



Yates County Planning Board Referral Form

Referral # 2018-10
County Use Only

Date Received 3-6-18

Revised 4/2017

Municipality and Referring Agency Board of Trustees - Village of Dundee

Project Address N/A Project Tax Map # N/A

Zoning District All

Applicant (Name & MAILING) Village of Dundee, 12 Union St., Dundee, NY

Email _____

Property Owner (Name & MAILING) N/A

Email _____

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) 239-m

Application Type

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan
- Subdivision
- Text Amendment
- Map Amendment
- Other

Project Description

Adoption of prohibition of dog
kennels with in the Village of Dundee

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application
- Tax Map or Plat
- SEQR
- Site Plan *
- Variance Criteria **
- Subdivision Plat For Subdivision Referrals Only
- Other text of local law

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12, Section 239-m, part c.*

Village Clerk, Referring Official

Village Attorney
Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.



Submit To: Yates County Planning Department, dlong@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527

EDWARD J. BROCKMAN
ATTORNEY AND COUNSELOR AT LAW
159 South Main Street, PO Box 457
Naples, New York 14512
Phone (585) 374-6343

March 5, 2018

Yates County Planning Board
c/o Yates County Planning Department
417 Liberty Street
Penn Yan, New York 14527

Re: General Municipal Law §239-m Referral: Village of Dundee – Amendments to Zoning Law Prohibiting Dog Kennels


To Whom This May Concern:

Pursuant to the direction of the Village Clerk of the Village of Dundee and in accordance with a Resolution adopted by the Board of Trustees of the Village of Dundee at a duly scheduled meeting, we enclose herewith the proposed Local Law amending the Zoning Chapter of the Village Code for review by the Yates County Planning Board. This referral is made pursuant to §239-m of the General Municipal Law of the State of New York.

The Board of Trustees has determined for SEQRA purposes that the proposed Local Law is a "Type I" action. An FEAF has been adopted and a copy is enclosed, together with the Referral Form.

In the event that you request further information or documentation please advise us accordingly.

Sincerely,



Edward J. Brockman

EJB/lcb
Enclosure
Hon. Fred Cratsley
Christine Sutherland, Town Clerk

end the provisions of this chapter are declared to be severable

Section 6. Effective Date

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Board of Trustees of the Village of Dundee.

(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. ___ of the year 2018, of the Village of Dundee was duly passed by the Board of Trustees on _____, in accordance with the applicable provisions of law.

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.

Christine M. Sutherland, Village Clerk

(SEAL)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality)

STATE OF NEW YORK)
COUNTY OF ONTARIO) ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Edward J. Brockman, Town Attorney

Village of Dundee

Date:

(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.

VILLAGE OF DUNDEE

Proposed LOCAL LAW C OF THE YEAR 2017

LOCAL LAW Amending Chapter 138 - "Zoning" of the CODE OF THE VILLAGE OF DUNDEE"

Be it enacted by the Board of Trustees of the Village of Dundee as follows:

Section 1: Short Title.

This Local Law shall hereafter be known as the "Dog Kennels Amendment" to the Zoning Chapter of the Code of the Village of Dundee".

Section 2: Legislative Intent.

The purpose of this Local Law is to adopt rules and regulations with respect to dog kennels in the Village of Dundee.

Section 3: Legislative Authority.

This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law (MHRL) of the State of New York and Article 7 of the Village Law of the State of New York, with the procedural provisions of the MHRL controlling.

Section 4. Provisions.

Chapter 138. "Zoning" is amended to provide as follows:

I. §138-4. "Definitions" in Article II. "Terminology" is amended by adding the following, alphabetically:

Dog Kennel – The keeping, harboring or allowing of four (4) or more dogs, each of which is four (4) months of age or older, on any premises or on any lot shall be considered a dog kennel.

II. Article VI "Use Regulations" is amended by numerically adding the following section:

§138-18.1. Dog Kennels.

Dog kennels, as defined in §138-4. of this Chapter, are prohibited in all zoning districts in the Village.

Section 5. Severability Clause

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this