

VILLAGE OF NEW PALTZ

LOCAL LAW NO. ___ OF 2017

**A LOCAL LAW IMPOSING A SIX MONTH MORATORIUM
ON THE ESTABLISHMENT OR ENLARGEMENT OF ALL USES WITHIN THE
NEIGHBORHOOD BUSINESS RESIDENTIAL MIXED-USE DISTRICT (NBR) IN THE
VILLAGE OF NEW PALTZ**

Be it enacted by the Village Board of the Village of New Paltz as follows:

Section 1. Title

This Local Law shall be referred to as the “Local Law Imposing a Six Month Moratorium on the Establishment or Enlargement of All Uses Within the Neighborhood Business Residential Mixed-Use District (NBR) in The Village Of New Paltz.”

Section 2. Purpose and Intent

The Village Board of the Village of New Paltz recognizes an increased need for regulation of development in the Village and the need to reform certain portions of the Zoning Code of the Village in order to insure responsible growth, including, but not limited to, the regulation of the types of uses and the prevention of repetitive uses within reasonable distances of each other in certain areas of the Village.

The Village Board recently amended Village Code New Paltz Village Code Section 212-13 (G) to create the Neighborhood Business Residential Mixed-Use District (NBR), which was intended to effectuate the goals of the most recent Comprehensive Plan as adopted. Since its adoption, the Village Board has determined, based upon discussions and comments with potential developers, property owners within the NBR, Village residents and Village officials that additional amendments to the zoning code with respect to the NBR District may be warranted. Pending adoption of the amendments to the NBR portion of the zoning code, it is necessary for the Village Board to take reasonable temporary measures to prohibit the establishment of new uses and/or the expansion of existing uses within the NBR District in the Village in order to protect the public interest and welfare.

Specifically, the Village Board wishes to explore possibility of forming a committee to examine and propose amendments to the NBR District as presently codified in Village Code §212-13(G).

Pursuant to the statutory powers vested in the Village of New Paltz (the “Village”) to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board of the Village of New Paltz hereby declares a six-month moratorium on certain approvals relating to the establishment and expansion of all uses within the NBR District in The Village Of New Paltz.

Section 3. Scope of Controls

- A. During the effective period of this Local Law:
1. No uses or development may be established, expanded, enlarged, moved, located, relocated, or otherwise modified within the NBR District in The Village of New Paltz without the approval of the Village Board of the Village of New Paltz, which approval will not be considered except in the event of proven hardship.
 2. The Village Planning Board shall not accept any new application or grant any approval to a site plan, special use permit or other permit that would have as a result the establishment, expansion, enlargement, moving, location, relocation, or modification of any uses or development within the NBR District in The Village of New Paltz unless such application has already been filed with and deemed to be complete by the Planning Board as of the effective date of this Local Law.
 3. The Village Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that would have as a result the establishment, expansion, enlargement, moving, location, relocation, or modification of any uses or development within the NBR District in The Village of New Paltz unless such application has already been filed with and deemed to be complete by the Zoning Board of Appeals as of the effective date of this Local Law.
 4. The Village of New Paltz Building Department shall not accept any building permit application or grant any Certificate of Occupancy or Certificate of Compliance for any building or property, or which seeks to establish, expand, enlarge, move, locate, relocate, or modify an existing use or development within the NBR District in The Village of New Paltz unless such application relates to any building or property which been approved by the Village Board, Planning Board or Zoning Board of Appeals in connection with an application approved by such Board.

Section 4. Term

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

Section 5. Penalties

Any person, firm or entity that shall establish, expand, enlarge, move, locate, relocate, or modify a use or development within the NBR District in The Village of New Paltz 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:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules or regulations of the Village for Zoning Code violations; and

B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

Any application accepted or approval granted in violation of this Local Law shall be null and void.

Section 6. Validity

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 7. Hardship

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Village Board of the Village of New Paltz in writing for a variance 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.

B. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a variance of this Local Law, the Village 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 Village of New Paltz. 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 Village Board 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 Village Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village 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.

Section 8. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Local Law # __ of 2017 - NBR Moratorium

