

LOCAL LAW NO. 1 OF 2022

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A Local Law imposing a Temporary
Moratorium on the consideration and/or
approval of site plan review uses on
islands located in the Town of Alexandria’s
Marine Residential District – MR

Introduced by: **Ronald Thomson**

WHEREAS, the Town Board of the Town of Alexandria recognizes that the amended and restated Town of Alexandria Zoning Ordinance, adopted in 2010, would allow certain development of islands located within the Marine Residential District for commercial purposes after site plan review and approval, and

WHEREAS, the Town Board has come to understand that many of the commercial uses allowed after site plan review and approval may result in development which tends to ruin the unique residential nature of the islands in the Thousand Islands region located in the Town, and

WHEREAS, while commercial development presents many benefits to the region, such development also presents issues where island clusters may be adversely impacted by the development of one island to the detriment of the others, and

WHEREAS, the Town Zoning Law, at Article V, allows certain uses in the MR District upon site plan review, the law may include uses which are inconsistent with the unique character of islands, _____ such that site plan approval might actually conflict with the stated purpose of the Marine Residential District, which is to “promote residential neighborhoods, and certain supporting marine uses which are compatible with the environment and local area,” and

WHEREAS, the Town Board of the Town of Alexandria deems it to be in the public interest to stop and temporarily suspend the processing of applications for site plan approval of any of the uses currently described as being subject to site plan review under Article V, Schedule I of the Town’s amended and restated Zoning Ordinance as contained in the description of the Marine Residential District – MR. This temporary suspension shall be in effect until such time as the Town’s recently developed Local Waterfront Revitalization Plan (“LWRP”) can be studied as the LWRP applies to islands located within the Marine Residential District such that those site plan review uses can be evaluated and/or changes can be considered and/or made to the Town’s Zoning Ordinance. Alternatively, this temporary suspension of the processing of applications for site plan review of uses in the Marine Residential District may result in specific regulation pertaining to islands within the

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Marine Residential District. Accordingly, this moratorium shall be established for a period of one (1) year from the effective date of this Local Law to provide adequate time for the Town Board to analyze and determine potential appropriate revisions and amendments to the Town's Zoning Ordinance concerning appropriate uses on islands within the Town. A provision is made in this Local Law to allow for the extension of the one (1) year moratorium if necessary, and

WHEREAS, the Town Board of the Town of Alexandria hereby finds that, without a temporary halt on the processing or permitting of any approvals of commercial uses on islands in the Marine Residential District, there is potential that such uses could be located in areas which can cause disruptions in established neighborhoods, can create safety issues in connection with the operation of boats and personally operated watercraft in the area, and/or can be disruptive to persons and/or residents nearby. The potential for commercial uses in unsuitable locations might materially affect the Town's island area and be in conflict with the historical development of the area, and

WHEREAS, the Town Board also finds that it is in need of time to perform the necessary analysis of the potential uses which should be allowed on islands in the Marine Residential District, whether they be by site plan review or otherwise, and that by maintaining the status quo by temporarily prohibiting the commercial development of islands or the processing of applications for approvals of such commercial development, the Town Board can provide for the planned orderly growth and development of the Town, and

WHEREAS, a public hearing was conducted in connection with this Local Law on _____ after due notice and publication thereof,

NOW THEREFORE BE IT ENACTED by the Town Board of the Town of Alexandria, New York that for a period of one (1) year following the effective date of the adoption of this Local Law, the Town of Alexandria's Town Board, the Town's Planning Board, the Town's Zoning Board of Appeals, and the Town's Zoning Officers shall not permit, accept, process, interpret, deliberate upon, decide, deny, nor make any determination upon any applications for approval of any commercial uses identified for site plan review at Article V, Schedule I of the Town's Zoning which would be applicable to an island or islands in that zoning district under the current Zoning Ordinance, and

BE IT FURTHER ENACTED that this moratorium shall apply to all such applications submitted after the introduction of this Local Law, and

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BE IT FURTHER ENACTED that the term “commercial use” shall be broadly construed to include any use identified as being part of a potentially approved site plan review use under the “Site Plan Review” uses described under the extant Article V, Schedule I “Marine Residential District – MR” of the Town’s current Zoning Ordinance, and

BE IT FURTHER ENACTED that this Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Zoning Officers, Codes Enforcement Officers, and all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit or approval for such site plan review or development on an island in the Town’s Marine Residential District, and

BE IT FURTHER ENACTED that 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 Alexandria Zoning Ordinance concerning the site plan review uses currently authorized under the Zoning Ordinance, and

BE IT FURTHER ENACTED during the period of the moratorium, no applications will be accepted nor permits nor approvals issued which would authorize such uses upon islands located within the Marine Residential District, and

BE IT FURTHER ENACTED that this moratorium shall be in effect for a period of one (1) year from its effective date. This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months if necessary, by resolution(s) of the Town Board, and

BE IT FURTHER ENACTED that, to the extent that any law, ordinance, rule, or regulation, or parts of any laws, ordinances, rules or regulations of the Town of Alexandria are in conflict with any provision of this Local Law, concerning special uses, site plans, building permits and procedural requirements, this Local Law shall control and supersede such laws, ordinances, rules or regulations, and

BE IT FURTHER ENACTED that, should any owner of any property affected by this Local Law suffer any extraordinary hardship in carrying out the strict letter of this Local Law, than the owner of the property can apply to the Town Board of the Town of Alexandria, in writing, for a variance from the strict compliance with this Local Law, upon submission of evidence of such extraordinary hardship. For the purposes of this Local Law, extraordinary hardship should not be the mere delay in

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being permitted to make an application or waiting for a decision on the application for site plan review, or of a permitting process, during the period imposed by the moratorium and this Local Law, and

BE IT FURTHER ENACTED that a request for a variance based upon extraordinary hardship shall be filed with the Town Clerk, including a fee of \$350.00 to cover processing and advertising costs, with such application for a variance. 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 Board shall prescribe as necessary for the Town to be fully informed with respect to the application, and

BE IT FURTHER ENACTED that, upon submission of the aforementioned written application to the Town Clerk, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing to consider whether any extraordinary hardship is present. A public hearing on any request for an exception for extraordinary hardship shall be held by the Town Board at the first regular meeting of the Town Board occurring after the expiration of the publication of the notice of the request for a waiver. The notice shall be advertised in the Town's designated newspaper at least ten (10) days prior to the date of the public hearing. The notice shall also be given, by regular mail, to all owners of islands within one thousand (1,000) yards of the applicant's property to the owners of those islands at the addresses shown on the tax rolls, and

BE IT FURTHER ENACTED that, at said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said public hearing, render its decision, either granting or denying the application for variation from the strict requirements of this Local Law, and

BE IT FURTHER ENACTED that, if the Town Board determines that a property owner will suffer extraordinary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary strict compliance with this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with the local law, and

BE IT FURTHER ENACTED that any person, firm or corporation that shall establish any commercial use on an island in the Marine Residential District in violation of the provisions of this

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Local Law or shall otherwise violate any provision of this Local Law shall be subject to:

Injunctive relief in favor of the Town of Alexandria to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law, and

BE IT FURTHER ENACTED that this Local Law shall not affect any island in the Marine Residential Zoning District having access by means of a public road or highway via a motor vehicle, and

BE IT FURTHER ENACTED that if any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect, and

BE IT FURTHER ENACTED that it has been determined this is a Type II Action under the State Environmental Quality Review and therefore not subject to further environmental review, and

BE IT FURTHER ENACTED that this Local Law has been referred to the County Planning Board in accordance with the General Municipal Law §239-m [7] and the Town Board has received and reviewed the findings and recommendation of the Jefferson County Planning Department, and

BE IT FURTHER ENACTED that this Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.