

January 4, 2018

LOCAL LAW No. _____ of 2018

TOWN OF NEW PALTZ, ULSTER COUNTY, NEW YORK

A local law to enact a 120-day 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. The Town Board has created the Route 299 Gateway Committee ("Gateway Committee") to review the Town Comprehensive Plan as it relates to the Route 299 Gateway area, and to revise the Plan and the Town's Zoning Code as needed to reflect the community's vision for this important entranceway to the Town and the Village.

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.
- 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

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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 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/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 the Gateway Committee has held seven working meetings, one public workshop, a roundtable discussion with representatives from the various Town and Village boards/committees and other community stakeholders, and interviewed several of the large property owners and/or their representatives in the Corridor; and

That the Gateway Committee is preparing a report entitled, "Draft Report of the Town of New Paltz, Route 299 Gateway Committee" which includes a draft Comprehensive Plan amendment and draft Zoning Law amendments which will be presented to the Town Board upon completion (the "Report");

That the Gateway Committee needs additional time to complete the Report and to make its recommendations to the Town; and

That a moratorium for an additional period provided herein 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

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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 for an additional 120 days from the expiration of the moratorium on February 9, 2018, to expire June 11, 2018, on (i) application for, consideration of, or approval of any site plan, special permit, subdivision or building permit application for any use or specially permitted use in the Exit 18 Gateway Area.
- B. Exemptions. The following are exempt from this Moratorium: (a) site plan and special use permit applications for development of not more than 5 dwelling units on a lot or combination of lots; (b) site plan and special use permit applications for new non-residential structures or additions totaling 2,500 square feet floor area or less; (c) site plan applications which are eligible for a waiver pursuant to Section 140-51.3A of the Zoning Law; (d) any building permits associated with items (a) through (c); and (e) building permit applications for interior renovations that do not alter the business use or occupancy of a structure (“Exempt Applications”).
- C. Any application that was submitted prior to May 10, 2017, 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: 1) complete environmental review by either adopting a negative determination of significance, or, when an applicant has submitted a draft environmental impact statement, by adopting a SEQRA findings statement after an FEIS has been filed for such an application; or 2) 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 including documents prepared pursuant to SEQRA, 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, 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.

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- 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 5. **Penalties for Violation.**

In the event of violation of this local law, this law may be enforced by the 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 6. **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 7. **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 8. **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