

COPY

LOCAL LAW NO. 1 OF 2003
INTERIM SITE PLAN REVIEW LAW FOR INDUSTRIAL,
NON-RESIDENTIAL AND NON-AGRICULTURAL DEVELOPMENT
TOWN OF HAMPTON

LOCAL LAW ESTABLISHING A MORATORIUM FOR AN INTERIM PERIOD OF INDUSTRIAL, NON-RESIDENTIAL AND NON-AGRICULTURAL DEVELOPMENT TO REVIEW THE COMPREHENSIVE PLAN AND SITE PLAN REVIEW LAW, BY THE TOWN BOARD.

BE IN ENACTED by the Town Board of the Town of Hampton, State of New York, as follows:

SHORT TITLE

I. This local law shall be know and may be cited as the "Local Law Establishing A Moratorium for Interim Site Plan Review Law for Industrial, Non-Residential and Non-Agricultural Development of the Town of Hampton."

LEGISLATIVE INTENT AND FINDINGS OF FACT TYPE II

II.

A. Background:

The Town of Hampton, Washington County, New York, concerned about land use and development trends in the County and region and the standards contained in the Town's current development regulations, intends review a Comprehensive Plan. For this purpose, the Town intends to conduct research, studies, and will present findings and recommendations to the public.

B. Legislative Finding of Fact:

The Town Board does hereby find that, pending the completion of the necessary research, studies, meetings, hearings and other actions incident to proper consideration and decisions upon a Comprehensive plan and any revisions, amendments or adoption of Town Ordinance(s), regulation(s), or law(s), to reflect such plan as has been indicated above, that appropriate and salutary measures must be taken for reasonable interim period to protect the public interest by preserving the integrity of said comprehensive plan. The Town Board also finds that any significant variations in the areas where a Comprehensive plan may recommend new and/or changes in the existing ordinances(s), regulation(s), or law(s) or deviations therefrom may destroy the integrity of a comprehensive plan and its basic purpose, comprehensive aspects and intentions.

C. Legislative Intent:

Pursuant to authority duly vested in it, it is the intention of the Town Board

to protect said comprehensive plan and to preserve its intended objectives and insure implementation by hereby adopting reasonable protective interim regulation during the preparations and consideration of the aforesaid comprehensive plan and prospective changes in site plan review law, and thereby to protect the public interest and welfare and prevent premature land development which could prejudice the integrity and objectives of a comprehensive plan or result in the establishment of land use patterns which might be inconsistent with and in violation of the intent of a comprehensive plan. The Town Board further has provided herein for a review and appeals procedure to avoid or minimize any inequities or hardships which may derive from the strict application of these regulations.

SCOPE OF CONTROLS:

III.

A. During the period of these controls and effective as provided herein:

No industrial, non-residential and non-agricultural development shall take place on any lots or property within the incorporated area of the Town.

B. The Town Board reserves the right to stop, revoke or rescind any permission or activities in violation of this local law on or after the date of publication of the legal notice establishing the public hearing pertaining to adoption of this local law.

IV.

DEFINITIONS

Industrial, non-residential and non-agricultural development as defined by this law is:

- i. **Industrial, non-residential and non-agricultural development:** The development of any real property in a manner that is for the promotion of any business, entity, or person other than agricultural or residential or for any purpose that relates to a business or employment of anyone other than the building of private residences or the continuation of farming or agricultural development. The preparation or construction of buildings, roadways, rail spurs or any activity in preparation for a business or activity other than agricultural or residential.

APPEAL PROVISIONS

V.

A. 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 absolute legislative discretion, that

such variance or modification is consistent with the spirit of a comprehensive plan upon which this local law is based and with the health safety, morals, and general welfare of the Town.

B. An applicant seeking variance, or modification of the application of any provision of this local law shall submit an application for such variance, or modification to the Town Clerk within ten (10) days of their receipt of the determination of the Town Board which is being appealed by the applicant.

C. Upon receiving any application for such variance or modification, the Town Board shall examine such application with respect to the effect of the prospective variance or modification upon the comprehensive plan. To expedite appeal, The Town Clerk shall forward, within Forty-Eight (48) hours after receipt of same, all applications for relief to the Town Board. The Town Board shall have twenty (20) days from such reference to examine such application and shall be placed on the next agenda of the Town Board to take action.

D. A variance, or modification from the strict application of the standards of this law shall not be granted unless the board has found the following:

i. The applicant has demonstrated a practical difficulty or unnecessary hardship, not self-imposed, in the compliance with this law.

ii. The variance, or modification would be in keeping with the intent and spirit of this law and is in the best interests of the community.

iii. There are special circumstances involved in the particular case which would deprive the applicant of the reasonable use of such land.

iv. Denying the variance, or modification would result in undue hardship to the applicant, provided that such hardship has not been self-imposed.

v. The variance, or modification is the minimum necessary to accomplish the purpose.

VI.

PENALTIES

Any person, firm, entity or corporation that shall proceed with industrial, non-residential and non-agricultural development 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 penalties as provided by law and determined by the Town Board.

Each day is a separate violation and is punishable for each violation as follows:

\$500.00 fine or 6 month in jail or both, and removal of any industrial, non-residential and non-agricultural development.

VII.

VALIDITY

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

VIII.

EFFECT ON OTHER LAWS

All ordinances and laws or parts of ordinances and laws in conflict with the provisions of this local law are hereby supersede to the extent necessary to give this local law full force and effect during the effective period.

VIII.

HOME RULE

This Law is adopted pursuant to the authority granted to the town in Articles 2 and 3 of the Municipal Home Rule Law and Section 4-412 of Article 4 of the Town Law.

IX

EFFECTIVE DATE

This local law shall take effect immediately, as provided by law, and shall remain in force for a consecutive period of six (6) months from its effective date. This Local Law may be extended for an additional six (6) months upon a majority vote of the Town Board.