

# PUBLIC HEARING

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON MARCH 15, 2017 AT 7:00 P.M.

RESOLUTION #6-58/2017

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Breese

WHEREAS, the Henrietta Town Board has previously found and continues to find that the Town has experienced significant new development of multiple dwelling facilities over the recent past and continues to receive more interest for additional development of multiple dwelling facilities, and

WHEREAS, the Town has noted the high volume and short timeframe in which new multiple dwelling facilities have been developed in combination with continued interest of further development of multiple dwellings, and would like to continue to examine the potential impacts thereof, including: how said development impacts the character of the neighborhood and the Town at large, the traffic impacts of the same, the impacts on the Town's utility and public infrastructure, and any other relevant and related impacts, and

WHEREAS, in connection with the examination of said potential impacts, on November 2, 2016 the Town Board implemented a six month moratorium on Multiple Dwellings, and

WHEREAS, since that time, the Town has established a committee to study and examine Multiple Dwellings, which committee has been meeting regularly, and

WHEREAS, the committee and the Town requires additional time to complete its studies and analysis on Multiple Dwellings in the Town of Henrietta, and

WHEREAS, while the Town considers the aforementioned impacts, the Town Board finds that any additional development of multiple dwellings should continue to be prohibited for a temporary period of time until completion of said studies, in order to protect the health, safety and welfare of the Town of Henrietta, and

WHEREAS, therefore, the Town Board seeks to continue and extend the moratorium on Multiple Dwellings for an additional 9 months, terminating on February 2, 2018.

THEREFORE, BE IT RESOLVED, by the Henrietta Town Board, that a Public Hearing shall be had on the 5<sup>th</sup> day of April, 2017 at 7:00 p.m., for the purpose of adopting a Local Law, a copy of which is attached hereto, to continue the temporary moratorium on the new development of multiple dwellings.

BE IT FURTHER RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

BE IT FURTHER RESOLVED, that a copy of said proposed Local Law be referred to the Monroe County Planning Board.

Duly put to a vote:

Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Councilman Adair	voting	Aye
Supervisor Moore	voting	Aye

Carried

LOCAL LAW NO. \_\_\_\_ OF 2017 TO CONTINUE THE TEMPORARY MORATORIUM ON THE NEW DEVELOPMENT OF MULTIPLE DWELLINGS

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. \_\_\_\_ of 2017 of the Town of Henrietta to Continue the Temporary Moratorium on the New Development of Multiple Dwellings.

The purpose of this local law is to continue and extend the previously adopted moratorium in the Town of Henrietta in order to continue to temporarily halt the development of new multiple dwellings while the Town of Henrietta continues to examine and study the impacts of the development of multiple dwelling facilities. Such study and examination includes but is not limited to reviewing the impacts of additional multiple dwellings as well as the recent influx of a much greater number of new multiple dwelling facilities than the Town has historically experienced.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the Town of Henrietta has experienced significant new development of multiple dwelling facilities over the recent past and continues to receive more interest for additional development of new multiple dwelling facilities. The Town has noted the high volume and short timeframe in which new multiple dwelling facilities have been developed and would like to examine the potential impacts thereof in combination with further development of multiple dwellings, including: how said development impacts the character of the neighborhood and the Town at large, the traffic impacts of the same, the impacts on the Town's utility and public infrastructure, any other relevant and related impacts.

Since the implementation of this moratorium, the Town has established a committee to study the impacts and has hired a planning consultant to lead the committee. The committee has been meeting on a regular basis and will continue to meet until its study is complete.

While the Town considers the aforementioned impacts, the Town Board finds that any additional development of multiple dwellings should be prohibited for a temporary period of time until completion of said studies, in order to protect the health, safety and welfare of the Town of Henrietta.

## Section IV. Moratorium Provisions

### A. Definitions

Multiple Dwellings – Includes all lands, buildings, structures and facilities, or any part thereof, which comprise a “Multiple Dwelling” pursuant to the Henrietta Town Code, including per the definition of Multiple Dwelling at Section 295-2 of the Code: A building arranged, intended or designed to be occupied by three or more families living independently of each other. The definition in this moratorium shall additionally include any development of multiple dwellings which would be permitted under Sections 295-25[A](38) and 295-13 of the Henrietta Town Code.

### B. Moratorium

This legislation shall act to continue and extend the original moratorium on Multiple Dwellings first adopted by the Town Board on November 2, 2016 via Local Law No. 1 of 2016 (Resolution #21-209/2016). Under that previous legislation, the moratorium would expire on May 2, 2017.

This legislation extends and continues the moratorium for approximately nine additional months beyond the expiration of the original moratorium, so that the moratorium remains in place continually, with no interruption, as follows: The development, including the new construction, addition, or expansion of any Multiple Dwellings shall be prohibited within the Town of Henrietta until February 2, 2018. Notwithstanding the foregoing, the length of this Moratorium may be modified by the subsequent repeal or amendment of this law.

During the term of this moratorium legislation, 1) there shall be no granting or amendment of site plan approvals, subdivisions, special use permits or rezonings that would have the effect of the establishment or construction of any Multiple Dwellings, 2) the Town of Henrietta may refuse to review or accept applications involving the development of Multiple Dwellings and 3) the Town of Henrietta reserves the right to rescind any approvals issued in violation of this Local Law.

This Moratorium shall be applicable to any and all development of Multiple Dwellings occurring after the date of Monday, October 17<sup>th</sup>, 2016 at 12:00 p.m. Any development of Multiple Dwellings which has been approved or for which an active application has been submitted to the Town of Henrietta prior to such date shall not be subject to this Moratorium.

### C. Petition for Waiver

Any party considering itself disproportionately aggrieved by the Moratorium may apply to the Town Board for a waiver from the moratorium as set forth herein. Such disproportionate harm shall not be the mere delay in time in being permitted to make an application or operate a Multiple Dwelling development. The petitioning party must show good cause for said waiver founded upon clear and convincing evidence based upon the following factors:

1. Unnecessary and unique hardship to the petitioner, which hardship is substantially greater than any harm to the general public, including similarly situated persons who may otherwise wish to establish a Multiple Dwelling, resulting from the moratorium;
2. Adverse effect on the goals of the Town of Henrietta in maintaining the moratorium;
3. Whether the proposed Multiple Dwelling would be in harmony with the existing character of the community;
4. The proposed Multiple Dwelling's consistency with any interim findings or recommendations of the Town Board.

### C. Penalties

It shall be a violation of this Local Law to develop Multiple Dwellings in the Town of Henrietta during the Moratorium as established herein.

Any person, firm or corporation that violates this Local Law shall be subject to penalties and enforcement provisions as set forth in Section 66 of Chapter 295, entitled "Zoning," of the Henrietta Town Code.

### Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

### Section VI. Repeal, Amendment and Supersession of Other Laws

All other Ordinances or Local Laws of the Town of Henrietta which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

### Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Henrietta, shall take effect immediately.