

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

(Select one:)

of DEERPARK

Local Law No. ~~--2~~ 3 of the year 20 ~~17~~ 18

A local law CREATING A MORATORIUM OF DEVELOPMENT, CREATION OR CONSTRUCTION

(Insert Title)

OF MULTI-FAMILY USES IN THE TOWN OF DEERPARK, ORANGE COUNTY,

NEW YORK

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village

(Select one:)

of DEERPARK

as follows:

SEE ANNEXED PAGES.

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

LOCAL LAW NO. ~~2~~ OF 2017 18
A LOCAL LAW CREATING A MORATORIUM OF
DEVELOPMENT, CREATION OR CONSTRUCTION
OF MULTI-FAMILY USES IN THE TOWN OF DEERPARK, ORANGE
COUNTY, NEW YORK

Section 1. Purpose. It is recognized that there are some uses which, because of their very nature, are recognized as having potentially serious, negative operational characteristics while having potential benefit to the local citizenry and society at large; that such operational characteristics may be deleterious to the health, welfare, enjoyment and well-being of the citizens of the Town of Deerpark and those who live within the Town; and that the concentration of such activities can and does adversely and seriously impact and potentially endanger adjacent areas also. It is recognized that it is necessary to insure that these uses will not contribute to the blighting or downgrading of neighborhoods. It is further recognized that because the Town of Deerpark is a small residential town, the proliferation of such uses could dangerously affect the welfare of the entire community and a regulation is required in order to prevent such endangering. Multi-Family uses and the operational characteristics, including impacts on local schools and infrastructure impacts, are this kind of use.

Section 2. Legislative Findings.

A. The increase in state and federal support for low income and other high-density residential uses being proposed to be located within the County of Orange, provide a possibility for a significant increase of having a potential number of individuals, companies and/or property owners seeking to create, establish and/or operate multi-family residential properties.

B. The Town of Deerpark Town Board has determined to conduct a study and evaluation to examine how to regulate such uses within the Town and what additional or alternative regulations need to be adopted in addition to or as an alternative to the existing Town Law in order to accomplish the stated purposes of the Town Board.

C. This action is exempt under SEQR pursuant to 6 NYCRR Section 617.5(c)(30) as an action involving the adoption of a moratorium on land development or construction.

Section 3. Moratorium Imposed.

A. For a period of six (6) months following date of adoption of this local law, no site plan shall be approved by action of the Planning Board and no other approvals, permits, or certificates of occupancy shall be granted by any board or officer of the Town for the opening, siting, maintenance and operation of any multi-family residential uses. This Local Law shall be binding on the Building Inspector, Planning Board, Zoning Board of Appeals and every applicant or property owner in the Town.

B. The purposes of this moratorium on multi-family residential uses shall include stand-alone multi-family residences, condominium developments, apartment buildings, and the like. Multi-family residential uses shall not be limited to the aforesaid.

C. This moratorium may be extended by two (2) additional periods of up to three (3) months each by resolution of the Town Board upon finding a necessity for such extension.

D. During the period of the moratorium, the Town shall endeavor to complete a comprehensive set of regulations to apply to multi-family residential uses or to ban same outright.

Section 4. Violation.

A violation of this law shall constitute a violation under the penal law. Any person convicted of violating this law shall be a violation and subject to a fine not exceeding \$1,000.00 or Ninety (90) Days in jail or both. Each day a violation continues shall be considered a separate violation. In the event that a violation is committed by a business organization or corporation, the officers and/or directors of said business enterprise shall be personally liable for any such violations.

Section 5. Supersession.

A. Town Law Section 274-a is hereby amended and superseded in its application to the Town of Deerpark by restricting the authority of the Planning Board to review and approve site plans with respect to multi-family residential uses.

B. Town Law Section 274-b is hereby amended and superseded in its application to the Town of Deerpark by restricting the authority of the Planning Board to grant Special Use permits with respect to multi-family residential uses.

C. Town Law Section 274-c is hereby amended and superseded in its application to the Town of Deerpark by restricting the authority of the Zoning Board of Appeals to grant use and/or area variances with respect to multi-family residential uses.

Section 6. This Local Law shall take effect immediately.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

(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. 2 of 2017 of the ~~(County)(City)~~(Town)(Village) of DEERPARK was duly passed by the TOWN BOARD on _____ 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.)

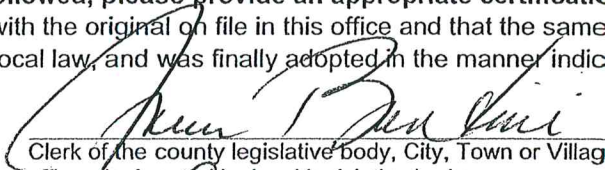
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 7, 2017

(Seal)