

VILLAGE OF SCHUYLERVILLE
INTRODUCTION OF LOCAL LAW NO. 4 OF 2006
October 11 2006

Local Law No 4 introduced by_____

Seconded for introduction by_____

A LOCAL LAW IMPOSING A TEMPORARY MORATORIUM UNTIL JANUARY 15 2007 ON CERTAIN DEVELOPMENT AND LAND ACTIVITY IN THE VILLAGE OF SCHUYLERVILLE, SARATOGA COUNTY , STATE OF NEW YORK.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SCHUYLERVILLE, COUNTY OF SARATOGA, STATE OF NEW YORK as follows:

Section 1: Title

This local law shall be known and may be cited as the Local Law Establishing a Moratorium within the Village of Schuylerville.

Section 2: Purpose and Findings

The Board of Trustees of the Village of Schuylerville established on July 7 2004 a "Special Board" under New York State Village Law Section 7 -722 to undertake the initial development of a "Village Comprehensive Plan".

The Board of Trustees on June 8, 2005 adopted the "Village's Comprehensive Plan" Included within this plan is :

Goals, objectives, principles, policies and standards upon which proposals for Immediate and long- range enhancement, growth and development of the village are based;

Existing and proposed location and intensity of land uses;

Consideration of historic, visual and cultural resources. Natural resources and sensitive environmental areas;

Existing housing resources and future housing needs including affordable housing;

Present and future general location of cultural facilities, historic sites

Existing and proposed recreational facilities and parkland

On April 17, 2006 the Village Board established a five member Planning Board

On July 12 2006 the Village Board appointed members to the Planning Board

Since the establishment of the Planning Board in July 2006, the Board has undertaken review and study of cell tower review and site plan legislation

The Village board recently enacted a moratorium on communication facilities within the village until February 15 2007.

The Board of Trustees of the Village of Schuylerville believes that substantial impacts in the Village of Schuylerville would occur if commercial, retail, hotel, motel development, professional office , multi family, industrial, commercial, residential subdivisions , mobile home parks in the Village are developed without the village having the benefit of Planning Board review and recommendations together with developing appropriate standards and guidelines

The Village Board therefore desires to delay certain development (as defined herein) within the village as a stop gap or interim measure reasonably designed to temporarily limit certain development while the Village Board together with the Planning Board considers adoption of land use regulations including site plan review , subdivision regulations and other regulations as it pertains to certain development projects within the downtown village area, within the old canal and Champlain Canal and throughout the village.

During this period of time; it is the intent of the village to consider site plan review and subdivision regulations and related land use regulations which will mitigate these impacts, will better protect the village's environment and its natural, visual and historic resources, and protect Schuylerville's attractive character and will otherwise help to promote the health, safety and general welfare of its residents

The village of Schuylerville has a significant historical past--having been inhabited by the Mohawk Indians over 1200 years ago--location where General Burgoyne surrendered to General Horatio Gates in 1777(turning point of the American Revolution)

The Village and its visual surrounding is the site of the historic Fort Hardy Park-location where British soldiers turn in their weapons following the battle of Saratoga, and the national park facilities including the Battle of Saratoga monument.

Currently the Village does not have zoning regulations, zoning board of appeals, subdivision regulations, site plan review, planned unit development, sign ordinance , architectural review mobile home park regulations , or road design criteria, in effect at this time in the village.

The village is unable to properly respond to certain development proposals due to the lack of regulations

The village is unable to provide oversight and is unable to enforce development standards on proposed projects due to the lack of regulations.

Section 3: Applicability

This Local Law shall apply throughout the entire Village of Schuylerville.

Section 4: Development Limitations

All other provisions of the Code of Schuylerville, Laws and Regulations of the State of New York notwithstanding, no building applications will be accepted , no water applications will be accepted , no sewer applications will be accepted , no permits for construction will be issued and no subdivision of realty will be permitted prior to January 15, 2007 within the entire village with respect to the following:

1) land activity involving the development of realty for purposes of constructing commercial, retail , hotel, motel development, professional offices , convenience store, restaurant including drive through, multi family, industrial, commercial, residential subdivisions , mobile home parks , parking lots and parking structures within the Village .

The Board may diminish the scope of the application of moratorium by resolution and adoption of a local law

2)The moratorium under this local law shall not apply to construction of

single family residence,

duplex residence,

construction of a garage , porch, deck for an existing single family or duplex structure,

alteration and repairs to existing buildings provided that the current uses of the building remain the same,

expansion of single family residence, and duplexes ,

expansion of existing commercial, retail, industrial, convenience store, business provided that the proposed expansion represents an increase of only 15 percent or less over the existing square footage of the building and expansion is directly related to current building use.

A. The Village Board shall have the power to waive the application of any provision of this Local Law upon its determination, in its reasoned legislative discretion, that such waiver is required to alleviate undue hardship, is consistent with any proposed comprehensive plan site plan, and is consistent with the health, safety, and general welfare of the Village. The hardship must be the result of unique circumstances, and the waiver must be the minimum necessary to alleviate the hardship.

B. Upon receiving any application for a waiver of this Local Law from an affected property owner, the Village Board shall conduct a public hearing on a completed application, upon at least ten days notice, within 30 days after the application is referred to it. The Village Board shall render its decision within 30 days after the public hearing is closed. The Village Board may seek an advisory opinion from the Planning Board concerning any application(s) for waiver

C. If the Village Board grants a waiver under this section, the application for which the waiver was sought shall be referred back to the office or board responsible for processing such an application, and the application shall be processed according to existing law and procedures; except that the Village may impose upon the applicant a reasonable fee for the village expense of an technical and legal review(including engineering , legal, architectural and other consultants) of the proposed project together with requiring the applicant to provide a letter of credit and or performance bond for the project or portions of the project.

Section 6: Interim Suspension of Other Laws Inconsistency

All ordinances or local laws or provisions of the Code of the Village of Schuylerville, Laws of the Town of Saratoga , County of Saratoga , State of New York in conflict or inconsistent with provisions of this local law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period; provided, however, that such suspension shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

Section 7: Supersession

This Local Law is intended to invoke the supersession provisions of Section 10(1)(ii)(e)(3) of the Municipal Home Rule Law and Section 10 of the New York State Statute of Local Government with the intent being to supersede, during the effective period of this Local Law, all inconsistent provisions of the Village Law, including Article 7, the following Chapters 83 (Building Construction), 129(Sewer), 157(Water) all of the Village Code of Schuylerville and all other contrary and inconsistent Village of Schuylerville , Town of Saratoga, County of Saratoga and State Laws.

Section 8: Validity - Savings Clause

Should any word, phrase, clause, sentence, paragraph, part, or provision of this Local Law be found to be invalid, such decision , judgment order shall not affect the validity of any other part of this Local Law that can be given effect.

Section 9: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York and shall remain in full force and effect for the period stated within, unless terminated or extended by action of the Village Board of Schuylerville.

and Village Board hereby establishes a public hearing on this Local Law No. 4 on October 26 2006 at 630pm at the Village Municipal Building ,35 Spring Street, Schuylerville New York and

furthermore the Village establishes a special village board meeting to be held immediately following this public hearing with the purpose of this meeting being the Board's consideration of adoption of this local law

and Village Clerk is directed to publish a legal notice of this public hearing and special village board meeting in the Saratogian

and furthermore the Village Clerk is directed to transmit a copy of this proposed local law No 4 to the Saratoga County Planning Commission for their review and comments.

Dated October 11 2006

Local Law introduced on October 11 2006
Public Hearing Approved for October 26 2006
Publication Notice Approved
Transmittal of Local Law to County Planning Commission

John Sherman, Mayor

Margaret Ditch, Trustee

Jim Miers, Trustee

Mike Hughes, Trustee

Glenn Decker, Trustee

Barbara Tierney
Clerk/Treasurer

