

PENFIELD TOWN BOARD RESOLUTION NO. 23T- 052

DATE: January 18, 2023

BY: Councilman Drawe

Law & Finance Committee

NAME Adopt a Local Law to Modify the Previously Adopted "Mixed Use District Moratorium Law"

WHEREAS, the Town Board of the Town of Penfield previously adopted a Mixed-Use District Moratorium Law to allow for revisions to the existing Mixed-Use Development District regulations; and

WHEREAS, the Town needs additional time to finalize the proposed revisions to the existing regulations, requirements, considerations and procedures for application review within the Mixed-Use Development District; and

WHEREAS, the Town Board designated itself as the lead agency and classified the action is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), and no additional environmental review of this action is deemed necessary; and

WHEREAS, the Town Board conducted a public hearing on January 18th to hear all persons and parties interested in the matter.

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS:

Local Law No. 1 of 2023, set forth in attached Schedule A; and

BE IT FURTHER RESOLVED, after its adoption by the Town Board of the Town of Penfield, this local law shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

Moved: Drawe

Seconded: Kohl

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| Vote: | Cinti | <u>Absent</u> |
| | Drawe | <u>Aye</u> |
| | Kohl | <u>Aye</u> |
| | Lee | <u>Absent</u> |
| | Ockenden | <u>Aye</u> |

FILED
 PENFIELD, N.Y.
 2023 JAN 19 09:11:19
 ANY OTHER STATEMENTS
 TO THE CLERK

Schedule A

**Town of Penfield
Local Law No. 1 of 2023**

**A LOCAL LAW
TO AMEND AND EXTEND THE MIXED-USE DISTRICT MORATORIUM**

- Section 1.** Section 7 of the Mixed Use District Moratorium Law (the “Moratorium”), originally enacted as Local Law No. 2 of 2022, is hereby amended such that the Moratorium is extended through and until March 31, 2023, or until a duly enacted repeal of said Moratorium, as so extended, whichever shall first occur. All other provisions of the Moratorium shall remain in effect.
- Section 2.** If any word, phrase, sentence, part, section, subsection, or other portion of this Local law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.
- Section 3.** This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.