

Local Law ___ of 2020

A Local Law which shall be known and may be cited as an EXTENSION OF THE DURATION OF THE TEMPORARY MORATORIUM ON COMMERCIAL OR RESIDENTIAL SPECIAL USE PERMITS AND SPECIAL USE PERMIT RENEWAL APPLICATIONS.

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

SECTION 1. Purpose and Intent.

On November 21, 2019 the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) adopted Local Law 5 of 2019 titled a “TEMPORARY MORATORIUM ON COMMERCIAL OR RESIDENTIAL LAND USE APPLICATIONS REQUIRING NEW SPECIAL USE PERMITS AS SET FORTH IN SECTION 15:88 OF THE ZONING CODE OF THE VILLAGE OF UPPER NYACK” (“LL 5 of 2019”), which imposed a temporary moratorium on the processing of applications for new residential and commercial special use permits within the Village pending the Board of Trustees’ consideration of comprehensive revisions to the Village’s existing Comprehensive Plan and implementing zoning laws.

On April 2, 2020, the Board of Trustees adopted Local Law 3 of 2020 which superseded LL 5 of 2019 and imposed a temporary moratorium on the processing of commercial and residential special use permit applications and special use permit renewals pending the Board of Trustees’ consideration of comprehensive revisions to the Village’s existing Comprehensive Plan and implementing zoning laws. LL 3 of 2020 became effective on April 8, 2020 and is due to expire on September 30, 2020.

As recited in LL 3 of 2020, a temporary moratorium on commercial and residential applications for new special use permits and special use permit renewals 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 in the Village. If building and land development is not restricted as it pertains to special use permit applications, both new applications and renewals, 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 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 to 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 3 of 2020 to provide it with time to continue and complete its review of the Draft Comprehensive Plan and any implementing zoning law revisions.

SECTION 2. Extension of the Duration of the Special Use Permit Moratorium.

LL 3 of 2020 is hereby amended to: (1) extend the duration of the temporary moratorium on the processing of applications for residential or commercial special use permit applications and special use permit renewals, and (2) extend the validity of Special Use Permits that require renewal pursuant to the terms of Section 15:85.2 of the Zoning Ordinance of the Village of Upper Nyack by modifying:

Section III of LL 3 of 2020 (MORATORIUM; EXTENSION OF DATES TO FILE RENEWAL APPLICATIONS) to read as follows: "There is hereby placed a moratorium on all Special Permit Applications in the Village. Accordingly, the Village Planning Board, Zoning Board of Appeals, Board of Trustees and Building Department, as well as all subagencies thereof, shall not accept, process, review or grant approval of Special Permit Applications, except as otherwise expressly provided herein.

The validity of all Special Use Permits that required renewal pursuant to the terms of Section 15:85.2 of the Zoning Law within the 60 days preceding the effective date Local Law 3 of 2020, and all Special Use Permits that will require renewal pursuant to Section 15:85.2 of the Zoning Law during the effective period hereof, are hereby extended to April 30, 2021."

Section VII of Local Law 3 of 2020 (EFFECTIVE DATE) to read as follows: "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."

Except as expressly provided in this Section 2, LL 3 of 2020 shall remain valid, effective and unchanged in all other respects.

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.