

~~October 13, 2016~~February 27, 2017

LOCAL LAW No. _____ of ~~2016~~2017

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 residential development of no more than 5 residential units and new non-residential structures or additions of 2,500 square feet or less.~~

The primary purpose of the moratorium is to enable the Town Board the opportunity and time to update the land use policies and zoning regulations to address circumstances not fully anticipated by the 1995 Comprehensive Plan and attendant zoning regulations for an area of the community that has several large sites with active development proposals, as well as additional areas that are considered prime areas for revitalization and/or reuse. The Town Board has identified through the efforts of the Committee several elements of an initial vision and objectives currently missing or lacking clarity in the current land use policies and zoning regulations that will act as a guide for the update effort. These elements are as follows:

- To ensure the New Paltz Exit 18 Gateway Area, as defined in Section 2 below, gives a sense of "arrival" to visitors, commuters and locals alike, reflecting the unique natural resources and cultural assets of New Paltz, including New Paltz's small town, rural character.
- To prevent inefficient, uncoordinated development that impairs the mobility and safety of those who travel by car, on foot, by bicycle or via transit.
- To effectively integrate "complete streets" and rail trail connections given regional trail assets and the key link between the Walkill Rail Trail and the Hudson Valley Rail Trail that traverses this area.
- To balance development with protection of our natural resources including trees, wetlands and clean air.

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- To utilize “smart growth” principles, prioritizing redevelopment of existing altered areas and maximizing use of green infrastructure and sustainable design.
- To effectively integrate and encourage infill development in a manner that reflects our community’s history, vernacular design patterns/elements, and local economy.
- To clearly communicate the land use objectives for this area for the benefit of property owners, residents and developers alike.
- To consider the need for public infrastructure policies (transportation, water and sewer) to support existing and future development.

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~~the Town boundary, 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~~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 or building permit application for~~ any use or specially permitted use in the Exit 18 Gateway Area;

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~~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. Exemptions. The Planning Board shall not consider any applications for following are exempt from this Moratorium: (a) site plan review or and 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 applications for development of not more than 5 residential dwelling units and on a lot or combination of lots; (b) site plan and special use permit applications for new non-residential structures or additions of 2,500 square feet or less; (c) site plan applications which are eligible for the term of this moratorium.~~

~~D.B. No building permit shall be issued under the Town's waiver pursuant to Section 140-51.3A of New Paltz the Zoning Law; (d) any building permits associated with items (a) through (c); and (e) building permit applications for the construction of any new interior renovations that do not alter the use or occupancy of a 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. ("Exempt Applications").~~

~~E. 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.~~

~~C. Any application that was submitted prior to the effective date of this Moratorium may continue before the Planning Board at its own risk. The Planning Board may consider the proposal and offer technical guidance on the application of the Zoning Law currently in existence, but may not complete environmental review, approve or deny such an application during the term of this Moratorium. Any applicant seeking to continue review before the Planning Board must acknowledge in writing that it is continuing at its own risk and that the Zoning Law is subject to change, which may necessitate changes to the pending application or even eliminate the ability of the application to proceed.~~

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,

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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 45. Penalties for Violation.

In the event of violation of this local law, ~~this law may be enforced by the penalties~~Building Inspector and Code Enforcement Officer. Penalties and other enforcement authorities shall be those listed in Section 140-58 of the Code of the Town of New Paltz.

Section 56. 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 67. 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 78. 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.

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Schedule A

A portion of the B-2 Highway Business District and I-1 Light Industrial District as depicted on the attached map of the Exit 18 Gateway Area, and including those tax parcels identified below ~~or portions thereof. In the event of conflict between the attached map and the~~ list below, the map shall govern.

Tax ID	Address:	Zoning
86.12-3-31	258-268 Main St	B2 Highway Business
86.12-6-6.310	275 Main St	B2 Highway Business
86.12-6-6.110	279 Main St	B2 Highway Business
86.12-4-5.100	12 N Putt Corners Rd	B2 Highway Business
86.12-4-19	S Putt Corners Rd	B2 Highway Business
86.12-4-18	7 Terwilliger Ln	B2 Highway Business
86.12-4-9.200	4 S Putt Corners Rd	B2 Highway Business
86.12-4-10	S Putt Corners Rd	B2 Highway Business
86.12-4-8.100	2 Terwilliger Ln	B2 Highway Business
86.12-5-3.200	403 Main St	B2 Highway Business
86.12-5-27	401 Main St	B2 Highway Business
86.12-5-5	409 Main St	B2 Highway Business
86.12-5-26	Main St	B2 Highway Business
86.12-5-6	9 Paradies Ln	B2 Highway Business
86.12-5-7	7 Paradies Ln	B2 Highway Business
86.12-5-8	5-6 Paradies Ln	B2 Highway Business
86.12-5-9	3 Paradies Ln	B2 Highway Business
86.12-5-10	1 Paradies Ln	B2 Highway Business
86.12-5-12.320	Main St	B2 Highway Business
86.12-5-11.100	490 Main St	B2 Highway Business
87.9-2-1	501 Main St	B2 Highway Business
86.12-5-11.200	3 S Ohioville Rd	B2 Highway Business
86.12-5-13	17 S Ohioville Rd	B2 Highway Business
86.12-5-14	19 S Ohioville Rd	B2 Highway Business
87.9-2-38.300	22 Brouck-Ferris Blvd	B2 Highway Business
87.9-2-38.122	11 Brouck-Ferris Blvd	B2 Highway Business
87.9-2-23	15 Brouck-Ferris Blvd	B2 Highway Business
87.9-2-24	19 Brouck-Ferris Blvd	B2 Highway Business
87.9-2-15	536 Main St	B2 Highway Business
87.9-2-16.200	534 Main St	B2 Highway Business
87.9-2-16.100	532 Main St	B2 Highway Business

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87.9-2-41	530 Main St	B2 Highway Business
87.9-2-18.100	526 Main St	B2 Highway Business
87.9-2-21.100	500 Main St	B2 Highway Business
87.9-2-12	521 Main St	I1 light industrial
86.12-5-15	21 S Ohioville Rd	I1 light industrial
86.12-5-16	23 S Ohioville Rd	I1 light industrial
86.12-5-17	25 S Ohioville Rd	I1 light industrial
86.12-5-18	27 S Ohioville Rd	I1 light industrial
86.12-5-12.200	29 S Ohioville Rd	I1 light industrial
86.12-5-19	39 S Ohioville Rd	I1 light industrial
86.12-5-20	41 S Ohioville Rd	I1 light industrial
86.12-5-21	43-45 S Ohioville Rd	I1 light industrial
86.12-5-22	55 S Ohioville Rd	I1 light industrial
86.12-5-23.100	59 S Ohioville Rd	I1 light industrial
86.12-5-12.310	S Ohioville Rd	I1 light industrial