

LOCAL LAW 5 OF 2022

A LOCAL LAW CONTINUING THE MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS

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

SECTION 1 PURPOSE AND INTENT

The purpose of this Local Law is to continue to protect the public health, safety and welfare of the residents of the Village of Woodbury and to maintain the status quo of residential and nonresidential development in the Village. It has come to the attention of the Board of Trustees through detailed reports that the Village's water supply is at a critical juncture, necessitating significant actions by the Board to ensure short term and long-term reliability for the provision of water to its property owners in existing and future Village water supply areas. This Local Law will allow the Board of Trustees a reasonable opportunity to complete its review of the status of the current Village water supply, including the addition of the Trout Brook well and its impacts on the Village water system, and an evaluation by a hydrogeologist regarding potential additional water sources, both within and without the existing Village water supply areas. The moratorium is for a period of six (6) months, which is considered to be adequate time to determine whether the water system is reasonably adequate to serve current and future property owners and approved and pending land development, or whether there is a need to develop additional sources of water, both within and without existing Village water supply areas, in order to meet anticipated demands.

SECTION 2 LEGISLATIVE FINDINGS

The Village of Woodbury Board of Trustees does hereby find that the Village has experienced significant and rapid growth and appropriate measures must be taken to secure a temporary reasonable halt on certain residential and nonresidential permits, certificates of occupancy and approvals for development within the Village to protect the public interest, including the increasingly limited water resources available in the Village, while the Board of Trustees conducts its review of the status of the current Village water supply, including the addition of the Trout Brook well and its impacts on the water system, and an evaluation by a hydrogeologist potential additional water sources, both within and without existing Village water supply areas. Upon completion of its review the Board of Trustees will determine the adequacy of the Village water system to serve its property owners and approved, pending and reasonably anticipated land development, or the need to develop additional sources of water, both within and without existing Village water supply areas.

Without a temporary halt on certain residential and nonresidential permits, certificates of occupancy and approvals for development within the Village, irreversible impacts to the Village, its natural resources and its infrastructure may result, including, but not limited to, reducing or eliminating potential water sources outside of existing Village water supply areas needed to supplement or service existing Village water supply areas. By maintaining the status quo on certain residential and nonresidential development in the Village until such time as appropriate analysis of the Village water supply has occurred, the Board of Trustees can provide for the sustainable planned orderly growth and development of the Village.

SECTION 3 MORATORIUM IMPOSED; APPLICABILITY

Other than as excepted below, for six (6) months following the effective date of this Local Law no building or other permits, or certificates of occupancy may be issued or granted for any residential or nonresidential structure, building or development within the Village, other than for previously approved structures, site plans, subdivisions and special use permits, and except those of an emergency nature when there is a clear imminent danger to the life or safety of the public as determined by the Village Engineer. Also, during this moratorium no decisions, interpretations, or determinations, with or without conditions, may be issued for any residential or nonresidential structure, building or development within the Village. Any applications for approvals or permits not otherwise exempted from this moratorium shall be allowed to proceed through the necessary processes at the option of and risk of the applicants and shall not be granted or issued until this moratorium is lifted. All deadlines for any such decisions, interpretations, or determinations in the Village Code or State law are hereby tolled for the duration of the moratorium, i.e., the full time periods relevant to making any such decisions, interpretations or determination shall commence to run at the last date that this moratorium is in effect.

Excepted from this moratorium shall be:

- 1) The issuance of building permits for usual and customary repairs of existing structures.
- 2) The issuance of building permits for the construction of structures accessory to residential dwellings on residential properties.
- 3) The issuance of certificates of occupancy for previously approved residential structures, or residential accessory structures, including any Architectural Review Board approvals.
- 4) The issuance of building permits and certificates of occupancy for previously approved structures, site plans, subdivisions and special use permits.
- 5) All projects that have completed the State Environmental Quality Review Act ("SEQRA") process by receiving either a Negative Declaration or a Findings Statement from the Village of Woodbury Planning Board, and have such determination in effect on the date that this Local Law becomes effective. SEQRA Type II actions are exempted only if any required or discretionary public hearing has been concluded.
- 6) Applications for Planning Board and/or Architectural Review Board approval for signs in accordance with Village Code § 310-30 and permits in connection therewith.
- 7) Applications for Architectural Review Board approval for previously approved structures, including residential dwellings.
- 8) Applications for area variances from the Zoning Board.
- 9) Approval of Planning Board, Architectural Review Board or Zoning Board applications when the respective Board has authorized the drafting of a decision or resolution prior to the effective date of this Local Law.
- 10) Village of Woodbury and Town of Woodbury projects.
- 11) Applications for Planning Board and/or Architectural Review Board approval for new structures that propose a change to the layout of a previously approved structure, but which does not result in additional uses on a property or an increased use of water.
- 12) Applications for Planning Board and/or Architectural Review Board approval where the property had in place a municipal water connection (i.e., to the Villages of Harriman or Kiryas Joel) or a private well for use as potable water on July 30, 2021 (the date of enactment of the prior moratorium), where proof of such connection is provided to the Building Department, Water Department and Village Engineer, and no changes in use are proposed to the property that may increase the usage of water.

This Local Law shall be binding on the Mayor, Board of Trustees, Planning Board, Architectural Review Board, Zoning Board of Appeals, all Village officials and employees, including, but not limited to, the Building Inspector, and all real property owners and other applicants desiring land use approvals.

During the period of the moratorium, the Board of Trustees shall endeavor to complete all reasonable and necessary review of the adequacy of the Village water system.

SECTION 4 TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for cumulative periods of up to an additional six (6) months, if deemed appropriate by Resolution(s) of the Board of Trustees.

This moratorium may be withdrawn or lifted at any time by a resolution of the Village Board of Trustees.

SECTION 5 EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof (including all deadlines for making decisions, interpretations or determinations), is in conflict with the provisions of this Local Law, including, but not limited to, all provisions of Chapters 272 and 310 of the Village Code, all provisions of Article 7 of the New York State Village Law concerning special use permits, site plans, and subdivisions (which includes, but is not limited to, Village Law § 7-728(8) default approvals), Article 8 of New York State Environmental Conservation Law and its associated DEC regulations at 6 NYCRR 617.1 et seq., and building permit and certificate of occupancy procedure and requirements, this Local Law shall control and such other laws are hereby superseded.

SECTION 6 WAIVER

There is no provision being made in this Local Law for any waivers to its applicability, in addition to the exemptions noted above. However, the Board of Trustees may, but is not obligated to, promulgate regulations by a Resolution of the 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 Village.

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 upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.