

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE
ADOPTING LOCAL LAW NO. 5 OF 2014 ESTABLISHING A MORATORIUM ON
THE PROCESSING OF CERTAIN LAND USE APPLICATIONS AND ON THE
ISSUANCE OF CERTAIN LAND USE APPROVALS AND ZONING PERMITS
EXCLUSIVE OF PUD APPROVALS, FOR MULTI-FAMILY RESIDENTIAL,
COMMERCIAL OR INDUSTRIAL DEVELOPMENTS IN THE TOWN OF TYRE**

WHEREAS, the Town of Tyre (the "Town") recently adopted a Comprehensive Plan which identified certain weaknesses in the Town's existing land use regulations, including the absence of site plan and subdivision regulations; and

WHEREAS, the lack of subdivision and site plan regulations in the Town leave the Town without any influence over subdivision or development projects and with no official way to address the potential impacts associated with land use developments such as surface water runoff, lighting, water usage, sewage disposal, conversion of farmland, traffic, noise, etc.; and

WHEREAS, the lack of adequate water and sewer services impact the potential for both commercial and residential development; and

WHEREAS, to address the weaknesses identified by the Comprehensive Plan, the Town is considering the adoption of site plan and subdivision regulations; and

WHEREAS, the Town will require a period of time to consider the appropriate regulatory language and procedures for both site plan and subdivision review; and

WHEREAS, the Town has received an application for a multi-family residential development and it anticipates other applications for commercial and residential development being filed in the near future; and

WHEREAS, the Town wishes to ensure that it has the opportunity to adequately plan and prepare for such development; and

WHEREAS, the Town finds it necessary to adopt the moratorium imposed by this Local Law in order to preserve the status quo while the terms of such local laws are being studied and until the laws can be drafted and adopted pursuant to procedures set forth in the Municipal Home Rule Law; and

WHEREAS, at its duly noticed regular meeting on August 21, 2014, Local Law No. 5 of 2014 entitled, "ESTABLISHING A MORATORIUM ON THE PROCESSING OF CERTAIN LAND USE APPLICATIONS AND ON THE ISSUANCE OF CERTAIN LAND USE APPROVALS AND ZONING PERMITS EXCLUSIVE OF PUD APPROVALS, FOR MULTI-FAMILY RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENTS IN THE TOWN OF TYRE" was introduced; and

WHEREAS, to address comments and questions raised during the August 21, 2014 meeting, a second draft of the proposed Local Law No. 5 of 2014 was introduced at a duly noticed special meeting of the Town Board held on September 11, 2014; and

WHEREAS, the adoption of Local Law No. 5 of 2014 establishing a moratorium is a Type II action under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617, and more specifically, 6 NYCRR § 617.5(c)(30), therefore, no further environmental review is required; and

WHEREAS, at its duly noticed regular meeting on September 11, 2014, the Town Board referred proposed Local Law No. 5 of 2014 to the Seneca County Planning Board pursuant to General Municipal Law Section 239-m and to the Town of Tyre Planning Board and the Town of Tyre Zoning Board of Appeals pursuant to the Town of Tyre Zoning Law; and

WHEREAS, on October 9, 2014, the Seneca County Planning Agency recommended that the Town Board approve proposed Local Law No. 5 of 2014; and

WHEREAS, on September 23, 2014, the Town of Tyre Planning Board recommended that the Town Board approve proposed Local Law No. 5 of 2014; and

WHEREAS, on October 7, 2014, the Town of Tyre Zoning Board of Appeals recommended that the Town Board approve proposed Local Law No. 5 of 2014; and

WHEREAS, on October 16, 2014, the Town Board held a properly noticed public hearing with respect to proposed Local Law No. 5 of 2014 and heard public comments thereon; and

WHEREAS, proposed Local Law No. 5 of 2014 was posted on the Town's web site in advance of the October 16, 2014 public hearing; and

WHEREAS, the Town Board considered all of the comments that were received during the public hearing and at meetings at which proposed Local Law No. 5 of 2014 was considered; and

WHEREAS, the Town Board considered the recommendations of the Seneca County Planning Board, the Town of Tyre Planning Board and the Town of Tyre Zoning Board of Appeals; and

WHEREAS, proposed Local Law No. 5 of 2014 in its final form was delivered to the members of the Town Board at least 10 calendar days, exclusive of Sunday, before the Town Board's October 16, 2014 meeting where it will act on the proposed legislation; and

NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board finds that the adoption of Local Law No. 5 of 2014 is consistent with the goals of the Town's Comprehensive Plan because it will allow the Town to preserve the status quo while considering the appropriate regulatory language and procedures for both site plan and subdivision regulations.

IT IS HEREBY FURTHER RESOLVED, that the Town Board, by roll call vote, adopts Local Law No. 5 of 2014.

IT IS HEREBY FURTHER RESOLVED, that the Town Board directs the Town Clerk to publish a summary of and to file Local Law No. 5 of 2014 with the New York State Secretary of State and to maintain copies of Local Law No. 5 of 2014 in the Office of the Town Clerk in files that are readily accessible to the public and made available upon request, subject only to the limitations established by the Freedom of Information Law.

The adoption of the foregoing Resolution was moved by Councilman Rogers, seconded by Councilman Delpapa, and duly put to vote, which resulted as follows:

	Yea	Nay	Abstain	Absent
Supervisor Ronald F. McGreevy	[x]	[]	[]	[]
Councilman Joseph Delpapa	[x]	[]	[]	[]
Councilman James Rogers	[x]	[]	[]	[]
Councilman Reginald Aceto	[x]	[]	[]	[]
Councilman Thomas Thomson	[x]	[]	[]	[]

The Resolution was thereupon duly adopted.

Dated: October 16, 2014