

Local Law No. ___ of 2018
Town of Romulus, County of Seneca

A Local Law Imposing a Temporary Moratorium on Zoning Board of Appeals Approvals

Be it enacted by the Town Board of the Town of Romulus as follows:

Section 1. Title

This Local Law shall be referred to as the "Local Law Imposing a Temporary Moratorium on Zoning Board of Appeals Approvals."

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Romulus (hereinafter the "Town") to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Romulus hereby declares a temporary six month moratorium on all projects requiring approval of the Zoning Board of Appeals (ZBA).

The Town has recently had some members of the ZBA resign, resulting in the ZBA having less than a quorum of the full board. The ZBA is unable to function with this level of membership. The Town Board is in the process of identifying and appointing new members. These new members would then require training in order to make the ZBA truly functional.

Section 3. Scope of Controls

During the effective period of this Local Law the Town will not issue any building permits or certificates of occupancy for any project that requires ZBA approval under any provision of the Town Code. The Town Board of the Town reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 4. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law unless terminated sooner by the Town Board.

Section 5. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law, which can be given in effect without such invalid provision.

Section 6. Hardship.

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the Official Newspaper of the Town. At said Public Hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 7. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.