

**A LOCAL LAW EXTENDING A TEMPORARY MORATORIUM IN THE TOWN OF TYRE
ON THE PROCESSING OF CERTAIN LAND USE APPLICATIONS AND ON THE
ISSUANCE OF CERTAIN LAND USE APPROVALS AND ZONING PERMITS,
EXCLUSIVE OF PUD APPROVALS, FOR MULTI-FAMILY RESIDENTIAL,
COMMERCIAL OR INDUSTRIAL DEVELOPMENTS**

Section 1. Title

This Local Law shall be referred to as the “Extension of a Temporary Moratorium on the Processing of Certain Land Use Applications and on the Issuance of Certain Land Use Approvals and Zoning Permits, Exclusive of PUD Approvals, For Multi-Family Residential, Commercial or Industrial Developments in the Town of Tyre”.

Section 2. Authority and Intent

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Tyre under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following: New York State Constitution Article IX, Section 2(c)(ii)(6), (10); Municipal Home Rule Law Section 10(1)(i); Municipal Home Rule Law Section 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law Section 10(1)(ii)d(3); Municipal Home Rule Law Section(s) 10(2), 10(3) and 10(4)(a) and (b); Statute of Local Governments Section 10(1), (6) and (7); Town Law Section 135; Town Law Article 16; Environmental Conservation Law Section(s) 17-1101, 27-0711; and New York State Public Health Law Section 228(2) and (3). This Local Law is a police power and land use regulation. It is intended to address matters of local concern and is hereby declared to exercise the permissive “incidental control” of zoning law and land use laws concerning the broad area of land use and planning and the physical use of land and property within the Town of Tyre only.

Section 3. Incorporation of Town of Tyre Local Law #5 of 2014

The Town of Tyre Local Law #5 of 2014 is annexed hereto and is specifically incorporated herein by reference with the Town of Tyre Local Law #1 of 2015.

Section 4. Necessity for Extension of Moratorium and Prohibition

Since the enactment of Town of Tyre Local Law #5 of 2014, the Tyre Town Board and Tyre Planning Board have made diligent efforts to study the potential effects of the activities addressed in Local Law #5 of 2014, including but not limited to drafting proposed subdivision regulations and site plan review regulations. Despite the diligent efforts of the Town Board and Planning Board, additional time is required to formulate and study the Planning Board’s recommendations for the Town’s first subdivision and site plan review regulations.

Section 5. Extension of Temporary Moratorium and Prohibition

Based upon the foregoing necessity, Town of Tyre Local Law #5 of 2014 is hereby extended for a period of Ninety (90) days.

Section 6. Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person, entity, or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person, entity, or circumstances such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provision and persons, entities, or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 7. Superseding Intent and Effect

During the time this Local Law is in effect, it is the specific intent of the Town Board, pursuant to Municipal Home Rule Law Section(s) 10(1)(ii)(d)(3) and 22, to supersede: (a) any inconsistent provisions set forth in Town Law Section(s) 265-a, 267, 267(a) 267(b), 268, 274-a, 274-b, 276, 277, 278, and 279; (b) any other inconsistent provisions set forth in Article 16 of the Town Law; (c) any inconsistent provision of the Zoning Law of the Town of Tyre; and (d) any inconsistent provisions of any and all other local ordinances, local laws or local resolutions of the Town of Tyre.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing with the Department of State and shall be retroactively effective from April 16, 2015 and for a period of Ninety (90) days therefrom.