

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.

Town of Thompson

*Proposed*  
Local Law No. 01 of the year 2019

A local law to temporarily suspend requirements to approve any mixed use development for camps, dormitories, schools, or bungalow colonies in the Town of Thompson while the Town considers changes to and clarification of the definitions for camps, dormitories, schools and bungalow colonies in its land use regulations in the Town of Thompson Code.

Be it enacted by the Town Board of the

Town of Thompson

Section 1. Legislative Purpose

The purpose of this local law is to temporarily suspend the requirements to approve residential or commercial developments of camps, dormitories, schools and/or bungalow colonies while the Town considers changes to and clarification of the definitions for camps, dormitories, schools, and bungalow colonies in its land use regulations in the Town Code. This local law is intended to allow the Town to amend its definitions in its land use regulations to provide for controlled growth that will not unduly impact the public welfare, community services, infrastructure, and to provide open space and plan for a proper mix of residential and commercial development. The Town is especially concerned about the impact on its summer developments which are mixed uses of camps, dormitories, schools, and bungalows. This stop gap or interim measure is intended to preserve the status quo pending adoption of new specific definitions within the planning and zoning regulations in order to define and clarify the difference in said types of mixed use developments. This local law will protect the public interest and welfare until amended definitions are adopted in the Town Code.

Section 2. SEQRA Status

This local law is declared to be a Type II action in accordance with 6 NYCRR '617.5(c)(30).

Section 3. Moratorium Imposed

A. For a period of six (6) months following the date of adoption of this local law, no development approval shall be granted in the Town of Thompson for camps, dormitories, schools, or bungalow colonies unless expressly exempted from this moratorium pursuant to Section 4

below. The term Adevelopment approval@ shall mean any approval of a discretionary nature required for mixed use development of camps, dormitories, schools, or bungalows in the Town, including, without limitation, any approval of a subdivision, site plan, special permit, or variance application proposing mixed use development of a camps, dormitories, schools, or bungalow colonies. In addition, no such development approval shall be accepted and/or processed by the Town Planning Board, Town Zoning Board, or Town Board unless expressly exempted from this moratorium pursuant to Section 4 below. This local law is binding on all Town Boards, Officers and Employees and on all persons and property requiring such approval within the Town. The term Aresidential development@ includes any development containing dwelling units, dormitories or bungalow units.

B. This moratorium may be extended by one (1) additional period of up to three (3) months by resolution of the Town Board upon a finding of the need for such extension.

C. During the period of the moratorium, the Town shall endeavor to work with the state agencies to develop a plan for water within the subdivision.

#### Section 4. Exceptions to Moratorium.

A. This moratorium shall not apply to applications for additions, alterations or rebuilding or construction of existing structures which result in no material change in such existing structures and which are not to accommodate any substantially different or new use of such existing structures.

B. Approval of a site plan or special permit application that has undergone SEQRA review and obtained a negative declaration from the Planning Board or acceptance of a Draft Environmental Impact Statement from the Planning Board prior to the date of adoption of this law as well as conditional approval or final approval from the Planning Board.

#### Section 5. Administrative Relief from the Moratorium

In order to prevent a taking of property, to prevent unnecessary injury and to prevent irreparable harm, the Town Board shall be permitted to grant limited relief from this moratorium pursuant to the requirements set forth herein. An applicant for relief from the moratorium shall be required to show by clear and convincing, credible, dollars and cents proof that it cannot have the reasonable use of its property for any of the uses permitted during the course of the moratorium, that such injury would be irreparable, and that it would be unreasonable, unjust and an unconstitutional taking of property not to grant relief from the moratorium. The relief granted by the Town Board shall be the minimum relief necessary. All such applications shall be deemed Type 1 actions pursuant to SEQRA. The Planning Board may be lead agency for such applications if it deems it advisable. In the event relief from the moratorium is granted, the applicant shall proceed to the Planning Board for the development approvals needed in accordance with this law. The applicant or any other person aggrieved by a decision of the Town Board hereunder may apply to the Supreme Court pursuant to Article 78 of the Civil Practice Laws and

Rules.

Section 6. Change in Zoning Requirements

This section provides notice to all applicants that although an application authorized in Section 4 above may proceed through the Planning Board and Zoning Board of Appeals review process, the applicant proceeds at its risk because such application may be impacted or denied because of a change in zoning requirements. A development approval shall not be granted unless the approval application complies with all zoning and other requirements in effect on the date of approval.

Section 7. Default Approvals Abolished.

Notwithstanding any law, rule, or regulation to the contrary, no development approval shall be granted, deemed granted, or dispensed with as a result of the passage of time. Any and all development approvals granted during the period of the moratorium shall require the affirmative vote of the reviewing boards with jurisdiction and endorsement of the plat or plan as otherwise required by law.

Section 8. Supersession of Inconsistent Laws, if any

The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation or provision of the Town Law inconsistent with this local law. The Town Law provisions intended to be superseded include all of Article 16 of the Town Law, ' ' 261 to 285 inclusive and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent any apply it in the event the Town has failed to specify any provision of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

Section 9. Severability

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Town Board hereby declares that it would have enacted this local law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 10. Effective Date

This local law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out the matter therein 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. 01 of 2019 of the Town of Thompson was duly passed by the Town Board on November \_\_\_\_\_, 2019 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer\*)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2019 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2019 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2019, 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 2019 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2019 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. 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 \_\_\_\_\_ 2019, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2019 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2019 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2019 in accordance with the applicable provisions of law.

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\* 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, chairman 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. 01 of 2019 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of sections 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 a special/general election held on \_\_\_\_\_ 2019 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 2019 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_ 2019, 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 of 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 the 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,  
village clerk or officer designated by local legislative  
body~~

Date: \_\_\_\_\_, 2019

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

Date: \_\_\_\_\_, 2019

\_\_\_\_\_  
Attorney for the Town  
County/City/Town/Village of Thompson

**TOWN OF THOMPSON  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

**NOTICE IS HEREBY GIVEN** that there has been duly introduced at a meeting of the Town Board of the Town of Thompson, New York, held on January 22, 2019, a proposed Local Law No. 01 of 2019, entitled "A local law to temporarily suspend requirements to approve any mixed use development for camps, dormitories, schools, or bungalow colonies in the Town of Thompson while the Town considers changes to and clarification of the definitions of camps, dormitories, schools, and bungalow colonies in its land use regulations in the Town of Thompson Code."

**NOTICE IS FURTHER GIVEN** that the Town Board of the Town of Thompson will conduct a public hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on February 05, 2019 at 7:00 P.M., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

The proposed Local Law seeks to impose a six (6) month moratorium on development approval for camps, dormitories, schools, or bungalow colonies in the Town of Thompson

Copies of the Local Law described above are on file in the office of the Town Clerk of the Town of Thompson, where the same are available to public inspection during regular office hours.

**PLEASE TAKE FURTHER NOTICE**, that all interested persons will be given an opportunity to be heard on said proposed Local Law at the place and time aforesaid.

**NOTICE IS HEREBY GIVEN**, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Thompson will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed Local Law described above and, as deemed advisable by said Board, taking action on the enactment of said Local Law.

Dated: January 22, 2019

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF THOMPSON  
MARILEE J. CALHOUN, TOWN CLERK