



DIANE M. TERRANOVA  
*Town Clerk*

# Town of Lancaster

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January 22, 2024

General Code Publishers  
781 Elmgrove Road  
Rochester, New York 14624

**Re: Local Law No. 2 of 2024**  
Entitled "Moratorium Commercial Residential Development."

Ladies/Gentlemen:

Enclosed is a resolution adopted by the Town Board of the Town of Lancaster on January 16, 2024.

This resolution adopts Local Law No. 2 of the Year 2024 entitled "Moratorium Commercial Residential Development."

Sincerely yours,

OFFICE OF THE TOWN CLERK

Diane M. Terranova, R.M.C.  
Town Clerk

DMT/dm

Encl.

cc: T. Fowler, Town Attorney  
M. Fischione, Code Enforcement Officer

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR LEARY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER BURKARD, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws; and

**WHEREAS**, a proposed Local Law of the year 2024 revising the Town of Lancaster Code to establish a one-year moratorium on applications, approvals and construction of commercial residential development was introduced to the Town Board of the Town of Lancaster by then Council Member Leary on the 18<sup>th</sup> of September, 2023; and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act ("SEQRA") has determined the action is a Type 2 action and has issued a negative declaration; and

**WHEREAS**, the Town Board called for, noticed, and held public hearings on the proposed Local Law on October 16, 2023 and December 4, 2023, where all interested parties were allowed to address the proposed Local Law.

**NOW, THEREFORE,**

**BE IT RESOLVED**, by the Town Board of the Town of Lancaster

that:

1. The attached Local Law No. 2 of 2024 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER SCHROEDER	WAS ABSENT
COUNCIL MEMBER STUDLEY	VOTED YES
SUPERVISOR LEARY	VOTED YES

January 16, 2024

**LEGAL NOTICE**

**NOTICE OF ADOPTION**

**LOCAL LAW NO. 2 OF THE YEAR 2024**

**TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on January 2, 2024, **Local Law No. 2** of the Year 2024, which amends the Town of Lancaster Code to establish a one-year moratorium on applications, approvals, and construction of commercial residential development. Copies of the revised Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours and on the Town of Lancaster's website, <http://www.lancasterny.gov>. All interested members of the public shall be heard.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA**  
Town Clerk

January 18, 2024

**Town of Lancaster**  
**Local Law # 2 of 2024**

**A Local Law Establishing a One Year Moratorium on Applications, Approvals and Construction of Commercial Residential Development**

**Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

**SECTION I. PURPOSE AND INTENT.**

The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Lancaster and to maintain the status quo as to certain commercial residential development in the Town, as the current zoning regulations of the Town of Lancaster do not adequately address this use. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy, and approvals for certain commercial residential development land uses, including but not limited to apartment building complexes. The moratorium is for a period of one (1) year, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Lancaster Zoning Code and the Town of Lancaster Master Comprehensive Plan concerning this use.

**SECTION II. LEGISLATIVE FINDINGS.**

The Town of Lancaster Town Board does hereby find that the Town has experienced significant and rapid growth, and appropriate measures must be taken to secure a temporary reasonable halt on certain permits, certificates of occupancy and approvals for commercial residential development within the Town to protect the public interest. If a temporary halt of such uses is not imposed, there is a potential that such uses could be located in unsuitable areas within the Town or on lots without adequate dimensional regulations in place. In addition, a temporary halt on such uses is imperative for the Town to address issues related to such uses, such as adequate water supply and sewer capacity, potential road improvements and the continued maintenance of green spaces. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

**SECTION III. MORATORIUM IMPOSED; APPLICABILITY.**

For a period of one (1) year following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to commercial residential development, including but not limited to, apartment complexes. This moratorium shall not apply to any project that has received all discretionary approvals necessary from the Town Board as required under the Town Zoning Code prior to the effective date of this Local Law.

The term "commercial residential development land uses" shall be broadly interpreted to encompass any development of residential housing facilities, including but not limited to major residential subdivisions, apartment complexes, condominium buildings, townhome communities, and other residential home subdivisions and developments. Not included within the scope of this moratorium is the development of commercial businesses in districts zoned for business uses or minor subdivisions of personally owned land. This moratorium does not prohibit applications for structures such as fences, pools, sheds and the like on land owned personally by Town residents.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Lancaster.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Lancaster Zoning Code and the Town of Lancaster Master Comprehensive Plan. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued which would authorize development within the Town for land uses relating to commercial residential development, as described above.

**SECTION IV. TERM.**

This moratorium shall be in effect for a period of one (1) year from its effective date. This term may be extended for a cumulative period of up to an additional one (1) year, if necessary, by resolutions of the Town Board.

**SECTION V. EFFECT ON OTHER LAWS.**

To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

**SECTION VI. VARIANCE.**

An application for a variance from the terms of this moratorium may be submitted, with a \$150 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Lancaster, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

**SECTION VII. ENFORCEMENT.**

This Local Law shall be enforced by the Code Enforcement Officer of the Town of Lancaster, 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 VIII. SEVERABILITY.**

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**SECTION IX. EFFECTIVE DATE.**

This Local Law shall take effect upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.