

LOCAL LAW NO. ____ OF 2023/24

**TOWN BOARD
TOWN OF POUND RIDGE**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to enact a moratorium on development in the PB-A, PB-B and PB-C Zoning Districts.

BE IN ENACTED by the Town Board, for the Town of Pound Ridge 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 permits, variances, special use permits, site plan and subdivision applications concerning properties located in the PB-A, PB-B and PB-C Zoning Districts by means of amending Chapter 113, Zoning, of the Code of the Town of Pound Ridge and superseding the corresponding sections of the New York State Town Law as they apply to time periods, filing deadlines and statutes of limitations for said “applications.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The Town Board hereby finds as follows:

1. In January 2010, pursuant to N.Y. Town Law, the Town adopted an updated Comprehensive Plan (the “Comprehensive Plan”) setting forth goals, principles, policies and standards for the immediate and long-range enhancement, growth, and development of the Town, including land use and zoning.
2. The Comprehensive Plan identified the Town’s existing business districts and specifically recognized the unique issue facing Pound Ridge regarding future commercial development in those districts. The Comprehensive Plan noted the importance of maintaining the small-town character of Scotts Corner

while permitting sufficient commercial development to meet the Town's local needs.

3. While the Town is considering issue related to further commercial development in its commercial zoning districts, New York State legalized adult Cannabis use in March of 2021.
4. The State also established an Office of Cannabis Management ("OCM") with its own rules and regulations relating to the operation of cannabis establishments.
5. The Town Board believes that a moratorium is necessary and advisable to maintain the status quo while it assesses the implications of these new State rules and allow the Town to collaborate with OCM to protect the best interests of the Town as it relates to further commercial development within the Town, including the location of businesses related to adult cannabis use within the Business District.
6. The Town Board 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 that could conflict with or comprise the Town's Comprehensive Plan while the Town evaluates the impact of future development in these areas.

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 Town Building Inspector, Planning Board 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, certificate of occupancy and/or subdivision application for property located in the PB-A, PB-B or PB-C Zoning Districts.

2. Any non-exempt applications submitted on or after November 14, 2023 may be heard and reviewed by any Land Use Board, but may not be subject to a vote on a determination pursuant to 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 14, 2023.
 - 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 for existing operations having a gross floor area of less than 3,000 square feet.
4. The Town may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of six (6) months, as the Town, in its sole discretion, deems necessary to properly study the impact of development in the PB-A, PB-B or PB-C Zoning Districts under the Town'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 Town Board requesting an exemption from the provisions of the moratorium. After due notice and a public hearing on such application, the Town Board 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 Town Board 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 Town 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 therefrom.

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.