

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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 of Baxter Estates  
Village

FILED  
STATE RECORDS

NOV 26 2019

DEPARTMENT OF STATE

Local Law 4 of the year 2019

*(Insert Title)*

A local law to amend Section 175-77 of the Code of the Village of Baxter Estates to permit extensions or alterations of nonconforming buildings that reduce the nonconformity.

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

County  
City  
Town of Baxter Estates  
Village

Section 1. Legislative Findings. The Board of Trustees of the Village of Baxter Estates finds that the best interests of the Village and its residents are served by amending Section 175-77 of Chapter 175, "Zoning," of the Village Code in order to permit as of right proposed extensions or alterations of nonconforming buildings and structures to the extent that such extension or alteration serves to reduce a nonconformity. The Village Building Department has to this point construed the current version of Section 175-77 to require a zoning variance for a proposed extension or alteration to a nonconforming building or structure, even if the proposed extension or alteration serves to reduce a nonconformity. The Board finds that to require submission to the zoning variance process for such an alteration or extension, that otherwise complies with applicable zoning requirements, is wasteful of Village and property owner time and resources for no apparent benefit to the Village or its residents.

Section 2. Legislative Authority. This local law is adopted pursuant to authority granted to the Board of Trustees under the New York State Constitution and the laws of the State of New York, including, without limitation, New York State Municipal Home Rule Law §10.1., sub-clauses (i) and (ii)a.

Section 3. Amendment of Village Code. Section 175-77 of Chapter 175, "Zoning," of the Code of the Village of Baxter Estates is hereby amended to read in its entirety as follows:

"§ 175-77. No nonconforming building shall be extended or altered except in conformity with the provisions of this chapter, or in a manner that reduces the nonconformity."

Section 4. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 4 of 2019 of the ~~(County)(City)(Town)(Village)~~ of Baxter Estates was duly passed by the Board of Trustees on November 7, 2019, in accordance with the applicable provisions of law.  
(Name of Legislative body)

~~**2. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)**~~

~~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) (Name of Legislative body) (re-passed after disapproval) by the \_\_\_\_\_ and was deemed duly (Elective Chief Executive Officer<sup>1</sup>) adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

**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\_\_\_\_ (Name of Legislative Body) and was (approved)(not approved) (re-passed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer<sup>1</sup>) on \_\_\_\_\_ 20\_\_\_\_. 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 (Name of Legislative Body) (approved)(not approved) (re-passed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer<sup>1</sup>) 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.~~

**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 \_\_\_\_\_

<sup>1</sup> 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.

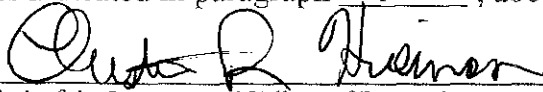
Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

**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   1  , above.



Clerk of the Incorporated Village of Baxter Estates

(Seal)

Date: November 19, 2019