

Local Law Filing

Village of Croton-on-Hudson

Local Law No. 1 of the year 2003

FILED
OCT 06 2003
MISCELLANEOUS
& STATE RECORDS

A local law Law known and cited as the Interim Development Moratorium in the Proposed Gateway Districts within the Village of Croton-on-Hudson.

Be it enacted by the Board of Trustees of the

Village of Croton-on-Hudson as follows:

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

OCT 06 2003

MISCELLANEOUS
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SECTION 1. Purpose and Intent.

- A. **Background.** The Village of Croton-on-Hudson recently adopted a Comprehensive Plan. The Plan recommended the creation of Gateway Overlay Districts in certain key areas of the village. The Village Board has determined to amend the existing zoning ordinance, with a proposed Gateway Overlay District (dated July 21, 2003) that is consistent with the Comprehensive Plan and to create Gateway Overlay Districts in three areas of the village.
- B. **Legislative Intent.** Pursuant to authority duly vested in it, to preserve its intended objectives and insure future possible implementation of new regulations it may deem necessary, the Village Board hereby adopts reasonable protective interim regulations during prospective changes in the zoning ordinance. The Village Board intends to protect the public interest and welfare and prevent premature land development which could prejudice the integrity and objectives of the 2003 Comprehensive Plan and which could result in the establishment of land use patterns inconsistent with and in violation of the intent of said possible changes in the zoning ordinance. The Village Board has provided a relief procedure herein to avoid or minimize any inequities or hardships which may derive from the strict applications of these regulations. During the moratorium, the Village shall be actively engaged in the development of the new regulations to better guide Croton-on-Hudson's growth and development.
- C. **Legislative Findings.** The Village of Croton-on-Hudson does hereby find, pending the completion of the necessary studies, meetings, hearings, other actions, and State Environmental Quality Review (SEQR) incident to proper

C. **Legislative Findings.** The Village of Croton-on-Hudson does hereby find, pending the completion of the necessary studies, meetings, hearings, other actions, and State Environmental Quality Review (SEQR) incident to proper consideration and decisions upon possible amendments and revisions of the Village zoning ordinance and to reflect such planning as has been indicated above, that appropriate measures must be taken to secure a reasonable interim period to protect the public interest. The Village Board of Trustees finds that it is necessary and appropriate to place a moratorium on the issuance of permits and approvals within the areas that are proposed to be rezoned to Gateway Districts. Without a moratorium, the Village could be faced with further activities in the proposed Gateway District. This would prevent the Village from exercising its responsibility to fully address all issues related to the proposed rezoning and its impacts.

- D. **Description of Parcels to be Rezoned to Gateway Overlay District and Supporting Maps.** This Local Law has the following attachments:
- a. Zoning Overlays. This is a list of the parcels, with tax parcel identification numbers, that comprise the three Gateway Overlay Districts. The three districts are known as 1) South Riverside/Harmon Zoning District, 2) Municipal Place Zoning District, and 3) North End Zoning District.
 - b. Supporting Maps. This is a set of ten maps that show: 1) all three Gateway Districts, 2) South Riverside/Harmon Tax Blocks and Lots, 3) South Riverside Gateway District Land Uses, 4) South Riverside Gateway District Zoning Map, 5) Municipal Place Tax Blocks and Lots, 6) Municipal Place Gateway District Land Uses, 7) Municipal Place Gateway District Zoning Map, 8) North End Gateway District Tax Blocks and Lots, 9) North End Gateway District Land Uses, and 10) North End Gateway District Zoning Map.

SECTION 2. Applicability. This Local Law shall apply for an interim period to all properties located within the Village of Croton-on-Hudson, which are located in the areas proposed to be rezoned to Gateway District.

SECTION 3. Scope of Controls. During the effective period of this Local Law:

- A. With the exemptions noted below, no board shall grant preliminary or final approval to a subdivision plat, or grant preliminary or final approval of a site plan, or grant any special permit, or consider formally any application on any parcel of property regardless of the fact that such plat or plan has been submitted prior to the effective date of this Local Law in the affected area shown in Figures 2 and 3. However, nothing in this Local Law shall preclude an applicant from having a maximum of two informal conferences with an appropriate board or agency while this Local Law is in effect.
- B. The following applications shall be exempted from this local law:

- a. Applications for additions or alterations of existing structures, provided the same do not violate existing zoning requirements and provided that such addition adds no more than 20% to the structure's gross square footage.
- b. Renovations, whether interior or exterior.
- c. Change of use.

SECTION 4. Term.

- A. This Local Law shall be in effect for a consecutive period of six (6) months from its effective date, or if the proposed Gateway District law is adopted sooner than the completion of the six-month term, then this Local Law shall no longer be in force.
- B. This Local Law shall be subject to review and renewal by resolution of the Board of Trustees for an additional period of time, effectively immediately.

SECTION 5. Penalties. Any person, firm or corporation that shall construct, erect, enlarge or alter any building or structures in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by the laws, rules and regulations of the Village of Croton-on-Hudson for violations; and
- B. Injunctive relief in favor of the Village of Croton-on-Hudson to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

SECTION 6. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 7. Superseding Other Laws.

- A. All laws, ordinances, rules and regulations or parts thereof of the Village of Croton-on-Hudson in conflict with the provisions of this Local Law are hereby repealed to the extent necessary to give this Local Law full force and effect during the effective period.
- B. During the duration of time that this law is in effect, this Local Law shall modify and supersede, with respect to the properties covered by this Local Law and, for the term of this Local Law, inconsistent provisions of the Village Zoning Code and provisions of N.Y. Village Law, Article 7, including but not limited to sections 7-712 (variances), 7-725-a (site plan review); 7-725-b

(approval of special use permits); 7-728 (subdivision review; approval of plats; development of filed plats); 7-730 (subdivision review; approval of plats; additional requisites); 7-736 (construction of municipal utility in streets; appeal; review by court); and 7-738 (subdivision review; approval of cluster development).

SECTION 8. No Default Approval. Notwithstanding any provision of Village Law to the contrary, and based upon the superseding of Village Law § 7-728, during the period that this local law, or any extension thereof, is in effect, the failure of the Planning Board to take action upon any application for approval of a preliminary or final subdivision plat application shall not be deemed an approval of such application and the Village Clerk shall not issue a certificate of approval thereof.

SECTION 9. Hardship and Relief.

- A. **Availability of Relief.** Should any owner of property located in the areas that are proposed to be rezoned to Gateway District (see Figures 2 and 3) affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board of Trustees, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application for a variance, special permit, site plan or subdivision during the term of this Local Law.
- B. **Procedure.** Upon submission of a written application to the Village Clerk by the property owner seeking a variation of this Local Law, the Village Board of Trustees shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days written notice in the official newspaper of the Village. 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 Village Board of Trustees shall, within thirty (30) days of the close of said public hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Village Board of Trustees determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village Board of Trustees shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
- C. Any party aggrieved by the determination of the Village Board of Trustees on an application for a variation from the strict compliance with this Local Law may appeal said decision to the Supreme Court, State of New York, Westchester County, pursuant to Article 78 of the Civil Practice Law and

Rules within thirty (30) days of the filing of said decision in the Office of the Village Clerk.

SECTION 10. Effective Date. This Local Law shall take effect immediately, as provided by law and upon filing in the office of the Secretary of State,

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF CROTON-ON-HUDSON, NEW YORK

ATTACHMENT 1: ZONING OVERLAYS

A. **South Riverside/Harmon Zoning District.** The following parcels having the following Village tax map designations hereby comprise the South Riverside/Harmon Zoning District.

79.13-2-5	79.13-2-25
79.13-2-6	79.13-2-26
79.13-2-18	79.13-2-27
79.13-2-19	79.13-2-28
79.13-2-20	79.13-2-29
79.13-2-21	79.13-2-30
79.13-2-22	79.13-2-31
79.13-2-22.1	79.13-2-32
79.13-2-23	79.13-2-33
79.13-2-24	

B. **Municipal Place.** The following parcels having the following Village tax map designations hereby comprise the Municipal Place Zoning District.

78.12-3-4	78.12-3-9
78.12-3-5	78.12-3-10
78.12-3-6	79.9-1-30
78.12-3-7	79.9-1-77
78.12-3-3	79.9-1-66
78.12-3-2	
78.12-3-8	79.9-1-67

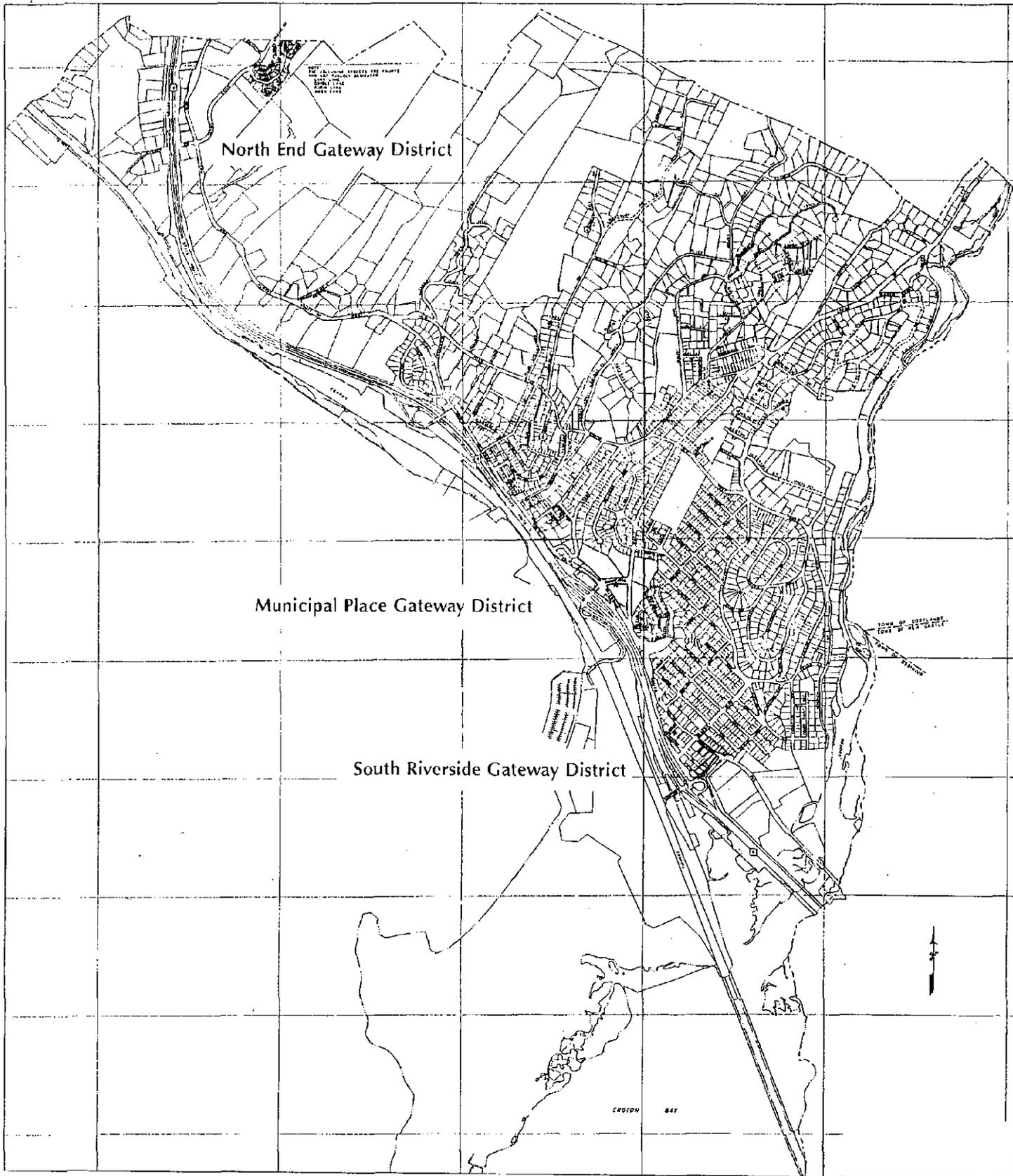
C. **North End.** The following parcels having the following Village tax map designations hereby comprise the North End Zoning District.

67.10-2-11
67.10-2-12
67.10-2-13
67.10-2-14
67.10-2-15
67.10-2-16
67.10-2-17
67.10-2-1

ATTACHMENT 2: SUPPORTING MAPS

Following this page is a set of ten maps that show:

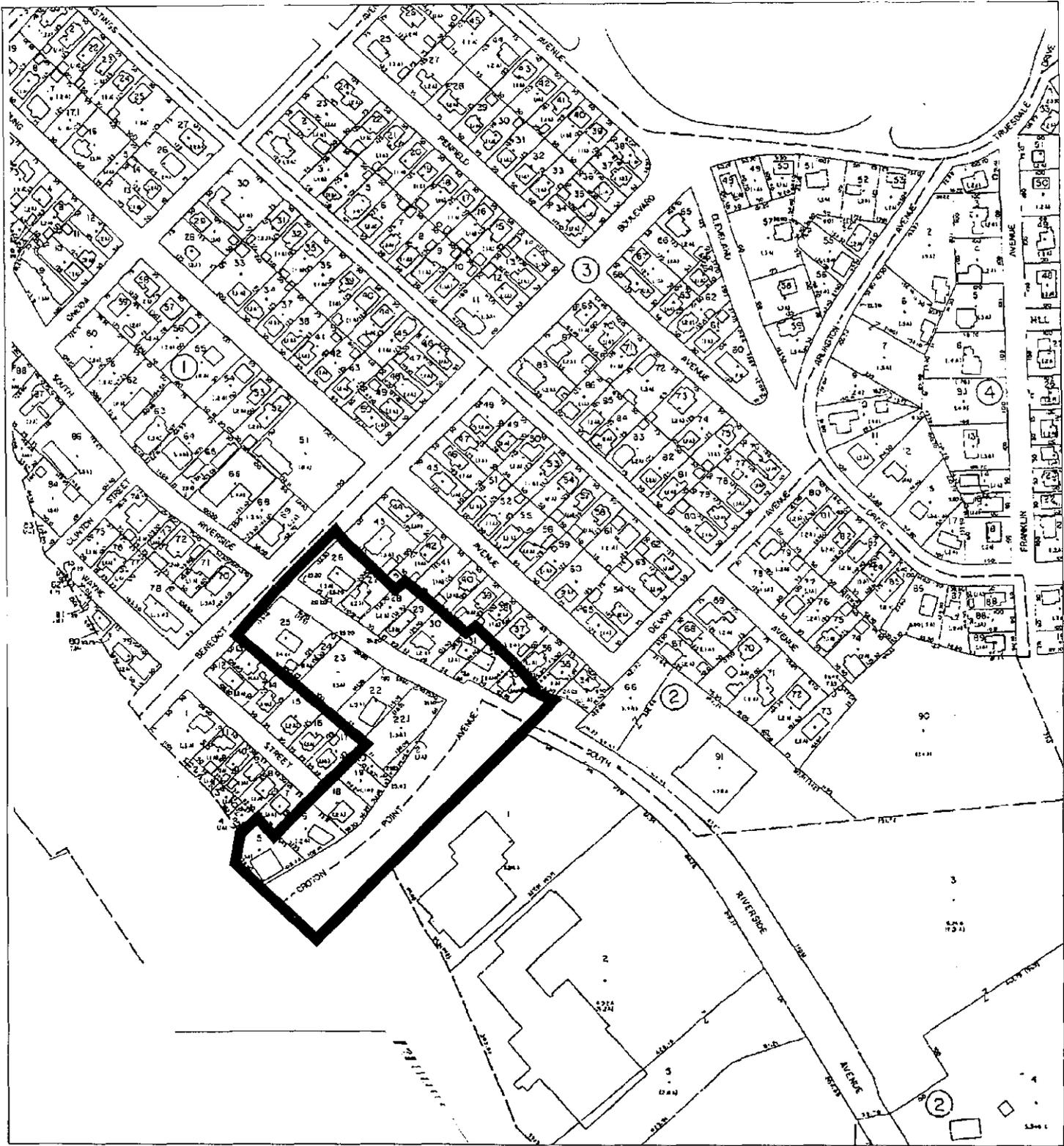
- 1) All three Gateway Districts,
- 2) South Riverside/Harmon Tax Blocks and Lots,
- 3) South Riverside Gateway District Land Uses,
- 4) South Riverside Gateway District Zoning Map,
- 5) Municipal Place Tax Blocks and Lots,
- 6) Municipal Place Gateway District Land Uses,
- 7) Municipal Place Gateway District Zoning Map,
- 8) North End Gateway District Tax Blocks and Lots,
- 9) North End Gateway District Land Uses, and
- 10) North End Gateway District Zoning Map.



Village of Croton-On-Hudson, NY

Figure 1: Gateway Districts





Gateway Overlay District
 Village of Croton-On-Hudson, NY

South Riverside / Harmon
 Tax Block and Lots

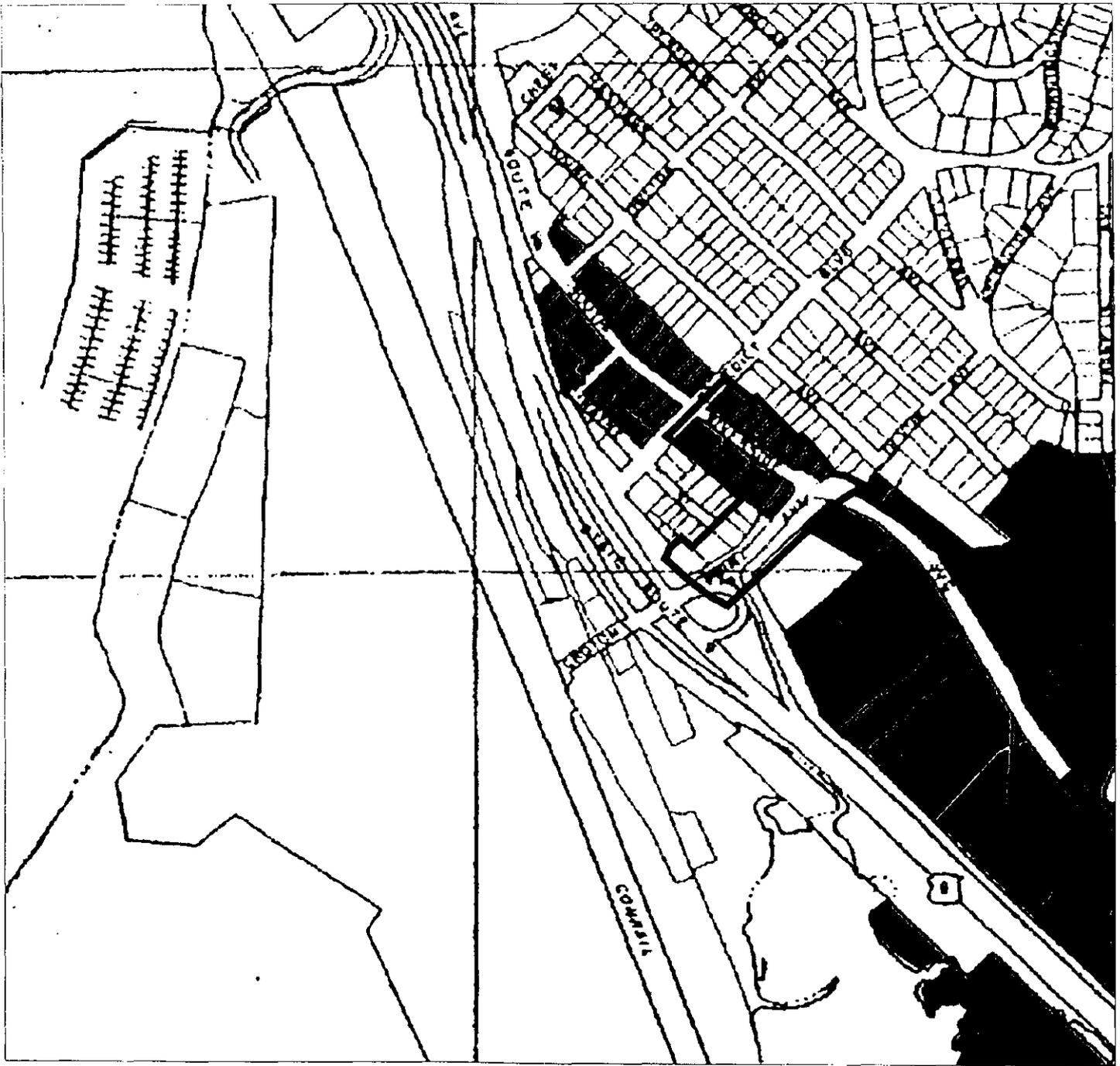
 Gateway District Boundary



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BFJ Buckhurst Fish & Jacquemart, Inc.



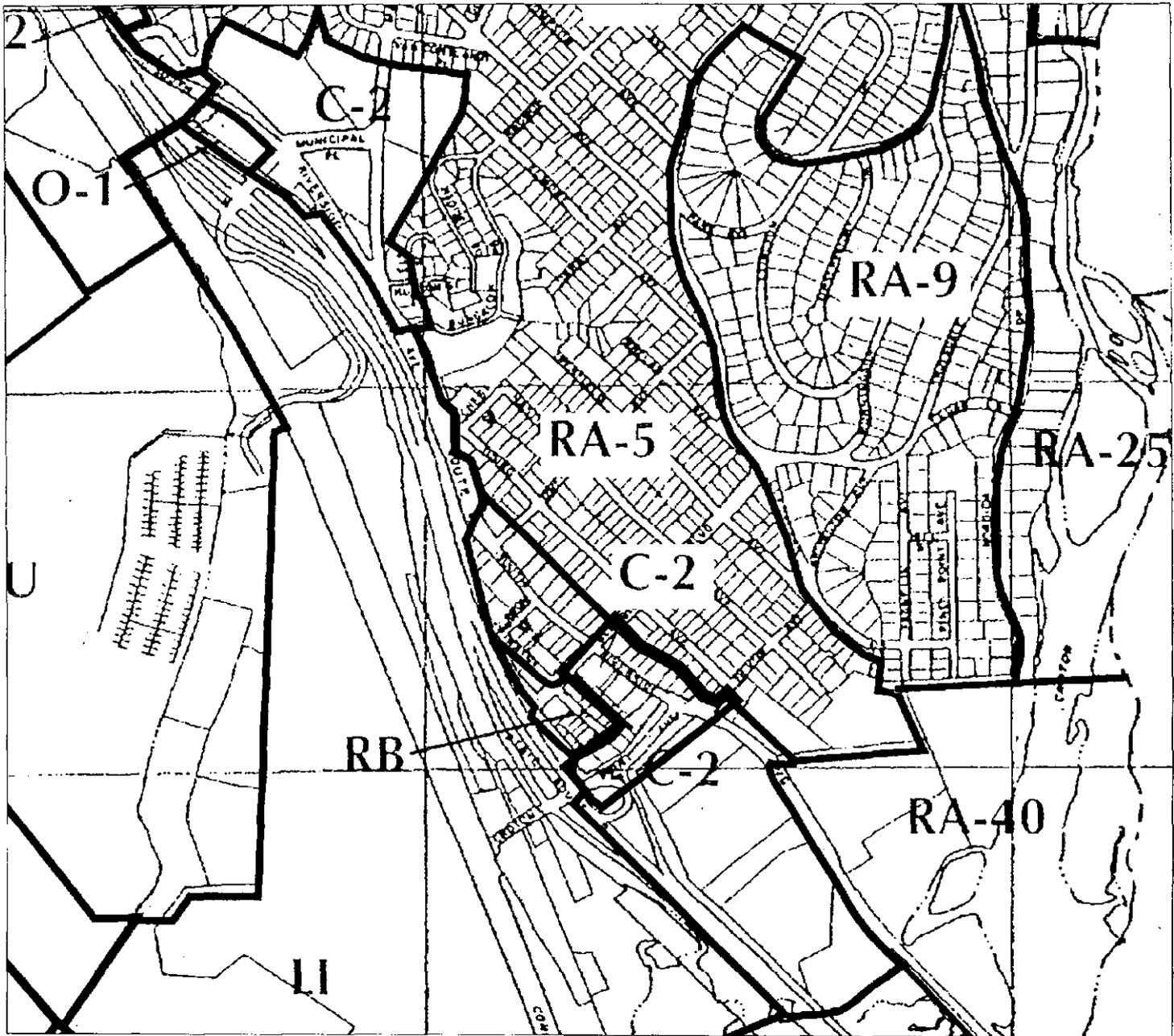
Village of Croton-On-Hudson, NY

South Riverside Gateway District: Land Uses

-  District Boundary
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space / Parks
-  Institutions
-  Utilities / Transportation
-  Vacant Lots



BFI Buckhurst Fish & Jacquemart, Inc.



Village of Croton-On-Hudson, NY

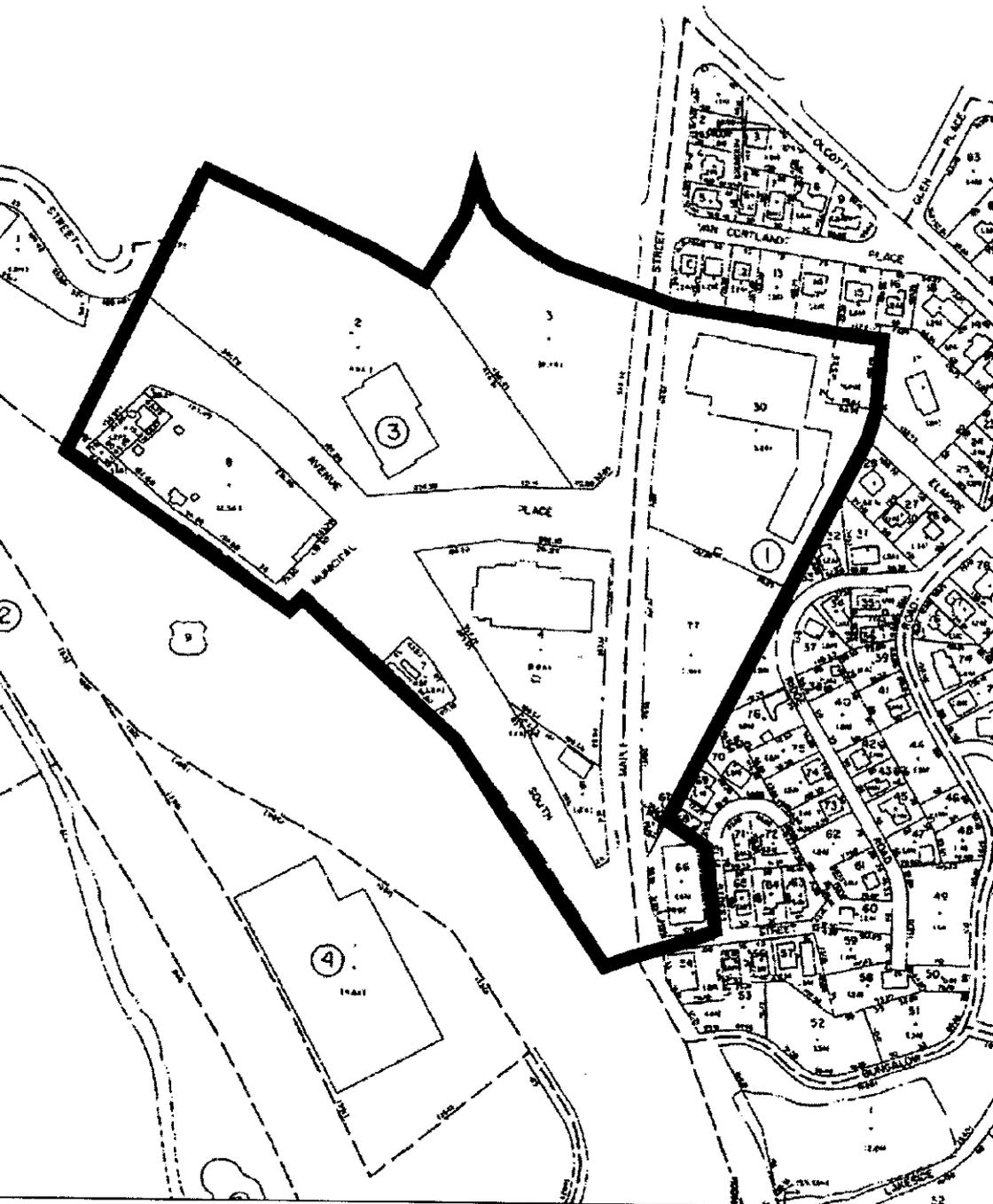
South Riverside Gateway District: Zoning Map

 Gateway District Boundary
 Zoning District Boundary

- RA-40 One Family Residence
- RA-25 One Family Residence
- RA-9 One Family Residence
- RA-5 One Family Residence
- RB Two Family Residence
- RC Multiple Residence
- O-1, O-2, O-3 Limited Office
- C-1 Central Commercial
- C-2 General Commercial
- LI Light Industrial
- WC Waterfront Commercial
- RDU Riverfront Development Use



BFJ Buckhurst Fish & Jacquemart, Inc.



**Overlay District
of Croton-On-Hudson, NY**

**Municipal Place Gateway
Tax Block and Lots**

█ Gateway District Boundary

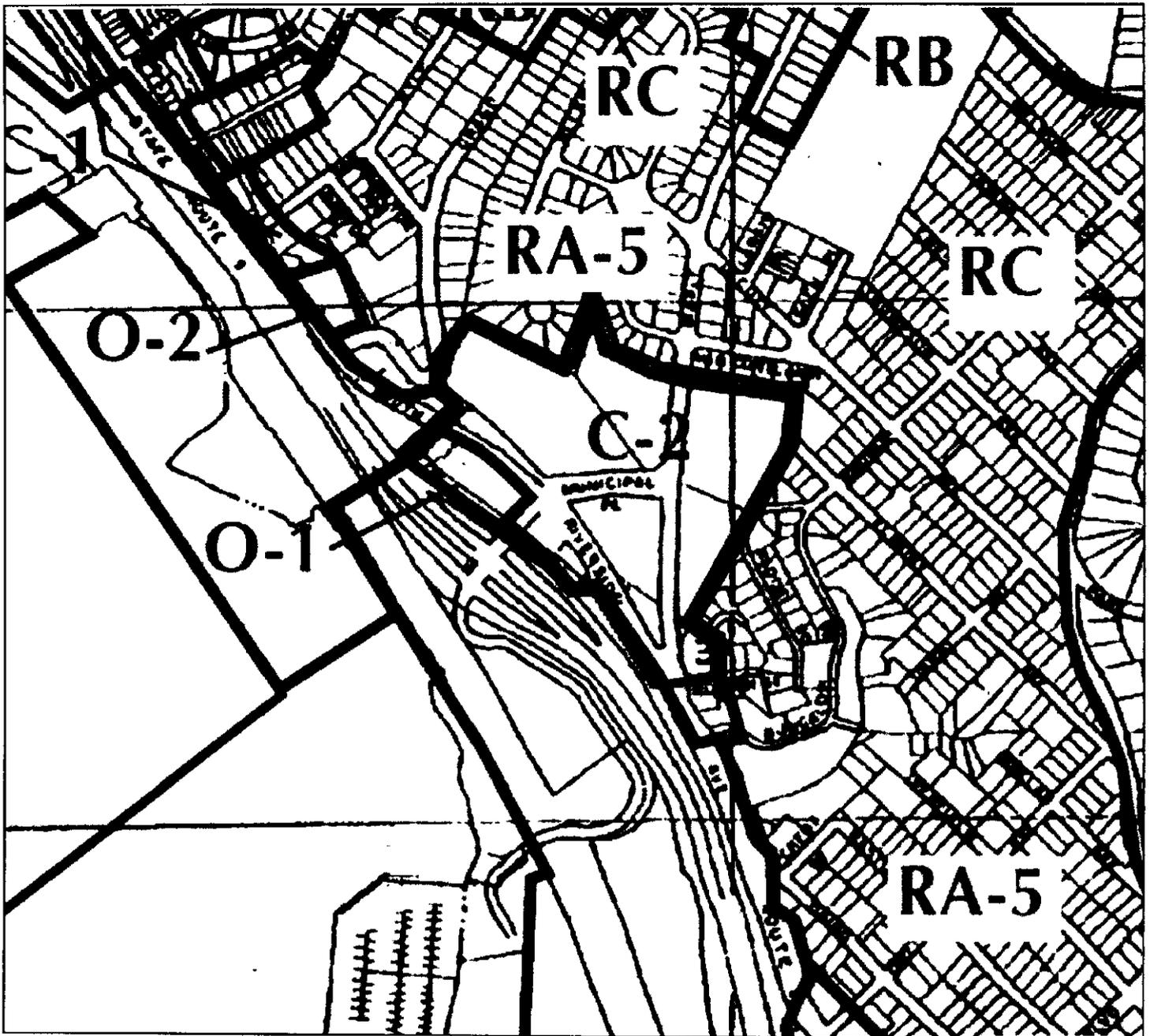


Village of Croton-On-Hudson, NY

Municipal Place Gateway District: Land Uses

-  District Boundary
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space / Parks
-  Institutions
-  Utilities / Transportation
-  Vacant Lots





Village of Croton-On-Hudson, NY

Municipal Place Gateway District: Zoning Map

-  Gateway District Boundary
-  Zoning District Boundary

RA-40 One Family Residence

RA-25 One Family Residence

RA-9 One Family Residence

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RB Two Family Residence

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O-1, O-2, O-3 Limited Office

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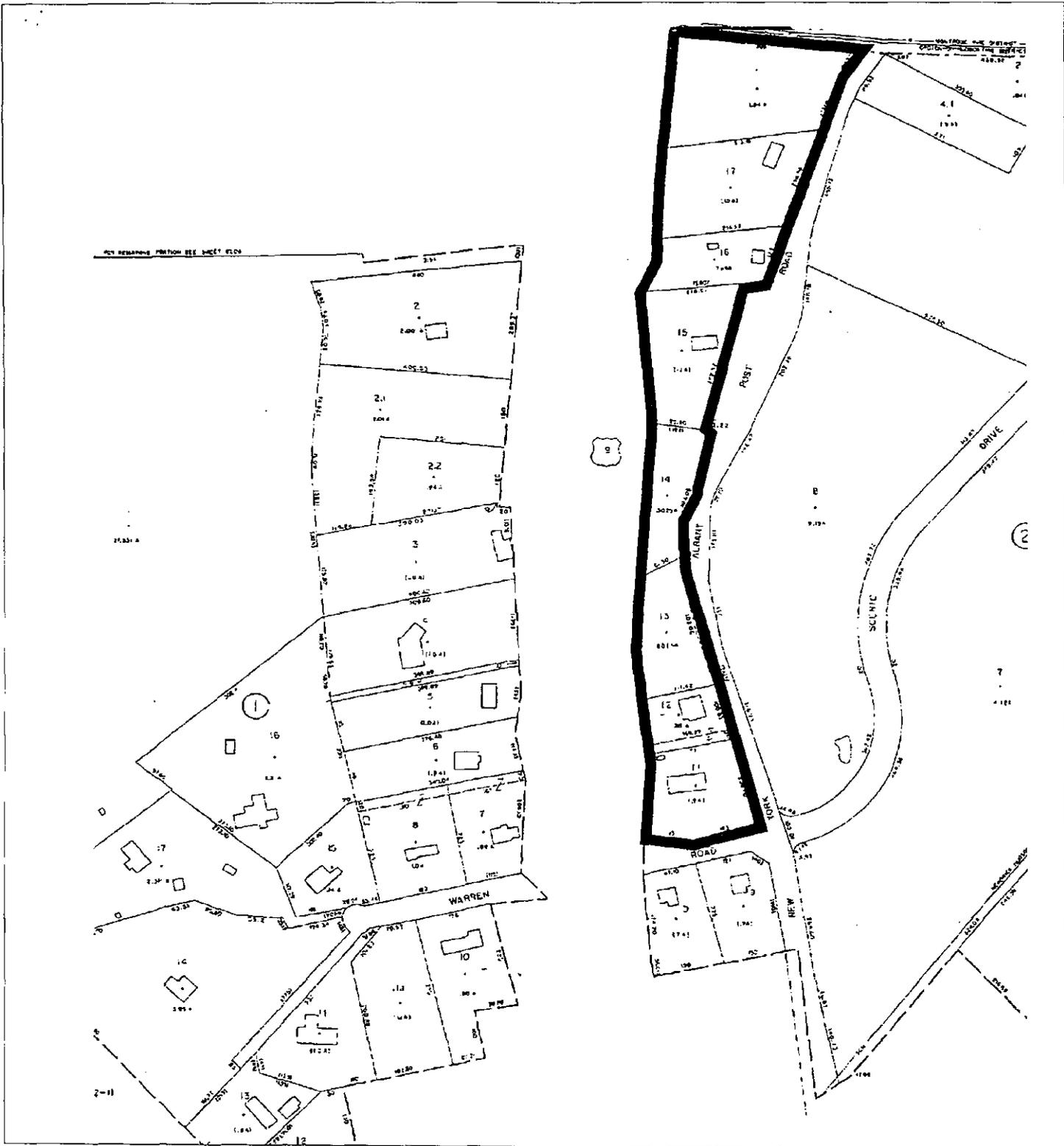
LI Light Industrial

WC Waterfront Commercial

RDU Riverfront Development Use



 BfJ Buckhurst Fish & Jacquemart, Inc.



Gateway Overlay District
Village of Croton-On-Hudson, NY

North End Gateway District
Tax Block and Lots

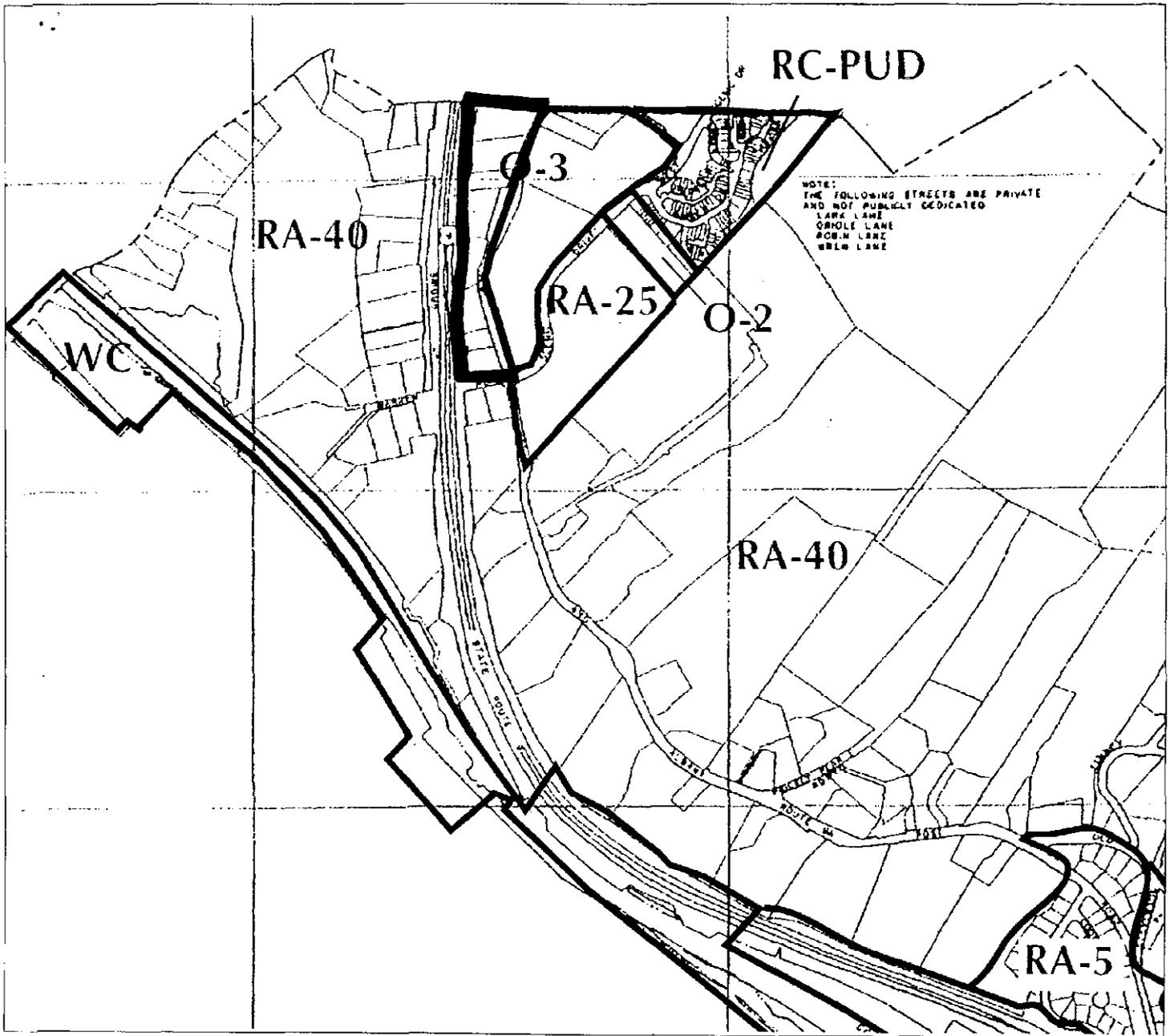
█ Gateway District Boundary



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BFJ Buckhurst Fish & Jacquemart, Inc.



Village of Croton-On-Hudson, NY

North End Gateway District: Zoning Districts

-  Gateway District Boundary
-  Zoning District Boundary
- RA-40 One Family Residence
- RA-25 One Family Residence
- RA-9 One Family Residence
- RA-5 One Family Residence
- O-1, O-2, O-3 Limited Office
- WC Waterfront Commercial



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____¹_____ of 20⁰³ of the ~~(County)~~(City)(Town)(Village) of Croton on Hudson was duly passed by the Board of Trustees on 9/2 20⁰³, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one, above.

Richard S. Herbert

~~Clerk of the County, legislative body, City, Town or Village Clerk~~
or officer designated by local legislative body

9/3/03

Date: _____

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Seymour M. Waldman

Signature

Village Attorney

Title

~~County~~
~~City~~ of Croton on Hudson
~~Town~~
Village

Date: 9/8/03