New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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 Montgomery

Local Law No. 4 of the year 2020

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2020 TO EXTEND THE MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS FOR THE DEVELOPMENT OF WAREHOUSES AND DISTRIBUTION CENTERS IN THE TOWN OF MONTGOMERY FOR AN ADDITIONAL EIGHT MONTHS

Be it enacted by the Town Board of the Town of Montgomery as follows:

See attached.

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

TOWN OF MONTGOMERY

LOCAL LAW NO. 4 OF 2020

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2020 TO EXTEND THE MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS FOR THE DEVELOPMENT OF WAREHOUSES AND DISTRIBUTION CENTERS IN THE TOWN OF MONTGOMERY FOR AN ADDITIONAL EIGHT MONTHS

Be it enacted by the Town Board of the Town of Montgomery, County of Orange, State of New York as follows:

Section 1. Purpose and Intent.

The Town Board of the Town of Montgomery previously adopted a six-month moratorium beginning on April 27, 2020 in order to: (i) allow for a proper review of the Town's Comprehensive Master Plan; and (ii) to ensure that any updated zoning regulations that are deemed necessary based upon recommendations made in the Town's ongoing Comprehensive Master Plan update are applied to future development in the Town. Since the adoption of the initial moratorium on the development of warehouses and distribution centers in the Town, a Comprehensive Plan Committee has been duly appointed and been diligently at work despite the ongoing effects of the COVID-19 global pandemic. Due to the unintended delay from the COVID-19 health pandemic and the complex nature of reviewing the Town Comprehensive Master Plan, the Town Board has determined it is in the best interest of the Town to extend the subject moratorium for an additional eight-months to ensure a proper review is performed by the Comprehensive Master Plan Committee.

Local Law No.2 of 2020 shall be and hereby is amended by this Local Law as follows:

Section 6. Term.

The moratorium established by Local Law No. 2 of 2020, which prohibited the review and approval of applications for the development of Warehouses and Distribution Centers, as those terms are defined in Local Law No. 2 of 2020, is hereby extended for a period of eight (8) months from the date that this local law is filed with the New York State Department of State.

All other provisions of Local Law No.2 of 2020 shall remain in full force and effect for the stated term provided for in this Section.

Section 2. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Montgomery hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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 2020 of the ~~(County)(City)~~(Town)~~(Village)~~ of Montgomery was duly passed by the Town Board of the Town of Montgomery on October 1, 2020, in accordance with the applicable 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) (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 _____ 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 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.

Tara Stickles

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

(Seal)

Date: October 2, 2020