

**Town of Grand Island
Local Law No. 4 of 2024**

**A Local Law Establishing a Moratorium on Applications, Approvals, and/or Construction
or Installation on Uses in the B-1, B-2, B-3, CR, M-1, and M-2 Zoning Districts**

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

Section 1: Purpose and Intent and Legislative Findings. The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Grand Island and to maintain the status quo while the Town of Grand Island amends its comprehensive plan and undertakes the legislative process amending its present zoning regulations governing its commercial and business zoning districts. This moratorium allows for the submittal and processing of applications (including evaluation under the State Environmental Quality Review Act and referral to recommending bodies) to continue at the election and risk of the applicant, but it does not allow the issuance of any ministerial or discretionary permits, certificates of occupancy, and approvals for any land uses in the B-1, B-2, B-3, CR, M-1, and M-2 Zoning Districts, except as provided for in Section 3. The moratorium is for a period of six (6) months, subject to extension, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Grand Island Comprehensive Plan and Zoning Code concerning commercial uses in the Town and the size and scale thereof.

The Town of Grand Island Town Board hereby finds that the current Comprehensive Plan and zoning regulations do not adequately address the potential impacts from commercial development in the Town. This includes, but is not limited to, traffic impacts, impacts to the condition of roadways, noise, lighting impacts, air quality impacts, and drainage impacts. Specifically, the size of proposed developments and structures, as well as the intensity of the allowed uses in the respective zoning districts have not been adequately reviewed or evaluated in the Comprehensive Plan or the zoning regulations. For example, a recent traffic study for a mixed-use development found that significant physical upgrades were required to a major thoroughfare, even where the property was commercially zoned. Further, traffic corridors in the Town are controlled by the Town, County of Erie, and two State agencies, requiring coordination in planning efforts. Another recent study specifically identified the need for improvement at the intersection of state and local roads. Other issues where further research, evaluation, and regulation are necessary include parking requirements, sufficiency of surrounding infrastructure for development, including roads, water, and sewer, the existing community character, the need to incorporate mixed-use components into proposed commercial developments, aesthetic concerns, including architectural requirements for developments. At least one major undeveloped commercial site includes habitat of endangered species. Current plans have not included any evaluation of impacts from climate change, an important consideration for an island community. Without a temporary halt on the permitting, approval, and construction of such uses in the Town, the Town's zoning power, and ability to protect the health, safety, and welfare of the residents of the Town of Grand Island, would be frustrated.

Section 2: Moratorium Imposed; Applicability. For a period of six (6) months following the effective date of this Local Law, no permits, certificates of occupancy, approvals, variances,

denials, determinations or interpretations may be issued or granted for any land uses in the B-1, B-2, B-3, CR, M-1, and M-2 Zoning Districts, except as provided for in Section 3. Construction activity of any kind in furtherance of such land uses, except for those exceptions identified in Section 3, is hereby prohibited while this moratorium is in effect.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Architectural Review Board, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Grand Island.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Grand Island Comprehensive Plan and Zoning Code.

Section 3: Exemptions. This moratorium shall **not** apply to any land use where the gross floor area of all buildings on a parcel is less than or equal to 25,000 square feet.

Section 4: Term. This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional eight (8) months, if necessary, by resolutions of the Town Board.

Section 5: Effect on Other Laws. To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 6: Variance. An application for a variance from the terms of this moratorium may be submitted, with a \$500 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Grand Island, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

Section 7: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.