

TOWN OF LIBERTY

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LAURIE DUTCHER, CMC, RMC
TOWN CLERK

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January 4, 2024

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza 99 Washington Ave.
Albany, NY 12231

Re: Local Law No. 1 of 2024 (Moratorium PUD)

Dear Department of State,

Enclosed for filing in your office, as required by Town Law, is a certified copy of Local Law #1 of the Year 2024 of the Town of Liberty.

Thank you for your cooperation in this matter.

If you should have any questions, please feel free to contact this office.

Yours truly,



Laurie Dutcher,
Town Clerk

LD

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 _____ Liberty _____

Local Law No. _____ 1 _____ of the year 20²⁴

A local law establishing a moratorium with respect to Planned Unit Developments in the Town of _____
(Insert Title)
Liberty, Sullivan County, New York.

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

County City Town Village
(Select one.)

of _____ Liberty _____ as follows: _____

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

- §1 **Title.** This local law shall be known as the “2024 Town of Liberty Planned Unit Development Moratorium.”
- §2 **Purpose.** The purpose of this local law is to protect the public health, safety and welfare by restricting the application for and consideration and approval of Planned Unit Developments within the Town of Liberty for a limited period of time in order to consider amendment of the Town of Liberty Zoning Law with respect to Planned Unit Developments, including but not limited to revision of practice and procedure, and amendment of text, density calculations, allowable uses, and all regulations pertaining to Planned Unit Developments.
- §3 **Findings.** The Town of Liberty is experiencing developmental pressure in the form of growing interest in the establishment of Planned Unit Developments. The Town Board is concerned that the existing provisions of the Town of Liberty Zoning Law with respect to Planned Unit Developments may be inadequate to address the totality of current considerations associated with the impacts (neighborhood and town-wide) of such uses within the Town, or their site specific development, management and operation. Accordingly, a moratorium preventing the application for and consideration and approval of Planned Unit Developments in the Town of Liberty for a limited period of time is necessary to afford the Town Board a sufficient opportunity to reasonably evaluate, consider and determine what revisions are necessary to the Zoning Law in order to protect and enhance public health, safety and welfare.
- §4 **Moratorium Imposed.**
- A. **Applications for and Consideration and Approval of Planned Unit Developments Temporarily Prohibited.** For a period of three (3) months following the date of adoption of this local law, no application for a Planned Unit Development pursuant to §147-23 of the Town of Liberty Zoning Law shall be considered, reviewed or approved by the Town Board or the Planning Board. This moratorium shall apply to any and all applications for Planned Unit Developments that may be submitted during the consideration of the local law and/or that may be pending at the time of adoption of this local law.
- B. **Evaluation and Revision of Existing Regulations.** During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and adopt revisions to the Town of Liberty Zoning Law, including §147-23 thereof, with respect to Planned Unit Developments in the Town of Liberty.
- §5 **Extension of Moratorium.** This moratorium may be extended for up to three (3) additional periods not exceeding three (3) months each by resolution of the Town Board upon a finding of necessity for such extension.
- §6 **Conflict With Other Laws.** This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in

effect, it specifically supersedes and shall take precedence over any contrary laws, ordinances and provisions, including but not limited to §267, §267-a, §267-b, §274-a and §274-b of the Town Law of the State of New York, the Zoning Law of the Town of Liberty and any other local law or ordinance of the Town of Liberty.

§7 **Effect of Invalidity.** If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

§8 **Effective Date.** This local law shall take effect immediately upon adoption.

(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. 1 of 2024 of the ~~(County)(City)~~(Town)(Village) of Liberty was duly passed by the Town Board on 1/3 2024, 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.

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.

* 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.

Jessie Dutcher

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

Date: 1/4/24

(Seal)

