

LOCAL LAW NO. 6 of 2016

A Local Law known and cited as the Interim Development
Moratorium within the Unincorporated Town of Ossining

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. Purpose and Intent. Pursuant to the authority duly vested in it and to preserve its intended objectives and ensure future possible implementation of new regulations it may deem necessary and appropriate, the Town Board of the Town of Ossining (the “Town Board”) has determined that the Town Comprehensive Plan’s chapter entitled Future Development and Redevelopment identified certain planning and zoning issues that have not yet been adequately analyzed and addressed in the Town of Ossining Code. These issues relate to the zoning of certain areas within the Unincorporated Town of Ossining, the bulk and use requirements within certain established zoning districts and the definitions of certain terms used with the Town of Ossining Zoning Code. The Town Board has authorized the Town’s consultant planner to conduct a planning and zoning analysis of these issues as outlined in the May 13, 2016 revised proposal from Frederick P. Clark Associates, Inc.; and based upon the results of that analysis, the Town Board will consider whether it is appropriate to enact any local laws to address any issues identified.

It has been determined by the Town Board that, in order to adequately address the issues raised in the Comprehensive Plan that will be the subject of the planning and zoning analysis, it is necessary and appropriate to place a moratorium on the issuance of certain permits and approvals within the Unincorporated Town of Ossining. Without placing a moratorium on certain applications pending the outcome of the planning and zoning analysis and any appropriate revisions of the Town Code that derive from the results of the planning and zoning analysis, the Town will be faced with additional development without having an opportunity to fully address all of the issues raised in the planning and zoning analysis. This protection of the public interest and welfare includes the prevention of premature, inconsistent or improper development which could prejudice the integrity and objectives of the analysis presently being undertaken and could result in uses and/or developments which may be inconsistent with and in violation of the intent of said planning.

SECTION 2. This Local Law shall apply to all properties within the Unincorporated Town of Ossining.

SECTION 3. Scope of Controls.

A. During the effective period of this Local Law:

- 1) No building permit shall be issued by the Building Inspector for new construction or the expansion of any structure, except for those permits related solely to an addition and/or modification to an existing single-family residence, unless (1) a building permit application was filed with the Town before June 7, 2016 or (2) the applicant received all other required approvals pursuant to subsections (3)(A)(2), (3) and/or (4) prior to June 7, 2016.

- 2) The Planning Board shall not grant any preliminary or final approval of a site plan, subdivision or any special permit for any project, except for those approvals related solely to an addition and/or modification to an existing single-family residence, unless the application for said approval was filed with the Town before June 7, 2016.
 - 3) The Zoning Board of Appeals shall not grant any variance or special permit for any project, except for those approvals related solely to an addition and/or modification to an existing single-family residence, unless the application was filed with the Town before June 7, 2016.
 - 4) The Town Board shall not grant any zone change, zoning map amendments, special permits or any local laws related to the development of any project, except for those approvals related solely to an addition and/or modification to an existing single-family residence, unless the application was filed with the Town before June 7, 2016.
- B. The Town Board reserves the right to direct the Building Inspector to revoke or rescind any building permits issued in violation of this Local Law.

SECTION 4. No Consideration of Applications. No applications for construction affected by this Local Law or for approvals for site plan, subdivision, variance or special permit shall be considered by any board or agency of the Town while this Local Law is in effect. Nothing in this Local Law shall preclude an applicant for such proposed construction from having a maximum of two informal conferences with an appropriate board or agency while this Local Law is in effect. The foregoing restrictions shall not apply to any application meeting the exceptions identified in Section 3.

SECTION 5. Term. This Local Law shall be in effect for a period of four months from June 7, 2016.

SECTION 6. Penalties. Any person, firm or corporation that shall construct, erect, enlarge or alter any building or structures in violation of the provisions of this Local Law or otherwise violates any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by the laws, rules and regulations of the Town for violations; and
- B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

SECTION 7. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 8. Superseding Other Laws.

- A. All laws, ordinances, rules and regulations of the Town are modified and superseded by this Local Law with respect to their application to the properties designated under this Local Law for the term of this Local Law.
- B. This Local Law shall modify and supersede, with respect to the properties covered by this Local Law and, for the term of this Local Law, the provisions of Article 16 of the Town Law of the State of New York.

SECTION 9. Hardship.

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application for construction or a variance, special permit, subdivision or site plan during the pendency of this Local Law.
- B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days written notice in the official newspaper of the Town. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of said public hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
- C. Any party aggrieved by the determination of the Town Board on an application for a variation from the strict compliance with this Local Law may appeal said decision to the Supreme Court, State of New York, Westchester County, pursuant to Article 78 of the Civil Practice Law and Rules within thirty (30) days of the filing of said decision in the Office of the Town Clerk.

SECTION 10. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State, and is subject to review and renewal by resolution of the Town Board for an additional period of time, effective immediately.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING