

Local Law Filing

(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.

County City Town Village
(Select one.)

of Wheatfield

Local Law No. 1-2024 of the year 2024

A local law A Local Law Establishing a Six Month Moratorium With an Option to Extend up to Another
(Insert Title)
Six Months on Applications and Approvals of Major Residential Subdivisions in the Town
of Wheatfield.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Wheatfield as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Town of Wheatfield
Local Law # 1 of 2024

A Local Law Establishing a Six-Month Moratorium with an Option to Extend up to Another Six Months on Applications and Approvals of Major Residential Subdivisions in the Town of Wheatfield

Be it hereby enacted by the Town Board of the Town of Wheatfield 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 Wheatfield. Certain residential development types (Major Subdivisions) in the Town are creating problems that the current zoning and design regulations of the Town of Wheatfield do not adequately address. This moratorium will temporarily stop the processing of applications for and the issuance of subdivision approvals for major subdivisions as defined in the Town Code. The moratorium is for a period of six (6) months with an option to extend the moratorium up to an additional six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Wheatfield Zoning Code, Subdivision law and other development requirements.

SECTION II. LEGISLATIVE FINDINGS.

The Town of Wheatfield Town Board does hereby find that the Town has experienced significant residential growth and problems primarily due to flooding, and appropriate measures must be taken to secure a temporary reasonable halt on major subdivision approvals within the Town to protect the public interest. If a temporary halt of such approvals is not imposed, there is a potential that such uses could be located in unsuitable/wet areas within the Town, be designed to make drainage problems worse or on lots without adequate dimensional regulations in place. By maintaining the status quo regarding such uses, the Town Board would not provide for the planned orderly growth and development of the Town.

SECTION III. MORATORIUM IMPOSED: APPLICABILITY.

For a period of six (6) months, with an option for up to an additional six (6) month extension following the effective date of this Local Law, no applications may be processed, or approvals granted for any major subdivisions. This moratorium shall not apply to any project that has received Preliminary Plat approval as required under the Town Code prior to the date of the resolution (2/12/24) calling the public hearing on this local law

The term "major subdivision" shall be as defined in the Wheatfield Town Code. Not included within the scope of this moratorium is the development of commercial businesses, mixed use buildings, residential development not requiring major subdivision approval or minor subdivisions.

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 approval of a Major Subdivision in the Town of Wheatfield.

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 Wheatfield Town Code (Subdivision, Zoning and other Town regulations pertaining to major subdivisions). During the period of the moratorium, no applications will be accepted for Major subdivisions or to continue processing a subdivision application that has not received Preliminary Plat approval by 2/12/24.

SECTION IV. TERM.

This moratorium shall be in effect for a period of six (6) months from its effective date. This term may be extended for a cumulative period of up to an additional six (6) months, 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, subdivision, 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 relief from the terms of this moratorium may be submitted, with a \$500 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of NYS Town Law and the Zoning Code of the Town of Wheatfield, such relief requests shall be considered by the Town Board in accordance with the requirements for a rezoning.

SECTION VII. ENFORCEMENT.

This Local Law shall be enforced by the Code Enforcement Officer of the Town of Wheatfield, 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.

(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. 1-2024 of 20 24 of the ~~(County)(City)(Town)(Village)~~ of Wheatfield was duly passed by the Town Board on March 18 20 24, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

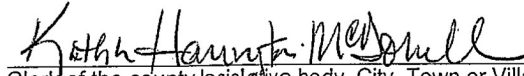
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 22, 2024

(Seal)