

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 Ogden

Local Law No. 4 of the year 2024

A local law providing for Application of Cluster Development pursuant to § 278 of the Town Law.
(Insert Title)

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

County City Town Village
(Select one.)

of Ogden as follows:

Resolution #179-6.12.24 Re: Authorizing the enactment of Local Law #4 of 2024.
Resolution and final Order
Introductory Local Law #4 - 2024

Introduced by: Councilman Gerbino Seconded by: Councilman Hinman

WHEREAS, the Town Board of the Town of Ogden is considering the enactment of Local Law #4 of 2024; and

WHEREAS, pursuant to Legal Notice duly given the Town Board of the Town of Ogden did hold and conduct a Public Hearing to consider the enactment of such Local Law, at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board did adopt a Resolution and Negative Declaration of Environmental Significance with respect to the enactment of the subject Local Law; and

WHEREAS, the Town Board is now desirous of enacting Local Law #4 of 2024;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Ogden, New York as follows:

SECTION I: That the Town Board of the Town of Ogden does hereby enact Local Law # 4 of 2024 to read and provide as follows:

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

A Local Law providing for Application of Cluster Development pursuant to § 278 of the Town Law.

SECTION I. **Authorization.**

The Town Board of the Town of Ogden is empowered pursuant to § 278 of the Town Law of the State of New York to authorize the application of Cluster Development for the development of residential subdivisions within the Town of Ogden so as to provide an alternate permitted method for the layout, configuration and design of lots, roads, utilities and other infrastructure, landscaping and improvements in order to preserve the natural and scenic qualities of open lands.

SECTION II. **Lands subject to Cluster Development Approval.**

The Town Board does hereby determine that the following lands may be considered by the Planning Board of the Town of Ogden for Cluster Development approval pursuant to § 278 of Town Law, such lands being more particularly bounded and described as follows:

All that tract or parcel of land situated in the Town Lot 9, Township 3, Range 1, Town of Ogden, County of Monroe, State of New York and more particularly described as follows:

Beginning at a point on the south right-of-way of Ogden Parma Town Line Road, (County Route 179) and the northeast corner of the lands of Spencerport Center School (Liber 3707 of Deeds, Page 226), thence;

Easterly, along said right-of-way bearing S 88° 26' 10" E a distance of 1291.42 feet to a point on the west line of a drainage easement (liber 315 of Maps, Page 9), thence;

Southerly, along said easement bearing S 01° 53' 53" W a distance of 1473.40 feet to a point on the north line of town lot 21, also being the northeast corner of the lands of Lockwood Estates (Liber 289 of Maps, Page 38), thence;

Westerly, along said town lot line bearing N 87° 54' 13" W a distance of 127.00 feet to a point, thence;

Continuing westerly along said town lot line also being the north line of the lands of Village of Spencerport bearing N 87° 46' 00" W a distance of 1167.58 feet to a point being the southeast corner of town lot 8 and the lands of Spencerport Central School, thence;

Northerly, along the east line of town lot 8 and the lands of Spencerport Central School bearing N 02° 01' 20" E a distance of 1458.60 feet to the true point and place of beginning.

Intending to describe a 43.519 +/- parcel of land known as Stonewall Estates.

Subject to all easements and restrictions of record.

SECTION III. **Planning Board Approvals.**

The adoption of this Local Law shall grant the Planning Board of the Town of Ogden the authority to apply the Cluster Development provisions of § 278 of New York Town Law to the lands described in this Local Law subject at all times to all of the conditions of § 278 of Town Law and applicable procedures for the application of such Cluster Development.

SECTION IV. **Effective.**

This Local Law shall be effective upon enactment by the Town Board of the Town of Ogden and filing of the same with the Secretary of State.

SECTION II: When Effective. This Local Law shall be effective upon adoption upon the Town Board and filing of the same with the Secretary of State.

SECTION III: That the Town Clerk is hereby directed to file this Local Law with the Secretary of State.

Vote of the Board:

Ayes: Zale, Baker, Gerbino, Hinman, Toms

Nays: None

(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 2024 of the ~~(County)(City)(Town)(Village)~~ of Ogden was duly passed by the Town Board on June 12 2024, 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 (Elective Chief Executive Officer*) 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 _____ above.

Robert M. Burley
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 6/14/2024

(Seal)

