

GENERAL MUNICIPAL LAW

Zoning Referral Form

New Ordinance and/or Amendments

Director
CORTLAND COUNTY PLANNING DEPARTMENT
County Office Building
P.O. Box 5590, 60 Central Avenue
Cortland, NY 13045
Telephone: (607) 753-5043
Fax: (607) 753-5063

GML No. N/A
(Tax Map Number)

Date: 4/8/2021

Submitting Officer: BRUCE WEBER, CEO

Municipality: TOWN OF CORTLANDVILLE

Mailing Address: 3577 TERRACE ROAD
CORTLAND, NY 13045

Phone Number: 607 756-7490 Fax Number: 607 756-6753

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Name of Petitioner: Town of Cortlandville

Owner's Name (if different): _____

Date of Acquisition: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Fax Number: _____

Type of Referral
New Zoning Ordinance & Map

The following information is required for:

1. New Zoning Ordinance & Map:
 - A. Zoning Ordinance Text
 - B. Zoning Map (1' = 200') (see 1B'2' under Amendment of Zoning Ordinance Text and/or Map)

- C. Report of Zoning Commission
(If required by local ordinance)
- D. Report of Municipal Planning Board Statement of
intent and purpose of proposed action.

2. The following information is required for New and Amended Zoning Ordinances
and maps:

- 1. Availability of public utilities:
 - A. Water _____ District Number _____
 - B. Sewer _____ District Number _____
- 2. Impact on Historic Buildings and/or Areas:

- 3. Availability of public service:
 - A. Fire Protection _____ District Number _____
 - B. Police Protection _____
 - C. Refuse Collection _____
 - D. Special Services Required: _____
- 4. Does the zoning conform to municipal master plan? _____ If not, why
not? _____
- 5. Does the zoning conform to county land use plan? _____
- 6. School District: _____
- 7. Attach a copy of any environmental assessment or environmental impact state required
under the State Environmental Quality Review Act (SEQR).

Type of Referral
Amendment of Zoning Ordinance
Text and/or Map

The following information is required for:

- 1. Amendment to Existing Ordinance and/or Map:
 - A. If text change:
 - 1. Amendment to text (certified by municipal clerk)
 - 2. Report of the Planning Board
 - 3. Report of the Zoning Board of Appeals (if required by local ordinance)

B. If map change:

1. Change from _____ Zoning District to _____ Zoning District
2. Survey Map (1"=200' or less)
3. Names & Address of N.Y.S. licensed engineer or land surveyor responsible for preparing map & seal
4. North Arrow
5. Topography, not greater than 10' contours
6. Drainage, streams, waterbodies
7. Current Zoning district lines
8. Location Map at 2000' scale
9. Location of any County or State facility
10. Any reports available from other public agencies, petitioners or other interested parties
11. Location of any existing structure
12. Existing land use of site & area within 200' of site.

Signature and Title of Submitting Official

John A. DeVecchio, Esq.
attorney for
Town of
Cortlandville,
NY

(REVISED 10/95)

**TOWN OF CORTLANDVILLE
LOCAL LAW NO. ____ OF 2021**

**A LOCAL LAW ESTABLISHING A MORATORIUM
PROHIBITING THE APPROVAL OR EXPANSION OF
CERTAIN USES AND DEVELOPMENT WITHIN ANY EXISTING
WELLHEAD PROTECTION AREA IN THE AQUIFER PROTECTION DISTRICT**

SECTION 1. TITLE.

This Local Law shall be known as the "Moratorium on and Prohibition of Certain Development or the Expansion of Existing Development within Existing Wellhead Protection Areas in the Town of Cortlandville's Aquifer Protection District."

SECTION 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is enacted by the Town Board of the Town of Cortlandville pursuant to its authority to adopt laws under the New York State Constitution, the New York State Municipal Home Rule Law and the New York State Town Law.

This Local Law is intended and is hereby declared to address matters of local concern only and is intended to act as the permissive, temporary control of existing zoning and land use laws related to the planning and physical use of real property within the Town.

This Local Law is temporary in nature and for its duration shall supersede and suspend those provisions of the "1985 Zoning Local Law of the Town of Cortlandville, Cortland County, New York" that relate to allowable uses and development within the Town's Wellhead Protection Areas, which are within the Town's Aquifer Protection District.

Specifically, this Local Law is intended to prohibit any approvals by the Town Planning Board or Zoning Board of Appeals relating to certain identified uses within Wellhead Protection Areas that the Town Board believes constitute a threat to the Town's drinking water supply identified herein, and further prohibits the expansion of any such previously approved uses in those areas.

During the pendency of this moratorium, the Town Board will consider how best to amend its existing zoning code to best protect these Wellhead Protection Areas on a permanent basis. As such, this Local Law is intended to maintain the status quo and protect the public interest while it revises its existing zoning laws intended to protect the Town's drinking water supply.

SECTION 3. TEMPORARY MORATORIUM AND PROHIBITION

- A. Moratorium on the issuance of approvals for certain uses.

No application for any permit or approval by the Town Planning Board and Zoning Board of Appeals, Zoning Officer or any other administrative body or officer, including but not limited to any new or amended site plan, subdivision, conditional permit, building permit, variance, or any other Town approval, shall be issued with respect to any proposed use in a Wellhead Protection Area in the Town of Cortlandville during the pendency of this moratorium, that includes the following uses or activities:

1. The discharge, land application or disposal of any hazardous material, toxic substance, or radioactive material (as defined by any applicable state or federal law).
2. The production or processing of bulk quantities of any hazardous material or toxic substance (as defined by any applicable state or federal law).
3. The open storage of pesticides, herbicides, or fungicides (as defined by any applicable state or federal law).
4. The dumping or disposing of snow or ice collected off-site from roadways or parking areas.
5. The open or bulk storage of coal or chloride salts.
6. Any form of underground injection of hazardous materials or toxic substances (as defined under any applicable state or federal law).
7. Gas stations, solid waste disposal facilities and junkyards.
8. Any activities associated with industrial development as per Section 178-77 of Article XIV (Conditional Permit) of the Cortlandville Town Code.
9. The use of septic system additives and cleaners which contain toxic substances or hazardous materials (as defined by applicable state or federal law).
10. The disposal of toxic substances or hazardous materials (as defined under applicable state or federal law) by means of discharge to a septic system
11. All forms of mining as defined in New York Environmental Conservation Law Section 23-2705 (8).

B. Moratorium on certain development activities.

No expansion or modification of any previously approved development use, activity or structure that was previously approved by the Town of Cortlandville may be undertaken within a Wellhead Protection Area during the pendency of this moratorium.

C. **Moratorium on the application of provisions of the New York State Town Law.**

With respect to any use or activity covered by this moratorium, to the extent that any provision of the New York State Town Law imposes a time frame or deadline for action by a municipal body so that default approval may result from inaction, the time for any action required by any Town board or body during the pendency of this moratorium shall be and is hereby extended until this moratorium and any extensions thereto have expired and have not been extended by the Town Board. Therefore, no default approval shall be deemed to have taken place regarding any application for any approval for land use development in a Wellhead Protection Area covered by this moratorium.

SECTION 4; EXPIRATION OF MORATORIUM

This Local Law shall expire without further action of the Town Board within six (6) months following the effective date hereof and thereafter shall be of no force or effect. However, if it appears that any required review and study referred to herein will not be completed within six (6) months from the effective date of this Local Law, the Town Board may, by Local Law, extend the period of this moratorium for an additional three (3) months or such other and further time period that is reasonable in scope and duration.

SECTION 5; STATE ENVIRONMENTAL QUALITY REVIEW ACT

This Local Law is classified a Type II action pursuant to 6 NYCRR § 617.5 (36) and therefore its enactment requires no further review under the State Environmental Quality Review Act.

SECTION 6; SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such determination shall have been rendered.

SECTION 7; EFFECTIVE DATE

This Local Law shall become effective immediately upon being filed by the Secretary of State.