

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

Local Law No. 2 of the year 2026

Local Law Title: A Local Law imposing a twelve (12) month moratorium on the subdivision of land and commercial development in the Town of Canaan

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

Town

~~Village~~

of Canaan _____ as follows:

SECTION 1. PURPOSE AND INTENT

A clean, wholesome, attractive and safe environment is declared to be of importance to the health and safety of the inhabitants of the Town of Canaan ("Town") and is deemed essential to the general welfare of the Town of Canaan and its citizens. The Town Board of the Town of Canaan ("Town Board") is vested by the State of New York with authority to regulate certain activities within the Town of Canaan to protect the health safety, and welfare of its residents and the environment. The Town has legitimate goals and aims to protect the community, and the cultural, historical, recreational, environmental, and natural resources within the Town. The unrestrained effect of high impact commercial and industrial activities is a hazard to such health, safety, and welfare of the citizens of the Town necessitating the regulation and restraint thereof. The Town Board believes that regulating and prohibiting certain activities is necessary to protect the predominantly residential and agricultural character of property located in the Town, and further, to protect the Towns environmental and natural resources from potential negative impacts.

The Town Board is concerned with the potential for damage to the Town's predominately residential and agricultural character, its natural and cultural environment, and its natural resources, particularly its surface freshwater and groundwater quality and quantity, the potential for sediment and soil erosion, and the release of potential air pollutants, among other potential negative impacts. Among other concerns, certain commercial and industrial activities require the use of large amounts of water, including the use of surface freshwater (rivers, streams, ponds, basins, lakes), groundwater, municipal water, and other water sources. Further, certain commercial activities will create more demand for water and for wastewater treatment facilities to dispose of

byproducts. The Town Board is concerned with the potential for groundwater pollution, possibly affecting many water wells and water sources in the Town. The Town Board is also concerned with the potential environmental impacts on water quality, wetlands, and Queechy Lake. There also may be detrimental impacts to local roads during the construction and operation of commercial and high-density residential activities.

The Town Board deems it necessary to impose a moratorium period to allow the Town Board additional time to review its local laws and any applicable State and federal laws, rules or regulations, which may impact the Town. Pending this review, the Town Board deems that it is important to temporarily ban new development of certain activities by exercising its authority to limit, control, or prohibit certain activities within the Town of Canaan. The Town Board believes that based on the concerns outlined above, and the breadth of the review that the Town Board has undertaken via its Comprehensive Plan and will continue to pursue in the adoption of a revised zoning code, that the Town should temporarily prohibit new or expanded commercial and high density residential activities within a specific area of the Town having potential for the degradation of the Town's character and natural resources.

The Town of Canaan has worked over the past several years to develop a Comprehensive Plan that identifies the issues to be addressed in the amendment and updating of the Town of Canaan zoning code. Therefore, a moratorium is specifically determined to be necessary in order to prevent development and/or expansion of commercial facilities or land subdivision on any parcel in the Town of Canaan until such time as the planning recommendations in the Comprehensive Plan can be prepared and appropriate new and/or amended zoning controls, land development and/or environmental protection regulations can be finalized and fully and carefully considered by the Town Board and other involved boards and agencies, as well as by the public, and then put into effect in an amended zoning code.

SECTION 2. AUTHORIZATION

This local law is adopted pursuant to Municipal Home Rule Law §10 Article 16 of the Town Law of the State of New York. In particular, this Local Law shall supersede those provisions of the Town Code and New York State law which require the Town Board, Planning Board, and/or Zoning Board of Appeals to accept, process and/or approve applications within specified statutory time periods.

SECTION 3. ENACTMENT

Be it therefore enacted by the Town Board of the Town of Canaan as follows:

- A. Pursuant to the statutory powers vested in the Town of Canaan (the "Town") to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Canaan hereby declares and enacts a twelve (12) month moratorium on certain land subdivision applications and/or the establishment, placement, construction, enlargement and development of any commercial use of property or residential housing development containing more than three (3) homes on any parcel of land located within the Town of Canaan.

B. During the effective period of this Local Law:

1. The Town of Canaan shall not grant any approvals that would have as the result the establishment, placement, construction, enlargement and/or development of any commercial use or residential development containing more than three (3) homes on property located within the Town of Canaan.
2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan or other permit that would have as a result in the establishment, placement, construction, enlargement and development of any commercial use or residential development containing more than three (3) homes on land within the Town of Canaan.
3. The Town Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use that would result in the establishment, placement, construction, enlargement and development of any commercial use of property or residential development containing more than three (3) homes on land located within the Town of Canaan.
4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, enlargement and development of any commercial use of property or residential development containing more than three (3) homes within the Town of Canaan.

C. The Town Board of the Town reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

D. No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special permit or other permits for land within the Town of Canaan shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

E. Any person, firm or corporation that shall establish, place, construct, enlarge or erect the establishment, placement, construction, enlargement and development of any commercial use of property located within the Town of Canaan in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- i. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- ii. Injunctive relief in favor of the Town to cease any and all such actions that conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

F. The moratorium imposed by this Local Law shall not apply to the following:

1. The granting of any permits or approvals relating to the construction, improvement or replacement of 1-3 family residential dwellings and appurtenant

structures that are related to and serve the main residential dwelling, and their respective component parts pursuant to validly issued permits and approvals;

2. The granting of any approval for a subdivision which would create three (3) or fewer lots within the Town of Canaan.
3. The granting of any permits or approvals relating to interior renovations or repairs that do not result in an increase in a building's square footage;
4. Applications for permits related to public safety or emergency repairs;
5. The granting of any application for the merger of one or more parcels into a single tax map parcel;
6. The granting of any permits or approvals for the construction, improvement or replacement of structures and their components used in a farm operation for the production of crops, livestock and livestock products, as such terms are defined in NY Agriculture and Markets Law Article 25-AA, pursuant to validly issued applicable permits and approvals; provided, however, for purposes of this Local Law, the term farm operations shall not include the construction of new structures and their components relating to slaughterhouses or meat processing facilities or meat processing facilities which shall be prohibited under this Moratorium.

G. Hardship

1. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of the Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
2. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. 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 shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

- H. The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

SECTION 5. REPEALER

Any prior local law currently in existence that is inconsistent with the terms of this local law is hereby repealed.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2026 of the Town of Canaan was duly passed by the Town Board on _____, 2026, in

(Name of Legislative Body)

accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ and was deemed duly adopted on _____, 20____, (Elective Chief Executive Officer*)

~~in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ on _____, 20____. Such local law was (Elective Chief Executive Officer*)

submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ on _____, 20____. Such local law was subject (Elective Chief Executive Officer*)

~~to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

Hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____
of the City of _____ having been submitted to referendum pursuant to
the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote
of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on
_____, _____, became operative.

6. (County local law concerning adoption of Charter.)

Hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____
of the County of _____ State of New York, having been submitted to
the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of
section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the
qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said
county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that
the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in
the manner indicated in paragraph 1, above.

Sandra Bevens, Town Clerk

(Seal)

Date: _____, 2026