

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 Moriah

Local Law No. 1 of the year 20 18

A local law to extend Local Law #2 of 2017 extending the Moratorium
(Insert Title)
on Street Level Residential Development for a one-year
period in the former Village of Port Henry.

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

County City Town Village

(Select one:)

of Moriah as follows:

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

**LOCAL LAW NO. 3 OF 2016
A LOCAL LAW EXTENDING THE MORATORIUM
ON STREET LEVEL RESIDENTIAL DEVELOPMENT
IN A PORTION OF THE VILLAGE OF PORT HENRY**

BE IT ENACTED BY THE VILLAGE OF PORT HENRY BOARD OF TRUSTEES 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 – (a) 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.

(b) The Village Board previously imposed a moratorium on street level residential development on any property in the commercial area and on acceptance and review of applications for Development Plan Review under the Development Review Law of any such development. The Board established a Zoning Commission and the moratorium has been previously extended to provide additional time for the Commission to develop appropriate regulations. The Commission has now presented a Final Report on proposed zoning regulations for the Village to the Board. The Board has determined that additional time is needed for its review of the Report, finalization of a draft Local Law and compliance with statutory procedural requirements to ensure that regulations governing development in that portion of the Village adequately enhance and protect the public health, safety and welfare of the citizens of the Village.

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.

4. Extension of Moratorium - The Village Board hereby extends the moratorium on Street Level Residential Development on any property in the Commercial Area from the expiration of the current moratorium extension on October 15, 2016 until April 15, 2017 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. Further Extensions - This moratorium may be further 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.

6. 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.

7. Termination - This moratorium may be terminated earlier than April 15, 2017 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 20 18 of the (County)(City)(Town)(Village) of Morria was duly passed by the Town Board on May 10 20 18, 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) (repassed after disapproval) by the _____ and was deemed duly adopted 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) (repassed after disapproval) by the _____ on _____ 20 _____.

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) (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.

Rose M. French

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

Date: 5/14/18

(Seal)

May 14, 2018

STATE OF NEW YORK
COUNTY OF ESSEX } SS.:
TOWN OF MORIAH

101. ON MOTION by Councilman Salerno, seconded by Councilman Brassard, the following resolution was

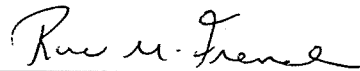
APPROVED Ayes Scozzafava, Salerno, Anderson, Carpenter, Brassard
Nays 0

RESOLVED to adopt Local Law #1 of 2018 extending Local Law #2 of 2017 extending the Moratorium on Street Level Residential Development for a one year period.

CERTIFICATION

I, Rose M. French, Town Clerk, the duly qualified and acting Clerk of the Town of Moriah, New York, do hereby certify that the attached resolution was adopted at the Regular Meeting of the Town Moriah on Thursday, May 10, 2018 at 6:00pm and is on file of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

SEAL



Rose M. French
Town of Moriah
Town Clerk

Rose M. French, Town Clerk
Town of Moriah
38 Park Place, Suite 2
Port Henry, New York 12974
(518) 546-3341 Fax (518) 546-3342

May 14, 2018

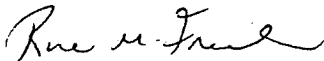
NYS Department of State
Division of Corporation, State Records and
Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231

To Whom It May Concern:

Enclosed please find Local Law #1 of 2018 for the Town of Moriah to be filed in your office.

Thank you.

Sincerely,



Rose M. French
Town of Moriah
Town Clerk

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

May 23, 2018

Rose M French
Town Clerk
38 Park Place, Suite 2
Port Henry NY 12974

RE: Town of Moriah, Local Law 1 2018, filed on May 16, 2018

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**