



**GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION**

GCDP Referral ID **T-04-ALA-5-17**

Review Date **5/11/2017**

Municipality
Board Name
Applicant's Name

ALABAMA, T.

TOWN BOARD

Town of Alabama

Referral Type
Variance(s)
Description:

Zoning Text Amendments

Zoning Text Amendments to extend a moratorium that prohibits commercial development outside the Commercial (C) District for an additional 12 months (4th extension).

Location
Zoning District

Entire Town of Alabama

All Districts except the Commercial (C) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed moratorium should pose no significant county-wide or inter-community impact. The moratorium appears to meet the intent of the municipality to have enough time to study and draft changes to their Zoning Law to protect the health, safety and welfare of the community.

Director

May 11, 2017

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404

DEPARTMENT USE ONLY:
GCDP Referral # T-04-ALA-5-17



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED

APR 17 2017

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N Genesee County Department of Planning
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Town of Alabama

Address 2218 Judge Road

City, State, Zip Oakfield, NY 14125

Phone (585) 948-9341 Ext. _____

2. APPLICANT INFORMATION

Name Town of Alabama

Address 2218 Judge Road

City, State, Zip Oakfield, NY 14125

Phone (585) 948-9341 Ext. _____ Email dsage4@rochester.rr.com

MUNICIPALITY: City Town Village of Alabama

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|---|---|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input checked="" type="checkbox"/> Other: <u>Local Law</u> | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address Town Wide

B. Nearest intersecting road _____

C. Tax Map Parcel Number _____

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) All Districts except Commercial (C)

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

NO YES If yes, give date and action taken 4/14/16 LL1-2016

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

C. Please describe the nature of this request Extending Local Law 1-2013 Commercial Development Moratorium for an additional 12 months. Fourth extension. Town nearing completion of Comp. Plan and zoning amendments.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|---|
| <input type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Copy of proposed law.</u> |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Janet Sage Title Supervisor Phone (585) 948-9341 Ext. _____

Address, City, State, Zip 2218 Judge Road, Oakfield, NY 14125 Email dsage4@rochester.rr.com

LOCAL LAW NO. 4 OF THE YEAR 2017

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| SECTION I | SHORT TITLE |
| SECTION II..... | LEGISLATIVE FINDINGS |
| SECTION III..... | SCOPE OF CONTROL |
| SECTION IV..... | APPEAL PROVISIONS |
| SECTION V..... | PENALTIES |
| SECTION VI..... | VALIDITY |
| SECTION VII..... | EFFECTIVE DATE |

SECTION I

SHORT TITLE

This Local Law shall be known as LOCAL LAW NO. 4 OF 2017, of the TOWN OF ALABAMA COMMERCIAL DEVELOPMENT MORATORIUM LAW OF 2017.

SECTION II

LEGISLATIVE FINDINGS

In June of 1987 the Town Board of the Town of Alabama adopted a new Zoning Law and Zoning Map which divided the Town into the following districts:

1. Residential,
2. Agricultural-Residential,
3. Commercial, and
4. Industrial.
5. Land Conservation
6. Flood Plain Overlay

7. Planned Unit Development

The vast majority of land in the Town of Alabama is situated in an Agricultural-Residential district. The Town's Zoning Law states in Section 501 that an Agricultural-Residential District is designed to accommodate primarily agricultural uses in order to preserve the Town's agricultural base and to maintain its rural nature, but that residential uses are permitted therein. The said Section further states that it is recognized, however, that agricultural and residential uses have a number of inherent conflicts. The individuals who plan to develop residential uses within an Agricultural-Residential District should be both aware of such inherent conflicts and that residences are a secondary use.

Consequently, the said Zoning Law adopted by the Town of Alabama in June of 1987 explicitly states that the primary resource in the Town is agricultural and that it is the desire of the Town to preserve its agricultural nature.

Since the adoption of the said Zoning Law and the recent adoption of the Incentive Zoning Agreement providing for the location of the Science Technology and Advanced Manufacturing Park ("STAMP"), within the Town, persons and entities both within and outside the Town of Alabama have expressed a desire to establish new commercial developments within the Town, outside of its Commercial District, surrounding the Technology Districts established to accommodate the STAMP site. The Town has no regulation sufficient to control the orderly development of such new commercial developments, and the Town Planning Board will begin studying this matter at the request of the Town Board for the purpose of proposing commercial development regulations and related land use controls to insure the orderly development of new commercial uses in the Town surrounding the STAMP Technology Districts.

The adverse effects upon commercial developments resulting from normal adjoining agricultural operations include:

1. Odors that emanate from both animals and crop residue.
2. Noise caused by agricultural uses, including animals and the operation of farm machinery, especially during planting, growing, and harvesting seasons.
3. Traffic delays and tie-ups caused by slow moving, large, agricultural machinery.
4. Significant amounts of dust which occur during the planting, cultivating and harvesting seasons.

5. Mud which is brought onto highways and streets by farm machinery.
6. Potential pollution caused by agricultural operations, including polluted run-off water, both above ground and underground from manure, feed storage areas, fertilizers, pesticides, soil erosion and wash water along with aerial applications of pesticides.

Adverse effects upon agricultural from adjoining commercial developments includes;

1. Potential pollution resulting from septic system overflow
2. Excessive lawn treatments.
3. Increased traffic.
4. Storm water runoff from hard surfaces.
5. Altered drainage patterns.
6. Salt runoff from road and parking lots impacting soil quality.
7. Noise and Air pollution from increased traffic.

A number of residents of the Town of Alabama have expressed concern as to the impact significant commercial development outside the STAMP project area would have upon the quality of life in the Town, including the adequacy of water supplies, fire and emergency services, garbage collection and sewage treatment, and increased traffic upon the roadways within the Town.

The present study being carried out by the Town of Alabama Planning Board includes analysis of population density within the Town, the protection, conservation and appropriate use of water supplies, the adequacy of, and planning for garbage and sewage disposal, the planning for and mitigation of traffic impacts, and the preservation of the quality of life in the Town.

The public health, safety and general welfare of the residents of the Town of Alabama requires that the present efforts of the Planning Board proceed in a cautious and thorough manner so that reasonable commercial development regulations and related land use controls are developed and adopted by the Town Board. During the interims, however, the carrying out of commercial development would impede the Town in its effort to reasonably regulate the impact of such development within the Town. The Town Board, therefore, finds it necessary to adopt a reasonable interim local law to prohibit such new commercial development of real property surrounding the STAMP project area, excluding the

Town's Commercial District, during the time that the Town's Planning Board is conducting its study and making recommendations to the Town Board.

SECTION III

SCOPE OF CONTROL

For a period of twelve months from the effective date of this Local Law no lot of record in existence, outside of the STAMP project area, in the Town of Alabama as of the effective date of this Local Law shall be developed for commercial use outside of the Town's established Commercial District. Further, for a period of twelve months from the effective date of this Local Law, no lot of record created after the effective date of this Local Law shall be developed for commercial use outside of its Commercial District.

Commercial development of existing lots in areas currently zoned commercial are specifically excluded from this moratorium.

SECTION IV

APPEALS PROVISIONS

The Town Board shall have the power to vary or modify the application of any provision of this Local Law upon its determination, in its absolute legislative discretion, after public hearing on reasonable prior 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 the Town Supervisor, or his designee, and shall include a fee of One Hundred Forty Dollars (\$140.00) for the processing of such application. All such applications shall be promptly referred to the Planning Board for a hearing and recommendation, and shall thereafter be remanded to the Town Board for a public hearing and final decision.

SECTION V

PENALTIES

Any person, firm entity or corporation which develops land for commercial purposes in violation of the provisions of this Local Law shall be guilty of a misdemeanor and subject to a civil penalty in the amount of Five Hundred and no/100 Dollars (\$500.00), or thirty (30) days imprisonment, or both. Each week's continued violation after notice shall constitute a separate, additional violation.

SECTION VI

VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Local Law or the application thereof to any other person or circumstance.

SECTION VII

EFFECTIVE DATE

This Local Law shall take effect after it has been filed with the New York Department of State. It will remain in effect for a period of twelve months from the effective date.