

## **TOWN OF MAYFIELD LOCAL LAW NO. 2 OF THE YEAR 2004**

A local law Amending Local Law No. 3 of the year 2003 to Permit Relief in Hardship Cases.

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

**SECTION 1. TITLE:** This law will be known as the amendment of Local Law No. 3 of the year 2003 entitled "A Local Law Creating a Moratorium on the Placement of Large Signs and Billboards".

**SECTION 2. INTENT:** One of the major purposes, among others, for the enactment of Local Law No. 3 of the year 2003 was to afford the Town Board an opportunity to establish new laws to protect the citizens and resources of the Town of Mayfield, including the adoption of a Zoning Ordinance. However, although a proposed Zoning Ordinance has been drafted, it has not as yet been presented to the Town Board in its final form with a recommendation that it be adopted; and, upon such presentation and recommendation, it will be necessary for the Town Board to conduct at least one public hearing, if not more, in order to fulfill its statutory requirements. The said Local Law will expire on or about December 18, 2004, but it contains no provision whatsoever for the granting of relief from the provisions thereof in which hardship, financial and otherwise, may exist. It is, therefore, the intent of this Local Law to amend Local Law No. 3 of the year 2003 so as to make provision for allowing the Town Board to entertain applications for relief from the provisions of the said Local Law in hardship cases. All of the other provisions of the said Local Law will continue in full force and effect, thereby protecting the interests of all concerned parties.

**SECTION 3. AMENDMENT:** Local Law No. 3 of the year 2003 is hereby amended so as to add an additional section to be known as "Section 5 A" which shall provide as follows:

**SECTION 5 A. APPLICATION FOR RELIEF:** Whenever there is a showing by persons where premises are affected by this moratorium that relief therefrom is necessary to avoid unnecessary financial hardship or a taking of private property beyond what is permissible by valid regulation, the Board of Appeals for the Town of Mayfield, upon petition, may grant appropriate relief from this Local Law subject to whatever conditions are deemed necessary to protect the public. Applications for such relief shall be by verified petition to the said Board of Appeals and shall be supported by competent financial evidence, or other competent evidence, of hardship. The said Board of Appeals shall hold a public hearing on any such petition within thirty (30) days and decide such applications within fifteen (15) days after the closing of such hearing. The failure of the said Board of Appeals to act on such application shall not result in a default approval granting such relief, but shall permit the applicant to compel a determination pursuant to Article 78 of the CPLR.

**SECTION 4. RATIFICATION:** Except as herein amended, all of the other provisions contained in Local Law No. 3 of the year 2003 are hereby ratified and continued in full force and effect until expiration as therein provided.

**SECTION 5. EFFECTIVE DATE:** This Local Law shall take effect immediately upon filing with the Secretary of State.