

January 8th, 2024, Yates Town Board Meeting and Workshop

Board Meeting

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

CORRESPONDENCE

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

RESOLUTION NO. 1-1/24

RESOLUTION ADOPTING LOCAL LAW ESTABLISHING A MORATORIUM ON APPLICATIONS, APPROVALS, AND CONSTRUCTION OF FARM LABOR CAAMPS AND/OR HOUSING BEYOND WHAT IS REQUIRED UNDER NEW YORK AGRICUTURE AND MARKEST LAW

WHEREAS, a proposed Local Law establishing a moratorium on applications, approvals, and construction of farm labor camps and/or housing beyond what is required under New York Agriculture and Markets Law has been introduced by the Town of Yates (the “Town”) Town Board; and

WHEREAS, the Town, as part of its consideration of the Local Law, referred the proposed local law to the Orleans County Planning Board (the “County Planning Board”) as required by the General Municipal Law; and

WHEREAS, the County Planning Board recommended “denial” of the proposed Local Law; and

WHEREAS, the Town Board held a public hearing on the proposed Local Law as required by the Municipal Home Rule Law;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yates that:

- 1.The proposed Local Law, attached hereto, is hereby adopted for the reasons set forth in the Local Law.
- 2.The Town Board further finds, with respect to the County Planning Board recommendation, that, pursuant to Section 239-m(4)(a) of the General

Municipal Law, the County Planning Board “shall review any proposed action referred for inter-community or county-wide considerations” (emphasis added). This includes those county-wide planning considerations set forth in General Municipal Law § 239-l(2)(a) through (h). In recommending “denial,” the County Planning Board focused on the fact that the Town “is currently in litigation with a project” and that “[t]he board did not feel comfortable coming to a recommendation of approval or approval with conditions while the litigation [is] underway.” This is not a basis of proper review by the County Planning Board, as it does not address potential County-wide impacts. This proposed Local Law is of general applicability and the County Planning Board’s focus on a particular application or litigation matter is inappropriate and exceeds its jurisdiction under the statute.

3. The Town Clerk is directed to immediately file the Local Law with the New York Secretary of State.

4. This resolution is effective immediately.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

ADJOURNMENT

Workshop continues after board meeting

- Local Law Moratoria plan:

-- Wind Energy Systems: Simon and Riggi

-- Solar Energy Systems: Simon and Hrovat

-- Short-Term Rentals: Simon and Chaffee

-- Farm Labor Housing: Simon and Suhr

-NYSEG 152-Acre Draft Purchase Agreement, Escrow & Task Force

-eCode360 Final Phase

-Round Table

January 11, 2024, Resolutions:

- See draft minutes for organizational meeting
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ATTACHMENT**Town of Yates****Local Law No. 9 of 2023****A Local Law Establishing a Moratorium on Applications, Approvals, and/or Construction or Installation on Farm Labor Camps/Housing as Defined Herein, Beyond What Is Required Under New York Agriculture & Markets Law**

Be it hereby enacted by the Town Board of the Town of Yates as follows:

Section 1: Purpose and Intent. The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Yates and to maintain the status quo as to certain farm uses, as the present zoning regulations of the Town of Yates do not adequately address farm labor housing. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy, and approvals for certain land uses related to farm labor camps/housing that are not part of a “farm operation” as defined by the New York State Agriculture and Markets Law. The moratorium is for a period of six (6) months, subject to extension, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Yates Zoning Code concerning this use.

This moratorium shall not apply to farm labor housing that is protected as part of a “farm operation” as defined by Section 301(11) of the New York Agriculture and Markets Law. In determining whether farm labor housing is protected as part of a “farm operation,” said farm labor housing must meet the “Guidelines for Review of Local Laws Affecting Farm Worker Housing,” as published by the New York State Department of Agriculture and Markets, including the requirement that “workers be employed or used more than 51 percent of the time by the farm operation where the housing is located” Thus, applications seeking approval and/or conditions required to be granted under Section 301 of the New York State Agriculture and Markets Law are excepted from this moratorium.

Section 2: Legislative Findings. The Town of Yates Town Board hereby finds that without a temporary halt on the processing, permitting, and approval for certain farm labor camp uses there is a potential that such uses could be abused to locate non-farm workers therein, in contravention to the intent of the Town of Yates Code, which is not consistent with the Yates Comprehensive

Plan. Farm labor housing should be reserved for farm workers, and the Town Board finds that time is required to perform the necessary analysis of the Code to ensure that necessary changes are made, if necessary to ensure the Code conforms to those principles. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

Section 3: Moratorium Imposed; Applicability. For a period of six (6) months following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to farm labor camps or farm labor housing of any kind, except for those exceptions identified above. Construction activity of any kind in furtherance of farm labor camps or farm labor housing, except for those exceptions identified above, is hereby prohibited while this moratorium is in effect.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Yates.

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 Yates Zoning Code. 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 farm labor camps or farm labor housing as described above, except for those exceptions identified above.

Section 4: Term. This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolutions of the Town Board.

Section 5: Effect on Other Laws. To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 6: Variance. An application for a variance from the terms of this moratorium may be submitted, with a \$200 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Yates, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

Section 7: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.