

# 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 \_\_\_\_\_ Rockland \_\_\_\_\_

Local Law No. \_\_\_\_\_ 3 \_\_\_\_\_ of the year 20<sup>24</sup> \_\_\_\_\_

A local law imposing a revised limited land use moratorium in the Town of Rockland, Sullivan County,  
(Insert Title)  
New York.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

County  City  Town  Village  
(Select one.)

of \_\_\_\_\_ Rockland \_\_\_\_\_ as follows: 

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

- §1 **Title.** This local law shall be known as the “Revised 2024 Town of Rockland Limited Land Use Moratorium.”
- §2 **Purpose.** The purpose of this local law is to protect the public health, safety and welfare by temporarily suspending development approvals while the Town Board considers and adopts changes to the 2020 Comprehensive Plan, the Zoning Law, the Subdivision Law and various land use regulations in order to address new circumstances not addressed by the current laws and regulations. This will preserve the status quo while the Town Board updates the Town’s land use regulatory matrix with more permanent, comprehensive regulations.
- §3 **Findings.** Significant shifts in development patterns, demographic density and demand for municipal services have occurred in the Town of Rockland over the past 5 to 10 years. The objective of municipal land use controls is to promote community planning values by properly regulating land development. Land use controls work best when built upon a carefully considered comprehensive plan. Because it takes time to develop updates for a sustainable community plan, during the process a request for a particular type of land use may arise for which there are inadequate or nonexistent controls. If development is allowed during that time, the ultimate worth of the eventual plan could be undermined. Therefore, in order to prevent inefficient and ill-conceived growth, and construction that might be inconsistent with an updated Comprehensive Plan, Zoning Law and Subdivision Law, enactment of a limited land use moratorium is necessary and appropriate.
- §4 **Moratorium Imposed.** For a period of six months following the date of adoption of this local law, no application for approval of a site plan, special use permit, subdivision, or an expansion, extension, modification or replacement of a non-conforming use shall be reviewed or approved by the Planning Board, nor shall permits be issued for new water and/or sewer connections to municipal water supply or sewer systems. The foregoing moratorium shall apply with respect to any and all pending but not yet approved applications for approval of a site plan, special use permit, subdivision, or an expansion, extension, modification or replacement of a non-conforming use, water and/or sewer connection.
- §5. **Exclusions from Moratorium.** The foregoing moratorium shall not apply with respect to the following applications that have received final approval from all involved entities, including the Town: any site plan, special use permit, or subdivision; an expansion, extension, modification or replacement of a non-conforming use; and a water and/or sewer connection. The foregoing moratorium shall also not apply with respect to one application for a minor subdivision of three lots or less from a parent parcel during the term of this moratorium, and lot line improvements between two lots.
- §6 **Evaluation and Revision of Existing Regulations.** During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and adopt revisions to the Town’s Comprehensive Plan, Zoning Law,

Subdivision Law and other land use regulations to address the issues identified in §2 and §3 above.

§7 **Extension of Moratorium.** This moratorium may be extended for at least two (2) additional periods not exceeding six (6) months each by resolution of the Town Board upon a finding of necessity for such extension.

§8 **Relief From Requirements.** The Town Board reserves to itself the power and sole discretion to vary or adapt the strict application of this local law in the case of unusual hardship that would deprive a property owner of all reasonable use of lands affected by this local law. Accordingly, by duly adopted resolution, the Town Board may authorize the Planning Board to review and consider for approval or disapproval a special use permit, site plan, subdivision, or an expansion, extension, modification or replacement of a non-conforming use, the review and approval of which is otherwise precluded by this local law, or the appropriate Town department to issue a permit for a water and/or sewer connection that is otherwise precluded by this local law, subject to the regular review process therefor, under circumstances where:

- A. An application for a hardship variance is filed, in writing, with the Town Clerk, together with a filing fee in the sum of \$150.00. The application shall specifically identify the land involved, recite the nature and scope of the proposed use, provide a narrative description and a sketch plan of the proposed development, and describe the hardship incurred by the moratorium along with the grounds upon which such use would have otherwise been approved under current law, including all facts and circumstances upon which hardship and approval is claimed.
- B. All costs incurred by the Town in connection with the consideration of the application for a variance are paid by the applicant, including but not limited to all professional consulting fees such as attorneys, engineers and planners.
- C. The applicant demonstrates that this local law has resulted in unnecessary hardship in that: the applicant has been deprived of all reasonable use or benefit from the property in question, which must be established by competent evidence; the alleged hardship is unique to the applicant's property and does not apply to other properties in the areas of the Town to which this local law applies; and the variance, if granted, will not pose a present or future risk to the health, safety and welfare of any resident in the vicinity of the proposed development and the Town at large.
- D. The Town Board may refer any applications for a variance hereunder to the Town Planning Board, the Zoning Board of Appeals, any other Town board, committee or department, and/or its professional consultants for their advice and recommendations. Nevertheless, all decisions as to the granting or denying of such variances shall be made by the Town Board in its sole and

absolute discretion after determining whether the requested variance is compatible with protection of the environment, the current code, comprehensive plan and Town laws, and any contemplated revisions to the Town's Zoning Law. No variance shall be granted unless the Town Board determines the requested variance is compatible therewith.

- E. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days after it determines that a complete application has been submitted to it. The Town Board shall render its determination upon any application for a variance within sixty-two (62) days after the conclusion of the public hearing.

§9 **Conflict With Other Laws.** This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in effect, it specifically supersedes and shall take precedence over any contrary laws, ordinances and provisions, including but not limited to §267, §267-a, §267-b, §274-a and §274-b of the Town Law of the State of New York, the Zoning Law of the Town of Rockland, the Subdivision Law of the Town of Rockland, and any other local law or ordinance of the Town of Rockland. This local law shall supersede and replace the moratorium heretofore enacted by Local Law No. 2 of 2024.

§10 **Penalties for Offenses and Enforcement.** Any person who shall develop or erect or install improvements upon land in violation of this local law, or break ground for the purpose thereof, shall be guilty of a violation and subject to a fine not to exceed \$1,000.00 or six (6) months in jail, or both. Each week a violation continues shall be considered a separate violation. This local law shall be enforced by the Code Enforcement Officer of the Town of Rockland who is hereby granted authority to issue appearance tickets for the purpose thereof. Upon authorization by the Town Board, this local may also be enforced by civil action brought in the name of the Town for the purpose of obtaining injunctive relief and recovering civil penalties of \$1,000.00 for each week a violation of the local law continues. All costs incurred by the Town to identify, issue, enforce and resolve such offences shall be paid by the offending party in addition to such penalties noted herein.

§11 **Effect of Invalidity.** 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 affect, 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 declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

§12 **Effective Date.** This local law shall take effect immediately upon adoption.

(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. 3 of 2024 of the ~~(County)(City)~~(Town)(Village) of Rockland was duly passed by the Town Board on 2024, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*~~

**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\_\_\_\_.  
*(Name of Legislative Body)*  
*(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) (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.

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

Date:   10/21/24  

(Seal)