

## **TOWN OF CHESTER**

### **INTRODUCTORY LOCAL LAW NO. 8 OF 2023**

#### **A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT CONSISTING OF FIVE (5) OR MORE RESIDENTIAL LOTS OR MULTI-FAMILY OR MULTI-UNIT DWELLINGS CONTAINING FIVE (5) OR MORE DWELLING UNITS**

Be it enacted by the Town Board of the Town of Chester in the Count of Orange as follows:

##### **Section 1. Purpose and Intent**

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Chester and to maintain the *status quo* of certain residential development in the Town of Chester that consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units. This Local Law will allow the Town Board a reasonable opportunity to complete its comprehensive zoning review, including the adoption of zoning regulations consistent with the Town's recently adopted Comprehensive Plan. The moratorium shall be for a period of six (6) months, which is considered to be adequate time to consider such zoning regulations and amendments.

##### **Section 2. Legislative Findings**

- A. The Town Board of Chester does hereby find that appropriate measures must be taken to secure a temporary reasonable halt on certain residential permits, certificates of occupancy and approvals for development within the Town to protect the public interest while the Town Board completes its review and potential revisions to the Town's Zoning Code to implement aspects addressed in the 2024 Comprehensive Plan, including the necessary compliance with the analysis and procedures mandated by the State Environmental Quality Review Act ("SEQRA").
- B. Without a temporary halt on certain residential permits, certificates of occupancy and approvals for development within the Town of Chester, there is the potential that certain primary residential uses could be located in areas within the Town which would be unsuitable or incompatible with the goals and objectives cited in the 2024 Comprehensive Plan. The potential for such unsuitable or incompatible residential uses would have materially adverse and irreversible impacts to the Town. By maintaining the *status quo* on residential development consisting of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units in the Town until such time as appropriate consideration and potential amendments to the Town Zoning Code and Comprehensive Plan are adopted, the Board of Trustees can provide for the planned orderly growth and development of the Town.

### **Section 3. Moratorium Imposed; Applicability**

- A. Moratorium on actions by the Town Board, Planning Board and Zoning Board of Appeals: Other than as excepted in subsection (B) below, for six (6) months following the Effective Date of this Local Law, the Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, 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 that relates directly or indirectly to residential construction consisting consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units, 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 such residential construction. No new applications may be accepted and no building or other permits or certificates of occupancy may be issued or granted for residential development consisting of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units, other than Projects with approved and signed site plans, subdivisions plats, conditional final approval or issued building permits, prior to this enactment, are exempt from the moratorium.
- B. The following Projects, which are presently before the Chester Planning Board and have received conditional final approval, are specifically exempt:
  - i) Hills of Chester;
  - ii) Ridgeview Estates.
- C. Any applications for approvals or permits filed after the Effective Date, and not otherwise exempted from this moratorium, shall be filed at the risk of the applicants and shall not be granted or issued until this moratorium is lifted.
- D. This Local Law shall be binding on the Supervisor, Town Board, Planning Board, Zoning Board of Appeals, all Town officials and employees, including, but not limited to, the Building Inspector, and all real property owners and other applicants desiring land use approvals involving five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units.
- E. During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Chester Zoning Code.

#### **Section 4. Term**

- A. This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.
- B. This Local Law shall be subject to renewal for cumulative periods of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.
- C. This moratorium may be withdrawn or lifted at any time by a resolution of the Town Board.

#### **Section 5. Effect on Other Laws**

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control.

#### **Section 6. Waiver**

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Town Board authorizing a hardship waiver process to this moratorium if it subsequently determines that a waiver process is necessary and in the best interests of the Town.

#### **Section 7. 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 be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

#### **Section 8. Effective Date**

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.