

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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STATE RECORDS
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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 Sennett

DEPARTMENT OF STATE

Local Law No. 5 of the year 2023

A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than (3) Lots within the Town of Sennett

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

County City Town Village

(Select one:)

of Sennett

as follows:

Be it enacted by the Town Board of the Town of Sennett as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Sennett to impose a twelve (12) month moratorium on the filing, acceptance, review, and approval of subdivisions greater than three (3) lots within the Town of Sennett.

SECTION 3. LEGISLATIVE PURPOSE.

The purpose of this Local Law is to temporarily halt subdivisions of greater than three (3) lots, for a period of up to twelve (12) months, while the Town of Sennett considers zoning changes, the enactment of zoning measures, and amendments to the Town's subdivision regulations to specifically address the matters of community concern related to well water.

The Town desires to consider any recommended land use regulation that guide future residential and commercial land use developments in order to ensure that all projects are allowed, sited, and reviewed in congruence with the Town's vision of the community, and to ensure that impacts are managed by appropriate land use regulations and resource protection laws and requirements. These may include measures that guide development within the boundaries of the Town in order to promote the goals and aspirations of the community.

In particular, the Town Board recognizes and acknowledges that the Town needs to study and analyze the impact of subdivisions on ground water supply and well water systems. In the

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coming months, the Town will be diligently working towards the development of regulations that will address, in a careful manner, the impact of subdivisions on the Town's well water supply in order to adopt land use regulations for provisions to specifically regulate the same.

The Town Board recognizes it is appropriate to provide a mechanism for property owners or sponsors of proposed development to seek relief from the provisions of this moratorium upon showing of hardship, and a variance procedure has been provided in this local law for that purpose.

SECTION 4. MORATORIUM.

A. The Town Board hereby enacts a moratorium which shall prohibit the filing, acceptance, review, and approval of subdivisions and subdivision applications of greater than three (3) lots anywhere within the Town of Sennett.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this Local Law and shall expire on the earlier of (i) the date twelve (12) months from said effective date of this Local Law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating that the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town of Sennett.

D. Subdivisions which have previously been approved and/or are located on Town-owned property are hereby expressly excluded from this moratorium and may be operated in accordance with the approved plans. Further modification, enlargement and/or alteration of previously approved subdivisions are prohibited while the moratorium is in effect.

SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. The Town Board may waive the provisions of this moratorium upon the application of an owner of property upon which the proposed subdivision or site plan would have been permitted in the absence of this moratorium, provided that the applicant can demonstrate, and the Town Board can find, based upon competent evidence, that (1) the application of the moratorium to the applicant's property will cause the applicant substantial economic hardship; (2) the proposed use of the property will not harm the public health, safety and welfare, or cause adverse impacts to natural resources such as wetlands, streams, groundwater, aquifers or well water supplies; and (3) the proposed use of the property is consistent with the Comprehensive Plan of the Town of Sennett and compatible with the surrounding land uses.

B. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

C. Application for relief shall be filed in triplicate with the Town Code Enforcement Officer, together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorneys' fees, incurred by the Town shall be reimbursed to the Town by the Applicant. The Town Board shall

apply Use Variance criteria, as set forth in New York State Town Law §267-b(2), in reviewing any application for relief.

D. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

E. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town's Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 6. PENALTIES.

Any person, firm or corporation that shall establish, place, construct, enlarge and/or erect any battery energy storage systems in violation of the provisions of this Local Law, or shall otherwise violate any of the provisions of this Local Law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any constructions, improvements or related items or by-products which may have taken place in violation of this Local Law.

SECTION 7. ENFORCEMENT.

This Local Law shall be enforced by the Code Enforcement Office of the Town of Sennett or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

SECTION 8. VALIDITY AND SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State. It shall remain in full force and effect for a period of twelve (12) months from the date of passage.

Local Law Filing

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as **Local Law No. 5 of 2023** of the Town of **Sennett** was duly passed by the **Town Board** on **November 16, 2023**, 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 Town of **Sennett** was duly passed by the **Town Board** on , 20 , and was (approved/not approved/repassed after disapproval) by the **Town Board** 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 Town of **Sennett** was duly passed by the **Town Board** on , 20 , and was (approved/not approved/repassed after disapproval) by the **Town Board** 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 Town of **Sennett** was duly passed by the **Town Board** on , 20 , and was (approved/not approved/repassed after disapproval) by the **Town Board** 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.~~

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.~~)**

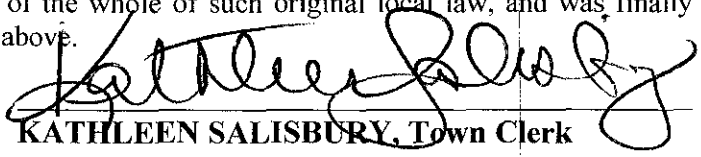
~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the County of , State of New York, having been submitted to the electors at the General Election of November , 20 , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received 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.)**

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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.



**KATHLEEN SALISBURY, Town Clerk
Town of Sennett**

(Seal)

Date: November 16, 2023