

Local Law No. \_\_\_ of 2020

A local law establishing a moratorium on residential subdivisions within the  
Conservation Residential Zoning District of the Town of  
Clifton Park

Regulation approved on \_\_\_\_\_, 2020 for a period of 6 months from the  
effective date hereof

**SECTION I. SHORT TITLE.**

This local law shall be cited as Local Law # \_\_\_\_\_ of 2020 or the  
Clifton Park Conservation Residential (CR) Moratorium of 2020.

**SECTION II. LEGISLATIVE FINDINGS AND INTENT.**

In 2005, the Town of Clifton Park implemented Conservation Residential Zoning Regulations, which regulated all subdivisions within the Town's newly adopted CR Zoning District. The establishment of the CR District was supported by the Statement of Findings contained with the Town's Western Clifton Park Land Conservation Plan & Generic Environmental Impact Statement, adopted by the Town Board on April 11, 2005. Pursuant to the State Environmental Quality Review Act (SEQR), the Town Board prepared a Generic Environmental Impact Statement (GEIS) to evaluate the cumulative impacts of future development in the Study Area to identify appropriate mitigation to ensure orderly and equitable growth. The findings of the GEIS concluded that the level of residential and commercial development at that time was inconsistent with the rural uses envisioned for the area, and that current Zoning would result in a pattern of suburban development and associated impacts similar to those in the eastern portion of the Town. This was determined to be inconsistent with the best interests of the community, and the Town Board authorized the initiation of a public

planning process to analyze land uses and consider alternative build-out scenarios. That planning process resulted in the creation of a land use vision for the Town in the form of a Land Conservation Plan for Wester Clifton Park, and the preparation of new land use regulations and design guidelines consistent with that vision.

The Conservation Residential, (CR) Zoning District was enacted on May 9, 2005 through Local Law No. 5 of 2005. The zoning law's purpose was to promote the health, safety and welfare of the community, and in particular, to:

- Provide & maintain land area to promote and support ongoing open space and agricultural uses and activities to sustain the rural character of a predominately natural, agricultural and low intensity residential setting.
- Protect and enhance
  - Rural character
  - Natural & scenic qualities of open space
  - Agricultural Heritage
- Provide for well planned new development that complements the traditional settlement pattern within Western Clifton Park
- Protect the economic base and quality of life for all residents within Western Clifton Park.

Fifteen Years after the adoption of CR Zoning, the Town Board, in response to concerns voiced by residents of the Town of Clifton Park regarding maintenance of the rural character of the Town and continued preservation of open space therein, desires to once again undertake review of the primary study area and the existing CR Zoning Law and determine whether it currently addresses the needs of the community. In order to achieve this goal, and properly balance the interest of land owners to develop their property according to the established zoning and the interests of the Town to control

and steer land use in a direction that benefits the community as a whole, the Town Board resolved to undertake a comprehensive planning process that would result in appropriate updates to the GEIS with:

- Update Land Conservation Plan Mapping
  - Agricultural & Open Space Resources
  - Existing Protected Open Space
  - Nature Preserves
  - Land Conservation Zones
  - Potential Future Park, Nature Preserves & Contiguous Open Space Habitat.
- Evaluate the current build-out scenario status of viable land use within Western Clifton Park
- Develop a public consensus on current land use vision and future land use for Western Clifton Park
- Update Mitigation Cost Schedule
- Update Use of Open Space Fund

Based on the outcomes of the analysis the Town Board may choose to modify existing planning and land use mechanisms for preservation of open space and agricultural uses in coordination with encouraging economic growth at a sustainable level within the Conservation Residential Zoning District.

In order to consider appropriate updates to the Western Clifton Park GEIS and related amendments to the current CR Zoning, Town Board requires adequate time to conduct the necessary studies and evaluations, meet with professional consultants, and draft a proposal to be considered by the residents of the Town.. Therefore, the Town Board finds and determines that

a moratorium on all residential subdivisions within the existing Conservation Residential Zone is in the public interest, to allow adequate time to consider relevant updates to the Western Clifton Park GEIS and related zoning regulations.

### **SECTION III SCOPE OF CONTROL**

- (a) For a period of 6 (six) months from the effective date of this ordinance, no new application for a residential subdivision located in the Conservation Residential Zoning District, as the same is defined in the Land Subdivision Regulations of the Town of Clifton Park, shall be accepted. by any board with appropriate authority in the Town including the Town Board, Planning Board or Zoning Board of Appeals. Pending applications, filed on or before March 9, 2020 will proceed under previously existing regulations.
- (b) Existing Parcels within the CR Zoning District that conform with the standards of the CR Zoning District may still be developed to contain one single-family house per lot. An existing parcel of land with 6 (six) acres of unconstrained land may apply for a Special Use Permit for the construction of a two-family dwelling.
- (c) Effective Date: This local Law applies to all Subdivision Applications, not filed with the Town Planning Department, determined by the Department to be complete applications, on or before 5:00 P.M. on March 9, 2020.

- (d). Each and every time period regulation and all default provisions otherwise applicable to the development, permits and/or approvals is hereby suspended and temporarily superseded by this Local law including but not limited to Section 276 of the New York State Town Law, during its period of effectiveness.
- (e) The jurisdiction of the Zoning Board of Appeals to act pursuant to Section 267-b of the New York State Town Law relative to relief from this Local Law is hereby suspended and temporarily superseded by this Local law for the purposes of any application for relief from this enactment during its period of effectiveness.

#### **SECTION IV APPEAL PROVISIONS**

The Town Board retains the power to vary or modify the application of any provision of this local law upon its determination, in its legislative discretion, after public hearing on notice, that this local law would impose extraordinary hardship upon a landowner, and that a variance from this act will not adversely affect the health, safety and general welfare of the town. Any request for an exception or variance shall be filed with Town Board, through the Town Clerk, and shall include a fee of one hundred dollars (\$100.00) for the processing of such application. All such applications shall be reviewed by the Town Board for a public hearing and final decision on the appeal for relief. Any relief shall be granted through amendments to this local law.

## **SECTION V PENALTIES**

Any person, firm, entity or corporation that shall violate the terms and provisions of this Local Law shall be subject to a penalty in the amount of one thousand dollars (\$1000.00) for each day such violation shall exist.

## **SECTION VI VALIDITY**

The invalidity of a word, section, clause, paragraph, sentence, or part of provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

## **SECTION VII SUSPENSION OF OTHER LAWS**

All state statutes and local ordinances or laws in conflict with the provisions of this local law are hereby superseded and suspended during the effective period of this local law as necessary to give this local law full force and effect during its effective period.

## **SECTION VIII EFFECTIVE DATE**

This law shall take effect immediately as provided by the law, upon filing with the Secretary of State and shall remain in force and effect for a period 6 (six) months from its effective date, until September 9, 2020.