

INTRODUCTORY LOCAL LAW NO. 4 OF 2018 ESTABLISHING MORATORIUM ON THE REVIEW OR APPROVAL OF SITE PLANS OR ISSUANCE OF BUILDING PERMITS IN CONNECTION WITH PROJECTS SEEKING TO CONSTRUCT MULTIPLE DWELLINGS AS PRINCIPAL PERMITTED USES IN RM AND B-1 DISTRICTS

Be it enacted by the Mayor and Trustees of the Village of Chester, as follows:

Section 1. Legislative Findings and Intent.

The Village Board of Trustees of the Village of Chester finds that there is a critical and compelling need, in the public interest, to impose a moratorium on the development of multiple dwellings as principal permitted uses in an RM District, which principal permitted use is also permitted in a B-1 District. The RM District Regulations provide as a Principal Permitted use:

"RS permitted uses and two-family dwellings, not to exceed two dwellings per lot."

In the past, the Planning Board has approved site plans and the Building Department has issued building permits for two two-family dwellings on a single lot. The RM District regulations require that lots only contain 12,500 square feet and be at least 100 feet wide; Village Code §98-10(A) provides that nothing will prohibit the use of pre-existing lots of less than the proscribed area or width. Under the current interpretation of RM District Regulations, multiple principle use structures can be erected on inappropriately sized lots.

It appears that the original intent of the RM District principal permitted regulation was to allow as of right only one single family or one two-family dwelling on a lot. The Village Zone Code makes a distinction between a "Dwellings", which is a building used by one or more families, and a "Dwelling Unit", which is a building or a self-contained portion thereof which contains complete house keeping facilities (Code §98-3(b)).

The Village is also undergoing a study of its Comprehensive Plan and there is an application before the Planning Board which seeks to construction two single family dwellings on a single lot.

The Village Board is proposing a Local Law which would revise the RM District Regulations to permit only one single family or two-family house on a

lot. To provide sufficient time for study and review and passage of the introductory Local Law, the Village Board finds that it necessary and proper to pass a moratorium on the review or approval of site plans or issuance of building permits in connection with projects seeking to construct multiple dwellings as principal permitted uses in RM and B-1 Districts while the proposed Local Law is under review.

## Section 2. Scope of Moratorium.

From the effective date of this local law, there shall be a moratorium on the Planning Board's review or approval of site plans or of the Building Department's issuance of building permits for two dwellings (separate structures) on a single lot in an RM or B-1 District

## Section 3. Hardship review

Any person affected by this moratorium may apply to the Village's Zoning Board of Appeals for a use variance pursuant to Village Code §98-37(B)(2).

## Section 4. Application to existing land use provisions.

This Local Law shall supercede any and all Village Law or Village Code provisions that require specific action upon an application before the Planning Board or Building Department. This moratorium is being adopted by Local Law, using the Municipal Home Rule Law and suspends all approval time requirements and supersedes and suspends any "default approval" provision of the site plan review statutes or Village Code. This Local Law also supercedes any requirements for Planning Board review of proposed changes to the Zoning Code.

## Section 5. Expiration of Moratorium

This Local Law shall expire without further action of the Village Boad upon adoption of a Village Code amendment pertaining to the RM District Regulation's principal permitted uses or three (3) months following the effective date thereof, whichever occurs first, and shall thereafter be of no force or effect. However, if it appears that any required review or study will not be completed in three (3) months from the effective date of this Local Law, the Village Board may, by Local Law, extend the period of this moratorium for an additional three (3) months or such other and further time period that is

reasonable in scope or duration.

#### Section 6. State Environmental Quality Review Act

Pursuant to 6 NYCRR §617.5(30), this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

#### Section 7. Effective Date

This Local Law shall become effective upon filing with the Secretary of State.