

RESOLUTION

Trustee _____, seconded by Trustee _____,
introduced the following proposed local law, to be known as Local Law No. ____ of 2010,
entitled A LOCAL LAW OF THE VILLAGE OF MILLBROOK, DUTCHESS COUNTY, NEW
YORK TO CREATE A NEW §230-58.2 "COMPLIANCE WITH THE ZONING LAW FOR
CERTAIN VILLAGE ACTIONS."

BE IT ENACTED by the Board of Trustees of the Village of Millbrook that the Village
Code is amended to read as follows:

Section 1. A new section 230-58.2 is added to the Village Code to read in its entirety as follows:

Section 230-58.2. Compliance with the Zoning Law for Certain Village Actions.

1. Upon receipt of written notice or order from the Zoning Administrator that a violation of this chapter exists at a property, no Building Permit or Certificate of Occupancy shall be issued for any use for such property. Further, the Planning Board or the Zoning Board of Appeals, as the case may be, shall not review, hold public meetings or public hearings on, and shall take no action regarding an application for special use approval, site plan approval, subdivision approval, area variance approval, use variance approval, or interpretation in relation to the subject property until notified by the Zoning Administrator that such violation has ceased or been cured.
2. If no written notice or order has been issued against a property, nothing in this Section shall be deemed to prevent the Zoning Board of Appeals or Planning Board from reviewing and acting upon an application from the property owner.
3. Notwithstanding subsection 230-58.2(3), above, if any violation of this chapter is discovered by the Zoning Administrator while an application is under review, the Zoning Administrator shall issue a written notice or order to the property owner and shall copy such notice or order to any Board currently reviewing an application for the subject property. Upon the receipt of such notice, no Building Permit or Certificate of Occupancy shall be issued for any use for such property. Further, the Planning Board or the Zoning Board of Appeals, as the case may be, shall immediately stop its review of, shall not hold public meetings or public hearings on, and shall take no further action regarding an application for special use approval, site plan approval, subdivision approval, area variance approval, use variance approval, or

interpretation in relation to the subject property until notified by the Zoning Administrator that such violation has ceased or been cured.

4. Exceptions:
 - a. An exception exists if an application to the Planning Board or the Zoning Board of Appeals, the Building Permit or the Certificate of Occupancy is necessary and required to cure an existing violation. In such instance, the Zoning Board of Appeals, Planning Board or the Building Department may consider the application after written notice from the Zoning Administrator confirming that the application is necessary and required to cure an existing violation.
 - b. The Zoning Administrator may grant an exception to this section if all of the following facts apply:
 1. In the opinion of the Zoning Administrator, there is no nexus or connection between the proposed application, whether to the Planning Board, Zoning Board of Appeals or the Building Department, and the cited violation. For example, if a property owner receives a violation for constructing an outdoor deck without a building permit, but is seeking a building permit to construct a garage in which to park vehicles; and
 2. In the opinion of the Zoning Administrator, the property owner is diligently working to cure the cited violation.

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

Trustee _____ advised the Board of Trustees that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. Trustee _____ offered the following resolution which was seconded by Trustee _____, who moved its adoption:

WHEREAS, on _____, Trustee _____ has introduced this local law for the Village of Millbrook, to be known as “Village of Millbrook Local Law No. ___

of the Year 2010, a local law of the Village of Millbrook, Dutchess County, New York, to create a new §230-58.2 "Compliance with the Zoning Law for certain Village actions."

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Hall, 35 Merritt Avenue, Millbrook, New York, on _____, 2010 at _____ o'clock, __.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Millbrook, by the Village Clerk, at least five (5) days before such hearing and that such notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Board of Trustees of the Village of Millbrook will hold a public hearing at the Village Hall, 35 Merritt Avenue, Millbrook, New York on **July 27, 2010** at 7:00 o'clock, p.m., on Local Law No. ___ of the Year 2010, to create a new §230-58.2 "Compliance with the Zoning Law for certain Village actions."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Village of Millbrook, at the Village Hall, 35 Merritt Avenue, Millbrook, New York between the hours of 8:00 a.m. to 12:00 p.m. and then between 1:00 p.m. to 3:00 p.m.. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York
 June 23, 2010

LINDA WILTSE, VILLAGE CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Hurley	_____
Trustee Morse	_____
Trustee Whalen	_____
Trustee Cox	_____
Trustee _____	_____

DATED: Millbrook, New York
June 23, 2010

LINDA WILTSE, Village Clerk
Village of Millbrook

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- Compliance with Zoning law - 6.22.10.doc