

TOWN OF MOREAU

LOCAL LAW NO. 7 OF 2021

ADOPTING CHAPTER 125 OF THE TOWN OF MOREAU CODE

**A TEMPORARY MORATORIUM ON BUILDING PERMITS OR SITE PLAN REVIEW
OR OTHER REVIEW OF SUBDIVISIONS OF MORE THAN TEN RESIDENTIAL
DWELLINGS LOCATED WITHIN ONE-HALF MILE OF AN EXISTING SEWER
MAIN WITHIN THE TOWN OF MOREAU**

§125-1. Purpose and Intent.

It is the purpose and intent of the Town Board of the Town of Moreau to adopt a temporary moratorium on the further growth and development of subdivisions containing more than ten residential dwelling units located within one-half mile of an existing sewer main within the Town of Moreau while the Town considers and potentially adopts changes to its zoning code to address new circumstances not addressed by its current laws.

According to the 2019 Comprehensive Land Use Plan, the first initiative of the Plan was implementation of sewer and water infrastructure along the Route 9 corridor to encourage growth and economic development. The Plan cites to the desire for the neighborhoods on either side of the Route 9 corridor to continue to provide an attractive and charming quality for residents of all income levels, ages, and needs. Furthermore, the Plan calls for to administer a local land use code that serves to manage and guide community development in a manner that conserves the unique qualities of the natural and built landscape while encouraging prudent and properly scaled growth. In addition, the Plan calls to insure that supportive infrastructure such as municipal sewer have sufficient capacity to keep pace with the new development and effectively provide acceptable levels of service to existing residents as well as incoming residents of the new housing units as they are built.

The purpose of this local law is to provide time for Town officials to study its comprehensive land use plan and address issues, if any, presented by the growth and development of subdivisions containing more than ten residential dwelling units located within one-half mile of an existing sewer main within the Town and the impact of such growth on the community, the environments, its financial impact on the Town and the regulation, control and enforcement of such uses.

§125-2. Definitions.

All definitions from Section 124-4 and 149-5 of the Code of the Town of Moreau are incorporated herein by referenced.

§125-3. Moratorium.

No application for building permits, site plan approvals, special use permits, or subdivision approval, or any other municipal approval shall be considered for development of subdivisions creating more than ten residential dwelling units located within one-half mile of an existing sewer main within the Town of Moreau.

This moratorium shall not apply to any Certificates of Occupancy for any and all construction pursuant to building permits issued prior to November 23, 2021 or the issuance of any building permit for the renovation or repair of any lawfully existing structure otherwise covered by this local law.

§125-4. Variance.

Any person may apply to the Town Board for a variance from this local law. Upon submission of an application for a variance to the Town Board and after a public hearing, the Town Board may, in its discretion, render a determination that this local law would impose extraordinary hardship upon a landowner or developer and that a variance from this law will not be a detriment to the public health, safety and welfare or to the residents of the Town of Moreau, or present any significant adverse environmental impacts. All such applications will be referred to the Planning Board for its recommendation and shall thereafter be returned to the Town Board for a public hearing and final decision on the application.

§125-5. Termination.

The moratorium period will commence on the date on which this section becomes effective and will expire six months later, unless the Town Board, by subsequent local law, sooner terminates or extends the moratorium period.

§125-6. Severability.

Any section, paragraph, subdivision or provision of this local law that shall be determined by a court of law as invalid or unconstitutional shall not impair the validity of other sections, paragraphs, subdivisions or provisions of this local law as a whole. The extent that the same shall be considered applicable and effective and that only such part so decided to be invalid or unconstitutional shall be considered ineffective.

§7125-7 Effective Date.

This local law shall take effect immediately as permitted by law.

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