

Resolution # 105 , 2012

RESOLUTION – ADOPT LOCAL LAW #3, 2012
ENTITLED “AUTHORIZATION FOR PLANNING
BOARD WAIVER OF NEW ZONING REQUIREMENTS
IN APPROPRIATE CASES”

WHEREAS: the Town of Lumberland recognizes that there may be matters pending before the Planning Board during the period between January 1, 2012 and May 1, 2012 which were submitted prior to the enactment of the new zoning code on the effective date of May 1, 2012. The Town Board further recognizes that, although the matters were pursued diligently and in good faith by both the respective applicants and the respective board, the matters may not have been granted approvals by the board. In these pending cases, the Town Board deems it appropriate to grant the Town of Lumberland Planning Board the authority to grant a waiver from compliance with the new zoning code in favor of compliance with the zoning code that was in effect prior to May 1, 2012. This waiver is authorized pursuant to the authority of New York State Town Law §274-a(5) and Section 9.5.5 of the new zoning code entitled “Waiver”; and

WHEREAS: the Town Board of the Town of Lumberland has been presented the

proposed Local Law #3, 2012, entitled
“AUTHORIZATION FOR PLANNING BOARD
WAIVER OF NEW ZONING REQUIREMENTS IN
APPROPRIATE CASES”; and

WHEREAS: pursuant to part 617.5(c)(31) of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law is a Type II action and can be adopted without further regard to SEQRA; and

WHEREAS: a Public Hearing was advertised for and held on July 11, 2012,

at 7:15 p.m., at the Town Hall in Glen Spey, N.Y. for the purpose

of consideration of approval of Local Law #3, 2012.

NOW, THEREFORE, BE IT RESOLVED: that the Town Board of the Town of

Lumberland approve Local Law #3, 2012, entitled
“AUTHORIZATION FOR PLANNING BOARD
WAIVER OF NEW ZONING REQUIREMENTS IN
APPROPRIATE CASES, to be and hereby adopted
effective upon filing with the Secretary of State.

MOTION BY: Councilman James Akt
SECOND BY: Councilman Joseph Carr
VOTE: 2 – 3

Councilmen Carr, Shafer and Thiele opposed the Motion

ADOPTED BY THE TOWN BOARD OF THE TOWN OF
LUMBERLAND
VIRGINIA V. HORN
TOWN CLERK
JULY 11, 2012