

Be it enacted by the Board of Trustees of the Village of Buchanan as follows:

§~I: SHORT TITLE

This local law shall be known and may be cited as the Year 2016 Development Moratorium Law of the Village of Buchanan.

§~II: LEGISLATIVE INTENT

In or about March, 2005, the Village of Buchanan Planning Board adopted a Comprehensive Zoning Plan, known as the Master Plan, to regulate land development throughout the Village. No comprehensive examination of the Master Plan has been undertaken since that time, although the Village has experienced substantial changes in building construction and development in the interim. In 2016, the Village Board of Trustees created a Master Plan Committee pursuant to Village Law Section 7-722 to review, update and revise the Village's Master Plan to meet current conditions and current needs.

The establishment of the Master Plan Committee was prompted by the Village's concern about land use and development in the Village, County and region, and about the present standards of the Village contained in its local law and regulations and the Village's intent to update and revise its local law and regulations to conform to a revised Comprehensive Plan.

The Village of Buchanan is also concerned about the adequacy of its infrastructure and other public services to absorb and support new building and development.

The Master Plan Committee has begun to conduct research, studies and surveys and will present findings and recommendations on new legislation to the Village Board of Trustees and public, at public meetings, and at formal public hearings. This procedure is intended to lead to the adoption of a revised and updated Master Plan and of new local laws and amendments to existing local laws and regulations as afore-mentioned.

Upon the recommendation of the Master Plan Committee, the Village Board of Trustees finds that, pending the completion of the necessary survey, studies, meetings, public hearings, and other acts incident to due consideration of the studies undertaken and legislation contemplated, proper and necessary measures must be taken to preserve and protect the public interest and the integrity of the Comprehensive Plan.

Pursuant to authority duly vested in it, it is the intention of the Village Board of Trustees to preserve and protect any revisions and amendments of existing local laws and regulations and to assure that infrastructure and other public services and facilities do not

become overburdened while studies as to their adequacy are undertaken, by adopting reasonable protective interim regulations during the preparation and consideration of such studies and of revisions and amendments to the Village's Master Plan and to local laws and subdivisions regulations. This will serve to protect the public interest and prevent premature development, which could prejudice the objective of any changes and of the revised Comprehensive Plan itself.

§~III. CONTROLS AND PROHIBITIONS

During the effective period of this law:

A. Neither the Village Board of Trustees, the Planning Board, the Zoning Board of Appeals, the Village Administrator-Clerk, the Village Engineer, or any other Village body, officer or employee shall: (a) accept or process applications for, or grant, site plan approvals, special use permits or subdivision plat approvals, in the following zoning Districts: Neighborhood Commercial C-1, General Commercial C-2, Light Industrial M-1; Planned Industrial M-2, or (b) accept or process applications for, or grant, subdivision plat approvals in any Residential District, or (c) accept or process any rezoning application in any District.

B. Section A shall not be applicable to applications received prior to September 1, 2016. ???

C. Notwithstanding Sections A and B, the above:

(a) a special permit allowing only a change of use in a commercial district with respect to an existing building, or a special permit for an accessory use in a residential district as specified in Section 211-19 and in Section _____ and in, or a renewal of a special permit previously issued, may be processed and granted by the body empowered to issue such permit but only upon an express finding by such body that the proposed permitted use will not result in any material change to the neighborhood or to the building to which the permit applies; and

(b) an amended site plan that primarily addresses issues of public health and safety without intensifying the permitted use may be processed and granted upon an express finding by the body empowered to issue such amended site plan that the amended site plan will not result in any material change to the neighborhood.

§~IV: APPEAL PROVISIONS

A. The Village Board of Trustees, by a vote of not less than a majority plus one, shall have the power to vary or modify the application of any provisions of this local law, upon its determination, in its absolute discretion, that such variance or modification

is consistent with the purpose of this local law to prevent premature development that would prejudice the objectives of a revised Master Plan and revisions to the zoning law and regulations, and is further consistent with the health, safety, and general welfare of the Village. The Village Board shall have the power, in any individual case, to decide the extent to which this law shall be varied and modified and which controls shall remain in effect.

B. Upon receiving any application for such a variance or modification of the provisions of this local law, the Village Board shall refer such application to the Master Plan Committee for a report of said Committee with respect to the effect of the prospective variance or modification upon the intended land use plan and zoning plan.

To expedite such appeal, the Village Clerk shall forward within 48 hours after receipt of same, all applications for relief to the Master Plan Committee for its report. Such report shall be returned by the Master Plan Committee to the Village Board within thirty (30) days after such reference and shall be placed on the agenda of the next regular meeting of the Village Board. If the Master Plan Committee report is not received within such thirty (30) day period, the application for relief shall nevertheless be placed on the agenda of the next regular meeting of the Village Board. The granting of an appeal for relief by the Village Board shall authorize and permit the appropriate Village Board, agency or officer having original jurisdiction of the subject matter of the application to take action thereon.

§~V. It is the intent of this local law to change or supersede the following state statutes and local laws for the effective period of this local law.

- a. Sections 7-728 and 7-730 of the Village Law providing for the filing, processing and approval of subdivision plats;
- b. Section 7-734 of the Village Law to the extent that it empowers the zoning board of appeals to grant permits for erection of buildings in streets or highways shown in a map or plan;
- c. Section 7-738 of the Village Law empowering the Village Board of Trustees to authorize the planning board to modify the zoning laws to provide for clustering and other purposes, and providing for planning board determinations and processing and approval of plats and site plans pursuant to such authority;
- d. The Subdivision Regulations and Zoning Law of the Village of Croton-on-Hudson to the extent that they provide for filing, processing and approval of sub-division plats.

§~VI. PENALTIES

Any person, firm, corporation, or entity that shall construct, erect, enlarge, or alter any building or structure, or willfully conduct any act in violation of the provisions of this Local Law, or shall otherwise violate this Local Law, shall be subject to a fine of not more than \$350 and fifteen days imprisonment for each such violation, and shall, in addition, be required to restore the premises to their condition prior to such violation; in the event of failure to effect such restoration, the Village shall be entitled to do so and to charge the property owner and the person, firm, corporation, or entity responsible for the violation for the cost thereof.

§~VII. SEVERABILITY

The invalidity of any word, section, clause, paragraph or sentence or provision of this Local Law shall not affect the validity of any other part of this Local Law.

§~VIII. REPEAL OF OTHER LAWS

All ordinances, local laws, or parts of ordinances or local laws, in conflict with the provisions of this Local Law are hereby repealed to the extent necessary to give this Local Law full force and effect during its effective period.

§~IX. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing, as provided by law, and shall remain in full force and effect until **September 1, 2017**, on which date this Local Law shall terminate.