

## **TOWN OF STONY POINT**

### **LOCAL LAW NO. \_\_ OF 2026**

#### **A LOCAL LAW EXTENDING A MORATORIUM ON THE CONSTRUCTION OR EXPANSION OF CERTAIN SINGLE FAMILY DETACHED HOMES IN THE TOWN**

##### **Section 1. Legislative findings and intent.**

The Town Board (“Board”) of the Town of Stony Point, New York (“Town”) previously determined that there was a critical and compelling need, in the public interest as set forth herein, to impose a moratorium on the development of certain single-family detached homes as further described hereafter.

- A. The Town previously undertook a Comprehensive Master Plan review in 1995 and enacted Local Laws in conjunction with the Comprehensive Master Plan. Among the policies in the 1995 Master Plan were maintaining development within infrastructure capacity, minimizing public costs associated with new development, and protecting adjoining incompatible land uses from one another to minimize noise, traffic, odors, lights and other undesirable factors. The Town further amended the Comprehensive Master Plan in 2013. The 2013 Comprehensive Plan amendment affirmed several goals of the 1995 Plan, including:
  - Protect adjoining and abutting incompatible land uses from one another with physical separations and logical edges; to minimize the effects of noise, traffic, odors, lights and other undesirable factors; and
  - Encourage the provision of a housing supply that meets the needs of Stony Point residents, while recognizing the existing housing patterns of the Town; and
  - Use creative techniques in planning residential developments to achieve the above objectives, such as clustering on smaller lots to protect hilltops and wetlands and scenic vistas; limit the amount of tree clearing on individual lots; encourage the use of natural colors and materials; limit the proportion of glass to be used on homes visible from long distances; and
  - Eliminate inconsistencies and modify zoning regulations to reduce areas of interpretation and allow for more effective enforcement.
- B. The Town Board further found that in order to preserve the character of existing neighborhoods, the Town must consider amendments to its zoning to ensure that future residential construction is consistent with existing neighborhood character including where pre-existing substandard lots are proposed for development.
- C. The Town Board further found that the potential development of remaining vacant lots or redevelopment or expansion of existing residential lots within established neighborhoods may have a significant impact upon the health, safety and general

welfare of the Town, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment, in general.

- D. The Town Board further found that the Town's Zoning Local Law established a Floor Area Ratio (FAR) requirement to relate the size of a home to the lot it was located on. FAR requirements are intended to maintain a "cohesive neighborhood fabric" where the ratio of open space to development is maintained from lot to lot, and where neighborhoods of similar sized lots will have similar sized homes. However, the standards prescribed for FAR in the Zoning Local Law are so accommodative so as to be non-operative in achieving their customary purpose, for example allowing homes of up to 6,000 square feet on 15,000 square-foot lots, or homes of 17,400 square feet on one-acre lots, there being no known examples in Stony Point of structures of this size relative to lot area and few if any approaching such ratios.
- E. The Town Board further found that undersized pre-existing substandard lots are increasingly being constructed upon given the Town's decreasing supply of vacant land available for residential development. These substandard lots are often located in areas of the Town that were subdivided prior to the most recent comprehensive plan, and in many instances prior to zoning controls. The Zoning Local Law through §215-94 attempts to allow development of such lots for one-family detached dwellings with only a building permit by prescribing reduced dimensional requirements based on lot width. These reduced dimensional requirements are often not well-received by neighbors who anticipate that neighborhood standards for setbacks, yards, coverage and lot area would be maintained.
- F. These circumstances require that the Town Board continue to undertake, without delay, a review of the existing and anticipated residential uses in the Town and the corresponding Town zoning regulations that regulate residential uses in order to determine the appropriate amendments to the Zoning Code, particularly with regard to matters related to the size of single family residential homes in relation to lot size including the lot size of substandard (pre-existing noncomplying) lots that exhibit unique development challenges due to their size or configuration.
- G. The Town Board had previously retained the services of the planning consulting firm of Nelson, Pope & Voorhis, LLC to provide recommendations and guidance with respect to comprehensive planning and zoning as well as land use regulations in a manner that is consistent with the CMP, as may be amended, to encourage lawful smart sustainable development in the Town.
- H. The Town Board hereby finds that the extension of the previously adopted moratorium on the development of certain residential construction is required in order to best maintain the status quo during the study period in order to prevent interim development from frustrating the objectives of the study.
- I. The Town Board finds that an additional six (6) months under such moratorium is needed in order to finalize the Town's review and amendments of the Zoning Code. If

such local law addressing the issues set forth herein is adopted by the Town prior to the end of the six (6) month extension period, the moratorium shall terminate upon the filing of such amendment to the Zoning Code with the New York State Secretary of State.

**Section 2. Scope of moratorium.**

- A. Moratorium on the issuance of residential building permits and other actions: Except as provided herein at Paragraph 2(D) no building permit application shall be accepted, and no pending building permit application shall be further processed or approved, and no suspended or revoked building permit shall be reinstated for residential uses which relates directly or indirectly to the construction of one or two-family detached dwellings located within the Town of Stony Point, except in accordance with this Local Law, that meet or exceed any of the following thresholds or criteria:
  - (1) Require the relief provision of §215-94 to be applied to meet zoning bulk requirements. Nothing herein shall be construed to limit the owner of an existing non-complying lot from seeking area variances to allow development of existing non-complying lots without application of the relief contained in §215-94.
  - (2) Has a gross floor area greater than 6,000 square feet.
  - (3) Has a gross floor area greater than 3,000 square feet and is located on a lot with a net lot area of less than 20,000 square feet.
- B. Moratorium on actions by the Town Board, Planning Board and Zoning Board of Appeals: The Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit which relates directly or indirectly to residential construction of homes that meet the thresholds of Section 2, Paragraph A, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any such residential construction.
- C. Moratorium and provisions of Town Law: To the extent that any provision of New York State Town Law imposes a time frame for action by a municipal entity, board or body so that a default approval will result from any inaction, the time for any action required by any Town Board, Body, Agency or other entity shall be and is hereby extended until this moratorium and any as well as all extensions thereof have expired and have not been extended by the Town Board. Therefore, no default approval shall be deemed to have taken place with regard to any application for any approval concerning land use development by reason of this moratorium being in effect.
- D. Any of the following activities that do not require any approval or variance from the Planning Board or Zoning Board of Appeals, and only requiring issuance of a building permit from the Building Inspector shall be permitted to be undertaken notwithstanding this Local Law:

- (1) Construction of garages accessory to a single-family home or modification to such garages that are currently or are proposed to be private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles;
- (2) Construction of outdoor decks, gazebos, or porches;
- (3) Construction of outdoor swimming pools;
- (4) Installation of fences;
- (5) Interior or exterior remodeling of a single family detached residential dwelling in existence, that does not meet or exceed the thresholds of Section 2, Paragraph A, with a valid certificate of occupancy as of the effective date this local law, which does not involve any change of use or increase the gross floor of the building including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
- (6) Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
- (7) Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this law;
- (8) Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Town Board, and the Town Board has rendered a determination that the improvement falls within the scope and nature of the exemptions listed herein.

### **Section 3.     Hardship review.**

- A. Upon a showing of severe hardship (defined as no economic return on any land purchase), the Town Board may vary from the moratorium imposed in Subsection 2 hereof if it determines, in its absolute discretion, that granting such relief is consistent with the health, safety and general welfare of its inhabitants of the Town and their property and in harmony with the spirit and purposes of this Local Law.
- B. When the Town Board considers such a variance as set forth herein at § 3(A) from the moratorium law, it should consider the following:
  - (1) In considering a variance, the Town Board may request the following information in order to render a decision:
    - (a) studies, reports, resolutions of preliminary and/or final approval, issued with or without conditions;
    - (b) any SEQRA documents and findings statement, Negative Declaration with or without conditions, including generic or supplemental environmental impact statements which may have cumulatively evaluated the impacts associated with certain land use applications;
    - (c) any special exception permit plan, site plan or subdivision plan, and map notes; all representations of the developer/applicant with regard to the

dimensional standards of the zoning district within which the development is located, including but not limited to lot coverage, impervious surface coverage, residential building size, occupancy and other design parameters which served as the basis for SEQRA review, Stormwater Pollution Prevention Plan (SWPPP) review, and infrastructure approval and design, including methods of water supply, wastewater disposal, stormwater control, drainage, and transportation approvals;

(d) any violations which have been issued, and the status of same;

(e) any other related documents upon which the Planning Board or Zoning Board of Appeals relied in issuing an approval, and whether a variance issued from the moratorium law will be issued consistent with all resolutions of approval and SEQRA findings;

(f) the status of other agency permits and approvals, and whether those approvals or permits, if not issued, will be issued during the time period established by the moratorium law. The Town Board may require that the developer/applicant submit evidence that the approval or permit will be issued during the moratorium time period;

(g) whether the developer/applicant is requesting a variance from this moratorium law for a project which proposes to vary from or does not meet all previous decisions rendered by the Planning Board or Zoning Board of Appeals.

(2) It shall be the obligation of the developer/applicant to furnish these documents to the Town Board during the appeal process. The Town Board shall specifically consider, among other factors: whether the proposed land use or development is and will continue to be consistent with and comply with all previous decisions and findings; and, whether the developer/applicant is presently in front of the Planning Board or Zoning Board of Appeals requesting a waiver from any previous approval or finding, and the type of waiver being sought.

(3) The Town Board may limit a variance from the development moratorium to specific prescribed activities, including but not limited to, activities which allow a developer/applicant to meet any conditions to remediate a violation.

- C. An application for variance for this moratorium shall be made by the applicant supplying to the Town Clerk not more than sixty (60) days after enactment of this moratorium a Verified Petition signed by the owner of the subject property and any applicant for Town approvals setting forth all of the information required pursuant to Section 3(B) herein together with such additional information that the applicant or property owner seeking a variance desires to obtain from the Town Board. Within ten (10) days of receipt of said Verified Petition, the Town Clerk shall cause a Public Hearing Notice to be published providing for a Public Hearing no less than twenty (20) days after the application for a variance is received, but in no event more than forty (40) days after the application for a variance is received. The applicant shall have an opportunity to produce such evidence, documents and call witnesses in support of the application for a variance from this moratorium at the time of the Public Hearing established by the Town Board. No more than thirty (30) days after the close of the

Public Hearing the Town Board shall act to either grant, deny or otherwise consider the application for a variance.

**Section 4. Application of Law to existing land use provisions.**

This Local Law shall supersede any and all Town Law or other provisions of law, rule or regulation that require specific action upon an application before the Planning Board or Zoning Board of Appeals. This moratorium is being adopted by Local Law, using Municipal Home Rule Law procedures and this moratorium suspends any subdivision approval time requirements and also supersedes and suspends any “default approval” provision of the Subdivision statutes of the Town Law or any other applicable laws. This moratorium supersedes any Town Law or Town Code provisions to the contrary that require any specific action on an application by any Town Board, Planning Board, Zoning Board of Appeals or other land use Boards within the Town. This moratorium Law also supersedes any New York State or Local Laws, rules or regulations pertaining to the grant of any variance authority by the Zoning Board of Appeals, it being the intention of this Local Law that any grant of variances to any other Boards or bodies than this Town Board is hereby superseded by this Local Law so as to vest any variance approval solely in the Town Board pursuant to this Local Law.

**Section 5. Casualty exemption.**

The provisions of this Local Law shall not apply to the restoration or replacement of any building or portion thereof which shall have been damaged or destroyed by fire or other casualty. This exemption, however, shall not be applicable to the restoration or replacement of any building which, prior to the effective date of this Local Law, shall have constituted a non-conforming building under the Zoning Code of the Town, nor shall this Subsection in any way prevent the extinguishment of any non-conforming use as a result of casualty destruction.

**Section 6. Expiration of moratorium.**

This Local Law shall expire without further action of the Town Board six (6) months following the expiration date of the Local Law 2 of 2025 that implemented the moratorium and thereafter shall be of no force or effect. However, if it appears that any required review and study referred to hereinabove will not be completed within six (6) months from the effective date of this Local Law, the Town Board may, by Local Law, extend the period of this moratorium as Town Board determines is reasonable in scope and duration.

**Section 7. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5 (30) this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

**Section 8. Severability.**

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or

invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 9.      Effective date.**

        This Local Law shall become effective immediately upon being filed with the Secretary of State.