

A Local Law entitled "Moratorium Law of 2011 of the Town of West Bloomfield" imposing a nine month moratorium on the issuance of all special permit uses within the Agricultural Zoning District in the Town of West Bloomfield.

Section 1. Title:

This law shall be known as the Moratorium Law of 2011 of the Town of West Bloomfield.

Section 2. Legislative Finding, Purpose and Intent:

This moratorium has been determined to be necessary by the Town Board of the Town of West Bloomfield in order to further the health, safety, and general welfare of the residents of the Town of West Bloomfield due to the combination of development pressures, and the immediate potential for irreversible negative impacts on the Town's community character.

The Town of West Bloomfield (the "Town") adopted a Comprehensive Plan in 2001, which identified a series of goals including but not limited to:

- 1). Adopt land use controls that protect farmland and enhance agriculture;
- 2). Maintenance of the rural character of the Town;
- 3). Preserve significant areas of open space;
- 4). Protect the significant environmental reserves of the Town;
- 5). Preserve and protect significant views within the Town; and
- 6). Encourage and foster slow, steady and controlled population growth.

The Town Board is concerned that the Town's current zoning regulations within the Agricultural Zoning District may be outdated and inconsistent with the existing comprehensive plan and that certain procedures and definitions as set forth in the Town's Land Use and Development Regulations (the "Town Code") are unclear and difficult to administer. As such, the Town Board recognizes the need to prepare and adopt not only a new, updated comprehensive plan but also new updated zoning regulations related thereto.

The Town Board recognizes that pending or new applications for special permit uses within the Agricultural Zoning District would likely undermine the ability of the Town to effectively protect its character and resources and plan for future growth. Planning and zoning issues need to be addressed so that commercial, industrial or large-scale residential development does not have

the potential to provide a dramatic change in the Town's character and quality of life of its residents.

Thus, it is the intent of this law to maintain the status quo land use in the Town while the Town re-evaluates its comprehensive plan and updates its land use regulations within the Town's Agricultural Zoning District in order to provide for the orderly and rational development and use of lands within the said district. Commercial and industrial development, and major residential subdivisions, have a high potential to significantly and negatively impact the Town's character, resources, and future development in contravention of the comprehensive planning effort that the Town has undertaken. In order to finalize such plan and adopt official Town policies, plans and regulations in accordance with such plan without pending or new development undermining the plan's purposes and goals, it is critical and necessary to establish a short-term moratorium on all commercial, industrial and major residential application procedures, and development so that the comprehensive update to the Town's land use policies and regulations can be completed without the pressure of pending applications and without the possibility that the positive results to be derived therefrom are negated by pending, ongoing or new development.

Section 3. Authority:

This moratorium is enacted by the Town Board of the Town of West Bloomfield pursuant to its authority to adopt local laws under the New York State Constitution Article IX and section 10 of the Municipal Home Rule Law.

Section 4. Moratorium Imposed:

For the period of nine (9) months immediately following the effective date of this local law, there is hereby imposed a moratorium on all special permit uses within the Town's Agricultural Zoning District that have not received all necessary final approvals, authorizations and permits from the Town; as well as any residential subdivision applications proposing more than two lots that have not received preliminary plat approval. Except for the renewal of pre-existing special permits, no approvals, processing, permits, actions or decisions shall be made, undertaken or issued by any Board, body or official of the Town of West Bloomfield with respect to any such applications. This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this law.

Section 5. Effect of Moratorium:

Upon the effective date of this Local Law, and subject to any other Local Law adopted by the Town Board during said 9-month period, no Board, body or official of the Town shall accept for review, continue to review, hold a hearing upon, make any decision upon, or issue any permit or approval upon any application or proposal for the uses, projects or developments set forth in Section 4 above. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this Local Law is in effect. The Town Board and other boards, committees and officials of the Town may, however, may make determinations and participate in the environmental review process as

an involved agency for pending applications for which such process is being conducted pursuant to the State Environmental Quality Review Act by the New York State Department of Environmental Conservation in connection with any applications for sites within the Town of West Bloomfield. No person, corporation, or other entity shall undertake any site preparation, including but not limited to clearing, grading, and filling, or construction activities, with respect to any application, proposed land use or development that is subject to this moratorium.

Section 6. Enforcement:

This local law shall be enforced by the Code Enforcement Officer of the Town of West Bloomfield or such other individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual to advise the Town Board of all matters pertaining to the enforcement of this local law and to keep all records necessary and appropriate to such enforcement.

Section 7. Violations:

Any person, firm, entity or corporation violating any of the provisions of this local law shall be guilty of an offense and upon convictions thereof, shall be subject to civil penalties in the amount of one thousand dollars (\$1,000.00) for each day such violation exists and/or an action for injunctive or equitable relief.

Section 8. Supersession:

To the extent that this local law is inconsistent with any state statute or regulation, it is the intent of this law to supersede such status or regulations. This supersession applies with respect to: (i) Town Law §268 regarding the imposition of civil penalties; (ii) Town Law §276 with respect to the time frames for processing subdivision application; (iii) Town Law §274-a with respect to the procedures and time frames for processing applications for site plan review, (iv) Town Law §274-b with respect to the procedures and time frames for processing applications for special use permits.

Section 9. Severability of Provisions:

Should any section or provision of this local law be declared null, void, voidable, or invalid, such finding shall not affect the validity of the remaining portions of this local law.

Section 10. Effective Date:

This local law shall take effect upon filing with the Secretary of State of New York.