

LOCAL LAW FILING

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVE., ALBANY, NY 12231

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 of HIGHLAND
Village of

Local Law No. 1 of the year 2012

FILED
STATE RECORDS
FEB 24 2012
DEPARTMENT OF STATE

A local law imposing an additional six (6) month moratorium on High-Impact Industrial Uses and Certain Other Uses Having Potential for Degradation of Community Character or Natural Resources."

Be it enacted by the TOWN BOARD of the
County
City
Town of Highland
Village of _____, as follows:

Section 1. Title.

This Local Law shall be referred to as the "Local Law" Imposing an additional six (6) Month Moratorium on High-Impact Industrial Uses and Certain Other Uses Having Potential for Degradation of Community Character or Natural Resources.

Section 2. Intent.

The Town Board on June 14, 2011 enacted Local Law #8 of the year 2011 declaring a six (6) month moratorium on High-Impact Industrial Uses and Certain Other Uses Having Potential for Degradation of Community Character or Natural Resources. The Local Law established a moratorium that no application for a permit, special permit, zoning variance, building permit, site plan approval, subdivision approval or other approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or operation of, and in any event no person shall operate, conduct, commence operations of, or otherwise establish in the Town of Highland, any High-Impact Industrial Use or any other Use Having High Potential for Degradation of Community Character or Natural Resources.

The Town Board requires an additional period of time to complete the Town's Comprehensive Plan and additional time to complete the substantive and procedural requirements associated within the adoption of Legislature.

Section 3. Purpose.

The purpose of the local law establishing the moratorium was to enable the Town of Highland to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, special permits, zoning variances, building permits, site plan approvals, subdivision approvals, and other approvals respecting, High-Impact Industrial Uses and other Uses Having High Potential for Degradation of Community Character or Natural Resources, for a reasonable time pending completion of review and revision of the Town's Comprehensive Plan, and so as to allow the Town time to study the impacts, effects, and possible controls over such Uses and to consider amendment to the Town's zoning laws to address the same. The Town Board finds that an additional moratorium of six (6) month's duration, coupled with a mechanism for an 'unnecessary hardship' variance procedure, will achieve an appropriate balancing of interests between (on the one hand) the public need to safeguard the character and other resources of the Town of Highland and the health, safety and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such Uses (on the other) during such period.

Section 4. Moratorium.

The local law #8 for the year 2011 shall be extended for a six (6) month period of time while the Town Board of Trustees complete its review and revision of the Town's Comprehensive Plan and so as to allow the Town additional time to study the impacts, effects and possible controls over such Uses and to consider amendments to the Town's zoning laws to address the same.

Section 5. Scope.

All provisions of the moratorium and of Local Law #8 of the year 2011, including but not limited to the Moratorium, Penalties, and Hardship Waiver Variance provisions contained therein, shall remain in effect during the term of the extension of the moratorium.

Section 6. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 7. Superceding other Laws.

During the time this Local Law is in effect, it is the specific intent of the Town Board, pursuant to Municipal Home Rule Law §10(1)(kk)(d)(3) and §22, to supercede: (a) any inconsistent provisions set forth in Town Law §265(1); §267-a; §267-b; §272-a; §274-a; §274-b; §276; §277; §278; and §279; (b) any other inconsistent provisions set forth in Article 16 of the Town Law; (c) any inconsistent time limits set forth in Section 8-0109 of the Environmental Conservation Law; (d) any inconsistent provisions of the Zoning Code of the Town of Highland; and (e) any inconsistent provisions of any and all other local ordinances, local laws or local resolutions of the Town of Highland.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.