

Draft Resolutions - 3/16/2023

1) Revised Organizational Resolutions – Resolved, that the Organizational Resolutions dated March 16, 2023 which include proposed changes to the membership and leadership of the Conservation Advisory Council are approved as presented.

2) ZEO/CEO Conference – Resolved, that the Town Supervisor is authorized to reimburse the ZEO/CEO for attendance at the 2023 ZEO/CEO conference at a cost not to exceed \$1500.

3) Town Clerk Conference – Resolved, the Town Clerk is authorized to attend the 2023 Town Clerk conference at a cost not to exceed \$1500.

4) Local Law #2 of 2023: A resolution adopting Local Law No. 2 of 2023, “A Local Law Establishing a Temporary Moratorium on Certain Applications for the Approval of Building Permits, Abbreviated Site Plan Approval, Site Plan Approval and Special Use Permits Related to Hospitality-Related Land Uses That Are Pending or May Be Subsequently Filed with the Town of Ancram.”

Whereas:

1. New legislation, introduced to the Town Board in January 2023 as proposed Local Law No. 1 of 2023, and then subsequently renamed as Local Law No. 2 of 2023, establishes a temporary moratorium on certain applications for the approval of building permits, abbreviated site plan approval, site plan approvals and special use permits related to hospitality-related land uses that are pending or may be subsequently filed with the Town of Ancram pursuant to either Article VI (Special Use Permits) or Article VII (Site Plan Review) of the Town of Ancram Town Zoning Law.
2. Proposed Local Law No. 2 of 2023 is an appropriate mechanism for addressing long-range community planning and zoning objectives.
3. Consistent with New York State court cases holding moratoria to be lawful, the Town of Ancram’s proposed moratorium on certain hospitality uses meets the five key elements requisite:
 - a. It establishes a reasonable time frame to allow the Town of Ancram Zoning Revisions Committee (ZRC) and the Town Board to review and update, as necessary, hospitality-related zoning standards (9 months).
 - b. It articulates a valid purpose justifying the moratorium (The Town has recently seen increases in interest in developing land for hospitality-related uses for commercial purposes and a recognition that the Town’s Zoning Law needed improvement, clarity, definition and changes to ensure hospitality-uses are consistent with Ancram’s updated Comprehensive Plan).
 - c. It establishes that the burden imposed by this moratorium is being shared substantially by the public at large (the moratorium affects the majority of public and not visited upon a minority of landowners).
 - d. The adoption of this moratorium strictly adheres to the procedures for the enactment of local laws pursuant to the New York State Municipal Home Rule Law (including newspaper notice of the public hearing, public posting, county referral, and filing).
 - e. It has a time certain for expiration of the moratorium [nine (9) months from the effective date of the law, with two additional periods of six (6) months if there is a necessity for such extension].
4. In 2019, pursuant to the authority granted in New York State Town Law § 272-a, the Town of Ancram adopted an updated Comprehensive Plan. That Plan sets forth Ancram’s vision for its future, and the blueprint for how the Town should grow and how Ancram should preserve the characteristics and qualities of the Town so valued by Town residents. The Comprehensive Plan consists of materials, written and/or graphic, including, but not limited to, maps, charts, elements, appendices and other descriptive material. Section 272-a (11) of the Town Law requires, in relevant part, that all town land use regulations must be in accordance with an adopted Comprehensive Plan. This moratorium will allow the Town to review and update the Zoning Law, where needed, to ensure this consistency.
5. In addition to, and in confluence with, the implementation of the goals of the Town’s Comprehensive Plan, it is also the purpose of the proposed Zoning Law to exercise our Town’s right to protect our citizens by controlling the use of land so as to broadly protect the public health, safety and general welfare and to carry out locally established goals and objectives in accordance with a comprehensive plan designed to preserve

and protect, for the benefit of the town as a whole, the basically rural-agricultural character of the Town. This moratorium will allow the Town to review and update the Zoning Law where needed for the purpose of ensuring the public health, safety and general welfare of the Ancram Town community.

6. The Town Board has assigned the ZRC the task of conducting the review of the Zoning Law and the drafting recommended updates and revisions.
7. Adoption of moratoria is a "Type II Action" under the State Environmental Quality Review Act (SEQRA) regulations, which means that SEQRA does not apply to the adoption of moratoria [6 NYCRR § 617.5(c)(30)]. Consequently, the proposed adoption of a moratorium does not require a determination of significance or the preparation of any other SEQRA documents.
8. Pursuant to New York State Municipal Home Rule Law § 20, Local Law No. 2 of 2023 proposing a moratorium on certain hospitality-related uses was received by each member of the Town Board prior to this meeting. in its final form either: (a) upon the desks or table of the members at least seven (7) calendar days, exclusive of Sunday, prior to its final passage; or (b) mailed, in the manner prescribed by statute, to each of them at least 10 calendar days, exclusive of Sunday, prior to its final passage; or (c) e-mailed to the e-mail in-box of each of them in the Portable Document Format (PDF) at least 10 calendar days, exclusive of Sunday, prior to its final passage.
9. The Town Board previously directed that the proposed Local Law be referred to the Columbia County Planning Board for its review and for an advisory opinion pursuant to Section 239-m of the New York State General Municipal Law. The referral to the County was made in conformity with the applicable provisions of New York State General Municipal Law § 239-m and the County determined that adoption of this Local Law would not have any county-wide implications and thus approved the Local Law.
10. In accordance with New York State Municipal Home Rule Law § 20(5), the Town Board scheduled and held a properly noticed Public Hearing on the Proposed Local Law on February 16, 2023. The Town Board also posted a copy of the proposed Local Law on the Town's web site, and made a paper copy of the proposed Local Law available for review by the public at the Town of Ancram Town Hall, 1416 County Route 7, Ancram NY 12502.
11. The public offered no substantial comments and subsequently the Town Board prepared a final version of the proposed zoning amendments, attached as Amendment A to this resolution.

NOW THEREFORE, BE IT RESOLVED,

- Section A. That the Town Board hereby adopts Local Law No. 2 of 2023.
- Section B. That the Town Board directs the Town Clerk to inform the Columbia County Planning Board of its decision on such form as may be prescribed by the Columbia County Planning Board.
- Section C. That the Town Board directs the Town Clerk to file Local Law No. 2 of 2023, as adopted by the Town Board, with the New York State Department of State immediately.
- Section D. That the Town Board shall enter this law into the minutes of the Town Board and shall publish a summary or abstract of it once in the official newspaper of the Town.
- Section E. That the Town Board instructs the Town Clerk to maintain a file in her office in the Town Hall to contain all parts of this law and instructs the Town Clerk to ensure that all parts of the law be posted on the Town's website and that the Town Board cause affidavits of the publication and posting of the amendments be filed with the Town Clerk.

On a motion by:

And Seconded by:

Roll Call Vote of Resolution:	Aye	Nay	Absent/Abstain
Arthur Bassin, Supervisor	_____	_____	_____
Hugh Clark	_____	_____	_____

David Boice _____
Amy Gold _____
Bonnie Hundt _____

This resolution was filed in the office of the Town of Ancram Town Clerk on the ____ of _____, 2023 by Monica R. B. Cleveland, Town Clerk of the Town of Ancram.

Monica R. B. Cleveland, Town Clerk of the Town of Ancram

Annexed Documents:

Exhibit A: A Local Law Establishing a Temporary Moratorium on Certain Applications for the Approval of Building Permits, Abbreviated Site Plan Approval, Site Plan Approval and Special Use Permits Related to Hospitality-Related Land Uses That Are Pending or May Be Subsequently Filed with the Town of Ancram.

