommend changes in the existing land use regulations or deviations therefrom may destroy the integrity of the Master Plan and its basic purposes, comprehensive aspects and intentions.

C. Legislative Intent

It is the intention of the Town Board to protect said Master Plan, preserve its intended objectives and insure implementation by hereby adopting reasonable protective interim regulations during the preparation and consideration of the Master Plan and prospective changes in Town codes. The Town Board intends thereby to protect the public interest and welfare and prevent premature development that could prejudice the integrity and objectives of the Master Plan or result in the establishment of land use patterns that might be inconsistent with or in violation of the intent of the Master Plan. The Town Board has provided herein for a review and appeal procedure to avoid and minimize any inequities or hardships that may derive from the strict applications of this Interim Development Moratorium Local Law.

Section 3 - Scope of Moratorium Controls.

A. During the period of these controls and effective as provided herein, the following activities shall be prohibited within the Town of Halcott:

1. SEQR Type I Actions (as defined in 6 NYCRR Part 617.4);
2. Major Subdivisions (as defined in the Town of Halcott Subdivision Regulations) of land purchased after the passage of this interim moratorium.

B. The provisions of subdivision "A" of this Section are intended to supersede the time requirements and default approval provisions of Sections 267-a, 274.a, 274-b, 276 and 278 of Article 16 of the Town Law in accordance with the Municipal Home Rule Law of the State of New York.

Section 4. - 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 discretion after a public hearing, that such variance or modification:

1. would not impose an unreasonable hardship upon a landowner or developer;
and
2. would be permitted under existing Town regulations; and
3. is consistent with the health, safety and general welfare of the Town of Halcott; and
4. is compatible with the provisions of any draft Master Plan that may be in existence at the time such appeal is considered by the Town Board.

C. Any request for an interpretation, variance or modification in connection with this Interim Moratorium shall be filed with the Town Board of the Town of Halcott and shall include a fee of One Hundred Dollars (\$100.00).

D. The Town Board shall consider all applications filed under this Local Law in accordance with the provisions of Article 16 of the Town Law of the State of New York.

E. The Town Clerk shall forward a copy of any application made to the Board under this Local Law to the Chairperson of the Town of Halcott Planning Board.

Section 5. -- Penalties.

The Town of Halcott shall be entitled to seek injunctive relief for the purpose of ceasing activities, operations or uses that are in conflict with this Local Law, costs to be paid by the offender.

Section 6. -- Severability.

The invalidity of any word, phrase, sentence, paragraph or provision of this Local Law

shall not affect the validity of any other part or provision of this Local Law.

Section 7. - Repeal of Conflicting Local Laws.

All local laws or parts of local 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 as prescribed in Section 8.

Section 8. - Effective Date and Duration.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State, in accordance with Section 27 of the Municipal Home Rule Law, and remain effective for a period of up to Six (6) Months.

BE IT ENACTED this 19th day of May, 2003 by the Town Board of the Town of Halcott, Greene County, New York.

James Kasang ☒ Aye ☐ Nay

W.D. Bowdett ☒ Aye ☐ Nay

Patricia R. Kelder ☒ Aye ☐ Nay

Linda H. Johnson ☒ Aye ☐ Nay

W. J. Muller ☒ Aye ☐ Nay

(Seal)

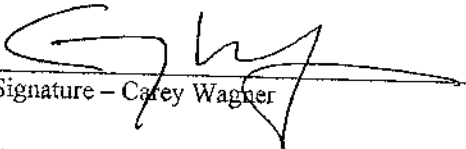
ATTEST:

Ruth A. Kelder
Ruth Kelder
Town Clerk

(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 GREENE

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 - Carey Wagner

Attorney for the Town of Halcott

Date: May 23, 2003