

Local Law ___ of 2020

A Local Law which shall be known and may be cited as an EXTENSION OF TEMPORARY MORATORIUM ON COMMERCIAL OR RESIDENTIAL LAND USE APPLICATIONS FOR PROPERTY LOCATED IN THE OFFICE BUSINESS (OB) DISTRICT, LABORATORY OFFICE (LO) DISTRICT AND THE R-4 RESIDENTIAL DISTRICT THAT ABUTS THE 9W CORRIDOR IN THE VILLAGE.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK AS FOLLOWS:

SECTION 1. Purpose and Intent.

On December 20, 2018 the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) adopted Local Law 4 of 2018 titled a “TEMPORARY MORATORIUM ON COMMERCIAL OR RESIDENTIAL LAND USE APPLICATIONS FOR PROPERTY LOCATED IN THE OFFICE BUSINESS(OB), LABORATORY OFFICE (LO) AND THE R-4 RESIDENTIAL DISTRICT THAT ABUTS THE ROUTE 9W CORRIDOR IN THE VILLAGE” (“LL 4 of 2018”), which imposed a temporary moratorium on the acceptance and processing of land use applications in the zoning districts referenced in the local law’s title by the Village’s Planning Board, Zoning Board of Appeals, Board of Trustees or Building Department pending the Board of Trustees’ consideration of comprehensive revisions to the Village’s existing Comprehensive Plan and implementing zoning laws (the “Temporary Moratorium”).

The Temporary Moratorium was subsequently extended and readopted by Local Law 3 of 2019 (adopted by the Board of Trustees on June 20, 2019 and effective as of July 8, 2019) and Local Law 1 of 2020 (adopted by the Board of Trustees on February 20, 2020 an effective March 3, 2020) (“LL 1 of 2020”), respectively. LL 1 of 2020 is due to expire on September 3, 2020.

The enactment of the Temporary Moratorium during the review of the revisions to the Village’s Comprehensive Plan and related zoning laws is necessary to protect the public interest including the health, safety and welfare of the residents, business persons and property owners of the Village. If building and land development is not restricted as it pertains to land use applications in the area commonly known in the Village as the Route 9W Corridor during the Board of Trustees review and consideration of a updated Comprehensive Plan and related zoning law revisions, such building and land development may in fact undermine the very purpose of the implementation of an updated Comprehensive Plan.

The Board of Trustees has progressed significantly in its review of the updated Comprehensive Plan by accepting a Draft Comprehensive Plan as complete for public review, making required intergovernmental referrals of the Draft Comprehensive Plan, and opening a public hearing on the Draft Comprehensive Plan. The public hearing on the Draft Comprehensive Plan was opened on June 25, 2020 (after having been rescheduled from its originally scheduled date of March 26, 2020 and postponed until April 23, 2020 due to the

COVID-19 emergency). Additionally, written comments on the Draft Comprehensive Plan were accepted in advance of the June 25th hearing and, due to significant community participation, the hearing was left open for additional comments. The Village has also appointed a Zoning Code Revision Committee to propose modifications to the Village's zoning laws in accordance with the updated Comprehensive Plan.

In light of the above, the Board of Trustees has determined that it is necessary to extend the Temporary Moratorium imposed by LL 4 of 2018 as extended and readopted by LL 3 of 2019 and LL 1 of 2020, respectively, to provide it with time to continue and complete its review of the Draft Comprehensive Plan and any proposed implementing zoning law revisions.

SECTION 2. Extension of the Duration of the Temporary Moratorium.

LL 1 of 2020 is hereby amended to extend the duration of the Temporary Moratorium to March 30, 2021 by modifying Section III (SCOPE AND CONTROL) and Section VII (EFFECTIVE DATE) of LL 1 of 2020 to read as follows, with LL 1 of 2020 remaining valid, effective and unchanged in all other respects:

Modification to Section III (SCOPE AND CONTROL): "The moratorium shall be effective until March 30, 2021, or if terminated sooner if the Village Board of the Village of Upper Nyack so determines that the intent and purpose of this law has been adequately satisfied. The Village of Upper Nyack Planning Board, Zoning Board of Appeals, Board of Trustees and the Building Department, as well as all sub-agencies thereof, shall not accept, process, review or grant approval to any application to build any commercial or residential structures in the Office Business (OB) District, the Laboratory Office (LO) District and the R-4 Residential District abutting the Route 9W (Highland Avenue) corridor in the Village of Upper Nyack, except for any pending applications."

Modification to Section VII (EFFECTIVE DATE): "This local law shall take effect immediately upon filing with the Office of the Secretary of State and shall remain in effect until the earlier of March 30, 2021 or a date that it is terminated by local law adopted by the Village Board of Trustees."

SECTION 3. 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 4. Authority; Supersession.

This local law is adopted pursuant to the authority granted by the Municipal Home Rule Law Section 10. All ordinances, local laws, or state laws or parts thereof that conflict with the provisions of this local law are hereby superceded and rendered null and void to the extent necessary to give this local law full force and effect during the effective period.

SECTION 5. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State and is subject to review and renewal by resolution of the Board of Trustees for an additional period of time.