

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 South Glens Falls

FILED
STATE RECORDS
OCT 04 2018

DEPARTMENT OF STATE

Local Law No. 2 of the year 2018

A local law to extend the term and duration of Local Law 2 of 2017 which establishes a temporary
(Insert Title)
moratorium on development approvals in the R-2 and R-2 Overlay Districts of the Village
of South Glens Falls and was previously extended by Local Law 1 of 2018

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of South Glens Falls

as follows:

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

**VILLAGE OF SOUTH GLENS FALLS
COUNTY OF SARATOGA, STATE OF NEW YORK**

PROPOSED LOCAL LAW NO. 2 of 2018

A Local Law to extend the term and duration of Local Law No. 2 of 2017 which established a temporary moratorium on development approvals in the R-2 and R-2 Overlay Districts of the Village of South Glens Falls and was previously extended by Local Law 1 of 2018

BE IT ENACTED by the Board of Trustees of the Village of South Glens Falls, Saratoga County, New York, as follows:

SECTION 1. Purpose, Intent, and Findings.

The Village of South Glens Falls has experienced an increase in applications to build and develop property in recent years, and the Village Board of Trustees has been made aware of a growing concern among residents that this increase in development could create a number of unintended and negative consequences for not only our current residents, but also for the Village's existing infrastructure. In recognizing that the Village's Comprehensive Plan has not been updated since 2008, it has been determined that a temporary moratorium on the acceptance, consideration, and approval of land use applications that are pending or may be subsequently filed with the Village of South Glens Falls for buildings located in the R-2 or R-2 Overlay Districts is necessary and appropriate. There is a demonstrated need for further development of this issue in the current Comprehensive Plan and/or Land Use Regulations, and time is needed for community officials to comprehensively address the issue without having to allow further development during that time. This will also give the Village time to update the Village's Zoning, Land Use Regulations and other Codes to incorporate current planning practices and ensure proper code enforcement.

This moratorium is an interim measure intended to preserve the status quo, and is intended to ensure that no approvals of applications are granted while the Village considers potential changes to its Comprehensive Plan and Land Use Regulations and considers and adopts changes to its land use regulations. Over time, further unchecked development in the Village has the potential to negatively impact the Village's residents, character, infrastructure, and provision of services. This protection of the public interest and welfare includes the prevention of premature, inconsistent, or improper development which could prejudice the integrity and objectives the analysis presently being undertaken and could result in uses and/or developments which may be inconsistent with and in violation of the intent of said planning. The Village will establish a committee of Citizens and Board Members to review and amend the Comprehensive Plan.

A committee of Citizens and Board Members was established in September 2017 to review and propose amendments to the Comprehensive Plan. Said Committee has presented the Board with its findings, which the Board has reviewed and discussed with the public at various workshops. The Board needs additional time to complete the following tasks, with the assistance of professional services in municipal code drafting to accomplish the following: (1) draft the amendments to the Comprehensive Plan and approve of the same; and (2) review the Village Zoning Code and Land Use regulations and make amendments to the same in accordance with the revised Comprehensive Plan.

§ 2. Authority.

The Board of Trustees of the Village of South Glens Falls is authorized to adopt this Local Law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general police power vested with the Village of South Glens Falls to promote the health, safety, and welfare of all of the residents and property owners in the Village.

§ 3. Definitions.

For the purpose of this Local Law, unless specified below, all terms shall be defined in the Zoning Law of the Village of South Glens Falls, New York (Chapter 153 of the Municipal Code).

§ 4. Scope.

This Local Law shall apply to all land and property within the Village of South Glens Falls located within the R-2 and R-2 Overlay Districts, subject to the exceptions set forth below.

§ 5. Term.

This Local Law shall extend the term and duration of Local Law No. 2 of 2017 for an additional period of twelve (12) months from the effective date hereof unless earlier repealed, modified, extended, or supplemented by further local law by the Village of South Glens Falls.

§ 6. Moratorium.

No board, commission, agency, department, officer, employee, consultant, or agent of the Village of South Glens Falls shall accept for review, continue review, hold a hearing, or make any decision upon any application for a building permit, subdivision map, land division, variance, site plan, special permit, or change of zone in the R-2 and R-2 Overlay Districts while this Local Law is in effect, unless expressly exempted from this moratorium pursuant to Section 7 below.

- A. For the period commencing on the date this Law is enacted and for six (6) months thereafter, neither the Village nor any of its Boards, agencies or representatives shall consider, grant, approve, or issue a building permit, permit of compliance, conditional use permit or variance which would authorize the use of any building structure or premises as multiple dwelling, either in Village R-2 or R-2 Overlay Zones of said District.
- B. Nothing contained in this Law shall be deemed to prevent the consideration or approval of applications for single family homes, projects approved prior to August 2, 2017, demolition projects, interior alterations, improvements to electrical, heating or plumbing, emergency repairs due to fire, casualty or an Act of God, porches, swimming pools or additions to single family homes which meet Code requirements.
- C. Nothing contained in this section shall be deemed to prevent the consideration or approval of applications for certificates or permits for R-1 residential, C Commercial, M-1 Industrial, RC-1 Resource Conservation and ARC-1 Aquifer Resource Conservation.

§ 7. Hardship.

- A. *Generally.* Should any owner of property affected by this moratorium suffer an unnecessary hardship in the way of carrying out the strict letter of this moratorium, the owner of said property may apply to the Board of Trustees in writing for relief from strict compliance with this moratorium upon submission of proof of such unnecessary hardship. For the purposes of this moratorium, 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 building permit, subdivision map, land division, variance, site plan, special permit, change of zone, or other approval during the period of the moratorium.
- B. *Substantive Requirements.* No relief shall be granted hereunder unless the Board of Trustees shall specifically find and determine, and shall set forth in its resolution granting such exemption that:
 - (1) Failure to grant an exemption to the petitioner will cause the petitioner unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the exemption; and
 - (2) The grant of the hardship, even if the project or activity for which the exemption is sought is approved, will clearly have no adverse effects upon any of the Village's goals or objectives in undertaking the community planning effort or in adopting this moratorium, including but not limited to effects resulting from uses detrimental to the community's resources or character; and
 - (3) The project or activity for which the petitioner seeks an exemption is in harmony and consistent with any interim data or recommendations or conclusions that may be

drawn from the Village or community-planning effort then in progress, and will not have an adverse impact on the overall character of the Village.

- C. *Procedure.* Upon submission of a written application to the Village Clerk by the property owner seeking relief from the moratorium, the Board of Trustees shall, within thirty (30) days of determining that said application is complete, schedule a public hearing on said application upon five days' written notice in the official newspaper of the Village. 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 Board of Trustees shall, within thirty (30) days of the close of the public hearing, render its decision either granting or denying the application for relief from the strict requirements of the moratorium. If the Board of Trustees determines that a property owner will suffer an unnecessary hardship if this moratorium is applied to a particular property, then the Board of Trustees may grant relief from the moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with the moratorium. The Board of Trustees may impose any conditions on any such grant that is deemed necessary.

§ 8. Penalties.

Any person, firm, or corporation that shall construct, erect, enlarge, or alter any building(s) or structure(s) in violation of the provisions of this Local Law or otherwise violates any of the provisions of this Local Law shall be subject to:

- A. Injunctive relief in favor of the Village 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; and
- B. Such other penalties as may otherwise be provided by the laws, rules and regulations of the Village for violations.

§ 9. Authority to Supersede.

To the extent that any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of the New York State Village Law, or any local law, ordinance, regulation of the Village of South Glens Falls, this Local Law supersedes, amends, and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law.

§ 10. Severability.

If any clause, sentence, phrase, paragraph, or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment

shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph, or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions been excluded.

§ 11. Effective Date.

This Local Law shall become effective immediately upon filing in the office of the Secretary of State after all notice provisions have been met.

(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 2018 of the ~~(County)(City)(Town)(Village)~~ of South Glens Falls was duly passed by the Board of Trustees on October 3 2018, 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 on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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)*

* 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.

Shannon Kelleher

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

Date:

10/3/18

(Seal)