

PENFIELD TOWN BOARD RESOLUTION NO. 16T-062

DATE February 3, 2016

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing for Adoption of Local Law No. 1 of 2016 to be Known as "A
Local Law to Effect a Moratorium and Prohibition Within the Town of Penfield of Public Golf
Course Redevelopment

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2016 which would put into effect a moratorium and prohibition within the Town of Penfield of public golf course redevelopment on real property located within the Town of Penfield; and

WHEREAS, the Penfield Town Board is best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as "lead agency" pursuant to SEQRA; and

WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the said Town of Penfield shall hold a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 2, 2016, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2016 which would put into effect a moratorium and prohibition within the Town of Penfield of public golf course redevelopment to any uses other than golf courses, a copy of which is attached hereto and made a part hereof known as Schedule "A"; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the town, the first publication thereof to be not less than three (3) nor more than thirty (30) days before the date set for said hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Quinn

Seconded: Metzler

Vote: Kohl Aye

LaFountain Aye

Metzler Aye

Moore Absent

Quinn Aye

FILED
PENFIELD, N.Y.
2016 JAN 29 AM 10: 07
AMY M. STEKLOF
TOWN CLERK

Schedule "A"

Local Law No. 1 of 2016

Section 1. TITLE. This Local Law shall be known as the *Moratorium On and Prohibition Within the Town of Penfield of Public Golf Course Redevelopment Law*.

Section 2. PURPOSE, INTENT, AND FINDINGS.

The Town Board of the Town of Penfield is aware that there is considerable interest in the potential sale of the public golf courses known as Shadow Lake and Shadow Pines, properties which are more formally identified in Schedule "1", attached hereto and made a part hereof. The Board wants to make certain that any potential development of these properties is compatible with the needs of its town residents. The Board further believes that there is a need for a study of these properties to address issues that may be associated with potential high density residential development relating to existing local circumstances, potential impacts to roadways, sanitary and storm sewer capacity, drainage, environmental protection overlay districts (EPOD's), proximity to an active quarry, public safety and the school district and historic preservation. The purpose of this local law is to enable the Town of Penfield to pass a "stop gap" zoning measure for a reasonable time frame to preserve the status quo while the Town considers amendments to the Penfield Zoning Law to ensure that future development preserves the character and quality of life within Town of Penfield neighborhoods and to control and prevent potential harmful and adverse effects of the golf course redevelopment. This Moratorium and Prohibition applies to any other action other than for improvements to a public golf course and/or its appurtenant facilities.

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as negative impacts on roadways and traffic congestion and other deleterious impacts on a community.

FINDINGS OF FACT.

1. Penfield is a community in Monroe County that takes great pride in and assigns great value to its quality of life, and cultural, recreational, scenic and other natural resources.
2. Penfield, New York is a residential community of 34,000 with a small town atmosphere and abundant natural resources including vital waterways and hundreds of acres of parks and trails. The Town is regarded as "a great place to raise a family" because of its honored agricultural heritage, quiet neighborhoods, innovative library, excellent schools, variety of faith communities, accessible small business districts and a culture of wellness that provides rich recreation opportunities for all ages. Penfield residents are informed, motivated and civically

engaged; nearly 150 neighbors serve on the Town's many boards and advisory committees.

3. Penfield is steeped in its agricultural tradition and is committed to historic preservation; it also looks to the future with community-based long-term comprehensive planning. With a strong public mandate from a 2002 Open Space referendum, Penfield has protected more than 1,200 acres for agriculture and recreational use to date. Penfield has earned its reputation as a statewide leader in Open Space preservation*, and the Town serves as a role model for other communities wishing to protect their natural resources. The 2012 Open Space committee is currently reviewing additional land for future protection.

4. The Town of Penfield and its residents consistently demonstrate their commitment to the preservation of land, natural resources and quality of life for future generations, and together present a collective desire to conserve these critical assets.

**In September 2002, the Town of Penfield received an award from the Upstate New York Chapter of the American Planning Association for its Open Space Plan. The Town was awarded the 2002 Outstanding Planning Project – Implementation, for its efforts toward resource preservation*

5. Preservation of the Town's irreplaceable recreational and scenic sites, high-quality agricultural land, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the tourists who visit here.

6. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy. Aesthetic issues are real and evoke strong reactions from people. They deeply affect the way people feel about a place – whether or not businesses will want to locate, or people will want to live in and visit a place.

Section 3. SUPPRESSION, INTENT AND EFFECT.

Pursuant to Sections 10(1)(ii)(d)(3), 10(1)(ii)(a)(12), 10(1)(ii)(a)(14) of the Municipal Home Rule Law, any provisions of Sections 265-a, 267, 267-a, 267-b, 274-a, 274-b, 276, 277, 278, and 279 of the provisions of Town Law which are inconsistent with this local law, and only to the extent that they are inconsistent herewith, are hereby superseded by the provisions contained in this local law.

Section 4. APPLICATION.

This local law shall apply to all current public golf course properties within the Town of Penfield and described in Schedule 1 attached hereto and made a part hereof.

Section 5. DURATION.

This local law shall be in effect for a period of six (6) months from the effective date.

Section 6. PROHIBITION AND MORATORIUM.

There shall be no permits or approvals given by the appropriate board, agency or official of the Town of Penfield for the purpose of redevelopment in whole or in part of any public golf course within the Town of Penfield for any use other than golf course. Applications to the Town of Penfield for improvements to a public golf course and/or its appurtenant facilities shall not be subject to the Prohibition and Moratorium.

Section 7. SEVERABILITY.

If a clause, sentence, paragraph or section of the local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State.

Schedule "1"

Shadow Pines Golf Course Properties:

2701 Atlantic Avenue – SBL#124.09-1-1 (53.10 acres)

1950 Clark Road – SBL# 124.13-1-2.1 (105.30 acres)

1960 Clark Road – SBL# 124.13-1-3 (5.70 acres)

745 Whalen Road – SLB# 124.13-1-4 (47.60 acres)

Shadow Lake Golf Course Property:

1850 Five Mile Line Road – SBL# 124.01-2-45.1 (199.22 acres)