Local Law #1 of 2008

A LOCAL LAW ESTABLISHING A TEMPORARY PARTIAL MORATORIUM ON THE SUBDIVISION OF REAL PROPERTY PENDING THE ADOPTION OF A LOCAL SUBDIVISION LAW

Section 1 TITLE

This local law shall be known and may be cited as the Local Law Establishing a Temporary and Partial Moratorium on the Subdivision of Land Within the Town of Watson.

Section 2 PURPOSE and Findings

The Town Board finds that the Town of Watson is attracting increasing interest from persons and businesses desiring to subdivide real property within the Town for the purpose of residential, recreational, commercial and other kinds of development. The Town Board finds such development, on the whole, to have great positive potential for the Town, including the expansion of the Town's tax base. The Town Board also finds that such development may have various impacts on infrastructure, public services, environmental concerns, the preservation of the Town's natural and scenic resources, and the general health, welfare, safety, and wellbeing of the Town and its residents. The Town Board notes that the Town of Watson does not presently have a Subdivision law or regulations, and that the adoption and implementation of such a law would provide an important tool permitting the Town to address the impacts noted above and to assist in the orderly, responsible, and sustainable development of the Town. It is the intention of the Town Board to establish a sub-division law no later than the end of calendar year 2008. However, in the meantime, the lack of such a sub-division law renders the Town unable to provide for reasonable and proper oversight of such development. Accordingly, this Local Law has been adopted.

Section 3 Applicability

This Local Law shall apply throughout the entire Town of Watson.

Section 4 Temporary Moratorium and Related Limitations

All other provisions of the Town of Watson Zoning Law and all other Local Laws, Ordinances, Resolutions and Rules of the Town notwithstanding, no subdivision of realty will be permitted, no permits for construction or zoning permits will be issued, no applications for building permits will be accepted, and no applications for area variance with regard to sub-standard lots will be accepted or granted with regard to the following:

Any proposed use, construction, conveyance of property, division of land or development of any kind which involves the division of existing parcels of real property so that more than two

parcels results from such division. For the purposes of this section, serial or separate attempts to divide parcels shall be counted as attempts to divide the original source parcel, and such serial or separate divisions may not be used to avoid the limitation set forth herein.

Section 5 Waiver

A. The Town Board shall have the power to waive the application on any provision of the Local Law upon its determination, in its reasoned legislative discretion, that such waiver is required to alleviate undue hardship and is consistent with the health, welfare, and safety of the Town. The hardship must be the result of unique circumstances, and the wavier must be the minimum to alleviate the hardship.
B. The application for the wavier must be in writing, submitted to the Town Board, and shall set forth the nature of the undue hardship claimed. Upon receiving the application, the Town Board shall conduct a public hearing, on at least ten (10) days' notice, and such hearing shall be held within forty (40) days after the application has been received. The Town Board shall render its decision within twenty (20) days after the public hearing has been closed.
C. If the Town Board grants a waiver as provided for herein, the application for which the wavier had been sought shall be referred to the office or board responsible for processing such an application, and the application shall be processed according to the existing laws and procedures, which shall not be replaced or superseded by any wavier granted hereunder.

Section 6 Duration

This Local Law and all of its provisions shall expire December 31,2008.

Section 7 Validity. Savings Clause

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

Section 8 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State, and shall remain in full force and effect for the period stated herein unless terminated earlier or extended by the Town Board.