

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 of Delaware
- Town
- Village

Local Law No. 2 of the year 20 06

A local law to amend the Town of Delaware Subdivision Regulations.
(Insert Title)

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

- County
- City of _____ Delaware _____ as follows:
- Town
- Village

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

SECTION I
Amendment of Town of Delaware Subdivision Regulations

The Town of Delaware Subdivision Regulations is hereby amended as follows:

A. Amendment of Section 104

Section 104 of the Town of Delaware Subdivision Regulations is hereby amended, to read as follows:

“104 - Jurisdiction

This Law shall apply to all subdivisions of land, as defined herein, made on or after the effective date of this Law.”

B. Amendment of Section 202

Section 202 of the Town of Delaware Subdivision Regulations is hereby amended by replacing the definition of “Subdivision” with a new definition, to read as follows:

“Subdivision: A division or re-division of a lot, tract, or parcel of land by any means into tracts, parcels or other divisions of land, including changes in existing lot lines, for any purpose, excluding Lot Improvements as provided in Section 308 hereof and Natural Subdivisions where the tracts, parcels or divisions are already defined by a public road, railroad or other major feature of a similar nature. Proposed Natural Subdivisions shall, prior to recording, be submitted to the Town of Delaware Planning Board for a determination that they meet such criteria and be processed in the same manner as Lot Improvements.”

C. Amendment of Section 309.2.B.1

Section 309.2.B.1 of the Town of Delaware Subdivision Regulations is hereby amended by adding a new paragraph c thereto, to read as follows:

“c. Notice to Adjacent Property Owners - Notices of subdivision hearings shall be provided, by the applicant, to all adjacent property owners within a 500’ radius as identified in the latest tax assessment records of the Town of Delaware, including those for properties on the opposite side of any public or private road. Such notice shall be received by adjacent property owners via certified mail at least seven (7) calendar days in advance of such hearing. The Planning Board shall be authorized to waive this requirement in the case of minor subdivision applications or where it is determined by the Board that adjoining owners have otherwise been afforded reasonable notice of such hearing as evidenced by their appearance at or knowledge of such hearing. No hearing shall be delayed where the Board determines the applicant has made reasonable attempts to notify all interested parties as provided herein.”

D. Amendment of Section 309

Section 309 of the Town of Delaware Subdivision Regulations is hereby amended by adding a new subsection 309.10 thereto, to read as follows:

“309.10 - Application Filing Deadline

The Planning Board shall, for purposes of agenda preparation and project evaluation, be authorized, although not required, to reject any application not filed with the Building Inspector at least eight (8) calendar days prior to the meeting at which action is requested. The Planning Board may, from time to time and by resolution, adjust this time period to meet its needs, provided that such period shall not be more than twenty (20) calendar days.”

SECTION II

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby stated to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

SECTION III

This local law shall take effect immediately upon filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 06 of the ~~(County)(City)(Town)(Village)~~ of Delaware Town Board was duly passed by the Town Board on April 19 20 06, 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) (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 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.

Tess McBeath

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

Tess McBeath, Town Clerk

Date: April 20, 2006

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SULLIVAN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Kenneth C. Klein, Town Attorney

Title

~~x~~County
~~x~~City of Delaware
Town
~~x~~Village

Date: _____