

LOCAL LAW No. \_\_\_\_\_ of 2016

TOWN OF NEW PALTZ, ULSTER COUNTY, NEW YORK

A local law placing a nine-month moratorium on all applications and permits in the Town's Exit 18 Gateway Area.

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

**Section 1.**     **Legislative Intent.**

This Town Board, in order to consider, formulate and amend its local laws and regulations in accordance with the Town's Comprehensive Plan and with the recommendation of the Ad-Hoc Committee To Study Exit 18 Gateway Area Moratorium Potential ("Committee"), and to reduce the potential adverse effect of the taking of action during the pendency of its planning considerations, finds that it is in the public interest to enact this local law. This local law prohibits the following: (i) application for, consideration or approval of any site plan, special permit, area variance, use variance or subdivision for any use or specially permitted use in the Exit 18 Gateway Area, as defined herein, except for residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less; and (ii) application for or issuance of a building permit for any use or specially permitted use in the Exit 18 Gateway Area, as defined herein, except for except for residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less.

**Section 2.**     **Legislative Findings.**

The Town Board of the Town of New Paltz finds:

That the area along Route 299 from the Shop Rite Plaza/Empire State Bank eastward to and including the Ohioville Commercial Area, and more particularly described in Schedule A (the "Exit 18 Gateway Area"), includes several large sites with active development proposals as well as additional areas that are being prepared for revitalization and reuse; and

That the Exit 18 Gateway Area is predominantly zoned as B-2, Highway Business; and

That the regulations in the B-2 District have not been thoroughly evaluated or amended in over 20 years; and

That development in the Exit 18 Gateway Area has the potential to significantly alter the Town's unique character, transportation patterns/infrastructure, mobility and environment and the Committee has recommended that the Town pause the development approval process to enable it to complete its review of the current zoning law; and

That a moratorium for nine months is necessary to and in the public interest of the residents of the Town of New Paltz who otherwise may be adversely affected by changes in use occurring during the pendency of the planning process; and

That a moratorium is a Type II Action under the State Environmental Quality Review Act regulations and is not subject to environmental review.

**Section 3. Moratorium.**

- A. A moratorium is hereby imposed from the effective date of this local law for a period of nine (9) months thereafter on (i) application for, consideration or approval of any site plan, special permit, area variance, use variance or subdivision for any use or specially permitted use in the Exit 18 Gateway Area, except for residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less; and (ii) application for or issuance of a building permit for any use or specially permitted use in the Exit 18 Gateway Area except for residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less.
- B. The Planning Board shall not consider any applications for site plan review or special use permit approval, or subdivision, including any such application currently pending before the Planning Board, within the Exit 18 Gateway Area, except for residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less, for the term of this moratorium.
- C. No building permit shall be issued under the Town of New Paltz Zoning Law for the construction of any new structure or addition thereto within the Exit 18 Gateway Area, except for residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less, for the term of this moratorium.
- D. The Zoning Board of Appeals shall not consider any application for a use or area variance for the construction of any new structure or addition thereto within the Exit 18 Gateway District, except for residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less, including any such application currently pending before the Zoning Board of Appeals, for the term of this moratorium.

**Section 4. Hardship Waiver.**

- A. The Town Board may waive the provisions of this moratorium upon the application of an owner of property upon which the approval or construction of a new use,

development, building or addition prohibited by this moratorium would have proceeded under Chapter 140 of the Code of the Town of New Paltz, provided that the applicant can demonstrate, and the Town Board can find, based upon competent evidence that (1) application of the moratorium to the applicant's property will cause the applicant substantial economic hardship, (2) the proposed use of the property will not harm the public health, safety and welfare, and (3) the proposed use of the property is consistent with the comprehensive plan of the Town of New Paltz and compatible with the surrounding land uses.

- B. Upon submission of a written application to the Town Clerk by the property owner seeking a hardship waiver to this moratorium, the Town Board shall, within thirty (30) days of receipt of such application, schedule a public hearing. Public notice of such hearing shall be given at least five days prior to the date thereof in the official newspaper. 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 Board shall within thirty (30) days of the close of the said public hearing render its decision either granting, with or without conditions, or denying the application.

**Section 4. Penalties for Violation.**

In the event of violation of this local law, the penalties and other enforcement authorities shall be those listed in Section 140-58 of the Code of the Town of New Paltz.

**Section 5. Supersession.**

This local law supersedes Sections 267, 267-a, 267-b, 274-a, 274-b, 276, 277, 278 and 279 of New York Town Law.

**Section 6. Severability.**

Should any sections or provisions of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 7. Effective Date.**

This local law shall become effective upon its adoption and after filing in the Office of the Secretary of State of New York.

## Schedule A

A portion of the B-2 Highway Business District (and I-1 Light Industrial Districts) as depicted on the attached map of the Gateway District Proposal, and including those tax parcels identified below: