

**VILLAGE OF MONROE
INTRODUCTORY LOCAL LAW
MORATORIUM ON
DEVELOPMENT APPROVALS**

BE IT ENACTED by the Village Board of the Village of Monroe, Orange County, New York, as follows:

Section 1. Legislative Purpose.

The purpose of this local law is to temporarily suspend requirements to approve developments while the Village considers changes to its comprehensive plan and considers and adopts changes to its land use regulations. This local law is intended to allow the Village to amend the comprehensive plan and land use regulations to provide for controlled growth that will not unduly impact the public welfare, community services, schools and infrastructure, to preserve open space, and to plan for a proper mix of residential and commercial development. This stop gap or interim measure is intended to preserve the status quo pending the adoption of an amended comprehensive plan and amended planning and zoning regulations in accordance with the newly revised comprehensive plan. The overall purpose of this local law is to promote community planning values by regulating land development based on a carefully considered plan. This local law prevents a “race of diligence” by those seeking to obtain approvals before the new comprehensive plan and regulations are in place. This local law will protect the public interest and welfare until an amended comprehensive plan and zoning law are adopted.

The Village Board finds and determine that several planning issues affecting the Village’s growth should be addressed by amending the comprehensive plan and zoning law to address, among other planning issues, senior citizen housing, floor area ratios, private utility proliferation for wireless communication and renewable energy production, environmental protection overlay districts, historic district regulations and architectural review regulations.

Alyse Terhune

Section 2. Moratorium Imposed.

A. For a period of six (6) months following the date of adoption of this local law, no development approval shall be granted in the Village of Monroe unless expressly exempted from this moratorium pursuant to Section 3 below. The term “development approval” shall mean any application for an approval of a discretionary nature required for all any development in the Village, including, but without limitation, any approval of a subdivision, site plan, special permit or variance application proposing such development. “Development approval” shall also mean any permit for clearing, filling and grading where such permit is not part of or necessary to an approved subdivision, special permit or site plan that has completed SEQR and has applied for and received a permit pursuant to said approval. In addition, no new applications for any

development approval shall be accepted and/or processed by any of the Village's boards, unless expressly exempted from this moratorium pursuant to Section 3 below. This local law is binding on all Village boards, officers and employees and on all persons and property requiring a development approval within the Village.

B. This moratorium may be extended by two (2) additional periods of up to three (3) months by resolution of the Village Board upon a finding of need for such extension.

C. During the period of the moratorium, the Village shall endeavor to adopt an amended comprehensive plan and planning and zoning regulations of development in the Village.

Section 3. Exceptions to Moratorium.

A. The following types of development approvals or building permits may be granted or conditionally granted during the moratorium:

1. A building permit for the construction of a single-family or two-family home on an approved lot, or for the addition of an accessory building or structure to an existing single-family or two-family home.
2. Approval by the Zoning Board of Appeals of an application for an area variance or interpretation.
3. Approval of an application for the adaptive reuse of a Historic Building.
4. Approval of a lot line adjustment.
5. Approval of an addition, alteration or reconstruction of an existing structure which results in no material change in such structure and which is not intended or designed to accommodate any new or different use of such structure.
6. Approval of a subdivision application that has undergone SEQR review to the extent of issuance of a negative declaration or acceptance of a draft environmental impact statement prior to the date of adoption of this law.
7. The issuance of building permits to a property that has received a subdivision, site plan or special permit approval.

B. No development approval application shall be accepted for review by any of the Village's boards, officers or employees on or after the date of adoption of this local law, except for an application seeking a development approval described in subsections A.

C. A development approval shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval.

D. An application for a development approval that is not described in subsection A of this Section 3 shall not be accepted by the reviewing board or official during the moratorium. However, if a complete application for such development approval was submitted to the reviewing board or official prior to the date of introduction of this local law, the applicant may request the Planning Board to continue review of the application, but such review shall be for SEQR purposes only.

E. This moratorium shall not prohibit the denial of an application.

Section 4. Administrative Relief from Moratorium.

A. In order to prevent an unlawful taking of property and to prevent irreparable harm, the Village Board is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property with any of the uses permitted in the relevant zoning district; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium. Any relief granted by the Village Board shall be the minimum necessary and the Village Board may impose conditions on any relief granted.

B. All such applications shall be actions subject to SEQR. The Village Board may designate the Planning Board or the Zoning Board of Appeals, as the case may be, as lead agency for such applications if the Village Board deems it advisable. In the event relief from the moratorium is granted by the Village Board, the applicant shall proceed to other Village board(s) or officials to apply for required development approval(s). Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.

C. The applicant or any other person aggrieved by a decision of the Village Board hereunder may apply to the state supreme court pursuant to article seventy-eight of the civil practice laws and rules.

Section 5. Notice to Applicants - Change in Zoning Requirements.

This section provides notice to all applicants that although an application authorized in Section 3 or Section 4 above may proceed through the Planning Board and/or ZBA review process, the applicant proceeds at its risk, because such application may be impacted or denied because of a change in zoning requirements. A development approval shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval.

Section 6. Default Approvals Abolished.

Notwithstanding any law, rule, or regulation to the contrary, no development approval shall be granted, deemed granted or dispensed with as a result of the passage of time. Any and all development approvals granted during the period of the moratorium shall require the affirmative vote of the reviewing board(s) with jurisdiction and endorsement of the plat or plan as otherwise required by law.

Section 7. Supersession of Inconsistent Laws, if any.

The Village Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The state law provisions that shall be, and hereby are, superseded include, but are not limited to, all of Article 7 of the Village Law and any other provision of law that the Village may supersede pursuant to the state Municipal Home Rule Law and the Constitution of the State of New York. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 8. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 9. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.