

LOCAL LAW NO. ____ OF 2018

**TOWN BOARD
TOWN OF NEW CASTLE**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to enact a moratorium.

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

SECTION 1. TITLE

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law § 10, to enact a moratorium with respect to the review and approval of certain land use, variance, building permit and sign permit applications on certain properties within the Town of New Castle, by means of amending Chapter 48, Building Construction and Fire Prevention, and Chapter 60, Zoning, of the New Castle Town Code, and superseding the corresponding sections of the New York State Town Law as they apply to time periods, filing deadlines and statutes of limitations for said applications.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The Town Board hereby finds as follows:

1. On June 21, 2017, pursuant to N.Y. Town Law § 272-a, the Town adopted an updated Comprehensive Plan (the “2017 Comprehensive Plan”) setting forth goals, principles, policies and standards for the immediate and long-range enhancement, growth and development of our community.
2. With respect to the Town’s existing hamlets, including the downtown Chappaqua hamlet, the 2017 Comprehensive Plan establishes the goal of creating a new and more vibrant mix of retail and residential uses through new land use regulations. In particular, the 2017 Comprehensive Plan identifies the need to facilitate the development of housing that meets the needs of young people and older adults. The 2017 Comprehensive Plan further envisions establishing a sustainable mix of retail and residential uses within the Chappaqua hamlet because, among other things, the Chappaqua hamlet is well connected to the Metro North Railroad. In addition, the 2017 Comprehensive Plan calls for the creation of design guidelines for retail and commercial establishments within the Chappaqua hamlet.

3. Towards these ends, the Town has already begun a site assessment of municipal properties in the Chappaqua hamlet to assess the physical, regulatory and development potential of its holdings. Among other things, the Town Board has also held two joint work sessions with the Town of New Castle Planning Board to explore avenues for realizing the goals set forth in the 2017 Comprehensive Plan.
4. Based upon the foregoing, the Town Board anticipates that retail and commercial zoning changes within the Chappaqua hamlet are necessary, desirable and imminent.
5. This moratorium will allow adequate time for the Town Board to implement new retail and commercial zoning legislation for the Chappaqua hamlet. The Town Board finds that maintaining the status quo will be protective of the public interest and welfare, and ensure consistency with newly-adopted zoning requirements. This moratorium will promote community planning values by regulating land development based on a carefully considered plan, and prevent a “race of diligence” by those seeking to obtain approvals before new conditions and requirements are established.

SECTION 3. MORATORIUM

1. Effective immediately and continuing for a period of six (6) months following the date on which this Local Law is filed with the Secretary of State, the Town Building Inspector, New Castle Development Department, and all other applicable Town agencies, boards, departments and personnel, shall not accept, process, review or consider any new applications for site development plan approval, special permit approval, variance relief, building permits or sign permits in the B-R (Retail Business) and B-RP (Retail Business & Parking) Districts in the Chappaqua hamlet, as depicted on the annexed zoning map. Any such new applications received after the introduction of this Local Law on October 30, 2018 and before its Effective Date (as hereinafter defined) shall likewise be subject to this moratorium. This moratorium shall not apply to any applications received by the Town’s Development Department on or before October 30, 2018.
2. Additionally, notwithstanding the foregoing, this moratorium shall not apply to new applications for building permits received after October 30, 2018 for work and improvements that the Building Inspector reasonably determines are being performed primarily for health or safety reasons, or which will be undertaken in existing commercial or retail structures having a gross floor area of less than 3,000 square feet.
3. The Town Board may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of six (6) months, as the Town Board, in its sole discretion, deems necessary to allow for the adoption of revised zoning for the subject area.

4. In the event this Local Law causes a severe financial hardship to a property owner, an application may be made in writing to the Town Board requesting an exemption from the provisions herein. After due notice and a public hearing on such application, the Town Board may grant an exemption with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary. No exemption shall be granted pursuant to this section, except upon a determination by the Town Board that severe financial or economic hardship was directly caused as a result of the application of the provisions of this Local Law.
5. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State Town Law for the entire duration of this moratorium, including any extension thereof.

SECTION 4. NOTICE TO APPLICANTS – ZONING CHANGES

This section provides notice to all applicants that although an exempted application may proceed through the review process, the applicant proceeds at its risk, because such application may be impacted or denied because of a change in zoning requirements. A permit approval shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval.

SECTION 5. SEPARABILITY

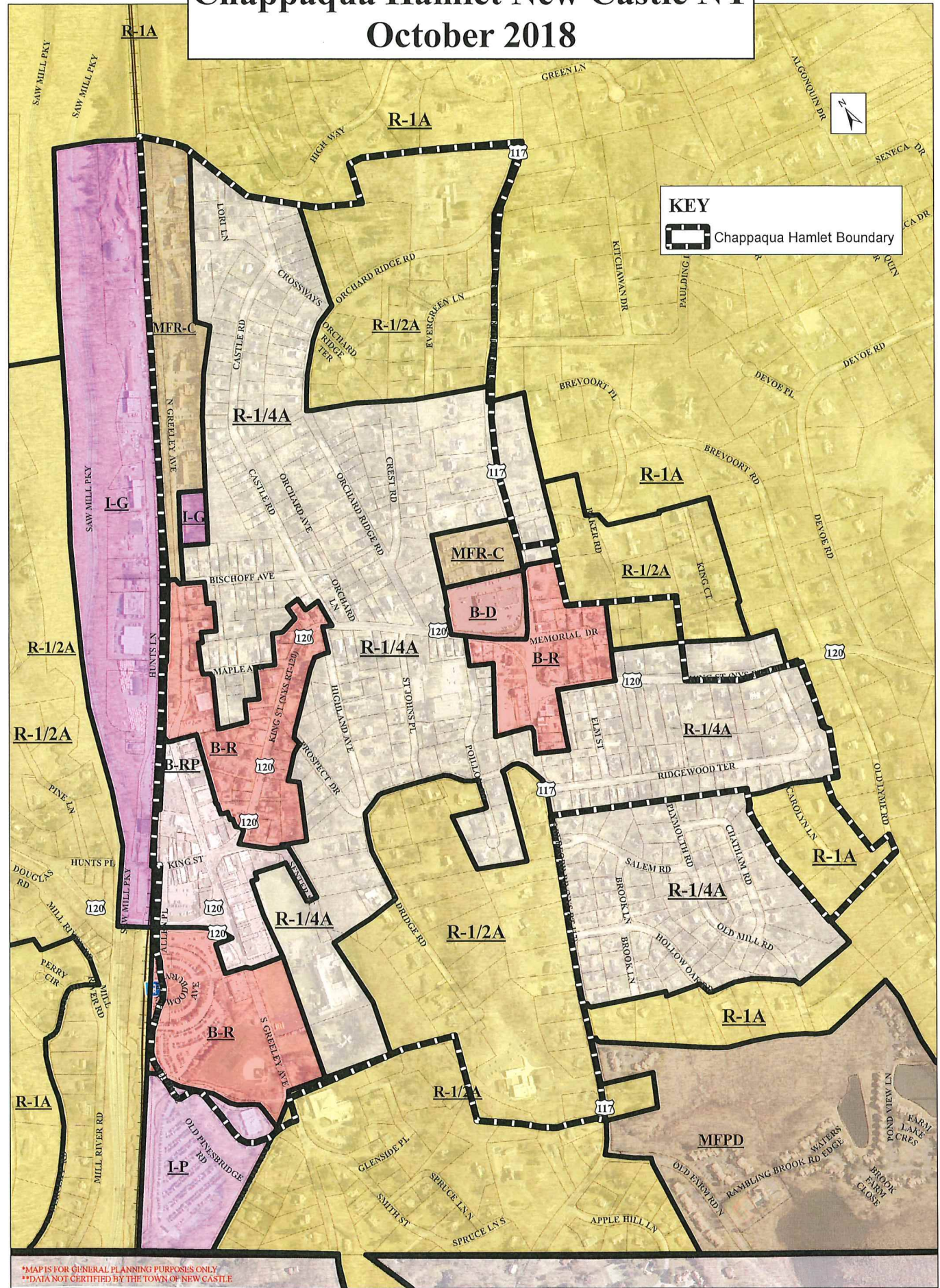
The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Chappaqua Hamlet New Castle NY

October 2018



KEY

Chappaqua Hamlet Boundary

*MAP IS FOR GENERAL PLANNING PURPOSES ONLY
 **DATA NOT CERTIFIED BY THE TOWN OF NEW CASTLE



Sources: New Castle GIS,
 Westchester County GIS, NY State GIS
 Date: 10/29/2018
 Author: KDC

