

PUBLIC NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on May 3, 2107 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding Local Law 1 for the Year 2017. This local law provides as follows:

A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE EXPANSION OF PARKING FACILITIES AROUND NEW ERA FIELD (FORMERLY KNOWN AS RALPH WILSON STADIUM)

SECTION I: PURPOSE AND INTENT

The purpose of this Local Law is to establish a moratorium on the expansion either by footprint size or by number of cars parked of private parking areas, residential and commercial, within a one mile radius from the center of New Era Field (formerly known as Ralph Wilson Stadium and hereinafter referenced as "FOOTBALL FIELD"). No new commercial permits shall be granted pursuant to §144-12 of the Town of Orchard Park Code for commercial lots and the expansion of residential parking lots either by footprint or number of cars shall also be proscribed during the term of this moratorium.

SECTION II: AUTHORITY

This Local Law is enacted pursuant to the granted powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government, or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

SECTION III: DEFINITIONS

As used in this local law, the following terms shall have the meanings indicated:

A. RESIDENTIAL PARKING LOTS AND COMMERCIAL PARKING LOTS - will be as defined under §144-12 of the Code of Orchard Park.

SECTION IV: MORATORIUM, RESTRICTIONS, AND PROHIBITIONS

From the effective date of this Local Law forward until the next to occur if (i) the repeal of this Local Law, (ii) the enactment of this Local Law by the TOWN regulating "FOOTBALL FIELD" parking lots, or (iii) the date one (1) year from the date of this enactment of this Local Law, it shall be unlawful for any person to expand a parking lot, residential or commercial, by number of cars parked or increasing the size of the footprint within a one mile radius of the "FOOTBALL FIELD".

SECTION V: APPEAL

In the event that any owner of any property located in the TOWN determines that they are aggrieved by the moratorium imposed by this Local Law, said owner may apply to the TOWN'S Board of Zoning Appeals to seek an area variance for the expansion of a subject parking lot on their property, and the Board of Zoning Appeals shall review such appeal in accordance with the procedural and substantive requirements of an area variance appeal.

SECTION VI: GRANDFATHER CLAUSE

The enactment of this moratorium will affect any new application received on or after April 19, 2017. Any application received prior to this date will be "grandfathered" from this moratorium and will be processed under the existing regulations. Any application received on or after this date will not be processed and no approvals or permits will be issued.

SECTION VII: PENALTIES FOR OFFENSES

Any person who themselves, or by an agent or employee, shall violate any provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense. Each day's violation shall constitute a separate offense.

SECTION VIII: SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations, and other enactments of the Town of Orchard Park in conflict with the provisions of this Local Law are hereby superseded to the extent to give this Local Law full force and effect. Without limiting the foregoing to any extent that the terms of the Zoning Ordinance are deemed to be in conflict with the moratorium imposed by this Local Law, the terms of this Local Law shall govern and control.

SECTION IX: EXTENSION OF THE MORATORIUM

At the discretion of the Town Board, this moratorium may be extended for at least one (1) additional six (6) month period, after proper notice and a public hearing, to be held within forty-five (45) days prior to the expiration of said moratorium period.

SECTION X: PARTIAL AND INVALIDITY

In the event that any portion of this Local Law is declared invalid by a Court of Competent Jurisdiction, the validity of the remaining portion shall not be affected by such declaration of the validity.

SECTION XI: EFFECTIVE DATE

This Local Law shall be effective immediately upon the filing in the Office of the New York Secretary of State except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Town Clerk, and showing the date of its passage and entry in the minutes of the TOWN Board.

Remy C. Orffeo
Town Clerk
April 19, 2017