

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

FEB 25 2010

County
City of New Paltz
Town
Village

DEPARTMENT OF STATE

Local Law No. 8 of the year 2009

“A local law to enact a temporary moratorium upon residential development and the issuance of certain building and other permits for certain residential and non-residential structures and uses with areas of special flood hazards.”

Be it enacted by the Town Board of the

County
City of New Paltz as follows:
Town
Village

Section 1. Legislative Purposes

This purpose of this local law is to temporarily prohibit applications for and approvals of residential developments and the issuance of building permits for the construction of residences and residential buildings and of commercial and other non-residential buildings within areas of special flood hazard as such term is defined in Chapter 82, “Flood Damage Prevention” of the Code of the Town of New Paltz while the Town considers and adopts changes to its land use regulations to address circumstances not addressed by the Town’s current planning and zoning laws and to bring them in harmony with the Town’s amendment of said Chapter 82 now being updated. This stopgap or interim zoning is intended to preserve the status quo pending the completion and

adoption of comprehensive and permanent revisions to such regulations. The overall purpose of this local law is to protect and preserve the general community health, safety and welfare by temporarily prohibiting applications for and approvals of residential developments and the issuance of building permits for certain new construction within areas of special flood hazard while enacting a carefully considered flood damage prevention plan. This local law prevents a “race of diligence” by those seeking to obtain approvals before the regulations are in place and is intended to protect the public interest and welfare until adequate flood damage protection legislation is finally adopted.

Section 2. SEQR Status

This local law is declared to be a Type II action in accordance with 6 NYCRR §617.5(c)(30).

Section 3. Moratorium Imposed

A. For a period of three (3) months following the date of adoption of this local law, no residential development approvals shall be granted in the Town of New Paltz within areas of special flood hazard as such term is defined in Chapter 82, “Flood Damage Prevention” of the Code of the Town of New Paltz. The term “residential development approvals” shall mean any approvals of a discretionary nature required for residential land use development in the Town of New Paltz including, without limitation, site plan, special use permit and subdivision approvals. This local law is binding on all local

municipal boards and officials and on all persons seeking residential development approvals within the affected area.

B. For a period of three (3) months following the date of adoption of this local law, no building permits shall be issued for the construction of residences and residential buildings, as those terms are defined in Section 140-4 of the Code of the Town of New Paltz, including, for purposes of this local law, transient accommodations such as hotels, motels and hospitals and portions of a building containing both residential and nonresidential purposes within areas of special flood hazard as such term is defined in Chapter 82, "Flood Damage Prevention" of the Code of the Town of New Paltz nor shall any building permits be issued for the construction of business or commercial buildings within areas of special flood hazard as such term is defined in Chapter 82, "Flood Damage Prevention" of the Code of the Town of New Paltz. This local law is binding on all local municipal boards and officials and on all persons seeking the issuance of such permits within the affected area.

C. This moratorium may be extended by two (2) additional periods of up to three (3) months each by resolution of the Town Board upon a finding of the necessity for such extension.

D. During the period of the moratorium, the Town shall endeavor to finalize the proposed zoning regulations for residential and non-residential development and for the

issuance of building permits in areas of special flood hazard as such term is defined in Chapter 82, "Flood Damage Prevention" of the Code of the Town of New Paltz.

Section 4. Exceptions to Moratorium

This moratorium shall not apply to the issuance of building permits, certificates of occupancy and certificates of compliance for:

- (a) repair, replacement, reconstruction, enlargement or other improvement to residences and residential buildings and to business or commercial buildings in existence prior to the adoption of this local law;
- (b) construction, erection, reconstruction, repair, replacement, enlargement or other improvement to accessory, non-residential structures customarily incident and subordinate to the principal use of a lot;
- (c) construction and erection of residences and residential buildings, as those terms are used in this local law, upon a lot the access to which directly abuts a state, county or town highway or private road shown on the official map of the Town of New Paltz provided, however, that no portion of such access is located within an area of special flood hazard as such term is defined in Chapter 82, "Flood Damage Prevention" of the Code of the Town of New Paltz.

Section 5. Supersession of Inconsistent Laws

The Town Board hereby declares its legislative intent to supercede any provisions of any local law, rule, or regulation or provision of the Town Law inconsistent with this local law. The Town Law provisions intended to be superceded include all of Article 16 of the Town Law, §§261-285 inclusive and any other provision of law that the Town may supercede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply in the event the Town has failed to specify any provisions of law that may require supercession. The Town Board hereby declares that it would have enacted this local law and superceded such inconsistent provision had it been apparent.

Section 6. Severability

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Town Board hereby declares that it would have enacted this local law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 7. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(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. _____ of
of the (County)(City)(Town)(Village) of New Paltz, Ulster County _____ was duly passed by the
Town Board _____ on 12-30-97 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 19____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 19____,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19____. Such local law was submitted
(Elective Chief Executive Officer*)
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 _____ 19____, in
accordance with the applicable provisions of law.

**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 19____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19____. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in
accordance with the applicable provisions of law.

* 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 19_____ 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 _____ 19____, 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 19_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____ 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 _____, above.

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

(Seal)

Date: January 4, 2010

(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 Ulster

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.

Joseph M. Moriello
Signature Joseph M. Moriello
Title Attorney

County
City- of New Paltz
Town
Village

Date: January 4, 2010