

SPECIAL MEETING - LOCAL LAW NO. 2 - 2010

A special meeting of the Preble Town Board was called to order by Supervisor, Betty Ann Pitman, Monday, November 23, 2009.

Present were: Betty Ann Pitman, James Doring, Peter Knapp, Dave Morse, and Attorney, Don Armstrong.

Others: Tom McLyman, Al Socha, Jerry Bartleson, Kate Bartleson, Tony George, Debbie Brock, Kenneth Brock, Marjorie Grillo, Joe Heath, Rhea Jezer, Bob McCabe, Jack DuRocher, Jim Millis, Linda Metz, Daniel Jezer, Tarki Heath, Ellen Masters and Nate Shirley

The purpose of the meeting was to act on imposing a temporary six month moratorium on keyhole Development Activities.

Don Armstrong introduced the draft moratorium for Local Law #2 of 2010 and procedure to adapt said law. He stated it should be referred to Town Planning Board and County Planning Board. Also a short form SEQR should be filled out by the Town Board.

Town of Preble Local Law No. 2 of the Year 2010

A Local Law Imposing a Temporary Six (6) Month Moratorium on Keyhole Development Activities.

Be it enacted by the Town Board of the Town of Preble as following

Section 1. Title,

This Local Law shall be referred to as the “Local Law Imposing a Temporary Six (6) month Moratorium on Keyhole Development Activities”

Section 2. Definitions,

Unless specifically defined below, work or phases used in this Local Law shall be interpreted so as to give them the meaning they have in common usage and to give this Local Law its most reasonable application.

“Shoreline lot” means any lot located on the shoreline of an inland lake or body of water.

“Backlot” means any lot which does not abut the shoreline of an inland lake or body of water.

“Keyhole Development” means the development of one or more back lots which include access to the shoreline of an inland lake or body of water through a single shoreline lot.

Section 3. Purpose, findings and intent

Pursuant to the statutory powers vested in the Town of Preble (hereinafter referred to as the Town”) to regulate and control land use and to protect the health, safety and welfare of its residents. The Town of Preble hereby declares a temporary six (6) month moratorium on the establishment and development of any Keyhole Development, or the issuance of any approvals or building permits therefore.

Recently, the Town of Preble Planning Board received an application for subdivision approval for the purpose of establishing a Keyhole Development.

The Town finds that the use and enjoyment of the Town's water resources, including the inland lakes and other watercourses, as well as the lands abutting those water resources is of significant importance to the quality of living and the economic well-being of all residents in and visitors to the Town. The Town also finds that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of those water resources in the Town and the lands abutting them. The Town further finds that, as lands abutting those water resources become further developed and subjected to human and mechanical influence, it is necessary to regulate the usage of those water resources and the lands abutting them in order to preserve and protect the health, safety and welfare of the residents of and visitors to the Town.

The Town desires to address, in a careful manner, Keyhole Development on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Land Use Local Law provisions to properly regulate such development.

Based on the aforesaid findings, it is the intent of this section to:

1. Provide a mechanism for protecting the lakeshore and shorelines of the Town from physical and visual degradation from overuse and inappropriate use.
2. Protect the rights of riparian owners, the town, and non-riparians as a whole.
3. Prevent the development of nuisance conditions which threaten the land and water resources, which cause the diminution of property values, and which threaten the public health, safety, and welfare of all persons making use of lakes within the town.

Section 4. Prohibited Actions.

A. During the effective period of this Local Law:

1. The Town Board shall not grant any approvals which would have as the result the establishment of any Keyhole Development within the Town.
2. The Town Planning Board shall not approve any site plan, approve any special use permit or other permit which would have as a result the establishment of any Keyhole Development within the Town.
3. The Town Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use which would result in the establishment of any Keyhole Development within the Town.
4. The Town Building and Code Inspector shall not issue any building permit or other permit which would result in the establishment of any Keyhole Development within the Town.

B. The Town Board reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 5. No consideration of New Applications.

No applications for development, establishment or enlargement of any Keyhole Development affected by this Local Law or for approvals of a site plan, a subdivision, a variance, a special use permit or other permits relating to Keyhole Development shall be considered by any board, officers or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 6. Terms.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

Section 7. Severability.

Should any section, subsection, paragraph, subparagraph, sentence, clause, phrase or other portion of this Local Law be declared invalid by a court of competent jurisdiction such action shall not be construed to invalidate the remaining portion of this Local Law.

Section 8. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

By Order of the Town Board

Motion made by Dave Morse, seconded by Jim Doring, to send the draft to County Planning Board.

Doring(aye) Morse(aye) Knapp(aye)

Motion made by Jim Doring, seconded by Dave Morse, for a Public Hearing to be held on December 14th, 2009 at 7:30 pm regarding the Keyhole Development.

Doring(aye) Knapp(aye) Morse(aye)

A motion to adjourn this special meeting was made by Dave Morse, seconded by Jim Doring.

Doring(aye) Knapp(aye) Morse(aye)

Minutes taken by Peter Knapp.

Respectfully submitted,

Jane W. Davenport
Town Clerk

Unofficial 11/23/2009
Official 12/14/2009