

**TOWN OF STONY POINT, NEW YORK
TOWN BOARD**

**ADOPTED LOCAL LAW NO. ____
IMPLEMENTING A MORATORIUM ON THE DEVELOPMENT
OF CERTAIN RESIDENTIAL PROPERTY OF THE
TOWN OF STONY POINT, NEW YORK**

Section 1. Legislative findings and intent.

The Town Board (“Board”) of the Incorporated Town of Stony Point, New York (“Town”) hereby finds that there is a critical and compelling need, in the public interest as set forth herein, to impose a moratorium on the development of certain residential property construction in the Town as further defined herein.

- A. The Town previously undertook a Comprehensive Master Plan review in 2013, amending the 1995 Comprehensive Master Plan and enacted Local Laws with regard to the Comprehensive Master Plan (“CMP”) in 2013.
- B. In 2026, the Town undertook to review and update the Town’s Comprehensive Plan, appointing a special board to review and proposed an updated Comprehensive Plan and Zoning Regulations. The Town Board finds that the CMP requires review since economic and social impacts and trends have rendered assumptions and recommendations in the 1995 CMP and 2013 CMP amendment in need of review. A proper Town Comprehensive Plan would include various elements at the level of detail adapted to the requirements of the Town that would provide for the goal of the Town for smart and sustainable land use practices. This general statement of goals for smart sustainable land use in the Town requires that specific objectives, principles, policies and standards both in the immediate and long range development of the Town are necessary considering regional needs, the existing and proposed location and intensity of land uses, the conservation of agricultural uses, the historic and culture resources, natural resources and sensitive environmental areas; the consideration of population, demographic and socio-economic trends and future projections including the community character as well as the need to review appropriate transportation facilities, public and private utilities and infrastructure, the existing housing resources and future housing needs, including affordable housing and the other factors that are required to be reviewed in any Comprehensive Master Plan and the Town needs to undertake a comprehensive review so that a current CMP reflects all Town Law requirements.
- C. The Town Board finds that factors in connection with development or potential development in the Town as well as the potential development of land within the surrounding areas 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. These circumstances require that the Town Board undertake, without delay, a focused review of the existing and anticipated residential uses in the Town and thereafter, an examination of the Town's zoning regulations that pertain to any such Districts that allow residential uses in order to determine whether these regulations should be amended or otherwise changed.
- E. The Town Board had previously retained the services of the planning consulting firm of Nelson, Pope & Voorhis, LLC to provide recommendations regarding the need to update the CMP, and to amend the zoning chapter and related 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.
- F. The Town Board hereby finds that the adoption of a moratorium on the development of residential construction will best maintain the status quo during the study period in order to prevent interim development from frustrating the objectives of the study.

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 located within the Town of Stony Point, except in accordance with this Local Law.
- B. Moratorium on actions by the Town Board, Planning Board and Zoning Board of Appeals: Unless an application is exempted as set forth in Section 2(D) below, 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, zoning map amendment, zoning text amendment or other land use application or permit which relates directly or indirectly to an application for residential development, 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 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. Exemptions from Moratorium:

1. Construction of a single-family or two-family residential structure and/or any permitted accessory structures, uses or facilities on an existing lot previously approved authorized for such use, provided that such proposed residential structure or accessory does not require a use variance, or an area variance of more than 10%.
2. Applications for Minor Subdivisions as defined in Town Code.
3. Any of the following activities in connection with an existing principal residential structure 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:
 - a. Construction of outdoor decks, sidewalks, or porches;
 - b. Construction of outdoor swimming pools;
 - c. Installation of fences;
 - d. Interior or exterior remodeling of a structure 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 size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
 - e. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
 - f. Repair, involving the removal and installation of an individual well or in-ground septic system, for a structure in existence and with a valid certificate of occupancy as of the effective date of this law;
 - g. 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 Section 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) 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 the scheduling of a public hearing to be placed on the next available Town Board meeting agenda and the Town Board shall schedule such public hearing no less than thirty (30) days from the date of such meeting, but in no event more than forty-five (45) days after the date of such meeting. The Town Clerk shall cause a Public Hearing Notice to be published at least five (5) days prior to the public hearing date. 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 Section 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 one year following the effective date hereof 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, the Town Board may, by Local Law, extend the period of this moratorium for an additional six (6) months or such other and further time period that is reasonable in scope and duration.

Section 7. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (36) 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.