

LOCAL LAW NO. 1 OF 2023

**BOARD OF TRUSTEES
VILLAGE OF PLEASANTVILLE**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to enact a moratorium on development in the Central Business A-1 District including the Central Business A-1 Subarea.

BE IT ENACTED by the Board of Trustees of the Village of Pleasantville 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 approval of building permit, variance, special use permit, site plan and subdivision applications concerning properties located in the Central Business A-1 District, including the Central Business A-1 Subarea, within the Village of Pleasantville, by means of amending Chapter 185, Zoning, of the Code of the Village of Pleasantville, and superseding the corresponding sections of the New York State Village Law as they apply to time periods, filing deadlines and statutes of limitations for said applications.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The Board of Trustees hereby finds as follows:

1. On January 9, 2017, pursuant to N.Y. Village Law § 7-722, the Village adopted an updated Master Plan (the “Master Plan Update”) setting forth goals, principles, policies and standards for the immediate and long-range enhancement, growth, and development of the Village.
2. The Master Plan Update identified a number of underutilized sites in the Village’s downtown and supported zoning changes to facilitate their revitalization and further the plan’s overarching goals, including supporting the Village’s business districts as thriving activity centers, increasing the tax base, promoting a diversity of housing choices, creating a more cohesive downtown streetscape, and promoting strategies that increase bicycle and transit use (i.e., transit-oriented development).

3. Subsequent to the Village's adoption of the Master Plan Update, the Village adopted amendments to Chapter 185, Zoning, of the Code of the Village of Pleasantville (the "Zoning Code") to address identified impediments to the construction of mixed-use development in the Central Business A-1 district and create incentives for density based on provision of active ground-floor uses and/or public open space, as well as conformance with design guidelines. In addition, the Zoning Code amendments allowed for the construction of buildings of up to four (4) stories in an area bounded by Memorial Plaza to the east, Cooley Street to the west, Manville Road to the north, and Bedford Road to the south (the "Central Business A-1 Subarea").
4. Largely as a result of the Zoning Code amendments, the Village has reviewed and approved several mixed-use developments constructed on underutilized sites in the downtown such as 70 Memorial Plaza, 39 Washington Avenue and 52 Depew Street.
5. Additionally, in the wake of the pandemic, the region has seen unprecedented market demand for housing, which has fueled development interest not previously contemplated in the Master Plan Update and subsequent Zoning Code amendments.
6. The Board of Trustees believes that a moratorium is necessary and advisable to maintain the status quo while it assesses whether changes are warranted in the Central Business A-1 District, including the Central Business A-1 Subarea, to ensure that the current scope of development permitted under the Zoning Code is appropriate and can be supported by the Village's existing infrastructure. The scope of the moratorium will be narrowly tailored to projects in the Central Business A-1 District and the including the Central Business A-1 Subarea.
7. The Board of Trustees finds that maintaining the status quo will protect the public interest and welfare. A moratorium will promote community planning values by regulating land development based on a carefully considered plan and will prevent potential applicants from obtaining certain land use approvals while the Village evaluates the impact of future development in the Central Business A-1 District, including the Central Business A-1 Subarea.

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 Village Building Inspector, Planning Commission and the Zoning Board of Appeals (collectively, “Land Use Boards”) shall not issue any determination under the State Environmental Quality Review Act (“SEQRA”), or issue any final determination on any non-exempt building permit, variance, special use permit, site plan and/or subdivision application for property located in the Central Business A-1 District, including the Central Business A-1 Subarea.
2. Any non-exempt applications submitted on or after November 16, 2022 may be heard and reviewed by any Land Use Board, but may not be subject to a vote on a determination pursuant to the State Environmental Quality Review Act (“SEQRA”) or a final determination on the application. The Land Use Board may hold public hearings and discuss the application, but the Land Use Board may not formally approve or deny such application while this moratorium is effective.
3. Notwithstanding the foregoing, the following applications shall be exempt from this moratorium:
 - a. All applications for building permits, variances, special use permits, site plan and subdivision approval submitted before November 16, 2022
 - b. Area variance(s) for 1-family or 2-family dwellings
 - c. Building permit applications for work that does not require approvals from a Land Use Board
 - d. Applications of any kind which involve work that the Building Inspector reasonably believes is 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 4,000 square feet.
4. The Board of Trustees may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of six (6) months, as the Board of Trustees, in its sole discretion, deems necessary to properly study the impact of development in the Central Business A-1 District, including the Central Business A-1 Subarea, under the Village’s existing zoning regulations and allow for the adoption of any zoning amendments deemed necessary.
5. In the event this Local Law causes a severe financial hardship to a property owner, an application may be made in writing to the Board of Trustees requesting an exemption from the provisions of the moratorium. After due notice and a public hearing on such application, the Board of Trustees 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 except upon a determination by the Board of Trustees that severe financial or economic hardship was directly caused as a result of the application of the provisions of this Local Law.

6. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State Village 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 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. Approval shall not be granted unless the 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.