

## LOCAL LAW 02-2013

A LOCAL LAW AMENDING THE SANTA CLARA LAND USE LAW TO PROVIDE EXEMPTION FOR TOWN PROJECTS BE IT ENACTED BY THE SANTA CLARA TOWN BOARD AS FOLLOWS:

### **Section 1.** Purpose and Intent; Authority

It is the intent of this Local Law to specifically provide for the exemption of Town projects and activities from the Town's Land Use Law. It is adopted pursuant to New York Municipal Home Rule Law.

### **Section 2.** Amendment

Section 1.50 of the Town of Santa Clara Land Use Law, entitled "APPLICATION OF REGULATIONS", is hereby amended by adding the following new paragraph as the second paragraph of the Section: Notwithstanding any other provision of this local law, any action or project proposed or undertaken by the Town of Santa Clara, or on behalf of the Town with the Town's authorization, shall be exempt from the provisions of this local law, including but not limited to any provision that would otherwise require Site Plan Review, Subdivision Review and/or one or more Use Variances and/or Area Variances. Notwithstanding this exemption, the Town Board may seek optional, non-binding advisory review from the Town Planning Board for any such proposed Town action or project. This exemption specifically does not apply to the provisions of the State Environmental Review Act (SEQRA), the Adirondack Park Agency (APA) Act or other State or Federal requirements, but is limited only to requirements of the Town of Santa Clara.

Section 1.72 of the Town of Santa Clara Land Use Law, entitled "Planning Board", is hereby amended by adding the following new sentence to replace the existing second sentence of the Section: The Planning Board shall have all the powers and duties prescribed by statute and by this local law and shall have jurisdiction over all matters requiring Site Plan Review pursuant to Section 6.20 of this local law (except any action or project proposed or undertaken by or on behalf of the Town of Santa Clara) and all subdivisions of land not subject to the Adirondack Park Agency jurisdiction as a class A regional subdivision.

Section 6.31 of the Town of Santa Clara Land Use Law, entitled "General Requirements", is hereby amended by replacing the existing text with the following:

Any use or structure to be conducted, maintained or constructed wholly or partially within the Town shall be reviewable under this article except any use or structure proposed to be conducted, maintained or constructed by or on behalf of the Town of Santa Clara or as specifically excluded pursuant to Section 6.40. Prior to the issuance of a building permit in the Town, except for uses exempted herein or in Section 6.40 hereof, the preparation of a site plan for review and approval by the Town Planning Board in accordance with the standards and procedures set forth in Section 6.60 hereof shall be required.

Section 6.32 of the Town of Santa Clara Land Use Law, entitled "Specific Activities Requiring Site Plan Review", is hereby amended by replacing existing sub-section "G" with the following:

G. Class B Regional Projects (see list of Class B Regional Projects in Appendix F) except actions or projects proposed or undertaken by or on behalf of the Town of Santa Clara.

Section 6.41 of the Town of Santa Clara Land Use Law, entitled "General Exceptions From Review Requirements", is hereby amended by adding the following new sub-section "G":

G. Actions or projects proposed or undertaken by or on behalf of the Town of Santa Clara, including but not limited to any that would otherwise require Site Plan Review, Subdivision Review and/or one or more Use Variances and/or Area Variances. Appendix F of the Town of Santa Clara Land Use Law, entitled "APPENDIX F - CLASS B REGIONAL PROJECTS" is hereby amended as follows:

Sub-section: A - MODERATE INTENSITY USE AREAS Modify: "3. Public and semi-public buildings" by adding "except any buildings or structures proposed or constructed by or on behalf of the Town of Santa Clara." 2 Modify: "4. Municipal Roads" by adding "except any road proposed or constructed by or on behalf of the Town of Santa Clara."

Sub-section: B - LOW INTENSITY USE AREAS Modify: "3. Public and semi-public buildings" by adding "except any buildings or structures proposed or constructed by or on behalf of the Town of Santa Clara." Modify: "4. Municipal Roads" by adding "except any road proposed or constructed by or on behalf of the Town of Santa Clara."

Sub-section: C - RURAL USE AREAS Modify: "3. Public and semi-public buildings" by adding "except any buildings or structures proposed or constructed by or on behalf of the Town of Santa Clara." Modify: "4. Municipal Roads" by adding "except any road proposed or constructed by or on behalf of the Town of Santa Clara."

Sub-section: D - RESOURCE MANAGEMENT AREAS Modify: "7. Municipal Roads" by adding "except any road proposed or constructed by or on behalf of the Town of Santa Clara."

Sub-section: E - INDUSTRIAL USE AREAS Modify: "5. Public and semi-public buildings" by adding "except any buildings or structures proposed or constructed by or on behalf of the Town of Santa Clara." Modify: "6. Municipal Roads" by adding "except any road proposed or constructed by or on behalf of the Town of Santa Clara." 3

**Section 3.** Severability - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**Section 4.** Repealer- Any Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed. Section 5. Effective Date - This Local Law shall take effect upon filing in the office of the New York State Secretary of State, or as otherwise provided by law.