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STATE OF NEW YORK  
SECRETARY OF STATE  
FILED

JUN 7 1990

*[Signature]*  
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 of Hampton  
Village: \_\_\_\_\_

Local Law No. 1 of the year 1990

A local law Town of Hampton Development Act of 1990  
(Insert title)

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

County of Hampton as follows:  
City: \_\_\_\_\_  
Town: \_\_\_\_\_  
Village: \_\_\_\_\_

Local Law No. 1 of 1990 known as "Town of Hampton Development Act of 1990" will establish a moratorium for a period of eight (8) months upon all applications and issuance of permits and approvals for certain subdivisions (four lots or more), mobile home parks, multi-family unit projects, condominiums developments, cooperatives, certain commercial and retail facilities, private solid waste management facilities, hazardous waste facilities, landfills, solid waste incinerators and refuse-derived fuel processing facilities, land application facilities, liquid storage facilities, construction and demolition debris landfills, infectious waste facilities, waste tire storage facilities, waste oil facilities, junk yards and storage areas, certain manufacturing and industrial developments, sand, sand and gravel mining operations within the boundaries of the Town of Hampton, Washington County, State of New York.

BE IT ENACTED by the Town Board of the Town of Hampton, as follows:

- SECTION I. SHORT TITLE
- SECTION II. LEGISLATIVE INTENT
- SECTION III. LEGISLATIVE FINDINGS
- SECTION IV. APPLICATION, SCOPE AND EXCEPTIONS
- SECTION V. VARIANCE
- SECTION VI. VIOLATION
- SECTION VII. SEPARABILITY
- SECTION VIII. REPEAL OF OTHER LAWS
- SECTION IX. EFFECTIVE DATE AND DURATION

**SECTION I            SHORT TITLE**

This Local Law No. 1 of 1990: Or the "Town of Hampton Development Act of 1990."

**SECTION II           LEGISLATIVE INTENT**

The Town Board determines that the potential level for development within the Town of Hampton will create additional demand upon the public services of the Town of Hampton, particularly without any review of any land use development within said Town and for these reasons, the Town Board finds that consideration must be given to establishment of subdivision regulations, revisions to mobile home ordinance and implementing additional regulations in the Town of Hampton which will control the development of major subdivisions (four or more), multi-family projects, cluster development, mobile home parks, multi-family unit projects, condominiums developments, cooperatives, certain commercial and retail facilities, private solid waste management facilities, hazardous waste facilities, landfills, solid waste incinerators and refuse-derived fuel processing facilities, land application facilities, liquid storage facilities, contraction and demolition debris landfills, infectious waste facilities, waste tire storage facilities, waste oil facilities, junk yards and storage areas, certain manufacturing and industrial developments, sand, sand and gravel mining operations within the boundaries of the Town of Hampton, Washington County, State of New York.

The Town Board further determines that an appropriate period of time is needed during which a detailed and common sense review can be conducted of the future development and direction of the Town of Hampton.

This legislation will permit the Town to chart the course of community development in furtherance of the objectives of the Town and its citizens.

The Town Board therefore feels it necessary to adopt reasonable interim local law to govern the development of major subdivisions (four or more), multiple family projects, cluster development, mobile homes, mobile home parks, condominium developments, cooperatives, private solid waste management facilities, commercial, retail, manufacturing and industrial developments, sand, sand and gravel mining operations during the time the Town of Hampton is conducting this study.

This action by the Town Board is necessary in order to protect the natural resources (including agricultural aspects) of the Town of Hampton, including the resources of nearby natural resources, the public service and facilities of the Town of Hampton, and the public health, safety and welfare of the residents of the Town of Hampton, and to prevent a race of diligence between property owners in the Town of Hampton which could in many instances result in the establishment of land uses and development which would nullify any real possibility of implementing the conclusions which arise from the Town's Planning Study and which could result in excessive demands upon the public services offered by the Town of Hampton.

The threat of possible damage to the Town from the conditions listed above is significant and it is apparent to the Town Board that there does not exist sufficient and current regulations and guidelines in the Town of Hampton to protect the health, welfare and overall land uses of the Town.

Recognizing that the completion of the efforts described above is both time consuming and potentially subject to long delays, the Town Board finds that, pending necessary studies, public input and comment, potential revisions and hearings, reasonable measures must be taken during this interim.

period to protect the said deliberations and review by the public and the Town Board and other interested agencies. Substantial development and/or significant variations in the areas or districts where changes are contemplated may destroy or materially damage the work of the revision and planning process.

Therefore, it is the intent of the Town Board to protect the integrity of the planning process during this period of study and to prevent the creation of development incapable or inconsistent with any proposed land use planning, and/or revisions to Mobile Home Ordinance and other land use regulations which would violate its basic content and purpose.

It is the further intention of the Town Board to provide for the orderly transition necessary to accomplish the goals set forth herein by hereby adopting, pursuant to the Municipal Home Rule Law, the Town of Hampton Development Act of 1990 for a reasonable period of time during which the adoption of subdivision regulations, revisions to Mobile Home Ordinance and other land use regulations to protect the public interest and welfare will be considered.

The Town of Hampton desires to conserve the values of lands and buildings within the boundaries of the Town and desires to encourage the most appropriate use of lands throughout the boundaries of the Town of Hampton.

### SECTION III LEGISLATIVE FINDINGS

In connection with the adoption of this Local Law, the Town of Hampton adopts and makes the following findings:

A. The Town of Hampton presently does not have any subdivision regulations or other land use regulations with the exception of Mobile Home and Junk Yard Ordinances, and Local Law No. 1, 1988. Development has been conducted on a piecemeal basis without regard to any overall comprehensive planning and input regarding future land uses by the citizens of the Town of Hampton, and

B. In furtherance thereof, the Town Board of the Town of Hampton will be analyzing the existing agricultural farmlands and Agricultural Districts (having been so designated pursuant to Article 25AA of the Agricultural Markets Law in the State of New York) within said Town for related impacts as a result of future developments inasmuch as agriculture is the major economic influence within said Town, and

C. There is a need to identify specific open space and significant scenic vistas as part of the planning process, and

D. There is an inadequate definition and protection of the aquifer and aquifer recharge areas of the Town and

E. There is a need to identify and locate land conditions and soils throughout the Town, and

F. There is a need to assess traffic and highway roads and potential effects of development thereon and issues of private and public roadways and uniform highway specifications, and

G. There is a need to assess the effects of increasing population (inasmuch as the County has estimated a 25 percent population increase during this decade) and development on fire protection, emergency service and public utilities, and

H. There is a need to assess and determine appropriate uses for agricultural lands within the Town of Hampton, and

I. There is a need to reevaluate provisions of the Town's existing Mobile Home Ordinance, with particular emphasis upon the issues of: density; the protection, conservation and appropriate use of water supplies; the adequacy of and planning for sewage disposal; the planning for and mitigation of impacts, and

J. There is also need, in order to provide properly for coherent and safe development within the Town of Hampton uniform highway specifications for development, and

K. The public health and safety and general welfare of the citizenry of the Town require that the above-stated actions be taken expeditiously by the Town Board, and

L. In furtherance thereof, the Town Board of the Town of Hampton will be utilizing the services of the Washington County Planning Department to assist in the development of land use policies and guidelines together with any adoption of land use regulations, and

M. The Town Board further finds that further significant development may interfere or prohibit the Town Board from accomplishing the goals herein defined and render moot any land use development plans, regulations and guidelines and prohibit the Town from properly planning for proper growth and development and to afford adequate facilities for the distribution of public services, comfort, convenience, public health and safety and general welfare of the citizenry of the Town; therefore there is an immediate need to enact this Local Law.

#### SECTION IV APPLICATION, SCOPE AND EXCEPTIONS

For a period of eight (8) months from the date of the adoption of this local law, a moratorium exists upon all applications and permits indicated below within the boundaries of the Town of Hampton.

The Clerk and/or Secretary of the Town Board of the Town of Hampton, Building Inspector/Code Enforcement Officer, the Town of Hampton Town Board, Washington County Officials, New York State Department of Health Officials, and New York State Department of Environmental Conservation Officials are prohibited from accepting, processing, reviewing and acting upon any and all projects which meet any of the criteria below until the expiration of this Development Act of 1990.

- A. Subdivisions consisting of four lots or more
- B. Mobile Home Parks
- C. Multiple Family Development consisting of three or more units
- D. Condominium projects
- E. Cluster Development
- F. Private Solid Waste Management Facilities
- G. Hazardous Waste Facilities
- H. Private Landfills

- I. Solid Waste Incinerators
- J. Refuse-derived Fuel Processing Facilities,
- K. Land Application Facilities
- L. Liquid Storage Facilities
- M. Private Construction and Demolition Debris Landfills
- N. Infectious Waste Facilities
- O. Waste Tire Storage Facilities
- P. Waste Oil Facilities
- Q. Junk Yards and Storage Areas
- R. New Retail Facilities of 3,000 sq.ft. or larger
- S. New manufacturing and industrial facilities of 3,000 sq.ft. or larger
- T. Sand, sand and gravel mining operations

Under this definition, a SOLID WASTE FACILITY AND OTHER USES defined from G to Q above are not deemed industrial for purposes of this local law.

Under this definition, a SUBDIVISION means a division of any residential, commercial, or industrial lands into two or more lots, parcels, or sites, whether adjoining or not, for the purpose of sale, lease, license, or any form of separate ownership or occupancy by any person or by any other person under common control with any such person or group of persons acting in concert as part of a common scheme or plan. Provided however, that this shall not apply to conveyances of small amounts of land to correct a boundary of a lot so long as such conveyance does not create additional lots. For purposes of this Local Law, a Condominium shall be reviewed as a subdivision.

Under this definition, CLUSTER DEVELOPMENT means a planned development in which the lots are plotted with less than the minimum lot size and dimensional requirements, but which have access to common open space which is a part of the overall development plan. For purposes of this Local Law, Cluster Development shall be reviewed as a subdivision.

Under this definition, COMMERCIAL SAND, COMMERCIAL SAND AND GRAVEL MINING means any extraction from the land of more than six hundred (600) cubic yards in any eight month period of sand, gravel or topsoil (1) for the purpose of sale or use by persons other than the owner of the land, or (2) for the purpose of use by the Town of Hampton.

Under this definition, LOT means a parcel or portion of land separated from other parcels or portions by description as or a subdivision map, survey map or by metes and bounds for purpose of sale, lease or separate use.

Under this definition, MULTIPLE FAMILY DWELLING means any building used or designed as a residence for two (2) or more families, living independently of each other and doing their own cooking therein, including but not limited to apartment houses, town house developments, certain condominium developments and the conversion of existing single family dwellings.

Under this definition, MOBILE HOME means any vehicle or similar portable structure or any part thereof or addition thereto with or without a foundation or wheels, jacks,

skirting, wood or masonry block supports, designed or constructed to be towed on its own chassis (comprised of frame and wheels), driven or otherwise transported to its resting site and which is designed to permit occupancy for residential, business, commercial or office purposes. Such will include units that may contain parts that may be folded, collapsed or telescoped when being towed and expanded later, as well as two or more separate components designed to be joined into one integral unit but excluding modular homes and double-wide.

Under this definition, MOBILE HOME PARK means a parcel of land under a single deed ownership which is designed and improved for the placement of two or more mobile home units thereof. For purposes of this Local Law, Mobile Home Park will be reviewed as a major subdivision under the Town of Hampton Subdivision Regulations.

Under this definition, TOWNHOUSE DEVELOPMENT means a multiple family dwelling project of individual single family units arranged in a row of at least three (3) such units each on its own separate lot of record and wherein each unit has its own front and rear access to the outside, no unit located over another unit, and each unit is separated from any other unit by one or more common walls.

EXCEPTED FROM THE FOREGOING IS THE CONSTRUCTION AND OPERATION OF ANY TOWN OF HAMPTON RECYCLING FACILITIES FOR TOWN RESIDENTS.

EXCEPTED FROM THE MORATORIUM ARE THE FOLLOWING PROJECTS -- Projects of Dan Campbell, located in the Town of Hampton, Tax Map Section 80, Block 1, Lot 2.4 (125.7 acres), and Tax Map Section 71, Block 1, Lot 30.1 (88.7 acres) WHICH WILL BE ALLOWED TO CONTINUE IN ANY REVIEW AND APPROVAL PROCESS, AND THEREBY NOT BE AFFECTED BY THIS LOCAL LAW.

EXCEPTED from the foregoing is the maintenance, repair or replacement of existing structures.

EXCEPTED from the foregoing is the acceptance and processing of any application from a three lot subdivision, however; only one application for a subdivision may be submitted to the Planning Board for each pre-existing parcel of land while this law is in effect.

ALSO EXCEPTED from the foregoing is agriculture development.

## SECTION V VARIANCE

The Town Board shall have the power to vary or modify the application of any provision of this local law upon its determination in its legislative discretion after hearing that such variance or modification is consistent with the spirit and legislative intent upon which this local law is based and is consistent with the health, safety, morals and general welfare of the Town of Hampton.

For purposes of a variance request to the Town of Hampton under this Local Law, all applications or actions are deemed to be Type I actions for purposes of review under the State Environmental Quality Review Act.

An application and Long Form Environmental Assessment Form must be completed and filed for a variance with the Town Clerk and shall include a fee of \$150.00. The Town Board will receive said application and shall, upon review, determine its completeness.

If the application and Environmental Assessment Form is deemed complete, the Town Board will establish a public hearing

within thirty (30) days from date of completion and render a decision forty-five (45) days from date of public hearing.

The granting of an appeal for relief by the Town Board shall authorize and permit the appropriate Town Board agency or officer having an original jurisdiction of the subject matter of the application to accept, review, consider and otherwise act. The application shall specifically recite the nature of the proposed use of the land, the circumstances pursuant to which the variance is sought and the reasons for which the variances claimed.

Additionally, there will be a technical charge back fee to the applicant for the Town's legal and engineering consultants review of said application and project.

#### **SECTION VI VIOLATION**

Any person violating any provisions of this Local Law shall be guilty of an offense and upon conviction thereof, be punished by a fine not exceeding \$500.00 or imprisonment not to exceed ninety (90) days.

For the purposes of conferring jurisdiction upon the Court, violations of this ordinance shall be deemed a misdemeanor and for such purpose the Law relating to misdemeanor shall apply to such violations for procedural matters. Every day continued violation after notice shall constitute a separate additional violation. In addition, the Town Board may also maintain an action or proceeding in the name of the Town Board in a court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation of this Local Law.

#### **SECTION VII SEPARABILITY**

Should any Section or provision of this Law be deemed invalid, such decision shall not affect the validity of the remaining provisions of this Law.

#### **SECTION VIII REPEAL OF OTHER LAWS**

All Ordinances or Local Laws in conflict with the provisions of this Local Law are hereby repealed to the extent necessary to give this Local Law full force and effect.

This Town of Hampton Development Act of 1990, Local Law No. 1 of 1990, is enacted pursuant to the provisions of the Town Law and Municipal Home Rule Law of the State of New York and specifically supercedes to the extent necessary to give this Local Law full force and effect the following: Section 276 (3), Section 276 (4), Section 276 (5), Section 274 (a) and Section 267 (2) of the Town Law. Article 8, Section 8-0109, Subsections (4) and (5) of the Environmental Conservation Law and the regulations thereunder (6 NYCRR Part 617, Subdivision 5, 6, 7, 8 and 9), Town of Hampton Ordinance for Regulation of Mobile Homes, Travel Trailers, Mobile Home Parks, and Travel Trailer Parks, Junk Yard Ordinance, Local Law No. 1, 1988, and Washington County Ordinances and Local Laws and New York State Laws, Rules, and Regulations relating to the Department of Health, Article 10, Part 17, of the State Health Code.

#### **SECTION IX EFFECTIVE DATE AND DURATION**

This Local Law shall become effective immediately upon filing with the Secretary of State and shall remain in full force and effect for a period of eight (8) months from its date of adoption by the Hampton Town Board.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 19 90  
County  
City  
of the Town of HAMPTON was duly passed by the Town Board  
Village  
(Name of Legislative Body)  
on MAY 10 19 90 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. .... of 19 .....  
County  
City  
of the Town of ..... was duly passed by the .....  
Village  
(Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
and was deemed duly adopted on ..... 19 ....., 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 19 .....  
County  
City  
of the Town of ..... was duly passed by the .....  
Village  
(Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on ..... 19 ....., in accordance with the applicable  
annual provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19 .....  
County  
City  
of the Town of ..... was duly passed by the .....  
Village  
(Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted  
on ..... 19 ....., 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.



~~(City local law concerning Charter revision proposed by petition)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of ..... having been submitted to referendum pursuant to the provisions of <sup>836</sup>/<sub>837</sub> 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 <sup>special</sup>/<sub>general</sub> election held on ..... 19..... 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 19..... of the County of ..... State of New York, having been submitted to the Electors at the General Election of November ....., 19..... 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 of 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 ..... above.~~

  
\_\_\_\_\_

Daphane Wade  
Town Clerk  
Town of Hampton

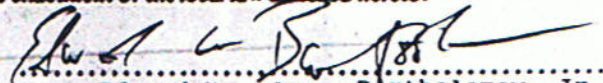
Date: May 15, 1990

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ..... Washington.....

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.

  
.....  
Edward M. <sup>Signature</sup> Bartholomew, Jr.  
.....  
Attorney to the Town of Hampton  
.....  
Title

Date: May 15, 1990

County  
City of ..... Hampton.....  
Town  
Village