

§1 **Title.** This local law shall be known as the “2017 Town of Liberty Temporary Summer Camp Land Use Moratorium.”

§2 **Purpose.** The purpose of this local law is to protect the public health, safety and welfare by restricting the development of new Summer Camp facilities within the Town of Liberty for a limited period of time in order to consider amendment of the Town of Liberty Zoning Law with respect to development, management, operation, concentration and impacts of Summer Camps, including but not limited to clarification of text, density calculations, approved uses, and appropriate revisions to current regulations pertaining to Summer Camps as non-conforming uses and special uses.

§3 **Findings.** The Town of Liberty already has a significant number of existing Summer Camps and is experiencing developmental pressure in the form of growing interest in the establishment of additional Summer Camps, as well as expansion of existing Summer Camps. The existing provisions of the Town of Liberty Zoning Law with respect to Summer Camps are outdated and insufficient to address the totality of current considerations associated with the concentration and impacts (neighborhood and town-wide) of such uses within the Town, or their site specific development, management and operation. Accordingly, a moratorium preventing the establishment of new Summer Camps in the Town of Liberty for a limited period of time is necessary to afford the Town Board a sufficient opportunity to reasonably evaluate, consider and determine what revisions are necessary to the Zoning Law in order to protect and enhance public health, safety and welfare.

§4 **Moratorium Imposed.**

A. **New Summer Camps Temporarily Prohibited.** For a period of one (1) year following the date of adoption of this local law, no site plan or special use permit shall be reviewed or approved by the Planning Board and no building permit shall be issued by the Code Enforcement Officer with respect to the establishment of any new Summer Camp as such use is presently defined by the Town of Liberty Zoning Law. This moratorium shall apply to any and all applications for special use approval that may be pending at the time of adoption of this local law, and any and all special use applications that may have been approved but as to which the actual development of which has not yet been substantially completed at the time of adoption of this local law. Nothing contained herein shall be construed to prohibit the ongoing use and operation of any Summer Camp that lawfully exists at the time of adoption of this local law in accordance with the provisions of the Town of Liberty Zoning Law, whether as an approved special use or as a lawful pre-existing non-conforming use.

B. **Evaluation and Revision of Existing Regulations.** During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and adopt revisions to the Town’s Zoning Law to address the use and regulation of Summer Camps in the Town of Liberty.

§5 **Extension of Moratorium.** This moratorium may be extended for up to two (2) additional periods not exceeding three (3) months each by resolution of the Town Board upon a finding of necessity for such extension.

§6 **Relief From Requirements.** The Town Board reserves to itself the power and sole discretion to vary or adapt the strict application of this local law in the case of unusual hardship or circumstances that would deprive a property owner of the reasonable use of lands affected by this local law. Accordingly, by duly adopted resolution, the Town Board may authorize the Planning Board to review and consider for approval or disapproval a special use and/or site plan, the review of which is otherwise precluded by this local law, or the Code Enforcement Officer to issue a building permit that is otherwise precluded by this local law, subject to the regular review process for such special use and site plan, or building permit, under circumstances where:

- A. An application for a variance is filed, in writing, with the Town Clerk, together with a filing fee in the sum of \$150.00. The application shall specifically identify the land involved, recite the nature and scope of the proposed development, provide a narrative description and a sketch plan of the proposed development, and describe the reasons for which the variance is requested and the grounds upon which it is sought to be approved, including all facts and circumstances upon which hardship is claimed and presenting all evidence in support thereof.
- B. All costs incurred by the Town in connection with the consideration of the application for a variance are paid by the applicant, including but not limited to all professional consulting fees such as attorneys, engineers and planners.
- C. The applicant demonstrates that this local law has resulted in unnecessary hardship in that: the applicant has been deprived of substantially all economic use or benefit from the property in question, which must be established by competent financial evidence; the alleged hardship is unique to the applicant's property and does not apply to a substantial portion of other properties in the areas of the Town to which this local law applies; and the variance, if granted, will not pose a present or future risk to the health, safety and welfare of the residents in the vicinity of the proposed development and the Town at large.
- D. The Town Board may refer any applications for a variance hereunder to the Town Planning Board, the Zoning Board of Appeals, any other Town board, committee or department, and/or its professional consultants for their advice and recommendations. Nevertheless, all decisions as to the granting or denying of such variances shall be made by the Town Board in its sole and absolute discretion after determining whether the requested variance is compatible with protection of the environment and any contemplated revisions to the Town's Zoning Law. No variance shall be

granted unless the Town Board determines the requested variance is compatible therewith.

- E. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days after it determines that a complete application has been submitted to it. The Town Board shall render its determination upon any application for a variance within sixty-two (62) days after the conclusion of the public hearing.

§7 **Conflict With Other Laws.** This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in effect, it specifically supersedes and shall take precedence over any contrary laws, ordinances and provisions, including but not limited to §267, §267-a, §267-b, §274-a and §274-b of the Town Law of the State of New York, the Zoning Law of the Town of Liberty and any other local law or ordinance of the Town of Liberty.

§8 **Penalties for Offenses and Enforcement.** Any person who shall develop or erect or install improvements upon land in violation of this local law, or break ground for the purpose thereof, shall be guilty of a violation and subject to a fine not less than \$500.00 or more than \$1,000.00, or six (6) months in jail, or both. Each week a violation continues shall be considered a separate violation. This local law shall be enforced by the Code Enforcement Officer of the Town of Liberty who is hereby granted authority to issue appearance tickets for the purpose thereof. Upon authorization by the Town Board, this local law may also be enforced by civil action brought in the name of the Town for the purpose of obtaining injunctive relief and recovering civil penalties of \$1,000.00 for each week a violation of the local law continues.

§9 **Effect of Invalidity.** If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

§10 **Effective Date.** This local law shall take effect immediately upon adoption.