

TOWN OF NEW PALTZ
LOCAL LAW # __ OF 2015
“MORATORIUM ON DORMITORY PROJECTS”

Section 1. Purpose.

This local law has the following purposes: to protect the public health, safety, and welfare; to avoid the potential for significant adverse impact on community resources and community character; and to provide the Town with the opportunity to develop adequate regulations which may be uniformly implemented to prevent any adverse impacts on community character and community, and avoid or minimize any deleterious secondary effects and public nuisances associated with residential developments designed and intended to be used by students attending an institution of higher education while allowing the orderly review of land use applications in all zoning districts.

Section 2. Legislative Findings.

A. The Town of New Paltz contains numerous residential structures that are being used to provide off-campus housing opportunities for students attending SUNY New Paltz and other institutions of higher education in the region.

B. Such residential uses require municipal services, including police, fire, and emergency services. The Town recognizes that residential uses occupied by students cause a disproportionate impact on the municipal services provided by the Town, especially on the Town Police Department.

C. The disproportionate impact is evidenced by the Town’s police budget, which is far larger than any of the neighboring towns with police departments.

D. The Ulster County Industrial Development Agency (UCIDA) has amended its Uniform Tax Exemption Policy to add a Category 5 “PILOT” incentive for the purpose of creating incentives to encourage the development of a certain type of housing development it defines as a “dormitory project” designed for and intended to be occupied by students attending an institution of higher education.

E. The stated position of UCIDA is to encourage the use of the Category 5 “PILOT” incentive by any property owner who wants to provide housing for students attending an institution of higher education.

F. The Town and the Village of New Paltz are the only municipalities in Ulster County that are host to a four year college, and therefore are host to a substantial number of students attending an institution of higher education., such that the proportion of college-aged residents is a significant part of the population of the Town and Village.

G. The Town and the Village of New Paltz are also home to one of the highest percentages of exempt properties in Ulster County, which imposes a substantial tax burden on the taxpayers in the Town, who must pay to provide municipal services to those exempt

properties.

H. The UCIDA Category 5 PILOT greatly exacerbates that burden, since it encourages existing and proposed residential development for students by giving the owner a substantial reduction in taxes at the same time as the project will significantly increase the need for municipal services.

I. The UCIDA Category 5 PILOT also exacerbates that burden by allowing a dormitory housing project to pay a fixed PILOT payment for the duration of the PILOT agreement, which may extend up to twenty-five (25) years, without regard to the need for municipal services that it imposes over that period, and to the resulting reduction in the capacity of the Town to provide necessary community services to the residents of the Town and Village, which in turn adversely affects the community character of New Paltz.

J. The UCIDA Category 5 PILOT further exacerbates the burden because UCIDA did not establish any criteria or requirements for determining that the PILOT payment would actually mitigate the impacts on municipal services that result from dormitory projects, including its cumulative impact on the existing problem of policing the downtown area, or for using a deviated PILOT to allocate the PILOT payment to the municipalities actually providing services to such projects.

K. UCIDA did not establish any criteria or requirements for granting the Category 5 PILOT hat incentive, so that any residential use, existing or proposed, may apply for and receive the PILOT incentive simply by making application to UCIDA.

L. The potential impact on the Town if PILOT incentives were provided to residential properties, whether for proposed or renovated units, would result in a significant demand for community services without the Town having the commensurate capacity to provide those services.

M. That would significantly impact the ability of the Town to provide services and result in significant adverse impacts on the community character of New Paltz.

N. The Town Code does not provide adequate regulatory standards for a Dormitory Project, so that the impacts of such projects can be avoided, minimized or properly mitigated.

O. It is necessary and appropriate for the Town of New Paltz to proactively undertake a land use study to evaluate the extent of the adverse effects upon the Town that would result from the unregulated development of dormitory projects in the Town, and determine how such uses should be regulated to allow development or redevelopment that provides housing for students while avoiding or minimizing the adverse impacts of such housing, including the demand for increased community services, measures to address new demand and mitigate new impacts while avoiding the potential for significant impacts on the ability of the Town to maintain existing levels of service, and the concentration of such uses in any one area, with the potential for increased parking, noise, and other secondary effects that would adversely

93 affect the character of surrounding areas in the Town of New Paltz.
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95 P. The adoption of a moratorium on the approval and construction of such uses by this
96 local law is necessary to provide an adequate period of time to develop and consider zoning and
97 other regulations that will minimize the secondary effects associated with such uses, and to
98 prevent a race of diligence by applicants seeking to establish such uses until proper regulations
99 have been put into place
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101 Q. The Town Board therefore finds that adoption of this local law will protect and
102 safeguard the public health, safety, and welfare; that adoption of the moratorium set forth in this
103 local law will enhance the good order and governance of the Town of New Paltz; and that the
104 provisions of this local law are, and are intended to be, remedial in nature and effect.
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106 R. The Town Board further finds that this action is a Type II action for purposes of
107 SEQRA, pursuant to §6 NYCRR Section 617.5(c)(30), as an action involving the adoption of a
108 moratorium on land development or construction, and thus exempt from further SEQRA review.
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110 **Section 3. Moratorium Imposed.** 111

112 A. For a period of six (6) months following the date of adoption of this local law, no site
113 plan for a “dormitory project” shall be approved, whether by action of the Planning Board or by
114 default, and no other approvals, permits, or certificates of occupancy for a “Dormitory Project”
115 may be granted by any board or officer of the Town. This local law shall be binding on the
116 Building Inspector, Zoning Inspector, Planning Board, Zoning Board of Appeals, and any
117 applicant or property owner in the Town.
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119 B. For purposes of this moratorium, a "Dormitory Project" shall be defined as:
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121 Any building or structure that is designed for occupancy by students attending an
122 institution of higher education. The intent being to define a project that would be
123 eligible for a Category 5 PILOT incentive, as that incentive may be modified from
124 time to time.
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126 C. Nothing herein shall prohibit the issuance of any approval, permit or certificate of
127 occupancy for a single family dwelling that is not designed for occupancy by students attending
128 an institution of higher education, provided the owner of the property, and the applicant for the
129 permit or approval, if different, submit a duly acknowledged affidavit stating, under penalty of
130 perjury, that the existing or proposed residential building or structure is not a “Dormitory
131 Project”, and is not designed for occupancy by students attending an institution of higher
132 education. Such affidavit shall be conclusive proof of same.
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134 D. Nothing herein shall prohibit the issuance of any approval, permit or certificate of
135 occupancy for a multi-family dwelling that is not designed for occupancy by students attending
136 an institution of higher education, provided the owner of the property, and the applicant for the
137 permit or approval, if different, submit an affidavit stating that the existing or proposed

residential building or structure shown on the site plan is not a “Dormitory Project”, and is not designed for occupancy by students attending an institution of higher education. Such affidavit shall be rebuttable proof of same, and any approval or permit issued in reliance on such representation shall include a condition of the approval or permit that the property may not be used for such purpose unless and until the Town either grants a waiver of the condition or the owner obtains a permit or approval from the Town authorizing the property to be used for a “Dormitory Project.”

E. This moratorium may be extended by two additional periods of up to three (3) months each by resolution of the Town Board upon a finding of necessity for such extension.

F. During the period of the moratorium, the Town shall endeavor to complete a comprehensive set of regulations for “Dormitory Projects.”

Section 4. Applications for Relief.

A. Whenever there is a showing by a person whose property is affected by this moratorium that relief from any provision of this moratorium is necessary to avoid unnecessary financial hardship or a taking of private property beyond what is permissible by valid regulation, the Town Board, upon petition, may grant appropriate relief from this local law subject to whatever conditions are deemed necessary to protect the public. Applications for such relief shall be by verified petition to the Town Board and shall be supported by competent financial evidence in dollars and cents form. The Town Board shall cause a hearing to be held on any such petition within thirty (30) days of receipt of a complete petition, and shall decide such application within fifteen (15) days after the close of such hearing.

B. The decision of the Board may be challenged in a proceeding pursuant to Article 78 of the CPLR within 30 days of the decision being filed in the office of the Town Clerk. If the Town Board does not act on an application within those timeframes, the applicant may seek an order compelling a determination to be made, pursuant to Article 78.

Section 5. Severability.

If any clause, sentence, paragraph, section or part of any section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraphs, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 6. Effective Date.

This local law shall take effect immediately.