

Local Law Filing

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(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 STANFORD, DUTCHESS COUNTY, NEW YORK
☒ Town
☐ Village

Local Law No. 2P alternate of the year 20 11

A local law ENACTING A NINE (9) MONTH EXTENSION OF THE MORATORIUM
(Insert Title)
ON THE SUBDIVISION AND DEVELOPMENT OF LAND IN THE
TOWN OF STANFORD TO REVISE THE SUBDIVISION AND LAND
USE REGULATIONS

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

- ☐ County
☐ City of STANFORD, DUTCHESS COUNTY, NEW YORK as follows:
☒ Town
☐ Village

See attached

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

TOWN OF STANFORD LOCAL LAW NUMBER 2P
FOR THE YEAR 2011
A NINE (9) MONTH EXTENSION OF THE MORATORIUM ON
SUBDIVISION AND DEVELOPMENT OF LAND
IN THE TOWN OF STANFORD TO REVISE THE
SUBDIVISION AND LAND USE REGULATIONS

WHEREAS, the Town of Stanford [the “Town”], has adopted Zoning as a comprehensive codification to address orderly development in the Town of Stanford, which is codified in Town Code, Zoning, Section 164, and

WHEREAS, the Town of Stanford, as well as surrounding towns, have been presented with applications by individuals and or businesses who seek development of land for residential and commercial purposes, and

WHEREAS, the Town of Stanford has been presented with concerns by residents and people in the Town concerning open space, soil and water conservation and facilities, affordable housing, steep slopes, cluster development, municipal or private roads, right to farm, agricultural issues, including but not limited 4-H and Future Farmers of America, and such concerns, among others, are not properly addressed in the current subdivision and land use or planning regulations of the Town Code, and

WHEREAS, the Town of Stanford realizes the need for orderly development of land, consistent with its Master Plan, and to consider development for the current and future times, which must be balanced with the other concerns of the residents and people in the Town of Stanford, and

WHEREAS, the Town of Stanford seeks, through its Zoning Code, Subdivision of Land,

Land Use Regulations and its Master Plan, to preserve the essential character of the Town of Stanford, balancing such interests of its residents, and

WHEREAS, the Town of Stanford seeks to revise its Zoning Code, Subdivision of Land and Land Use Regulations to update it consistent with the needs and concerns of the Town, its residents, and the surrounding towns, and adopt a Comprehensive Plan, and

WHEREAS, the Town of Stanford has received numerous inquiries and applications for the new subdivisions of land, which will entail the creation, establishment, placement, construction of roads, houses, buildings and other structures, and it is reasonably expected that the Town of Stanford will receive additional inquiries and applications in the near future, and

WHEREAS, the Town of Stanford believes that the current Zoning, Subdivision of Land and Land Use Regulations do not adequately reflect the Town's needs, goals, or concerns as to orderly development, and

WHEREAS, the Zoning Code of the Town of Stanford has been read and interpreted that if there is no specific provision for the stated or permitted use as defined therein for a certain activity or use, it is prohibited, and

WHEREAS, there are significant shortcomings with respect to the current Town of Stanford's Zoning, Subdivision of Land and Land Use Regulations and Laws, as they apply to the development of land for residential and commercial purposes in the Town of Stanford, and

WHEREAS, the Town wishes to implement laws and regulations to more effectively protect the health, safety and welfare of the community, and to assure the orderly development of land for residential and commercial purposes in the Town of Stanford in the Town of Stanford, and

WHEREAS, the Town Board initially believed that a reasonable time for the Town to complete its aforementioned review, and for the Town to study, gather public comment and input, to hold hearings, and to have reasoned decisions on the same, and to enact any required legislation resulting therefrom was deemed to be 180 days from the date such local law enacting said moratorium is filed with the office of the Secretary of State; and

WHEREAS, the Town has requested information from the public, the Ad Hoc Master Plan Review Committee, the Planning Board, the Zoning Board of Appeals, and the CAC, as well from surrounding Towns, and

WHEREAS, the Town of Stanford developed and empowered an ad hoc Master Planning Committee, as well as several other committees or sub-committees, such as affordable housing, agricultural or farming, which have meet to study the possible changes to the Zoning Code, and the Codes Committee and other committees or sub-committees have recommended revisions to the Zoning Code to regulate land use development, zoning, and other factors including the Comprehensive Plan within the Town of Stanford, and

WHEREAS, the committees were formed, met and deliberated, and made recommendations, and the Town has received information and held joint meetings of the Town Boards or Commissions, committees and interested persons, as well as its Planning Consultant assist the Town in the review of the comments and information and for proposing a local law, and has analyze the same, and

WHEREAS, the Town Board held a public hearing on all of the information on the Comprehensive Plan, the work of the Codes Committee, and took public comment and input on the same on February 28, 2009, a meeting which was held on a Saturday to afford the most

opportunity to attend, and has accepted public comment by submissions, and

WHEREAS, the Town Board is in the process of taking all of the comments, discussions, reviews and recommendations from all committees, interested parties, and the public under the current moratorium, and has had its consultant draft and propose new legislation and consider the same for adoption, which is still being formulated at this time, and

WHEREAS, there are significant shortcomings with respect to the current Town of Stanford's Zoning Law, as it applies to the land use and zoning regulations, and the Town Board believes that it is in the best interests of the Town to extend the moratorium until such committee work and proposed legislation is complete, and

WHEREAS, the Town passed a local law enacting a 180 day Moratorium for the in the Town of Stanford on the issuance of permits by the Town of on applications for the development of land for residential and commercial purposes in the Town of Stanford in the Town of Stanford, for the purpose of allowing the development of amendments to the Zoning Law [Chapter 164], Subdivision of Land Law [Chapter 140] and Land Use Regulations concerning the regulation, approval and permitting of such development and uses with an effective date of July 14, 2006, which shall by its terms would have expired on or about January 14, 2007, and the Town Board having by Local Law after a public hearing having extended such moratorium for an additional six months on December 27, 2006, which was filed in the New York Secretary of State on January 2, 2007, and would have expired on or about July 2, 2007, and the Town Board having by Local Law after a public hearing having extended such moratorium for an additional six months on June 14, 2007, which was filed in the New York Secretary of State on June 20, 2007, and would have expired on or about December 20, 2007, and the Town Board having by

Local Law after a public hearing having extended such moratorium for an additional six months on December 18, which was filed in the New York Secretary of State on December 19, 2007, and would have expired on or about June 17, 2008, and the Town Board having by Local Law after a public hearing having extended such moratorium for an additional six months on June 8, 2008, which was filed in the New York Secretary of State on June 14, 2008, and the Town Board having by Local Law after a public hearing having extended such moratorium for an additional six months on December 7, 2008, which was filed in the New York Secretary of State on December 8, 2008, and the Town Board having by Local Law after a public hearing having extended such moratorium for an additional nine months on June 8, 2009, which was filed in the New York Secretary of State on June 11, 2009, which extended the same through and including March 11, 2010, and the Town Board having by Local Law after a public hearing having extended such moratorium for an additional nine months on March 8, 2010, which was filed in the New York Secretary of State on March 11, 2010, which extended the same through and including December 11, 2010, and the Town Board having by Local Law after a public hearing having extended such moratorium for an additional nine months on November 23, 2010 by the vote of the Town Board on such local law after a public hearing, which was filed with the New York Secretary of State on December 2, 2010, and

WHEREAS, the Town Master Plan Committee having hired a consultant, and held public hearings, and is preparing a final Draft of the Master Plan to the Town Board for its consideration, however the same is not expected to be complete until October, 2011 at the earliest, and additional time will be needed to hold public hearings to adopt the same, as well as consider draft legislation for the implementation of any changes to Zoning or Subdivision Laws,

and

WHEREAS, the Town believes it to be in the best interests of all involved to make a careful study and consideration of the matter, and in doing so it needs additional time for the same, and as such needs to extend the Moratorium for an additional period of Nine (9) Months, which the Town believes is the shortest period needed to complete such legislation, complete its SEQRA review, hold the required public hearings on the Master Plan adoption and the Local Law adoption, which will be a comprehensive amendment to Zoning and other sections of its Code dealing with land use and planning. The Town Board needs the time to meet as a Board, review the recommendations, discuss the same with the consultant, draft proposed local laws, set public hearings, complete SEQRA review, and adopt the same, and the time period sought for this extension is the minimum time necessary for the proper review, planning and implementation of the same, and

WHEREAS, this moratorium is not meant to be prohibitive or exclusionary in nature, and during the moratorium, applications shall be accepted and considered by the Town Board, the Zoning Board of Appeals, the Planning Board, and the Building Inspector. This Moratorium is enacted to balance the aforementioned interests and rights, and done in the narrowest possible way so as to preserve and protect such interests and rights, pending final determination by the Town Board. To avoid any extreme hardships, a variance or waiver of this Moratorium is provided for in this Local Law. The Town Board, has during the period of this Moratorium, accepted, reviewed and decided such waiver requests, and will continue to do so if requested. In accepting an application during the period of this moratorium, however, no action shall be taken other than as permitted herein. Further, if an application is accepted and processed, it shall be

done pursuant to Zoning Code in effect at the time of such consideration or final determination and

WHEREAS, the Town Board of the Town of Stanford referred this proposed Local Law (Number 2P of 2011) to the Dutchess County Department of Planning pursuant to N.Y. General Municipal Law Section 239-m, and the County responded and commented and determined that it was a matter of Local Concern, and the Town Board held a public hearing on this proposed Local Law on August 11, 2011 at a Town Board Meeting, and

WHEREAS, the adoption of the extension of the land use moratorium is a Type II action under the New York State Environmental Quality Review Act [SEQRA], and as such, no EAF, review or negative declaration is required or completed.

NOW, BE IT ENACTED by the Town Board of the Town of Stanford as follows:

Section 1. A Nine (9) Month moratorium extension, effective upon the date of filing of this local law with the Secretary of State.

Pursuant to Town and Municipal Home Rule Law, the Town of Stanford hereby enacts an extension of the current moratorium for an additional nine (9) month moratorium on the issuance of permits by the Town of on applications for the development of land for residential and commercial purposes in the Town of Stanford in the Town of Stanford, for the purpose of allowing the development of amendments to the Zoning Law [Chapter 164], Subdivision of Land Law [Chapter 140] and Land Use Regulations concerning the regulation, approval and permitting of such development and uses. Nothing contained herein is intended to limit or modify any existing permits or approvals granted prior to this

Moratorium.

Section 2: Applications and Procedure During the effective period of this Moratorium:

During the effective period of this moratorium, applications and procedures for development of land for residential and commercial purposes in the Town of Stanford shall be handled as follows:

- A. Pending Applications: No application filed on or before June 1, 2006 currently pending before the Town Board, the Zoning Board of Appeals, or the Planning Board of the Town of Stanford for the development of land for residential and commercial purposes in the Town of Stanford in the Town of Stanford, for any development, subdivision, infrastructure, facilities, structures, accessory uses or structures, and related facilities thereto, site plan, subdivision plat, special permit, area or use variance shall be affected by this Local Law.
- B. New Applications: No new application filed after June 1, 2006 for the subdivision or development of land for residential and commercial purposes in the Town of Stanford, and any facilities, structures, accessory uses or structures, and related facilities thereto, shall be considered or voted upon by any Town official or Board, nor shall the Town of Stanford Town Board pass any resolution or refer applicant to the New York Department of Environmental Conservation [NYSDEC] for SEQRA determination, while the moratorium is in effect.
- C. Actions involving Boards of the Town of Stanford other than the Town

Board:

1. The Town of Stanford Building Inspector and Zoning Enforcement Officer shall not issue any permit which would authorize the development of land for residential and commercial purposes in the Town of Stanford in the Town of Stanford, and facilities, structures, accessory uses or structures, and related facilities thereto in such proposed subdivisions or developments. This prohibition shall not apply to legally existing subdivided lots or “lots of record” existing prior to June 1, 2006 [the “Existing Lots”], or the issuance of any Building Permits or highway permits, septic or board of health permits for such Existing Lots.
2. The Zoning Board of Appeals of the Town of Stanford shall not make any decisions or findings, or grant any approvals for a special permit, area variances, or use variances, for the development of land for residential and commercial purposes in the Town of Stanford and facilities, structures, accessory uses or structures, and related facilities thereto.
3. The Planning Board of the Town of Stanford shall not make any decisions or findings, SEQRA review (other than the coordination of review or lead agency status, which is permitted under this Moratorium), or grant any approval, preliminary or final, for any subdivision plat, site plan, special use permit, or other permit

which would permit the development of land for residential and commercial purposes in the Town of Stanford, and facilities, structures, accessory uses or structures, and related facilities thereto.

- D. Nothing contained in this Section 2, subsections A, B, or C, shall be deemed to preclude an applicant for appearing before any of the foregoing boards or Town Officials for discussions relating to the proposed development of land for residential and commercial purposes in the Town of Stanford. Nothing contained herein shall permit the final action or consideration or voting by any Town official or Board, and no permit application shall be referred to the New York Department of Environmental Conservation, while the moratorium is in effect.

Section 3: Exceptions to the Moratorium:

This Moratorium shall not apply to the following:

- a. Lot Line Alterations as defined in the Town of Stanford Code, Subdivision of Land, Section 140,
- b. A subdivision involving only two (2) lots, or
- c. Area variance applications (setbacks, etc.) to the Town of Stanford Zoning Board of Appeals.

No public hearing or waiver requirement shall apply to these three exceptions.

The Moratorium shall apply, however, to any use variances to the Town of

Stanford Zoning Board of Appeals, and a waiver shall be required to proceed in such instance. The Town Board may, upon written application, waive the Moratorium for Minor Subdivisions, as defined in the Town of Stanford Code, Subdivision of Land, Section 140, for good cause shown, provided that such Minor Subdivision is not inconsistent with current land use regulations for zoning or the subdivision of land, and does not involve the creation of or dedication of any municipal roads or other municipal or intended municipal infrastructure. Such application for a waiver or exemption shall be made as is set forth below. As part of the application for a Waiver of the Moratorium, the Applicant shall submit a written statement of what the intended subdivision will entail, detailing the number of lots sought, access to the property, and a sketch or map showing the property as it currently exists. The Town Board can start the SEQRA process including designation of lead agency status. In addition, such moratorium shall not affect Existing Lots for the issuance of building permits as noted above.

Section 4: Construction with other laws:

All other state, federal or local laws, ordinances, regulations, and other provisions of the Code of the Town of Stanford and any parts thereof in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective date of this moratorium.

Section 5:

Waivers, Hardships or Exceptions from this Local Law:

Upon a written application to the Town Board, a party affected by this Moratorium may request a variance or waiver of the Moratorium, based upon documentary evidence of the urgent need for the consideration of the application for the development of land for residential and commercial purposes in the Town of Stanford. Such application shall provide the reason why such variance or waiver is required prior to the expiration of this Local Law, and why the Town Board should consider the application or take other action prior to the expiration of this moratorium. For purposes of this Local Law, the necessity to wait for the 270 days of the moratorium, to obtain a final decision, or any financing or financial considerations during such time, shall not, alone, constitute an undue hardship requiring relief from the provisions of this Local Law. The Town Board, upon receipt of such written request for a waiver or variance, shall direct the Town Clerk to circulate the request to the Building Inspector, Town of Stanford Planning Board, Town of Stanford Zoning Board of Appeals, and the adjacent Towns by their respective Town Clerks, and set a public hearing within 45 days of the receipt of such application. The Town Board shall consider all evidence submitted to it, and make a decision within 38 days of the date of the close of the public hearing, on the grant or denial of the waiver or variance of the strict requirement of this Local Law. In the event the Town Board, after such hearing and

deliberation, determines that the strict application of this Local Law to a particular property or applicant creates an undue or extreme hardship to the applicant, the Town Board reserves the right and the power to vary the application of this Local Law to the minimum extent necessary to provide the applicant with relief from the strict compliance of this Local Law. A party aggrieved by the determination of the Town Board on an application for a variance hereunder may appeal the determination or decision to the Supreme Court of the State of New York in and for the County of Dutchess, pursuant to Article 78 of the Civil Practice Law and Rules within thirty (30) days of the date the decision is filed in the Office of the Town of Stanford Town Clerk.

Section 6: Effective Date and period of the Local Law:

This local law shall take effect immediately upon filing in the office of the Secretary of State. It shall apply to all real property located in the Town of Stanford, regardless of zoning district, shall be in effect for 270 days after its effective date. It shall expire following the expiration of 270 days after its effective date or the sooner passage of a Local Law or amendment to the Town of Stanford Zoning Code governing and regulating the development of land for residential and commercial purposes in the Town of Stanford, and facilities, structures, accessory uses or structures, and related facilities thereto.

Section 7: Separability:

The provisions of this Local Law are separable, and if any provision, clause, sentence, section, subsection, word, heading, or part thereof is held invalid, illegal, unconstitutional or unenforceable, the balance of the Local Law not held invalid, illegal, unconstitutional or unenforceable shall be enforced to the fullest extent possible.

Section 8: Supersession:

Pursuant to the N.Y. Municipal Home Rule Law Section 22, the provisions of this Local Law are intended to supersede and replace any inconsistent provisions of any state or local law, including but not limited to N.Y. Town Law Sections 274-a (8); 276(5); 276 (8); 267-a (4); 267-a (7); 267-a (8); and 274-b (6), and the provisions of the Town of Stanford Code which are inconsistent herewith.

A Public hearing on this Local Law was held on August 8, 2011. On August 11, 2011, a motion was made by _____ and seconded by _____ to approve this Local Law.

A vote to adopt this local law was held by the Town Board of the Town of Stanford. The Vote was as follows:

Roll Call Vote:

Town of Stanford. A Roll Call vote was held, as follows:

Town Board Member Mark D'Agostino voted:

Town Board Member Thomas Dewhirst voted:

Town Board Member Christopher Flynn voted:

Town Board Member Johanna Shafer voted:

Supervisor Virginia Stern voted:

The Local Law was thereby adopted by the Town Board of the Town of Stanford on August 11, 2011, and shall become effective upon the filing of the same with the New York Secretary of State.

(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. _____ of 20 11 of the (County)(City)(Town)(Village) of STANFORD, DUTCHESS COUNTY, NEW YORK was duly passed by the TOWN BOARD on August 11, 20 11, 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) (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 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

(Seal)

Date: _____

(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 DUTCHESS

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
ATTORNEY TO THE TOWN

Title

County
City of STANFORD, DUTCHESS COUNTY, NY
Town
Village

Date: August 11, 2011