

# Local Law Filing

(Use this form to file a local law with the 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  Village  
(Select one:)

of FABIUS

FILED  
STATE RECORDS

SEP 28 2022

DEPARTMENT OF STATE

Local Law No. 5 of the year 2022

A local law Local Law No. 5, 2022 Town of Fabius , Abolishing the Town of Fabius Planning  
(Insert Title)  
Board and Amending Portions of the Town of Fabius Zoning and Subdivision Codes.

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

County  City  Town  Village  
(Select one:)

of Fabius

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(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. 5 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Fabius ~~Town Board~~ was duly passed by the Town Board on September 19 2022, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

**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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted ~~(Elective Chief Executive Officer\*)~~ on \_\_\_\_\_ 20    , 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. ~~(Elective Chief Executive Officer\*)~~

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.

**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) ~~(Name of Legislative Body)~~ (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.

\* 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.)**

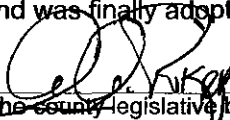
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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

Date: 19 September 2022

(Seal)

**LOCAL LAW No. 5, 2022 TOWN OF FABIUS, ABOLISHING THE TOWN OF FABIUS PLANNING BOARD AND AMENDING PORTIONS OF THE TOWN OF FABIUS ZONING AND SUBDIVISION CODES**

**1. Authority**

This local law is adopted pursuant to sections 261 – 263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt the zoning provisions to advance and protect the health, safety and welfare of the community.

**2. Statement of Purpose**

The Planning Board of the Town of Fabius has met minimally over the past several years due to the lack of applications, primarily for subdivision and also for special permits and site plans. Under New York State law there is no requirement for a town to create or maintain a Planning Board but state law does require a town to have a Zoning Board of Appeals.

The Town Board is concerned about the cost of maintaining the Planning Board, its legal counsel and engineers under the current situation. The Town has in the past and will continue to consolidate government services such as the position of Tax Collector and one Town Justice position to the extent that it does not reduce services and makes the process more efficient and effective for the residents of the Town. The Town Board believes that the Planning Board should be dissolved and its responsibilities transferred to the Zoning Board of Appeals.

**3. Planning Board Dissolved**

As of the effective date of this local law, the Planning Board of the Town of Fabius is hereby dissolved and its duties are assumed by and transferred to the Zoning Board of Appeals of the Town of Fabius

**4. Modifications To Existing Town Laws And Regulations**

A. Town of Fabius Land Subdivision Regulations developed by the Fabius Town Planning Board January 1987 are amended as follows:

Article 1 Zoning Board of Appeals is substituted for the Planning Board.

Article 2 Zoning Board of Appeals is substituted for the Planning Board.

Article 3 Zoning Board of Appeals is substituted for the Planning Board.

Article 5 Zoning Board of Appeals is substituted for the Planning Board.

Article 6 Zoning Board of Appeals is substituted for the Planning Board.

Article 7 Zoning Board of Appeals is substituted for the Planning Board.

Article 9 Zoning Board of Appeals is substituted for the Planning Board.

B. Chapter 150 of the Fabius Code, Zoning, is amended as follows;

1) Section 150-21, Site Plan Review, Zoning Board of Appeals is substituted for the Planning Board.

2) Section 150-23, Special Use Permit, Zoning Board of Appeals is substituted for the Planning Board.

3) Section 150 – 28, Nonconforming Uses, Zoning Board of Appeals is substituted for the Planning Board.

4) Section 150-40, Planning Board created, this section is deleted in its entirety.

C. Local Law, Number 1 of 2022, a local law amending the Town of Fabius code by creating a new Section Article 7, Section 150 – 27A entitled Tier 3 Solar Energy Systems Overlay District is amended as follows;

- 1) Section B, Zoning Board of Appeals is substituted for Planning Board.
- 2) Section C. 1), Zoning Board of Appeals is substituted for Planning Board.

D. Local Law No. 2, 2022 Town of Fabius, Solar Energy System Law, Article 7, Section 150 – 27 B is amended as follows:

- 1) Section 3, definitions, Solar Energy System, B & C, Zoning Board of Appeals is substituted for Planning Board.
- 2) Section 7, Zoning Board of Appeals is substituted for Planning Board.
- 3) Section 9, Zoning Board of Appeals is substituted for Planning Board.

5. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional and or invalid, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

6. Any and all other sections of the Fabius Town Code, Ordinances, Rules or Regulations or parts thereof that may be in conflict with or are in conflict with this Local Law are hereby amended and supplemented to conform with intent and terms of this Law which shall control.

7. This law shall be effective upon filing with the office of the Secretary of State.