

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 Yorktown

Local Law No. 1 of the year 2019

A local law to amend the Zoning Map of the Town of Yorktown
(Insert Title)

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

County City Town Village
(Select one:)

of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the tax Map of the Town of Yorktown is rezoned from O(Office) to C-2)(Commercial Hamlet Center), as shown on Exhibit "A," and as further described by metes and bounds in Exhibit "B," both of which are annexed hereto and incorporated as if set forth in full herein:

Section 15.16, Block 1, Lot 21 (approximately 0.83 acres) located at corner of Route 6 and Mohegan Avenue, Mohegan Lake, NY 10547

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared

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

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Section III. Severability (continued)

to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

(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. 1 of 2019 of the ~~(County)(City)(Town)(Village)~~ of Yorktown was duly passed by the Town Board on January 15, 2019, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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) *(Name of Legislative Body)* (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.

* 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 1 above.


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

Date: January 18, 2019

(Seal)

EXHIBIT A

Suggested description for Lot 1, County Clerk Map No. 28220

All that certain lot, piece or parcel of land, situate, lying and being in the Town of Yorktown, County of Westchester and State of New York, being known and designated as Lot 1 as shown on a certain map entitled "Subdivision Map prepared for Celestial Route 6 Associates II LLC, in the Town of Yorktown, Westchester County, N.Y." made by Ward Carpenter Engineers, Inc. dated February 8, 2008, last revised July 15, 2008 and filed in the Westchester County Clerk's Office (Division of Land Records) on March 10, 2009 as Map No. 28220; which is more particularly described as follows:

Beginning at a point on the southeasterly side of East Main Street (U.S. Route 6), as widened, where the same is intersected by the dividing line between the parcel herein described (Lot 1) and lands now or formerly of St. Mary's Church;

Running thence along the southeasterly side of East Main Street, N 56°30'00" E a distance of 95.40 feet to a point where the southeasterly side of East Main Street is intersected by the southerly side of Mohegan Avenue, as widened;

Running thence along the southerly side of Mohegan Avenue, as widened, the following four courses and distances:

S 74°00'00" E a distance of 156.12 feet to a point; thence

S 74°49'26" E a distance of 9.84 feet to a point; thence

S 76°28'18" E a distance of 9.84 feet to a point; thence

S 77°17'44" E a distance of 61.98 feet to a point being the northeasterly corner of the herein described parcel and the northwesterly corner of Lot 2 as shown on County Clerk Map No. 28220;

Running thence southerly and westerly along the aforesaid Lot 2, the following courses and distances:

S 22°23'40" W a distance of 100.59 feet to a point; thence

N 67°36'20" W a distance of 9.79 feet to a point of curvature; thence

Along a curve to the left, having a radius of 55.00 feet, a distance of 44.37 feet to a point; thence

S 66°10'22" W a distance of 126.24 feet to a point in the northerly line of St. Mary's Church;

Running thence along the northerly line of St. Mary's Church, N 34°33'35" W a distance of 181.77 feet to a point being the point and place of beginning, containing within said bounds 35,986 square feet of land, more or less.

EXHIBIT A

Suggested description for Lot 3, County Clerk Map No. 28220

All that certain lot, piece or parcel of land, situate, lying and being in the Town of Yorktown, County of Westchester and State of New York, being known and designated as Lot 3 as shown on a certain map entitled "Subdivision Map prepared for Celestial Route 6 Associates II LLC, in the Town of Yorktown, Westchester County, N.Y." made by Ward Carpenter Engineers, Inc. dated February 8, 2008, last revised July 15, 2008 and filed in the Westchester County Clerk's Office (Division of Land Records) on March 10, 2009 as Map No. 28220; which is more particularly described as follows:

Beginning at a point on the southeasterly side of Mohegan Avenue, as widened, where the same is intersected by the dividing line between the parcel herein described (Lot 3) and Lot 2, as shown on County Clerk Map No. 28220, said point being distant along the southeasterly side of East Main Street, N 56°30'00" E a distance of 95.40 feet, S 74°00'00" E a distance of 156.12 feet, S 74°49'26" E a distance of 9.84 feet to a point, S 76°28'18" E a distance of 9.84 feet to a point S 77°17'44" E a distance of 96.47 feet from a point where the southeasterly side of East Main Street is intersected with the dividing line between lands designated as Lot 1 as shown on County Clerk Map No. 28220 and lands now or formerly of St. Mary's Church;

Running thence from said point of beginning, along the southerly side of Mohegan Avenue, partially as widened, the following three courses and distances:

S 77°17'44" E a distance of 97.35 feet to a point; thence

S 63°44'00" E a distance of 11.54 feet to a point; thence

S 59°40'00" E a distance of 123.54 feet to a point;

Running thence along the easterly line of Lot 4, as shown on County Clerk Map No. 28220, S 22°38'47" W a distance of 188.69 feet to a point in the northerly line of lands now or formerly of Rosen & Morabito;

Running thence along the northerly line of lands now or formerly of Rosen & Morabito, N 67°36'20" W a distance of 125.61 feet and S 71°49'20" W a distance of 44.21 feet to a point;

Running thence along the easterly line of Lot 2, as shown on County Clerk Map No. 28220, N 23°49'38" W a distance of 96.69 feet and N 22°23'40" E a distance of 151.99 feet to a point being the point and place of beginning, containing within said bounds 45,612 square feet of land, more or less.

