

**NOTICE OF ADOPTION TOWN OF WARWICK  
LOCAL LAW No.4 of 2018**

**PLEASE TAKE NOTICE** that after a public hearing introduced on June 28, 2018 and adopted on July 19, 2018 The Town Board duly enacted Local Law No. 4 of 2018 entitled "A Local Law to Place a 3-month moratorium on all proposed requests, applications, and activities associated and authorized by zoning law section 164-47.3 The Agricultural Protection Overlay District ("APO") A complete copy of Local Law No. 4 of 2018 is available for inspection at the Town Clerks office or at [townofwarwick.org](http://townofwarwick.org).

Dated July 25, 2018

By order of the Town  
Board of Warwick Town of Warwick  
Eileen Astorino  
Town Clerk

Town of Warwick

**Local Law No. \_\_\_\_ of the year 2018**

**A local law placing a three-month moratorium on all proposed requests, applications and activities associated and authorized by Zoning Law §164-47.3 the “Agricultural Protection Overlay District” (“AP-O”) in the Town of Warwick.**

Be it enacted by the Town Board of the Town of Warwick as follows:

**SECTION 1. LEGISLATIVE INTENT**

The Town Board of the Town of Warwick has authorized its Town Planner to review, analyze, and report on his recommendations for modifying the Agricultural Protection Overlay (AP-O) District’s provisions. Until such time as those recommendations have been received by the Town Board, the Town hereby finds that there is a critical and compelling need, in the public interest as set forth herein, to impose a moratorium on all actions authorized under the AP-O District in order to provide for an opportunity to review said recommendations and if necessary, to update and/or revise the Town Zoning Law. The enactment of this Local Law is designed to protect the health, safety and welfare of Town residents, to prevent land use development which may prejudice and be inconsistent with the Town's Comprehensive Plan and new or amended land use laws or regulations which may be enacted and/or approved by the Town Board.

**SECTION 2. MORATORIUM**

a. A moratorium is hereby imposed from the effective date of this local law for a period of three (3) months on (a) the filing and acceptance by the Town Clerk of any request of a landowner for an AP-O designation; (b) acceptance of any pending request by a landowner for an AP-O designation; and (c) the filing and acceptance by the Town Clerk of any statement of participation from an existing landowner within an AP-O Qualifying Area, authorized by §164-47.3(B)(5); and (d) the filing of or further processing by the Planning Board, Zoning Board of Appeals or Town Board of any application for Special Benefits as defined in and authorized by §164-47.3(C)

b. The Planning Board shall not consider any applications for site plan review or special use permit approval, or subdivision, including any such application currently pending before the Planning Board, for matters within the scope of this moratorium for the term of this moratorium.

**c. No permit shall be issued under the Warwick Zoning Law for the construction of any new building or structure for matters within the scope of this moratorium for the term of this moratorium.**

**d. The Zoning Board of Appeals shall not consider any application for a use or area variance for the construction of any new principal building or accessory structure, including any such application currently pending before the Zoning Board of Appeals, for matters within the scope of this moratorium for the term of this moratorium.**

e. Exemptions. This moratorium shall not apply to any activity authorized by a permit in existence prior to the effective date of this law issued pursuant to §164-47.3

### SECTION 3. STATEMENT OF AUTHORITY.

This local law is authorized by the New York State Constitution, Article IX, Section 2, the provisions of the New York Municipal Home Rule Law (MHRL), the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Warwick and the general police power vested with the Town of Warwick to promote the health, safety and welfare of all residents and property owners within the Town.

### SECTION 4. SUPERSESION OF TOWN LAW

Pursuant to the authority granted in Municipal Home Rule Law section 1(ii)(d)(3) and in accordance with section 22(1) of the MHRL, this local law supersedes Sections 267-a, 267-b, 274-a and 274-b, 276, 277, 278 of the New York State Town Law.

### SECTION 5. HARDSHIP WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Town Board authorizing a hardship waiver process to this moratorium if it subsequently determines that a waiver process is necessary and in the best interests of the Town.

### SECTION 6. PENALTIES FOR VIOLATION

In the event of violation of this local law, the penalties shall be those listed in §164-54 of the Zoning Law of the Town of Warwick.

### SECTION 7. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

### SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.