

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Duanesburg

FILED  
STATE RECORDS

SEP 21 2017

DEPARTMENT OF STATE

Local Law No. 6 of the year 2017

A local law making a SEQRA Determination and Adopting Local Law No. 6 (formally Local Law C) of  
*(Insert Title)*  
2017 allowing the Sale of Motor Vehicles in the R-2 District by Special Use Permit. A local  
law amending Sections 3.5, 8.4, 11.4, and 12.4 of the Zoning Ordinance of the Town of  
Duanesburg to permit the sale of motor vehicles in agricultural and residential district (R-2)

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
(Select one.)

of Duanesburg

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2017 of the (County)(City)(Town)(Village) of Duanesburg was duly passed by the Town Board on September 14 2017, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_, in accordance with the applicable provisions of law.~~

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_.~~ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

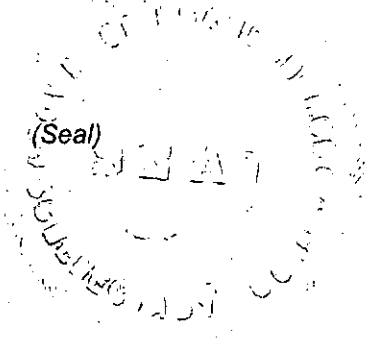
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

September 18, 2017



**TOWN OF DUANESBURG LOCAL LAW NO. 6 (formerly Local Law C) OF 2017**

**A LOCAL LAW AMENDING SECTIONS 3.5, 8.4, 11.4, and 12.4 OF THE ZONING ORDINANCE OF THE TOWN OF DUANESBURG TO PERMIT THE SALE OF MOTOR VEHICLES IN AGRICULTURAL & RESIDENTIAL DISTRICT (R-2)**

**BE IT ENACTED** by the Town Board of the Town of Duanesburg in the County of Schenectady as follows:

**Section 1. Title of the Local Law.**

This local law shall be entitled "A Local Law Amending Sections 3.5, 8.4, 11.4 and 12.4 of the Zoning Ordinance of the Town of Duanesburg to Permit the Sale of Motor Vehicles in Agricultural & Residential District (R-2)."

**Section 2. Authorization.**

This local law is enacted pursuant to the Municipal Home Rule Law and Article 16 of the Town Law of the State of New York.

**Section 3. Purpose.**

The purpose of this local law is to replace the definition of "Motor Vehicle Sales" in section 3.5.101 of the Zoning Ordinance of the Town of Duanesburg with "Minor Motor Vehicle Sales," to allow a New York State licensed dealer to offer up to six (6) used vehicles for sale on a particular lot, provided the used motor vehicles offered for sale meet New York State inspection requirements and the lot size is equal to, or greater than, two (2) acres per used motor vehicle offered for sale up to a total limitation of six (6) vehicles, and "Major Motor Vehicle Sales," to allow for a licensed dealer to offer used vehicles for sale, provided the used motor vehicles for sale meet New York State inspection requirements. The purpose of this local law is also to add "Minor Motor Vehicle Sales" to the list of "Uses Permitted by Special Use Permit" in Section 8.4 for Agricultural & Residential District (R-2) and replace "Motor Vehicle Sales" with "Major Motor Vehicle Sales" on the lists of "Uses Permitted by Special Use Permit" in Sections 11.4 and 12.4 for Commercial (C-1) and Manufacturing & Light Industrial District (C-2) zoning districts.

**Section 4. Amendments to Section 3.5, 8.4, 11.4, and 12.4 of the Town of Duanesburg Zoning Ordinance.**

Section 3.5 is hereby amended to remove the definition of "Motor Vehicle Sales" under 3.5.101 and add the following definitions. These definitions shall be added to the current list, in alphabetical order, and the numbering of section 3.5 shall be adjusted accordingly.

**Minor Motor Vehicle Sales.** Any place where up to a maximum of six (6) used motor vehicles are offered for sale by a dealer licensed by New York State Department of Motor Vehicles, provided all vehicles meet New York State

inspection requirements and the lot is size is equal to, or greater than, two (2) acres per used motor vehicle offered for sale.

**Major Motor Vehicle Sales** Any place where used motor vehicles are offered for sale by a dealer licensed by New York State Department of Motor Vehicles, provided all vehicles meet New York State inspection requirements.

Section 8.4 is hereby amended to add the use of Minor Motor Vehicle Sales to the list of "Uses Permitted by Special Use Permit." This use shall be added to the current list, in alphabetical order, and the numbering of Section 8.4 shall be adjusted accordingly.

Section 11.4 is hereby amended to add the use of Major Motor Vehicle Sales to the list of "Uses Permitted by Special Use Permit." This use shall be added to the current list, in alphabetical order, and the numbering of Section 11.4 shall be adjusted accordingly.

Section 12.4 is hereby amended to add the use of Major Motor Vehicle Sales to the list of "Uses Permitted by Special Use Permit." This use shall be added to the current list, in alphabetical order, and the numbering of Section 12.4 shall be adjusted accordingly.

#### **Section 5      Supersession.**

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Zoning Ordinance, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

#### **Section 6.      Severability.**

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

#### **Section 7.      Effective Date.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

**TOWN OF DUANESBURG TOWN BOARD**

**RESOLUTION NO. <sup>125</sup>-2017**

**September 14, 2017**

**Making a SEQRA Determination and Adopting  
Local Law No. 6 (formerly Local Law C) of 2017 allowing the  
Sale of Motor Vehicles in the R-2 District by Special Use Permit**

**WHEREAS**, Local Law No. 6 (formerly referenced as Local Law C), entitled "A Local Law Amending Sections 3.5, 8.4, 11.4, and 12.4 of the Zoning Ordinance of the Town of Duanesburg to Permit the Sale of Motor Vehicles in Agricultural & Residential District (R-2)" would replace the definition of "Motor Vehicle Sales" with "Minor Motor Vehicle Sales," to allow a New York State licensed dealer to offer up to six (6) used vehicles for sale on a particular lot, provided the used motor vehicles offered for sale meet New York State inspection requirements and the lot size is equal to, or greater than, two (2) acres per used motor vehicle offered for sale up to a total limitation of six (6) vehicles, and "Major Motor Vehicle Sales," to allow for a licensed dealer to offer used vehicles for sale, provided the used motor vehicles for sale meet New York State inspection requirements. The purpose of this local law is also to add "Minor Motor Vehicle Sales" to the list of "Uses Permitted by Special Use Permit" in Section 8.4 for Agricultural & Residential District (R-2) and replace "Motor Vehicle Sales" with "Major Motor Vehicle Sales" on the lists of "Uses Permitted by Special Use Permit" in Sections 11.4 and 12.4 for Commercial (C-1) and Manufacturing & Light Industrial District (C-2) zoning districts;

**WHEREAS**, a former version of the proposed local law entitled "A Local Law Amending Sections 3.5.101 and 8.4 of the Zoning Ordinance of the Town of Duanesburg to Permit the Sale of Motor Vehicles in Agricultural & Residential District (R-2)" was introduced at the meeting of June 8, 2017 of the Town Board and each member of the Town Board received the attached original proposed local law amending the Town Zoning Ordinance.

**WHEREAS**, the Town Board determined the proposed local law is a Type I action and declared itself lead agency;

**WHEREAS**, the former version of the proposed local law was amended in response to comments received from the County Planning Board;

**WHEREAS**, the text of Local Law No. 6 was re-introduced at the August meeting of the Town Board and each member received a copy;

**WHEREAS**, the adoption of Local Law No. 6 is a Type 1 action, the Town Board is the only involved agency, the Town Board declared itself lead agency, and the Town Board has received and reviewed the attached SEQRA documents (EAF Parts 1, 2 and 3);

**WHEREAS**, the text of Local Law No. 6 was referred to Schenectady County Planning for its review pursuant to the NYS General Municipal Law;

**WHEREAS**, on September 11, 2017, Schenectady County Planning approved the proposed Local Law No. 6;

**WHEREAS**, a public hearing was duly noticed and held on September 14, 2017;

**NOW THEREFORE BE IT RESOLVED** that the Town Board as SEQRA lead agency hereby adopts the EAF Parts 1, 2 and 3 and determines to issue a negative declaration finding that no environmental impact statement will be prepared for the adoption of this local law as the adoption of the local law does not have the potential to cause a significant adverse environmental impact;

**BE IT FURTHER RESOLVED** that the Town Board hereby adopts Local Law No. 6 of 2017 and directs that the local law be filed in the Town Clerk's office and with the NYS Secretary of State's Office.

Motion made by Council Member Ganther  
Motion seconded by Council Member Potter

Roger Tidball  
Roger Tidball, Supervisor

Yvonne Schaeff  
Town Clerk/Deputy Town Clerk

Present: Supervisor Tidball, Council Member Ganther, Potter, Leoni  
Absent: Council Member Passonno

Council Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Randy Passonno	<u>Yea</u>	Nay	Abstain
Charles Leoni	<u>Yea</u>	Nay	Abstain

