

FLOODPLAIN DEVELOPMENT PERMIT MORATORIUM

Local Law No. 11 of the year 2005

A Local Law Imposing a 6 Month Moratorium On the Issuance of Floodplain Development Permits Pursuant to Flood Damage Prevention Local Law No. 11 of the Year 2003 of the Town of Kirkwood - Adopted December 6, 2005 RESCINDED by Local Law No. 7-2006. (See Below)

A Local Law Rescinding a Local Law of the Town of Kirkwood Entitled a "Local Law Imposing a 6 Month Moratorium on the Issuance of Floodplain Development Permits Pursuant to the Flood Damage Prevention Local Law of the Town of Kirkwood" Adopted April 4, 2006

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

Section 1.

A. On December 6, 2005, the Town Board of the Town of Kirkwood adopted Local Law No. 11-2005 which local law imposed a 6 month moratorium on the issuance of floodplain permits pursuant to Local Law No 11 of the Year 2003 entitled "A Local Law for Flood Damage Prevention as Authorized by the New York State Constitution, Article IX, Section 2 and Environmental Conservation Law Article 36", in order to give the Town Board an adequate opportunity to review and analyze studies, reports, articles, judicial decisions, and the experience and legislative findings of other municipalities concerning the issuance of such permits.

B. To that end the Town Board appointed a committee of Town Board members and residents of the Town to review and study the matter and report their findings back to the Town Board.

C. On February 7, 2006, after receiving certain recommendations and report from said committee, the Town Board scheduled a public hearing to be conducted on February 28, 2006 regarding a proposed local law encompassing the recommendations of the report of said committee.

D. On February 28, 2006 the Town Board conducted a public hearing regarding the provisions of proposed Local Law 6 of the Year 2006 entitled "A Local Law Amending a Local Law of the Town of Kirkwood for Flood Damage Prevention"

E. After due deliberation regarding the comments made at said public hearing, the Town Board on March 7, 2006 adopted said Local Law 6 of the Year 2006.

F. In that adoption of said Local Law 6 of the Year 2006 extinguished the need for a continuation of said 6 month moratorium, said moratorium imposed by Local Law 11 of the Year 2006 be and the same hereby is rescinded effective immediately.

Section 2.

1. The Local Administrator designated in Local Law 11 of the Year 2003 may hereafter issue any permits for development within the Areas of Special Flood Hazard within the Town, and

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2. The Town Zoning Board of Appeals may hereafter hear and decide any matters which otherwise would be referred to it pursuant to Local Law 11 of the Year 2003.

Section 3.

This Local Law shall take effect immediately.