Local Law 2 of 2011

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 State Street, Albany NY 12231

Village of Muttontown

Local Law 2 of 2011

A local law to extend a temporary moratorium on consideration or approval of applications for subdivision as that term is defined by section 158-8 of the Code of the Village of Muttontown (the "Code") to provide the Village of Muttontown with a continued opportunity to review its Comprehensive Master Plan and to consider changes to its Zoning Code, except that the temporary moratorium shall not apply to consideration or approval of applications for partitioning as that term is defined by Code section 158-8; and, pursuant to Municipal Home Rule Law section 10, to amend Village Law section 7-728 as it applies to time periods, filing deadlines and statutes of limitations for subdivision applications.

Be it enacted by the Board of Trustees of the Village of Muttontown as follows:

ARTICLE I

The Board of Trustees hereby finds as follows:

A. Open space is vital to the unique bucolic character of the Village of Muttontown (the "Village") and to the health, happiness and welfare of its residents;

B. The Village Comprehensive Master Plan (the "Master Plan") was last adopted in 1969;

C. The Village is located in an area designated as a watershed protection area by the Long Island Comprehensive Groundwater Protection Area Plan published in 1992 by the Long Island Regional Planning Board;

D. New York Village Law ("Village Law") §7-722 was amended in 1995 to provide, among other things, that a village comprehensive plan is subject to the provisions of the State Environmental Quality Review Act adopted in 1978, after the 1969 adoption of the Village Comprehensive Master Plan;

E. Village Law §7-722 was amended in 1995 to provide, among other things, that a village comprehensive plan shall provide the maximum intervals at which the adopted plan shall be revised;

F. Village Law §7-722 was amended in 1995 to provide, among other things, that all village land use regulations must be in accordance with a comprehensive plan adopted pursuant to that section;

G. Chapter 190 (the "Zoning Code") of the Code of the Village (the "Code") was adopted in 1932, amended in its entirety in 1959, and amended in various parts from time to time thereafter;

H. There has been continued and growing interest in identifying and developing more buildable land in the Village;

I. Several parcels of real property in the Village are potential sites for subdivision under the current Zoning Code.

J. The foregoing circumstances warrant a review of the Master Plan and the Zoning Code to determine whether they continue to meet the needs of Village residents and provide for the future, orderly growth and development of the Village; and

K. On May 11, 2010, the Village Board of Trustees adopted Local Law 1 of 2010 establishing a temporary moratorium on consideration of approval of applications for subdivision as that term is defined by section 158-8 of the Code to provide the Village with an opportunity to review its Master Plan and to consider changes to its Zoning Code, except that the temporary moratorium does not apply to consideration or approval of applications for partitioning as that term is defined by Code section 158-8; and, pursuant to Municipal Home Rule Law section 10, amending Village Law section 7-728 as it applies to time periods, filing deadlines and statutes of limitations for subdivision applications.

L. The temporary moratorium established pursuant to Local Law 1 of 2010, as heretofore extended, will expire on or about August 4, 2011.

M. The Village has not completed its review of the Master Plan and its consideration of changes to the Zoning Code

N. The best interests of Village residents would be furthered by an extension of the temporary moratorium on consideration and approval of subdivision applications while the Village Board of Trustees continues to review the Master Plan and the Zoning Code to determine whether they continue to meet the needs of Village residents; to prevent unnecessary irreparable destruction or damage to the character and natural resources of the Village, including water resources, slope lands and open space; to preserve the existing quality of life and property values in the Village; and to secure the health, safety and general welfare of the community.

ARTICLE II

Section 1. The temporary moratorium on consideration or approval of applications for subdivision as that term is defined by section 158-8 of the Code is hereby extended to provide the Village with a continued opportunity to review its Master Plan and to consider changes to its Zoning Code, except that the temporary moratorium shall not apply to consideration or approval of applications for partitioning as that term is defined by Code section 158-8.

Section 2. The extended term of the aforesaid temporary moratorium on consideration or approval of applications for subdivision shall commence immediately upon the effective date of this local law and, unless extended by resolution of the Board of Trustees, shall expire at the end of business on the 180th day following the effective date of this local law.

Section 3. During the aforesaid temporary moratorium and any further extensions thereof, the subdivision authority granted under the Code including, but not limited to Chapter 158 (Subdivision of Land), shall be suspended and no subdivision application shall be accepted, reviewed or granted preliminary or final approval by or on behalf of the Village Planning Board or any other Village department, agency or board, except that the temporary moratorium shall not apply to consideration or approval of applications for partitioning as that term is defined by Code section 158-8.

Section 4. The Board of Trustees may, by resolution, terminate the moratorium extended herein prior to its expiration or, alternatively, may further extend the moratorium up to three (3) periods of ninety (90) days each, as the Board of Trustees may deem necessary to complete the review its Master Plan and to consider changes to its Zoning Code.

Section 5. Owners of real property within the Village may apply in writing to the Board of Trustees requesting exemptions from the moratorium extended by this local law. After due notice and a public hearing on such an application, the Board of Trustees may grant an exemption from the moratorium established by this local law upon a determination, in its sole discretion, that the temporary moratorium herein extended would cause a severe and substantial financial hardship to the applicant, and may impose such conditions as it shall deem necessary or reasonable in the circumstances.

Section 6. Pursuant to New York Municipal Home Rule Law section 10, the provisions of New York Village Law section 7-728 (Subdivision review; approval of plats; development of filed plats) are hereby temporarily amended in their application to the Village so as to toll and suspend all time periods or limits imposed therein for the duration of the moratorium extended by this local law and any extensions thereof.

ARTICLE III

Section 1. If any section, provision or part of this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the local law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

Final adoption by the Board of Trustees of the Incorporated Village of Muttontown.

I hereby certify that the local law annexed hereto, designated as Local Law 2 of 2011 of the Village of Muttontown was duly passed by the Board of Trustees on July 27, 2011, in accordance with the applicable provisions of law.

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 thereof and of the whole of such original local law, and was finally adopted by the Board of Trustees of the Incorporated Village of Muttontown.

Lisa A. Lolis
Village Clerk/Treasurer
Village of Muttontown
Date: July 27, 2011

Seal

Certification by the Village Attorney

STATE OF NEW YORK
COUNTY OF NASSAU

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.

Steven G. Leventhal
Village Attorney
Village of Muttontown
Date: July 27, 2011