

# 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 North Greenbush

Local Law No. #2 of the year 2022

A local law Multi-Family Dwelling Moratorium Law  
*(insert Title)*

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

County  City  Town  Village  
*(Select one.)*

of North Greenbush 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. # 2 of 2022 of the (County)(City)(Town)(Village) of North Greenbush was duly passed by the North Greenbush Town Board on November 10, 2022, 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.

**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.

*Jamice Kerwin*

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

Date: 11/10/2022

(Seal)

At the Regular Meeting of  
the Town Board of the  
Town of North Greenbush  
Held at 7:00 p.m. on  
November 10, 2022 at the  
Town Offices

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IN THE MATTER OF ADOPTING A LOCAL LAW #2 FOR 2022  
ESTABLISHING THE MULTI-FAMILY DWELLING MORATORIUM LAW

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*BE IT RESOLVED*, the Town Board of the Town of North Greenbush hereby adopts the LOCAL LAW #2 FOR 2022 Establishing the Multi-Family Dwelling Moratorium Law (copy attached) as Local Law #2 for 2022, and it is

*FURTHER RESOLVED*, that the Town Clerk shall cause notice of the adoption of the Law To be properly posted, published and filed with the Department of State.

**Councilperson Merola** moved, **Councilperson Gordon** seconded and the Town Board voted as follows:

Supervisor Bott	<u>AYE</u>
Councilwoman Hoffman	<u>ABSENT</u>
Councilman Rogers	<u>NAY</u>
Councilwoman Merola	<u>AYE</u>
Councilman Gordon	<u>AYE</u>

**RESOLUTION 2022-11-69**

## **"Local Law NO. 2 of 2022 Town of North Greenbush Multi-Family Dwelling Moratorium Law"**

Chapter 197 of the North Greenbush Town Code is hereby amended to include the following:

### **Section 1: Purpose and Intent.**

The North Greenbush Town Comprehensive Land Use Plan was last adopted and codified in 2016. Since that time, concerns have arisen as to whether current law sufficiently regulates multi-family dwelling development with the Town. Many citizens have expressed concerns and provided comments which suggest that the Town Code should be reviewed to ensure that multi-family dwellings are regulated in a manner that advances public health, safety and welfare and preserve community character.

The purpose of this local law is to provide time for Town Officials to study its Town Code and comprehensive land use plan and address issues, if any, presented by the growth and development of multi-family dwellings within the Town and the impact of such growth on the community, its financial impact on the Town and the regulation, control and enforcement of such uses. This Local Law is enacted pursuant to Municipal Home Rule Law.

### **Section 2: Definitions**

"Multi-Family Dwelling", a structure; or group of structures containing three or more dwelling units and designed for occupancy by three or more families living independently of each other. This may include apartments, condominiums, townhouses and cooperatives.

In addition, all definitions from Chapter 197 and any other relevant definition contained in the Town Code of the Town of North Greenbush are incorporated herein by reference.

### **Section 3: Moratorium**

For a period of one year from and after effective date of this local law, no application for building permits, site plan approval, special use permits, or any other municipal approval, including applications for re-zoning, shall be considered for multi-family dwelling projects, within the Town of North Greenbush.

This moratorium shall not apply to any Certificates of Occupancy for any and all construction pursuant to building permits issued prior to the effective date of this law or the issuance of any building permit for the renovation or repair of any lawfully existing structure otherwise covered by this local law. In addition, this moratorium shall not apply to any projects that have already obtained municipal approvals or are before the Planning or Zoning Board of

Appeals or the Building Department requesting approval from the Town of North Greenbush as of the effective date of this law notwithstanding that a Certificate of Occupancy and/or Building Permit has not been issued. This moratorium shall also not apply to re-zoning applications for multi-family dwelling projects under consideration by the Town Board as of the effective date hereof.

#### Section 4: Variance

Any person may apply to the Town Board for a variance from this local law. Upon submission of an application for a variance to the Town Board and after a public hearing, the Town Board may, in its discretion, render a determination that this local law would impose extraordinary hardship upon a landowner or developer and that a variance from this law will not be a detriment to the public health, safety, and welfare or to the residents of the Town or present any significant adverse environmental impacts. All such applications will be referred to the Planning Board for its recommendations and shall thereafter be returned to the Town Board for a public hearing and final decision on the application.

#### Section 5: Supersession

To the extent this local law is inconsistent with any state or local statute or regulation, it is the intent of this law to supersede such statutes or regulations, including without limitation the following: all applicable sections of New York State Town Law, General Municipal Law and the Code of the Town of North Greenbush.

#### Section 6: Severability

If any section or subdivision, paragraph, clause, or phrase of this local law shall be adjudged invalid or held unconstitutional by any court or competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

#### Section 7: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**By Order of the Town Board of the Town of North Greenbush**  
**Dated: November 10, 2022**