

**BE IT ENACTED BY THE  
TOWN BOARD OF THE  
TOWN OF PITTSFORD  
NEW YORK  
AS FOLLOWS:**

**LOCAL LAW NO. 5 OF 2018:  
TEMPORARY MORATORIUM ON THE  
SUBDIVISION OF REAL PROPERTY  
IN THE RRSP ZONING DISTRICT  
AND THE EXTENDED RRSP ZONE**

Sec. 1      Title

This law shall be known as “Local Law No. 5 of 2018: Temporary Moratorium on the Subdivision of Real Property in the RRSP Zoning District and the Extended RRSP Zone.”

Sec. 2      Findings

The Town Board finds as follows:

(a) Under Town Law § 272-a, all town land use regulations must be in accordance with a comprehensive plan. A comprehensive plan envisions broad ideas, sets goals derived from those ideas, establishes policies derived from the goals, and lists actions to achieve the goals and fulfill the policies. The Town’s first goal is to protect community character; that is, to maintain and enhance Pittsford’s physical character and quality of life by managing future growth and development and protecting existing resources. With regard to residential development, the Town has several policies, which include the assurance that new residential development contributes to Pittsford’s character through complementary design standards and that open space is configured into large areas that are usable for passive recreation and preservation of viable agriculture.

(b) Among the specific actions to achieve the goals and fulfill the policies is the action to extend the Town’s RRSP zoning to areas (a) between the Water Authority property at the reservoir and the Thruway, bordered by Mendon Center Road and West Bloomfield Road; and (b) west of Mendon Center Road, the area south of the Autumn Woods development, between Autumn Woods and the Thruway (items a and b, collectively, the “Extended RRSP Zone”). Another action is for the Town Board to consider a moratorium on development in the RRSP Zoning District and the Extended RRSP Zone until Town Zoning Code modifications can be addressed. These actions are set forth in the Town’s 2018 draft Comprehensive Plan Update at page 34.

(c) The Town anticipates that its current efforts to amend its Comprehensive Plan will be completed within the next several months. After the Town Board properly adopts any changes in the Comprehensive Plan, the Board will be in a position to analyze and enact appropriate modifications to the Town's Zoning Code, which will address and regulate future development in the RRSP Zoning District and the Extended RRSP zone.

(d) A moratorium on subdivision in the RRSP Zoning District and the Extended RRSP zone is necessary in order for the Town to complete the amendment of the Town's Comprehensive Plan and consider appropriate amendments to the Town's Zoning Code, thereby protecting and advancing the Town's goals, policies, and actions identified above.

### Sec. 3      Purpose and Intent

(a) It is the purpose of this law to promote the goals, policies, and actions identified above for a reasonable period of time in order to effectuate solutions and in order to promote the health, safety and welfare of the citizens of the Town of Pittsford.

(b) It is the further purpose of this law to enable the Town of Pittsford to stop the subdivision of land in the RRSP Zoning District and the Extended RRSP Zone within the Town for a reasonable time pending an update to the Town's Comprehensive Plan and, if necessary, adoption of laws necessary to effectuate revisions to the Zoning Code of the Town, as well as other laws of the Town, and pending the necessary SEQRA process to evaluate each of the above actions.

(c) It is the further purpose of this law to fulfill the Town's constitutional, statutory and legal obligations to protect and preserve the public health, welfare, and safety of the citizens of the Town, and, in particular, to protect the value, use and enjoyment of property in the Town, to prohibit the filing of certain new applications for the subdivision of real property and thus defer official governmental action permitting the subdivision of certain real property until the Town Board has instituted and completed proceedings on possible recommendations for adoption of amendments to the text of the Zoning Code of the Town and other laws of the Town.

(d) It is the further purpose of this law to supersede those provisions of §276 of New York Town Law and of the Town Code relating to period of time in which the Planning Board must render a decision on an application for subdivision approval for the period of this temporary moratorium, or any extension thereto.

(e) It is the further purpose of this law to supersede those provisions of §267 of New York Town Law, and of the Town Code relating to the procedures for the hearing of variance requests from this Temporary Moratorium Law. As stated below, it is the intent of the Town Board to hear requests for variance from this Temporary Moratorium Law, rather than the Town's Zoning Board of Appeals.

### Sec. 4      Imposition of Moratorium

(a) For a period of one hundred eighty (180) days from and after the adoption date of this law, no application for the subdivision of real property within the RRSP Zoning District and the Extended RRSP Zone hereinabove described may be filed, accepted or

processed, except as provided in paragraph (b) below and Section 5 of this law. For the purpose of this law, an application for the subdivision of real property shall be deemed to mean any request for official action by the Town Board or Planning Board which request and approval would in any way commence or continue the process whereby land is or may be subdivided.

(b) The imposition of this law shall not affect the processing of applications for the subdivision of real property for which concept, preliminary or final subdivision approval has been granted by the Planning Board prior to the effective date of this law.

## Sec. 5      Alleviation of Hardship

(a) The Town Board may authorize exceptions to the moratorium imposed by this law when it finds, based upon evidence presented to it, that deferral of action on an application for the subdivision of real property and the deferral of approval of the application for the duration of the moratorium would impose an extraordinary hardship on a landowner or developer.

(b) A request for an exception based upon extraordinary hardship shall be filed with the Town Supervisor or his designee, including a fee of fifty dollars (\$50.00) to cover processing and advertising costs, by the landowner, or the developer with the consent of the landowner. Such request shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and shall contain such other information as the Town Supervisor or his designee shall prescribe as necessary for the Town Board to be fully informed with respect to the application.

(c) A public hearing on any request for an exception for extraordinary hardship shall be set by the Town Board at the first regular meeting of the Town Board that occurs ten (10) days after the request for exception is received by the Town.

(d) In reviewing an application for an exception based upon a claim of extraordinary hardship, the Town Board shall consider the following criteria:

- (1) The extent to which the applicant has prior to the effective date of this law received any permits or approvals for the proposed subdivision.
- (2) The extent to which the proposed subdivision would cause significant environmental degradation, adversely impact adjacent areas, or adversely impact the land uses appropriate to the property.
- (3) Whether the applicant, prior to the effective date of this law, has incurred financial obligations to a lending institution, which, despite a thorough review of alternative solutions, the applicant cannot meet unless the subdivision proceeds.
- (4) Whether the moratorium will expose the applicant to substantial monetary liability to third persons; or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable return on the property.

- (5) The extent to which actions of the applicant were undertaken in good faith belief that the proposed subdivision would not lead to significant environmental degradation, undue adverse impacts on adjacent areas, or adversely impact the land uses appropriate to the property.

(e) At the conclusion of the public hearing and after reviewing the evidence and testimony placed before it, the Town Board shall act upon the request to approve, deny or approve in part and deny in part the request made by the applicant.

Sec. 6      Validity

If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.

Sec. 7      Effective Date

This Local Law shall become effective upon its adoption and upon its filing with the New York Secretary of State.