

LOCAL LAW NO. __ OF 2026

**A LOCAL LAW ESTABLISHING A ONE-YEAR
MORATORIUM ON CERTAIN PERMITS AND
APPROVALS FOR LARGE SCALE RESIDENTIAL
DEVELOPMENT WITHIN THE TOWN OF PERINTON**

BE IT ENACTED, by the Town Board of the Town of Perinton, Monroe County, State of New York, as follows:

Section 1. TITLE

This Local Law shall be known as the “Moratorium and Prohibition on Certain Permits and Approvals for Large Scale Residential Development within the Bushnell’s Basin Subarea Planning District of the Town of Perinton.”

Section 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Perinton under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1)(i); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statute of Local Governments §10(1), (6), and (7); Town Law § 64(17-a); Town Law § 130(3) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This Local Law is a land use regulation. This Local 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 zoning law and 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 potential negative impacts of such uses on a community.

This Local Law expressly supersedes any provisions of the Town Code of the Town of Perinton, including without limitation the Town of Perinton Zoning Law, and sections 265-a, 267, 267-a, 267-b, 267-c, 274-a, 274-b, 276, 277, 278, and 279 of the Town Law of the State of New York. This Local Law shall supersede and suspend those provisions of the Town Code of the Town of Perinton and New York State law which require the Building Department, Building Inspector/Code Enforcement Officer, Town Board, Zoning Board of Appeals, Planning Board, and/or Historic Architecture Commission to accept, process, and approve building or land use applications within certain statutory time periods.

The Town of Perinton has experienced significant residential growth and development pressure in certain development districts and through certain development activities. The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Perinton and to maintain the status quo as to certain large scale residential development in the Town. This Local Law is intended to temporarily prohibit the approval and construction of certain large scale residential development land uses within the Bushnell's Basin designated subarea planning district as described herein, for a period of up to six (6) months, pending the development and adoption of local laws and/or ordinances designed to regulate and govern such development. The Town Board has determined that the Town's current zoning laws are inadequate to address development in these unique and sensitive areas of the Town.

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 Perinton Zoning Law and the Town of Perinton Comprehensive Plan. The Town Board has already retained an outside consultant to provide recommendations and assist the board in its review of proposed amendments to the Town of Perinton Zoning Law concerning the Erie Canal Conservation Overlay District, which partially overlaps with the Bushnell's Basin designated subarea planning district, and intends on obtaining additional recommendations with respect to other designated subarea planning districts, including Bushnell's Basin. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued which would authorize development within the Town for land uses relating to large scale residential development, as described above.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Town of Perinton Zoning Law, thus maintaining the status quo and further protecting the public interest.

Section 3. APPLICATION

This Local Law shall apply to all properties within the Bushnell's Basin designated subarea planning district as more fully described in the attached Exhibit "A."

Section 4. DEFINITIONS

For purposes of this Local Law, the term "large scale residential development" shall be broadly interpreted to encompass any development of residential housing facilities, including but not limited to major residential subdivisions, apartment complexes, condominium buildings, townhome communities, and other residential home subdivisions and developments, involving five (5) or more dwelling units. This moratorium does not prohibit single-family home construction involving less than five (5) dwelling units; residential additions to existing single-family homes or accessory structures, or applications for structures such as fences, pools, sheds and the like on land owned personally by Town residents.

Unless otherwise defined in this Local Law, all terms used herein shall have the same meaning as defined in the Town of Perinton Zoning Law.

Section 5. TEMPORARY MORATORIUM AND PROHIBITION

A. Unless permitted pursuant to this Section 5, from and after the date of this Local Law, no application for a permit, special use permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Perinton, for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the subarea planning districts identified in Section 3, for any large scale residential development.

B. The prohibitions set forth herein are not intended, and shall not be construed, to prevent or prohibit the use and development of a large scale residential development that has received all necessary approvals from the Town Board, Planning Board, Zoning Board of Appeals and/or Historic Architecture Commission prior to the effective date of this Local Law.

C. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

D. Under no circumstances shall the failure of the Town Board, Zoning Board of Appeals, Planning Board, Historic Architecture Commission or Code Enforcement Officer/Building Inspector to take any action upon any application for a permit, special use permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or any other Town-level approval related to a large scale residential development constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

Section 6. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer exclusive variance jurisdiction on the zoning board of appeals.

Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts, the Erie Canal, historic structures or districts, areas of archeological sensitivity, and/or other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Perinton.

E. The written opinion of the Planning Board that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as a result of this moratorium, including without limitation demonstrating by clear and convincing evidence, dollars and cents proof that the applicant is unable to make any reasonable use of its property as a result of the moratorium; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the existing Town of Perinton Zoning Law and the recommendations of the Town Comprehensive Plan as such may exist.

In the event relief from the moratorium is granted by the Town Board, the applicant shall proceed to all other Town boards and/or employees to apply for all required approvals. Any application granted relief from the moratorium shall be required to comply with all land use regulations and other requirements in effect as of the date of approval.

An application for relief from the prohibitions of the moratorium shall be accompanied by a fee of \$500 payable to the Town Clerk.

Section 7. PENALTIES

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) or imprisonment for a period of not more than 30

days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 8. CONFLICTS

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Zoning Ordinance provision.

Section 9. STATE ENVIRONMENTAL QUALITY REVIEW ACT

The Town Board hereby determines that the adoption of this Local Law is a Type II action under 6 NYCRR 617.5(c)(36) and that environmental review under the State Environmental Quality Review Act is not required.

Section 10. SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is adjudged or declared invalid or unenforceable.

Section 11. EFFECTIVE DATE

The effective date of this Local Law shall be immediately upon its filing with the Secretary of State.