

**TOWN OF BRANT
PROPOSED LOCAL LAW No. 2 – 2020**

**A Local Law Amending Provisions of the Town of Brant Zoning Law
To Provide for Amortization of Non-Conforming Junkyards and Junk and Salvage Yards**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BRANT AS
FOLLOWS:**

Section 1. Short Title and Applicability.

This Local Law shall apply to certain provisions of the Zoning Law of the Town of Brant contained in Chapter 161 of the Code of the Town of Brant.

Section 2. Declaration of Policy.

The Town Board of the Town of Brant has reviewed the nonconforming use provisions contained in the Zoning Law of the Town of Brant, Chapter 161 of the Code of the Town of Brant as such provisions pertain to nonconforming junkyards and junk and salvage yards. The Town Board recognizes that nonconforming uses are entitled to certain measures of protection subject to the right of municipalities to discontinue or terminate such uses through reasonable means.

After due deliberation, the Town Board believes that adopting an amortization period for nonconforming junkyards and junk and salvage yards is appropriate given the nature of such uses and the tendency for such uses to negatively impact the public health, safety and welfare of the community; especially residents who live in close proximity to such uses. The Town Board further determines that a reasonable amortization period is an appropriate means to balance the benefit to the community that is provided by compliance with zoning and the need of property owners to amortize their existing capital investments.

Section 3. Amendments.

Section 161-20 of the Town of Brant Code shall be amended to include the following:

C. Nonconforming Junkyards and Junk and Salvage Yards

Notwithstanding any other provision of this Chapter, nonconforming junkyards and junk and salvage yards may be continued only as provided herein:

- (1) Nonconforming junkyards and junk and salvage yards may be continued for a period of two (2) years following the effective date of this Local Law.
- (2) Within sixty (60) days from the effective date of this Local Law, the owner or operator of a nonconforming junkyard or junk and salvage yard may apply to the Town Board for such additional amortization period beyond the two year period provided herein as the Town Board determines is reasonable under the circumstances

considering the public benefit to be achieved and the nonconforming owner or operator's economic loss. In applying for the additional amortization period, the owner or operator must provide competent evidence demonstrating the need for such additional amortization period considering its capital investment in the nonconforming use.

Section 4. Authority.

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the N.Y.S. Municipal Home Rule Law and Sections 264 and 265 of the N.Y.S. Town Law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date.

This law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.