

# 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 Philipstown

FILED  
STATE RECORDS

SEP 21 2023

DEPARTMENT OF STATE

Local Law No. 1 of the year 20<sup>23</sup>

A local law adopting a Community Preservation Plan and amending the Town Code of the Town  
(Insert Title)  
of Philipstown to add a new Chapter 69 entitled "Community Preservation Plan."

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

County  City  Town  Village  
(Select one.)

of Philipstown as follows:

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

TOWN OF PHILIPSTOWN  
LOCAL LAW NO. 1 OF THE YEAR 2023

A local law adopting a Community Preservation Plan and amending the Town Code of the Town of Philipstown to add a new Chapter 69 entitled “Community Preservation Plan.”

SECTION 1. PURPOSE:

The purpose of this local law is to promote the public health, safety and welfare by adopting a Community Preservation Plan and adding a new Chapter 69 the Town Code of the Town of Philipstown entitled “Community Preservation Plan.”

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law §10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. ADOPTION OF COMMUNITY PRESERVATION PLAN:

Pursuant to the provisions of Section 6-s of the General Municipal Law, the Town Board hereby adopts the Community Preservation Plan currently on file with the Town Clerk and which is by reference incorporated herein as if fully set forth at length. Provided, however, that the Town is not, at this time, establishing a Community Preservation Fund or enacting any transfer taxes.

SECTION 4. AMENDMENT OF TOWN CODE:

A new Chapter 69 is hereby added to the Town Code of the Town of Philipstown entitled “Community Preservation Plan” which shall provide as follows:

“Chapter 69 Community Preservation Plan

§ 69-1 Pursuant to the provisions of Section 6-s of the General Municipal Law, the Town Board hereby adopts the Community Preservation Plan which is on file with the Town Clerk and which is by reference incorporated herein as if fully set forth at length.”

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

**SECTION 6. EFFECTIVE DATE**

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

(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 2023 of the (County)(City)(Town)(Village) of Philipstown was duly passed by the Town Board on September 13 2023, 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) *(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\*)*

\* 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 <sup>1</sup> above.

*Luca Pucaccio*

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

Date: 9/14/2023

(Seal)

RESOLUTION ENACTING A LOCAL LAW  
TO ADOPT A COMMUNITY PRESERVATION PLAN AND TO  
AMEND THE TOWN CODE TO ADD A NEW CHAPTER 69 ENTITLED  
"COMMUNITY PRESERVATION PLAN".

WHEREAS, the Town Board of the Town of Philipstown has before it a proposed local law entitled: "A local law to adopt a Community Preservation Plan pursuant to New York State General Municipal Law §6-s and to amend the Town Code of the Town of Philipstown by adding a new Chapter 69 entitled 'Community Preservation Plan'"; and

WHEREAS, following due notice the Town Board held a public hearing on the proposed local law; and

WHEREAS, the Town has completed review of the proposed local law under the State Environmental Quality Review Act;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby adopts the above local law; and
2. That the said local law shall be published, posted and filed in the office of the Secretary of State in Albany as required by applicable law.

Councilman Flaherty presented the foregoing resolution which was seconded by Councilman Angell,

The vote on the foregoing resolution was as follows:

Megan Cotter, Councilwoman, voting \_\_\_\_\_ ABSENT \_\_\_\_\_

Robert Flaherty, Councilman, voting \_\_\_\_\_ AYE \_\_\_\_\_

Jason Angell, Councilman, voting \_\_\_\_\_ AYE \_\_\_\_\_

Judith Farrell, Councilwoman, voting \_\_\_\_\_ ABSENT \_\_\_\_\_

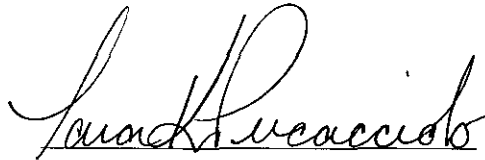
John Van Tassel, Supervisor, voting \_\_\_\_\_ AYE \_\_\_\_\_

**CERTIFICATION**

I, **Tara K. Percacciolo**, the duly qualified and acting Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Workshop Meeting of the Town Board of the Town of Philipstown, held on September 13, 2023, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

**I FURTHER CERTIFY** that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the said Town, this 13<sup>th</sup> day of September, 2023.



Tara K. Percacciolo

TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on September 13, 2023.



Tara K. Percacciolo

TOWN CLERK

RESOLUTION MAKING A NEGATIVE DECLARATION UNDER SEQRA  
ON LOCAL LAW FOR ADOPTION OF COMMUNITY PRESERVATION PLAN

WHEREAS, the Town Board of the Town of Philipstown has before it a proposed local law providing for the adoption of a Community Preservation Plan pursuant to New York State General Municipal Law §6-s and for the amendment of the Town Code to add a new Chapter 69 entitled "Community Preservation Plan"; and

WHEREAS, the proposed local law is an action subject to SEQRA, and

WHEREAS, the Town Board as Lead Agency has caused to be prepared an Environmental Assessment Form ("EAF"), including Parts I, II and III; and

WHEREAS, following due notice the Town Board has conducted a public hearing on the proposed local law and heard all persons interested in the subject matter thereof; and

WHEREAS, the Town Board, as assisted by its consultants, has considered the potential environmental impacts of the proposed action;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board accepts and approves the said EAF Parts I, II and III and the Supervisor is hereby authorized to sign the same; and
2. That after considering all of the information presented to it, including the EAF, the Town Board adopts the Negative Declaration attached hereto.

Councilman Angell presented the foregoing resolution which was seconded by Councilman Flaherty,

The vote on the foregoing resolution was as follows:

Megan Cotter, Councilwoman, voting \_\_\_\_\_ ABSENT \_\_\_\_\_

Robert Flaherty, Councilman, voting \_\_\_\_\_ AYE \_\_\_\_\_

Jason Angell, Councilman, voting \_\_\_\_\_ AYE \_\_\_\_\_

Judith Farrell, Councilwoman, voting \_\_\_\_\_ ABSENT \_\_\_\_\_

John Van Tassel, Supervisor, voting \_\_\_\_\_ AYE \_\_\_\_\_



**STATE ENVIRONMENTAL QUALITY REVIEW ACT**  
**NEGATIVE DECLARATION**  
**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

September 13, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Philipstown Town Board as Lead Agency has determined that the proposed action described below does not present any potential significant adverse environmental impacts and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** The adoption of a local law entitled: "A local law to adopt a Community Preservation Plan pursuant to New York State General Municipal Law §6-s and to amend the Town Code of the Town of Philipstown by adding a new Chapter 69 entitled 'Community Preservation Plan'.

**Action Type:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** The Town of Philipstown is enacting a local law to adopt a Community Preservation Plan pursuant to New York State General Municipal Law §6-s and to amend the Town Code of the Town of Philipstown by adding a new Chapter 69 entitled "Community Preservation Plan".

**Contact Person:** John Van Tassel, Supervisor, Town of Philipstown, Town Hall, 238 Main Street, Cold Spring, New York 10516.

**Location:** Town-wide.

**Reasons Supporting Negative Declaration:**

The proposed Community Preservation Plan provides data and analysis designed to identify lands and natural resources that important to the Town environmentally, culturally, and economically, and to propose potential means for securing preservation of those lands. It does, itself, contain any regulations or commit the Town to any actions. Any actions future taken in pursuit of the goals and aspirations set forth in the CPP will be subject to full and independent SEQRA review.

**CERTIFICATION**

I, **Tara K. Percacciolo**, the duly qualified and acting Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Workshop Meeting of the Town Board of the Town of Philipstown, held on September 13, 2023, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

**I FURTHER CERTIFY** that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the said Town, this 13<sup>th</sup> day of September, 2023.

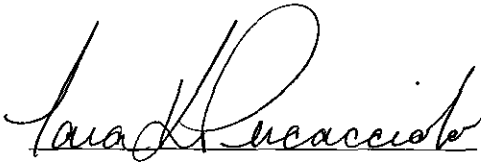


Tara K. Percacciolo

TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on September 13, 2023.



Tara K. Percacciolo

TOWN CLERK