

LOCAL LAW NO. 14 of 2024

A LOCAL LAW amending Town Code Sections §330-215 to §330-222 within Article XXIV, Central Pine Barrens Overlay District.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The overall goal of these amendments is to update the provisions of the existing legislation to reflect and be consistent with recent changes to the Central Pine Barrens Comprehensive Land Use Plan update, as adopted on April 19, 2023, pursuant to the provisions of Article 57 of the New York State Environmental Conservation Law.

SECTION 2. Amendment.

GENERAL REFERENCES

Zoning - See Ch. 330.

§ 330-217 Definitions

§ 330-219 Development within core preservation area

§ 330-220 Development within compatible growth area

§ 330-221 Transfer of development rights; Pine Barrens credit program

§ 330-222 Remedies and penalties for violations

Article XXIV

§ 330-215 Findings and purpose.

- A. The Town Board finds that concern about pine barrens destruction, forest fragmentation, loss of biodiversity, disruption of ecological functions and processes, ground and surface water contamination, diminishment of open space, loss of natural scenery, depletion of recreational resources and forfeiture of research and educational opportunities has created new demands for scientific, economic, social and conservation planning to reduce the potential for adverse environmental effects to the relatively unique biome referred to as the Southampton portion of the Central Pine Barrens.
- B. The Town Board also finds that there are inadequacies in existing policies, methods and mechanisms for balancing land use and environmental protection needs. Hence, more effective measures and approaches are required at the Town level to improve planning and ensure a rational and holistic approach to the sustainable and environmentally sound use of pine barrens resources.
- C. The overall goal of this article is to equitably meet the economic and environmental needs of the present and future generations, and achieve sustainable development. This is to be accomplished by making maintenance and recovery of the health and integrity of Southampton's ecosystems an integral part of the land-use planning and development process.
- D. The objective of this article is to provide consistency with the goals of the Central Pine Barrens Comprehensive Land Use Plan adopted by the Town Board on June 27, 1995, adopted by Central Pine Barrens Joint Planning and Policy Commission on June 28, 1995, and signed by the Governor of the State of New York on June 28, 1995, and as may be amended pursuant to the provisions of Article 57 of the New York State Environmental Conservation Law, as follows:
 - (1) To protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem

and the significant natural resources, including plant and animal populations and communities, thereof.

- (2) To protect the quality of surface water and groundwater.
 - (3) To discourage piecemeal and scattered development.
 - (4) To promote active and passive recreational and environmental educational uses that are consistent with the land use plan.
 - (5) To accommodate development, in a manner consistent with the long-term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly.
- E. Particular objectives for land use with respect to the Central Pine Barrens core preservation area as set forth in the plan and Environmental Conservation Law § 57-0121, Subdivision 3, include:
- (1) Preserving the Pine Barrens in their natural state thereby ensuring the continuation of the unique and significant ecologic, hydrogeologic and other resources representative of such environments.
 - (2) Promoting compatible agricultural, horticultural and open space recreational uses within the framework of maintaining a pine barrens environment and minimizing the impact of such activities thereon.
 - (3) Prohibiting or redirecting new construction or development.
 - (4) Accommodating specific pine barrens management practices, such as prescribed burning, necessary to maintain the special ecology of the preservation area.
 - (5) Protecting and preserving the quality of surface and groundwaters.
- F. Particular objectives for land use with respect to the Central Pine Barrens compatible growth area as set forth in the plan and Environmental Conservation Law § 57-0121, Subdivision 4, include:
- (1) Preserve and maintain the essential character of the existing pine barrens environment, including plant and animal species indigenous thereto and habitats therefor.
 - (2) Protect the quality of surface and ground waters.
 - (3) Discourage piecemeal and scattered development.
 - (4) Encourage appropriate patterns of compatible residential, commercial, agricultural and industrial development in order to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual and cumulative adverse impacts thereof.
 - (5) Accommodate a portion of the development redirected from the core preservation area.
 - (6) Allow appropriate growth consistent with stated natural resources goals.

§ 330-216 Applicability.

The provisions of this article shall apply to lands in the Town outside of incorporated villages located within the boundaries of the Central Pine Barrens area as defined in § 57-0107, Subdivision 10, of the New York State Environmental Conservation Law, as same may be amended from time to time.

§ 330-217 Definitions.

The terms and words used in this article shall be ascribed the meaning and uses generally attributable to them in the other sections of this chapter unless otherwise specifically interpreted or defined. As used in this chapter, the following terms shall have the meanings as indicated:

CENTRAL PINE BARRENS AREA

The area of the Town outside of incorporated villages defined in § 57-0107, Subdivision 10, of the New York State Environmental Conservation Law, as same may be amended

from time to time.

COMPATIBLE GROWTH AREA

The area of the Town within the Central Pine Barrens area, but outside the core preservation area, as defined in § 57-0107, Subdivision 10, of the New York State Environmental Conservation Law, as same may be amended from time to time.

CORE PRESERVATION AREA

The area of the Town within the Central Pine Barrens area which contains the largest intact areas of undeveloped pine barrens, as defined in § 57-0107, Subdivision 11, of the New York State Environmental Conservation Law, as same may be amended from time to time.

DEVELOPMENT

The performance of any building or mining operation, the making of any material change in the use or intensity of use of any structure or land and the creation or termination of rights of access or riparian rights, as defined in § 57-0107, Subdivision 13, of the New York State Environmental Conservation Law, as same may be amended from time to time.

DEVELOPMENT RIGHT

The legal interest and rights permitted to a lot, parcel or area of land under this chapter respecting permissible use, area, density, bulk or height of improvements executed thereon.

PINE BARRENS CREDIT

A development right allocated for lands within the Central Pine Barrens area.

PINE BARRENS CREDIT CERTIFICATE

An instrument issued on behalf of the Central Pine Barrens Joint Planning and Policy Commission which indicates the number of Pine Barrens credits to which an owner of a particular parcel of land is entitled and which attests to the fact that the development rights have been severed from such parcel by the recording of a conservation easement, and that such rights are available for sale or use.

PLAN

The Central Pine Barrens Comprehensive Land Use Plan adopted by the Town Board on June 27, 1995, adopted by the Central Pine Barrens Joint Planning and Policy Commission on June 28, 1995, and signed by the Governor of the State of New York on June 28, 1995, pursuant to the provisions of Article 57 of the New York State Environmental Conservation Law.

PROJECT SITE

All parcels and portion(s) of parcel(s) located within the Central Pine Barrens, whether contiguous or not, that are designated as part of the proposed project area.

RECEIVING AREA

One or more designated districts or areas of land to which development rights or Pine Barrens credits, generated from one or more sending districts or area, may be transferred and in which increased development is permitted to occur by reason of such transfer.

SELF RESTORATION

A natural restoration process to allow existing seed banks, roots, etc. in the soil to re-colonize a previously disturbed site. Under this process, active monitoring and management for invasive plant species is undertaken for a prescribed period of years to prevent invasive plants from overtaking the restoration area.

SENDING AREA

One or more designated districts or areas of land in which development rights or Pine Barrens credits are designated for use in one or more receiving districts or areas.

TRANSFER OF DEVELOPMENT RIGHTS

The process by which development rights or Pine Barrens credits are transferred from one lot, parcel or area of land in any sending district to another lot, parcel or area of land in one or more receiving districts.

§ 330-218 Construction with other statutes.

Whenever the provisions of any other statute, law, rule or regulation impose stricter standards to protect the natural resources of the Central Pine Barrens area, the stricter standard shall govern.

§ 330-219 Development within core preservation area.

- A. To ensure consistency with the Central Pine Barrens Comprehensive Land Use Plan, all development in the core preservation area shall be prohibited, unless the owner of said land obtains a hardship exemption or waiver from the strict compliance with the plan from the Central Pine Barrens Joint Planning and Policy Commission pursuant to § 57-0121 of the New York State Environmental Conservation Law.
- B. Notwithstanding the provisions of the aforementioned Subsection A, uses which do not constitute development or uses for which the landowner has obtained a hardship exemption or waiver from the strict compliance with the plan may be permitted in the core preservation area, provided that said use complies with all other applicable provisions of this chapter.
- C. Notwithstanding the provisions of the aforementioned Subsection A, any legally existing, expanded or new activity involving agriculture or horticulture may be permitted in the core preservation area, provided that said use does not involve material alteration of native vegetation and said use complies with all other applicable provisions of this chapter. The erection of accessory agricultural buildings or structures required for the production of plants and animals may be permitted, provided that said buildings or structures comply with all other applicable provisions of this chapter. Uses, buildings or structures that involve the material alteration of native vegetation, shall be prohibited but may apply for a hardship exemption or waiver from the Central Pine Barrens Joint Policy and Planning Commission.

§ 330-220 Development within compatible growth area.

- A. To ensure consistency with the Central Pine Barrens Comprehensive Land Use Plan, all development in the compatible growth area shall comply with the following standards:
 - (1) All development subject to Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review.
 - (2) Where deemed practical by the county or state, sewage treatment plant discharge shall

be outside and downgradient of the Central Pine Barrens. Treatment systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.

- (3) To protect the water quality in the vicinity of surface waters or wetlands, projects within 200 feet of such features should be designed to minimize nitrate-nitrogen loading to the groundwater with the goal of achieving less than 2.5 parts per million nitrate-nitrogen.
- (4) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers, if needed, as well as all applicable state laws and regulations. All necessary water resources and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.
- (5) All development involving significant discharges to groundwater in close proximity to public water supply wells shall include adequate mitigation measures to protect the water quality as required under Article 17 of the New York State Environmental Conservation Law.
- (6) All development involving significant discharges to groundwater in close proximity to private water supply wells shall comply to the Suffolk County Department of Health Services' guidelines for wellhead protection.
- (7) Development proposals for sites containing or abutting wetlands shall be separated by a nondisturbance buffer area which shall be no less than that required under Chapter 325 of the Town Code and applicable state laws, unless relief is provided by the Conservation Board. Where relief or variances are required, the applicant shall comply with all requirements imposed by the permit issued by the Conservation Board. Distances shall be measured horizontally from the wetland edge as defined in the applicable laws. Such buffer areas shall be delineated on the development plans, and adequate conditions shall be imposed to assure their preservation. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.
- (8) All stormwater runoff originating from development on the property shall be retained on-site, unless surplus capacity exists in an off-site drainage system. Where practical, natural recharge areas and/or drainage systems that cause minimal disturbance of native vegetation may be required. Ponds may be created if they are designed to accommodate stormwater runoff and not solely for aesthetic purposes. Where practical, drainage designs shall incorporate the use of natural swales and depressions, rather than excavated recharge basins.
- (9) Adequate measures shall be taken to control soil erosion and stormwater runoff during construction, in accordance with the Municipal Separate Stormwater Sewer Systems (MS4) and/or the New York State and Town Building Codes.
- (10) Disturbance of natural vegetation shall comply with the minimum standards set forth under Article XIII, Aquifer Protection Overlay District, of this chapter. Development plans shall contain calculations for the amount of disturbance of natural vegetation and indicate the limits thereof. For the purposes of this section, the percentages of disturbance of the natural vegetation set forth in Article XIII shall include all areas previously disturbed.
- (11) Where applicable, subdivision and site design shall support preservation of natural

vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Where applicable, subdivision and site design shall be configured in such a way as to prioritize the preservation of native pine barrens vegetation. Development projects shall be designed with full consideration of existing development and known future plans for adjacent properties.

- (12) Development projects must meet, at minimum, the percentages of open space specified in Standard 5.3.3.6.2 and Figure 5-1 of the Central Pine Barrens Comprehensive Land Use Plan.
- (13) Development projects shall place no more than 15% of the entire site in fertilized vegetation. The use of nonnative plant species shall be limited to the maximum extent practicable and development designs shall consider the nonnative and native planting suggestions contained in Figure 5-2 of the plan.
- (14) Where a development application may have a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened or of special concern, or upon the communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3 or on any federally listed endangered or threatened species, appropriate mitigation measures shall be taken to protect these species.
- (15) Development projects shall incorporate bird-friendly structures, design and site planning elements to reduce bird strikes and mortality to the maximum extent practicable, in accordance with Standard 5.3.3.7.2 of the Central Pine Barrens Comprehensive Land Use Plan.
- (16) Tree clearing and/or land disturbance shall be restricted to the period between December 1 and February 28, in accordance with US Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation (NYSDEC) requirements for Northern Long Eared Bat habitat, unless otherwise permitted by the New York State Department of Environmental Conservation or amended by Federal Law.
- (17) Development projects shall minimize disturbance of the grade and/or natural vegetation where slopes exceed 10%. Construction in areas where slopes exceed 10% may be approved if the design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. Where applicable, clearing envelopes and/or non-disturbance buffers shall be placed on those portions of the development site where slopes exceed 10%. Development applications shall include a slope analysis depicting slopes in the ranges 0% to 10%, 11% to 15% and 15% and greater. Erosion and sediment control plans and, where applicable, details of retaining walls and erosion control structures shall be required for construction in areas where slopes exceed 15% and for roads and driveways traversing slopes of 10%.
- (18) Applications for development projects proposing open space and/or similar reserve areas shall specify the conditions of ownership and use of such lands, and such conditions shall be set forth in the deed of dedication, declaration of covenants, conservation/open space easement or similar instrument.
- (19) Where applicable, the use of a planned residential development or clustering pursuant to the provisions of Article I of Chapter 247 of the Town Code shall be encouraged to preserve open spaces. Where applicable, the use of a planned industrial park pursuant to the provisions of § 330-36 of this chapter shall be encouraged to preserve open spaces.

- (20) Where applicable, any new activity or any change or expansion to an activity involving agriculture or horticulture shall incorporate "best management practices" as set forth in Controlling Agricultural Nonpoint Source Water Pollution in New York State, Bureau of Technical Services and Research, Division of Water, New York State Department of Environmental Conservation 1991, as may be amended; and "*Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State*," prepared by the New York State Nonpoint Source Management Practices Task Force, New York State Department of Environmental Conservation, 2007 and as may be amended.
- (21) Where applicable, development plans shall indicate established recreational and educational trails and trail corridors; active recreation sites; scenic corridors, including the Sunrise Highway; sites of historical or cultural significance; and sensitive archaeological areas, within 500 feet of the project site, and shall provide adequate measures to protect such cultural resources. The use of existing natural buffers or the restoration of degraded buffer areas, the use of signs or other man-made structures, consistent in style and scale with the community character, or other similar measures shall be taken to protect roadside areas and scenic and recreational resources.
- (22) All commercial or industrial development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.
- (23) All construction shall comply with Article XXIX (Outdoor Lighting) of the Town Code, as may be amended.
- B. A land use in the compatible growth area that lawfully exists at the time of the effective date of this article or any amendment thereto may be continued in its present form, except that the aforementioned standards shall apply to any change, structural alteration, expansion, restoration or modification to said land use constituting development as defined herein.

§ 330-221 Transfer of development rights; Pine Barrens credit program.

- A. As one of the principal forms of relief for the above-noted restraints, development rights shall be transferable from the Central Pine Barrens area to approved receiving sites outside the core preservation area, pursuant to the applicable provisions of this chapter, including § 330-7, Transfer of permitted residential development rights; Article XI, Old Filed Map Overlay District; and Article XII, Special Old Filed Map Overlay District. Additionally, a landowner may obtain a Pine Barrens credit (PBC) certificate from the Pine Barrens Credit Bank and Clearinghouse as established under the Pine Barrens credit program set forth in Chapter 6 of the plan, which PBC may be sold or used in accordance with the procedures set forth in this chapter.
- B. General regulations.
- (1) Development rights or a Pine Barrens credit shall be allocated for each parcel of land established as a separate tax lot as of the effective date of this amendment.
- (2) One residential development right or Pine Barrens credit shall be allocated for each single-family dwelling permitted on a parcel of land, based upon the development yield established by multiplying the gross lot area (in acres) of the parcel by the following development yield factor. The applicable development yield factor for a particular parcel of land is based upon the zoning regulations in existence when the plan was adopted on June 28, 1995. Fractional allocation of a Pine Barrens credit shall be rounded to the

nearest 1/100 (or 0.01) of a Pine Barrens credit. [Amended 8-23-1996 by L.L. No. 29-1996]

Zoning District	Minimum Lot Area of Zone (square feet)	Development Yield Factor (Outside of Old Filed Maps)	Development Yield Factor (Old Filed Maps)
CR-200	200,000	0.16	0.20
CR-120, R-120	120,000	0.27	0.33
CR-80, R-80	80,000	0.40	0.50
CR-60, R-60	60,000	0.60	0.66
CR-40, R-40	40,000	0.80	1.0
R-20	20,000	1.60	1.60
R-15	15,000	2.00	2.0
R-10	10,000	2.70	2.70

- (3) One nonresidential development right or Pine Barrens credit shall be allocated for each one acre of gross lot area of the parcel as currently zoned. Fractional allocation of a Pine Barrens credit shall be rounded to the nearest 1/100 (or 0.01) of a Pine Barren credit. [Amended 10-8-1996 by L.L. No. 35-1996]
- (4) Notwithstanding the provisions of aforementioned subsections, the Town Board may, upon written request of the landowner, elect to increase the allocation of development rights or PBCs for a parcel of land of at least 4,000 square feet with frontage on an existing improved street or where the landowner demonstrates to the satisfaction of the Town Board that the potential development yield of the property based upon all applicable municipal regulations is greater than the yield set forth herein. Any increase in the allocation of PBC's by the Town Board shall be subject to the review and approval of the Central Pine Barrens Joint Planning and Policy Commission pursuant to Chapter 6 of the plan.
- (5) No development rights or Pine Barrens credits shall be allocated for property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.
- (6) No development rights or Pine Barrens credits shall be allocated for property for which the development rights have previously been used, or allocated for use, under this chapter, nor for lands which are encumbered by an easement, covenant or other deed restriction for the purpose of land protection, preservation or conservation.
- (7) No development rights or Pine Barrens credits shall be allocated for any property owned or held for the purpose of land protection, preservation or conservation.
- (8) Partially improved parcels or parcels where residual uses will remain shall receive a decreased allocation based upon the extent of improvement or residual use. There shall be a proportional decrease in allocation based upon the receipt of discretionary permits for improvement of the parcel.
- (9) Notwithstanding any provision of this chapter to the contrary, no development rights or Pine Barrens credits shall be transferred into the core preservation area. Development rights or Pine Barrens credits originating in the core preservation area may be transferred to the compatible growth area or out of the Central Pine Barrens area. Development rights or Pine Barrens credits originating in the compatible growth area may be

transferred within the compatible growth area or out of the Central Pine Barrens area.

- (10) Notwithstanding the provisions of this chapter to the contrary, development rights or Pine Barrens credits shall only be transferred to a receiving parcel within the same school district, except upon the approval of the Town Board, by a vote of a majority plus one, where the applicant demonstrates that the transfer does not result in a significant adverse impact upon the sending school district or the receiving school district.

§ 330-222 Remedies and penalties for violations.
[Added 3-25-2003 by L.L. No. 29-2003]

A. Purpose and findings.

- (1) In 1993, New York State adopted § 57-0119 of the Environmental Conservation Law entitled "Central Pine Barrens Joint Planning and Policy Commission." This Commission consists of five voting members: a member appointed by the Governor, the County Executive of Suffolk County, and the Supervisors of the Towns of Brookhaven, Riverhead and Southampton.
- (2) This Commission was formed to implement, manage and oversee land use within the Central Pine Barrens area on Long Island. ECL 57-0119(6)(a) gives the Commission the power to prepare, adopt and insure implementation of the Comprehensive Land Use Plan. ECL Article 57 recognizes the importance of the three local Towns to regulate the implementation of the plan within the Central Pine Barrens region.
- (3) The authority to establish a Comprehensive Land Use Plan is contained in ECL § 57-0121. In conformance with ECL 57 and the Comprehensive Land Use Plan, the Town Board of the Town of Southampton adopted two overlay districts for the Central Pine Barrens Region, one in 1986 (Aquifer Protection Overlay District) and one in 1995 (Central Pine Barrens Overlay District).
- (4) The intention of the original legislation adopted in 1995 and the resulting plan was that the local planning and zoning powers and authority to regulate land uses by local municipalities within the Central Pine Barrens area would not be affected by said legislation and plan.
- (5) The Towns of Brookhaven, Riverhead and Southampton desire to discourage and prevent unauthorized and illegal land clearing activities within the core area and the compatible growth area of the Long Island Central Pine Barrens region. Any amendment to Article 57 of the ECL should be consistent with existing code enforcement provisions in each of the three Towns.
- (6) This section is necessary to raise the potential penalties under the authority of the respective Town codes for unauthorized and illegal land clearing activities, as well as provide enforcement of provisions of the respective Town codes regarding the Long Island Pine Barrens region.
- (7) While the fine amounts set forth herein are significant, they are not out of proportion to the nature of the violation. Violations occurring within the Central Pine Barrens area may threaten groundwater and the endangered and threatened plants and animals found within the Central Pine Barrens. Through the enactment of Article 57 of the ECL, the State Legislature has seen fit to protect this environmentally sensitive area. This section is adopted pursuant to the home rule authorization found within § 10(4)(b) of the

Municipal Home Rule Law and is intended to supersede § 268 of the Town Law.

- B. In addition to the penalties provided for in § 330-186 of this chapter, any person or entity who shall violate any of the provisions herein shall restore the subject premises or property or shall undertake any necessary remedial action, including but not limited to the posting of a performance and maintenance bond, as required by the Town in order to bring the subject premises or property into conformance with the requirements of this chapter and the Central Pine Barrens Comprehensive Land Use Plan or any permit, covenant or condition issued pursuant thereto, in addition to the fines set forth in Subsection C below.
- C. Any person or entity who shall violate any of the provisions contained in Article XXIV or the Central Pine Barrens Overlay District, or any permit, covenant or condition issued pursuant thereto, shall be guilty of a violation of such, which shall be punishable by a fine not to exceed \$25,000 or no more than one year in jail, for violations occurring on premises or property located within the Core Preservation Area or \$10,000 or no more than one year in jail, for violations occurring on premises or property located within the Compatible Growth Area, and an additional fine of \$1,000 per day in both areas for each day that such violation continues. A violation of this section shall be classified as an unclassified misdemeanor.
- D. Any fines or penalties collected pursuant to either § 330-222A, B or C of this Code shall be deposited with the Town Comptroller's office and shall be maintained in a segregated account to be used exclusively for protection, preservation, enhancement and/or restoration of the natural resources and ecosystems of the Central Pine Barrens Region.
- E. Where authorized by a duly adopted resolution of the Town Board, the Town Attorney shall bring and maintain a civil proceeding, in the name of the Town, in the Supreme Court, to permanently enjoin the person or persons conducting or permitting any violation of this article from further conducting or permitting said violation.

§ 330-223 through § 330-229. (Reserved)

SECTION 3. Authority.

The Town Board may adopt local laws providing for regulation of signs pursuant to New York State Constitution, Article 9, §2(B)(3); the Statute of Local Governments §10(6); Municipal Home Rule Law §§10(1)(ii)(a)(11) and (12), and §10(1)(ii)(d)(3), and Article 16 of the New York State Town Law.

SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of 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 provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.