

LOCAL LAW NO 4

OF

THE YEAR 2007

A LOCAL LAW, FOR AN EXTENSION OF A MORATORIUM ON APPLICATIONS FOR THE APPROVALS OF SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, CLUSTER DEVELOPMENTS, AND MULTIPLE DWELLINGS OVER TWO UNITS

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

Section 1. Legislative Intent

It is the intent of the Town Board of Town of Boston to encourage well-planned, orderly growth and development; and to reduce the density of new residential construction and preserve green space. Current residential development is having an unprecedented impact on the growth of the community and the quality of life in the community. The present growth rate is having a taxing impact on administrative and public services.

The Town of Boston has created an Ad Hoc Code Review committee to consider modification of the Town of Boston zoning ordinances. The Ad Hoc committee is formulating its findings and will be reporting to the Town Board, and the Town Board is considering action based upon those findings. The Town Board has previously enacted Local Law No.1 of the Year 2007 establishing a moratorium for a period of 6 months. Additional time to consider the Zoning Ordinance is necessary.

It is the intent of the Town Board of the Town of Boston to preclude application for subdivision approval, planned unit development approval, cluster development approval, and multiple dwellings over two units approval while the continuing process of reviewing the zoning ordinances is in progress.

Section 2. Scope and Control

A moratorium is hereby imposed on all applications for residential subdivision approval, planned unit development approval, and cluster development approval, and application for site plan review of multiple dwellings over two units. The Planning Board and Code Enforcement are hereby directed not to consider any applications for subdivision approval or review site plans for multiple dwellings over two units, which are filed after the date that this Local Law takes effect.

Section 3. Termination Date

The above referenced moratorium shall be in effect for six (6) months after passage.

Section 4. State Law Superseded

This local specifically supersedes the provision of Section 261, 267, 274, 274(a), 276 and 276 subdivisions 3 and 4, 278, and 281 of the Town Law of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 4 of 2007 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Boston was duly passed by the Town Board on August 8 2007, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

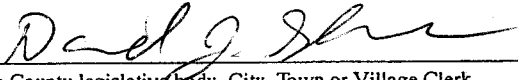
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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-----1-----, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

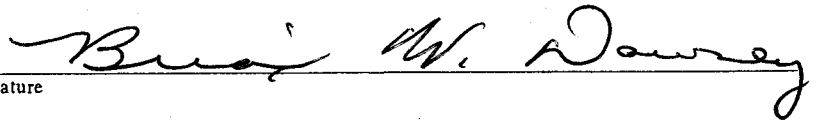
(Seal)

Date: August 9, 2007

(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 Erie

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.



Signature

Town Attorney

Title

~~COUNTY~~
~~CITY~~
Town
~~VILLAGE~~

of Boston

Date: August 9, 2007