

# Local Law Filing

New York State Department Of State  
Division Of Corporations, State Records And Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.state.us/corps

(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 Port Henry

Local Law No. 1 of 2011.

## A LOCAL LAW ESTABLISHING A MORATORIUM ON STREET LEVEL RESIDENTIAL DEVELOPMENT IN A PORTION OF THE VILLAGE OF PORT HENRY

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

☐ County ☐ City ☐ Town ☐ Village

of Port Henry as follows:

**1. Title and Authority** - This Local Law shall be known as the Village of Port Henry Street Level Residential Development Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.

**2. Purpose** – The downtown streets of the Village of Port Henry present a significant historic and architectural character which is essential to the continued development of the economy of the Village. This moratorium is necessary in order to temporarily restrict street level residential development in a portion of the downtown area to allow the Village Board time to prepare a Local Law or Ordinance to promote commercial development in order to maintain the principally commercial nature of this area. The Village Board has determined that commercial development in this area best enhances and protects the health, safety and welfare of the citizens of the Village of Port Henry.

**3. Definitions** - “Commercial Area” means properties fronting on Main Street and on the portion of Broad Street between Main Street and College Street.

“Street Level Residential Development” means any construction or other activity that materially changes the use or appearance of the first story of a structure or portion of a structure, or the intensity of use of the first story of a structure or portion of a structure, for the purpose of establishing or expanding a residential use. Street Level Residential Development shall include, but shall not be limited to, new structures, renovations, changes in or expansions of existing structures, new uses, changes in or expansions of existing uses, demolition and facade or street front renovations.

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

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\* 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.

**4. Moratorium** - The Village Board hereby imposes a moratorium on Street Level Residential Development on any property in the Commercial Area for a period commencing on the effective date of this Local Law and continuing until September 15, 2011, and further provides that no application for Development Plan Review under the Development Review Law of any Street Level Residential Development within the Commercial Area will be accepted or reviewed by the Planning Board during that period.

**5. Variances** - The Village Board shall have the power, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Village or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Village Clerk. The Village Board shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

**6. Extensions** - This moratorium may be extended for such additional periods as the Village Board may determine to be necessary to protect the public health, safety, and welfare of the citizens of the Village and accomplish the purposes and intent of this Local Law.

**7. Termination** - This moratorium may be terminated earlier than September 15, 2011 upon enactment of local legislation governing development within the Commercial Area.

**8. Severability** - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**9. Repealer** - All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local law are hereby repealed.

**10. Effective Date** - This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

(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. 1 of 2011** of the (County)(City)(Town)(Village) of ..... **Port Henry** ..... was duly passed by the **Village Board of Trustees** on **March 7, 2011**, 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 ....., 199....., and was (approved)(not approved)(repassed after disapproval) by the ..... and was deemed duly adopted on ....., 199..., in accordance with the applicable provisions of law.~~  
~~(Name of Legislative Body)~~  
~~(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 ..... and was (approved)(not approved)(repassed after disapproval) by the ..... on ....., 199... 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 ....., 199 ....., 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 ....., 199....., and was (approved)(not approved)(repassed after disapproval) by the ..... on ....., 199... Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ....., 199....., in accordance with the applicable provisions of law.~~  
~~(Name of Legislative Body)~~  
~~(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 ....., 199....., 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 ....., 199....., 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 town 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 WARREN

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: **Mark Schachner, Esq.**

**Village Counsel**

\_\_\_\_\_  
Title

County

City

Town- of **Port Henry**  
**Village**

Date: