

**Town of Henderson  
12105 Town Barn Rd.  
Henderson, NY 13650  
Public Hearing on Moratorium  
August 30, 2022**

A Public Hearing of the Town Board of the Town of Henderson, County of Jefferson and the State of New York held at 12105 Town Barn Rd.at 6:00PM, on the 30<sup>th</sup> day of August 2022.

PRESENT:	Edwin Glaser	----	Supervisor
	Bryan Flagg	----	Councilman
	Matthew Owen	----	Councilman
	Carol Hall	----	Councilwoman
	Torre Parker Lane	---	Councilwoman

Supervisor Glaser called the meeting to order at 6:00PM with the Pledge to the flag.

Town of Henderson Attorney Jim Burrows discussed the reason for the public hearing and then asked Clerk to read the proof of notice of the hearing, which was done so by Wendy Flagg, Town Clerk.

Supervisor Glaser open the Public Hearing at 6:12 PM for public comments in regard to the moratorium.

The following people spoke in favor of the moratorium:

Jim Murray	Sue Witmer	Bruce VanVoorhis
Donna Pogue	Tim Mackey	Geraldine Sipple
Gail Smith	George Wacker	Betsy Wood
Harriet Averill	Noreen Mallabar	Elaine Walter
Glen Heyer	Lindsay Witmer	Patrick Owen
Lynn Brown	Dave Poulin	Dianne VanVoorhis
Shawn Sullivan	Tom Derbini	Donna Shick

MOTION

**CLOSE PUBLIC HEARING**

On a motion of Councilwoman Hall, second by Councilman Flagg following motion was

ADOPTED	Ayes 4	Glaser, Flagg, Hall, Parker Lane
	Nays 1	Owen

Motion to close the Public Hearing.

Board is asked by Supervisor Glaser if they are ready to move forward with a vote on Resolution # 2022-08-30-039 all are in favor.

RESOLUTION # 2022-08-30-039

**LOCAL LAW #1 MORATORIUM ISLAND DIST**

On a motion of Councilman Owen, second by Councilwoman Parker-Lane following resolution was

ADOPTED    Ayes 5                    Glaser, Flagg, Owen, Parker Lane, Hall  
                  Nays 0

Resolution to approve the following:

**RESOLUTION #39 OF 2022**

**ADOPTING LOCAL LAW 1 of 2022**

**Establishing a Six (6) Month Moratorium on the  
Consideration and/or Approval of Site Plan Review Uses,  
and/or Special Use Permits and/or Variances Located in  
the Town's Island District**

**WHEREAS**, the Town Board of the Town of Henderson recognizes that the current Zoning Laws authorize certain development within the Town's Island District for various commercial purposes after Site Plan Review, Special Use Permit, or Variances; and

**WHEREAS**, some residents have informed the Town Board that certain commercial activities and/or uses that might be allowed after Site Plan Review and/or Special Use Permit and/or Variances might result in development that tends to adversely impact the unique nature of existing uses in the Town's Island District and/or the vision of future uses within that same district; and

**WHEREAS**, the Town Board of the Town of Henderson upon review of the Town of Henderson Zoning Law, familiarity with lands within the Town, considering concerns expressed by some area residents, and in recognition of an obligation to promote the health, safety and welfare of the general public within the Town of Henderson deems it to be in the public interest to stop and temporarily suspend the processing of application(s) for Site Plan approval

and/or Special Use Permits and/or Variances within the Town of Henderson Island District; and

**WHEREAS**, the Town Board anticipates undertaking steps to potentially update, revise and/or amend its Zoning in regard to land uses within the Town's Island District and has determined that providing for a temporary moratorium is appropriate.

**NOW, THEREFORE, BE IT RESOLVED**, that a Public Hearing regarding a possible moratorium for six (6) months was conducted on August 30, 2022 and such information and comments have been considered by the Town Board; and

**BE IT FURTHER RESOLVED**, that adoption of a six (6) month moratorium to provide adequate time to fully consider and potentially amend Zoning in respect to Site Plan approval and/or Special Use Permits and/or Variances within the Town of Henderson Island District is appropriate and the Local Law establishing the Moratorium is approved; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately and the underlying Local Law shall become effective upon filing with the NYS Department of State.

The foregoing Resolution was offered by Board Member, Matthew Owen, and seconded by Board Member, Torre Parker Lane, and upon roll call vote of the Board was duly adopted as follows:

Ed Glaser, Supervisor	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Carol Hall	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Torre Parker-Lane	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bryan Flagg	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Matthew Owen	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**LOCAL LAW #1 of 2022**  
**Establishing a Six (6) Month Moratorium**  
**on Variances, Site Plan Uses and Special Use Permits in the**  
**Town's Island District**

ARTICLE I INTENT

The Town Board, in order to consider, formulate, and potentially amend the Town Zoning pertaining to potential development in the Town's Island District and to safeguard the public health, safety and general welfare of its population, determines it to be reasonably necessary to establish a Moratorium for six (6) months to perform a review, and possible amendment, to its Zoning.

ARTICLE II DEFINITIONS

As set forth in the Town of Henderson's Zoning Law Section 150-6.

ARTICLE III APPLICATION

This Local Law shall apply to the Island District within the Town of Henderson.

ARTICLE IV DURATION

This law shall be in effect for a period of six (6) months from the effective date of this Local Law.

ARTICLE V PROHIBITIONS

Neither the Town of Henderson Zoning Officer, nor the Zoning Board of Appeals, nor the Town of Henderson Planning Board nor the Town Board shall process, review, render any determination, nor grant any variance, nor any site plan approval nor any special use permit, in respect to any development and/or building and/or structure within the Town's Island District for the duration of this Moratorium. No person shall construct/erect a new development within the limits of the Town's Island District for the duration of this Moratorium unless municipal approval, if necessary, was granted in advance of the effective date of this local law. This Moratorium shall not impair routine development, repair, or maintenance of structures, or uses, within that District that either require no zoning permit, or merely require a simple zoning permit

ARTICLE VI ENFORCEMENT

This Local Law shall be enforced by the Town Enforcement Officer.

ARTICLE VII VIOLATIONS

Any person violating any provision of this Local Law shall be guilty of an offense, and upon conviction thereof be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) or imprisonment for a period not to exceed fifteen (15) days or both. Each week’s continued violation after notice shall constitute a separate and additional violation.

ARTICLE VIII SEVERABILITY

Should any portion of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions of this Local Law.

ARTICLE IX EFFECTIVE DATE

This Local Law shall become effective after filing in the Office of the NYS Department of State.

No further business to discuss a motion by Councilman Owen second by Councilwoman Parker Lane the meeting was adjourned. Carried unanimously

Respectfully submitted,  
Wendy Flagg / Town Clerk/Collector

All Town meetings held at  
12105 Town Barn Rd., Henderson, NY 13650

Sept 05	(Monday)	Labor Day Town Offices Closed for Holiday	
Sept 06	(Tuesday)	Planning Board Meeting	5:00PM
Sept 13	(Tuesday)	Town Board Meeting	7:00PM
Sept 21	(Wednesday)	Zoning Board of Appeals	6:00PM
Sept 22	(Thursday)	Recreation Commission	7:00PM
Oct 04	(Tuesday)	Planning Board Meeting	5:00PM
Oct 10	(Monday)	Columbus Day Town Offices Closed for Holiday	
Oct 11	(Tuesday)	Town Board Meeting	7:00PM
Oct 19	(Wednesday)	Zoning Board of Appeals	6:00PM
Oct 20	(Thursday)	Recreation Commission	7:00PM

