

Bill VSC 2104B.

A local law to enact a temporary moratorium on the subdivision of property in the Village of Sea Cliff.

Section one. Legislative Intent and Findings. The purpose of this local law is to suspend temporarily the processing or approvals of subdivision applications in the Village of Sea Cliff while the Village conducts comprehensive planning and considers changes to its land use regulations. This temporary measure will assist the Village in providing for controlled growth that will not unduly impact the immediate and long-range protection, enhancement, and development of the Village. The Village finds that recent internal and external pressures, with the potential to impact development and land use in the Village, necessitate this moratorium. In particular, land use and development pressures: (a) precipitated, or perhaps exposed, by the COVID pandemic, (b) arising from the completion of a sewer main through certain areas of the Village which has generated additional sewer capacity and availability, (c) identified in the work to date of the Village Long Term Planning Committee, and (d) relating to the continued availability of significant undeveloped land in the Village, warrant a carefully considered plan to address and promote community planning values. This temporary suspension is intended to provide the Village with the time and opportunity to consider potential changes to zoning, land use and development regulations in the Village. The Board of Trustees is aware of the aforesaid pressures, and that it is in the best interest of the Village, and the public health, safety and welfare of residents of the Village, to assure that all future development in the Village is consistent with: (a) the preservation of the unique community character of the Village; (b) the protection of the Village's environmental, aesthetic and cultural resources; and (c) proper control of growth so as to not unduly impact traffic, utilities, infrastructure, community services and open space preservation. The Board of Trustees also is cognizant of impacts of developments in surrounding communities and the potential for further development in those communities. The Board of Trustees hereby finds and concludes that it is in the best interests of the public, including the residents of the Village of Sea Cliff, that a temporary moratorium be declared for a reasonable period of time with respect to the subdivision of property in the Village. Such a moratorium would provide the Village a reasonable opportunity to review and amend its zoning, land use and development regulations as may be appropriate. Such a moratorium also would prevent any person or property owner from acquiring vested rights to undesirable development during such review period and before any such amended regulations could take effect.

Section two. Moratorium. From and after the effective date of this law, and continuing for a period of time as set forth hereinafter, no application shall be processed or accepted, and no permit or approval may be issued, by the Board of Trustees, Zoning Board of Appeals or Planning Board of the Village of Sea Cliff, or any other department, board or agency of the Village having jurisdiction over applications for construction or development of property, buildings or structures, (including, without limitation, any site plan approval, subdivision approval, building permit, special permit, zoning permit, variance, or other approval or permission) with respect to any proposed

use or development of any property located in the Village or outside of the Village but subject to Village subdivision jurisdiction, or any of its departments, boards or agencies, that would permit an increase in the number of parcels or lots. Except as otherwise excluded from the provisions of this moratorium, any subdivision of property subject to the land use and/or subdivision jurisdiction of the Village shall be prohibited during the period of the moratorium. Nothing in this moratorium shall be interpreted or applied to prohibit or prevent (a) the development of a lot that was created pursuant to a previously approval by the Village Planning Board, and for which such approval, and any underlying variances related thereto, remains viable, (b) an application to alter existing lot lines between parcels of real property located in a Residence District and used presently for residential purposes, so long as the increase in the number of parcels as a result of such lot line alteration does not result in more than two parcels or lots, and (c) pending applications for subdivision filed with the Village prior to July 1, 2021.

Section three. Duration of Moratorium. (a) The moratorium established by this law shall be effective until and including six months from the date of adoption of this law, unless sooner terminated as provided herein.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Board of Trustees, by resolution adopted by a majority of its members, may extend the duration of the moratorium provided for herein for not more than three (3) periods of six months each.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the Board of Trustees, by resolution adopted by a majority of its members, may terminate the moratorium enacted by this law at any time prior to the expiration thereof.

Section four. Hardship; Exemptions. In any case where a property owner demonstrates to the satisfaction of the Board of Trustees that the provisions of this law, or the effects of this law, have created a financial hardship to such person, and demonstrates the existence of such financial hardship in the same manner and to the same extent as would be required to obtain a use variance from the Board of Appeals, the Board of Trustees, after public hearing held and noticed in the same manner as provided for a public hearing before the Board of Appeals, may grant an exemption from the provisions of this law, and by such exemption permit one or more board(s) or agency(ies) of the Village to process and/or consider any application, and in proper cases issue any particular approvals, which would otherwise have been subject to the provisions of this moratorium.

Section five. Any local law, ordinance, or resolution of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section six. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section seven. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, and shall be applicable to all permit or other approval applications subject to this law which are pending on the date of adoption of this law or filed during the effective period of this law.