

LOCAL LAW 2 – 2006

A LOCAL LAW IMPOSING A TEMPORARY MORATORIUM UNTIL FEBRUARY 15 2007 ON CERTAIN DEVELOPMENT AND LAND ACTIVITY IN THE VILLAGE OF SCHUYLERVILLE, SARATOGA COUNTY , STATE OF NEW YORK.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SCHUYLERVILLE, COUNTY OF SARATOGA, STATE OF NEW YORK as follows:

Section 1: Title

This local law shall be known and may be cited as the Local Law Establishing a Moratorium within the Village of Schuylerville.

Section 2: Purpose and Findings

The Board of Trustees of the Village of Schuylerville established on July 7 2004 a "Special Board" under New York State Village Law Section 7 -722 to undertake the initial development of a "Village Comprehensive Plan".

The Board of Trustees on June 8, 2005 adopted the "Village's Comprehensive Plan"

Included within this plan is :

Goals, objectives, principles, policies and standards upon which proposals for Immediate and long- range enhancement, growth and development of the village are based;

Existing and proposed location and intensity of land uses;

Consideration of historic, visual and cultural resources. Natural resources and sensitive environmental areas;

Existing housing resources and future housing needs including affordable housing;

Present and future general location of cultural facilities, historic sites

Existing and proposed recreational facilities and parkland

On April 17, 2006 the Village Board established a five member Planning Board

On July 12 2006 the Village Board appointed members to the Planning Board

The Board of Trustees of the Village of Schuylerville believes that substantial impacts in the Village of Schuylerville would occur if communication facilities project(s) in the Village are developed without the village having the benefit of Planning Board review and recommendations together with developing appropriate standards and guidelines

The Village Board therefore desires to delay certain development(as defined herein) within the village as a stop gap or interim measure reasonably designed to temporarily limit certain development while the Village Board together with the Planning Board considers adoption of land use regulations including site plan review , subdivision regulations and other regulations as it pertains to communication projects

During this period of time; it is the intent of the village to consider site plan review and subdivision regulations and related land use regulations which will mitigate these impacts, will better protect the village's environment and its natural, visual and historic resources, and protect Schuylerville's attractive character and will otherwise help to promote the health, safety and general welfare of its residents

The village of Schuylerville has a significant historical past--having been inhabited by the Mohawk Indians over 1200 years ago--location where General Burgoyne surrendered to General Horatio Gates in 1777(turning point of the American Revolution)

The Village and its visual surrounding is the site of the historic Fort Hardy Park-location where British soldiers turn in their weapons following the battle of Saratoga, and the national park facilities including the Battle of Saratoga monument.

Currently the Village does not have zoning regulations , zoning board of appeals, subdivision regulations , site plan review, planned unit development, sign ordinance , architectural review mobile home park regulations , or road design criteria, in effect at this time in the village.

The village is unable to properly respond to certain development proposals due to the lack of regulations

The village is unable to provide oversight and is unable to enforce development standards on proposed projects due to the lack of regulations.

Section 3: Applicability

This Local Law shall apply throughout the entire Village of Schuylerville.

Section 4: Development Limitations

All other provisions of the Code of Schuylerville, Laws and Regulations of the State of New York notwithstanding, no building applications will be accepted , no water applications will be accepted , no sewer applications will be accepted , no permits for construction will be issued and no subdivision of realty will be permitted prior to February 15, 2007 with respect to the following:

(1)communication facilities within the Village limits of Schuylerville.

Communication facilities means antennas and antenna tower structures including, but not limited to, any towers, equipment enclosures, or other structures intended for use in connection with the wireless transmission or receipt of radio, television, or any other electromagnetic spectrum-based transmissions or receptions.

The following shall not be considered as communications facilities for the purpose of this section: satellite reception dishes less than three feet in diameter; wireless communication facilities that are completely located within a principal structure and that operate with the sole purpose of providing communications within said structure; and hand-held wireless communications devices.

2.) Attached communication facilities within the Village limits of Schuylerville

"Attached communications facility" means a communications facility that is affixed to an existing structure, as an existing building, tower, water tank, utility pole, etc.

3.) Tower within the Village Limits of Schuylerville

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas including, but not limited to, guyed towers, wooden poles, lattice towers, and monopoles. The term includes radio and television transmission towers, microwave towers, cellular telephone and wireless communications towers, alternative tower structures, etc.

4.) Equipment enclosure within the Village limits of Schuylerville

"Equipment enclosure" means a small structure, shelter, cabinet, box or vault used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

5) land activity involving the subdivision of realty for purposes of constructing a communication facilities, attached communications towers, tower(s), equipment enclosure within the village limits of Schuylerville

The Board may diminish the scope of the application of moratorium by resolution and adoption of a local law

Section 5: Waiver

A. The Village Board shall have the power to waive the application of any provision of this Local Law upon its determination, in its reasoned legislative discretion, that such waiver is required to alleviate undue hardship, is consistent with any proposed comprehensive plan site plan, and is consistent with the health, safety, and general welfare of the Village. The hardship must be the result of unique circumstances, and the waiver must be the minimum necessary to alleviate the hardship.

B. Upon receiving any application for a waiver of this Local Law, the Village Board shall conduct a public hearing on the application, on at least ten days notice, within 75 days after the application is referred to it. The Village Board shall render its decision within 45 days after the public hearing is closed.

C. If the Village Board grants a waiver under this section, the application for which the waiver was sought shall be referred back to the office or board responsible for processing such an application, and the application shall be processed according to existing law and procedures; except that the Village may impose upon the applicant a fee for the village expense of an technical review(including engineering and other consultants) of the proposed project together with requiring the applicant to provide a letter of credit and or performance bond for the project or portions of the project.

Section 6: Interim Suspension of Other Laws Inconsistency

All ordinances or local laws or provisions of the Code of the Village of Schuylerville, Laws of the Town of Saratoga , County of Saratoga , State of New York in conflict or inconsistent with provisions of this local law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period; provided, however, that such suspension shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

Section 7: Supersession

This Local Law is intended to invoke the supersession provisions of Section 10(1)(ii)(e)(3) of the Municipal Home Rule Law and Section 10 of the New York State Statute of Local Government with the intent being to supersede, during the effective period of this Local Law, all inconsistent provisions of the Village Law, including Article 7, the following Chapters 83 (Building Construction), 129(Sewer), 157(Water) all of the Village Code of Schuylerville and all other contrary and inconsistent Village of Schuylerville , Town of Saratoga, County of Saratoga and State Laws.

Section 8: Validity - Savings Clause

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

Section 9: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York and shall remain in full force and effect for the period stated within, unless terminated or extended by action of the Village Board of Schuylerville.