



TOWN OF NEW CASTLE

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Town Clerk/Receiver of Taxes
Christina Papes

Deputy Receiver of Taxes
Patricia Antonucci
(914) 238-4773

May 13, 2022

Ms. Carolyn Van Wormer
NYS DOS
State Records
99 Washington Avenue
Albany, New York 12231

Re: Local Law Filing – LL #5 of 2022 – Enacting a Moratorium for the
North Greeley Corridor

Dear Ms. Van Wormer:

Attached please find Local Law No. 5 of 2022 for filing. Thank you for your
assistance in this matter.

Very truly yours,

Christina Papes
Town Clerk

enc.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of New Castle

Local Law No. 5 of the year 2022

A local law to Enact a Moratorium
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of New Castle

as follows:

SECTION 1. TITLE

This local law shall be entitled, " A Local Law, pursuant to Municipal Home Rule Law § 10, to enact a moratorium with respect to the review and approval of certain land use, variance, building permit and sign permit applications on certain properties within the Town of New Castle, by means of amending Chapter 48, Building Construction and Fire Prevention, and Chapter 60, Zoning, of the New Castle Town Code, and superseding the corresponding sections of the New York State Town Law as they apply to time periods, filing deadlines and statutes of limitations for said applications. "

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The Town Board hereby finds as follows:

1. On June 21, 2017, pursuant to N.Y. Town Law § 272-a, the Town adopted an updated Comprehensive Plan (the " 2017 Comprehensive Plan ") setting forth goals, principles, policies and standards for the immediate and long-range enhancement, growth, and development of our community.
2. With respect to the Town ' s existing hamlets, including the downtown Chappaqua hamlet, the 2017 Comprehensive Plan establishes a goal of facilitating the development of housing that meets the changing needs of the community, including but not limited to housing opportunities that appeal to seniors, empty-nesters, young professionals, civil servants, and households of varying income levels. The 2017 Comprehensive Plan envisions a sustainable mix of retail and residential uses within the Chappaqua hamlet because, among other things, the Chappaqua hamlet is well served by public utilities, including sewer and water, and public transportation, including the Metro North Railroad.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

3. Working towards these goals in 2020-2021, the Town Board studied rezoning the business districts in the Chappaqua hamlet through the implementation of a Form-Based Zoning Code. As initially proposed, the Form-Based Code would have replaced the current business district zones throughout the Chappaqua hamlet. However, in February 2021, the Town Board announced that based upon community input, it planned to limit the application of the Form-Based Code to a portion of North Greeley Avenue in the Chappaqua hamlet consisting of approximately 7.75 acres (the "North Greeley Corridor"). Notwithstanding that limitation, the Town Board continued its environmental review of the proposed Form-Based Code, pursuant to the New York State Environmental Quality Review Act (SEQRA), with respect to the entire Chappaqua hamlet.
4. In November 2021, the Town Board announced that it would no longer consider utilizing a Form-Based Code to achieve the goals of the 2017 Comprehensive Plan. Since that time, however, the Town Board has reaffirmed its commitment to rezoning the North Greeley Corridor to incentivize mixed-use development, among other priorities and goals for the Chappaqua hamlet.
5. On March 1, 2022, the Town Board and New Castle Planning Board conducted a joint meeting at which they discussed, among other things, concrete steps for rezoning the North Greeley Corridor to facilitate new development for multi-family housing and retail use.
6. During its consideration of a proposed Form-Based Code, the Town Board established moratoriums on development in the Chappaqua hamlet through a series of local laws, the last of which expired on January 6, 2022. At that time, the development moratorium applied only to the North Greeley Corridor. Although each of said moratoriums contained a provision allowing property owners to seek an exemption therefore, the Town received no such applications.
7. The Town Board believes that a moratorium remains necessary and advisable to maintain the status quo while it crafts new zoning for the North Greeley Corridor. The scope of the moratorium will be narrowly tailored to the North Greeley Corridor and given the substantial body of information amassed during review of the proposed Form-Based Code, is expected to be of a relatively short duration.
8. The Town Board finds that maintaining the status quo will protect the public interest and welfare. A moratorium will promote community planning values by regulating land development based on a carefully considered plan and will prevent potential applicants from seeking land use approvals while new conditions and requirements are being established.

SECTION 3. MORATORIUM

1. Effective immediately and continuing for a period of six (6) months following the date on which this Local Law is filed with the Secretary of State, the Town Building Inspector, New Castle Development Department, and all other applicable Town agencies, boards, departments and personnel, shall not accept, process, review or consider any new applications for site development plan approval, special permit approval, variance relief, building permits or sign permits pertaining to properties located in the North Greeley Corridor, as depicted on the annexed zoning map. Any such new applications received after the introduction of this Local Law on March 8, 2022, and before its Effective Date (as hereinafter defined) shall likewise be subject to this moratorium.
2. Additionally, notwithstanding the foregoing, this moratorium shall not apply to new applications for building permits received after March 8, 2022 for work and improvements that the Building Inspector reasonably determines are being performed primarily for health or safety reasons, or which will be undertaken in existing commercial or retail structures having a gross floor area of less than 3,000 square feet.
3. The Town Board may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of six (6) months, as the Town Board, in its sole discretion, deems necessary to allow for the adoption of revised zoning for the North Greeley Corridor.
4. In the event this Local Law causes a severe financial hardship to a property owner, an application may be made in writing to the Town Board requesting an exemption from the provisions herein. After due notice and a public hearing on such application, the Town Board may grant an exemption with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary. No exemption shall be granted pursuant to this section, except upon a determination by the Town Board that severe financial or economic hardship was directly caused as a result of the application of the provisions of this Local Law.
5. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State Town Law for the entire duration of this moratorium, including any extension thereof.

SECTION 4. NOTICE TO APPLICANTS – ZONING CHANGES

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

SECTION 5. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2022, of the ~~(County)(City)(Town)(Village)~~ of Town of New Castle was duly passed by the Town Board on April 26 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

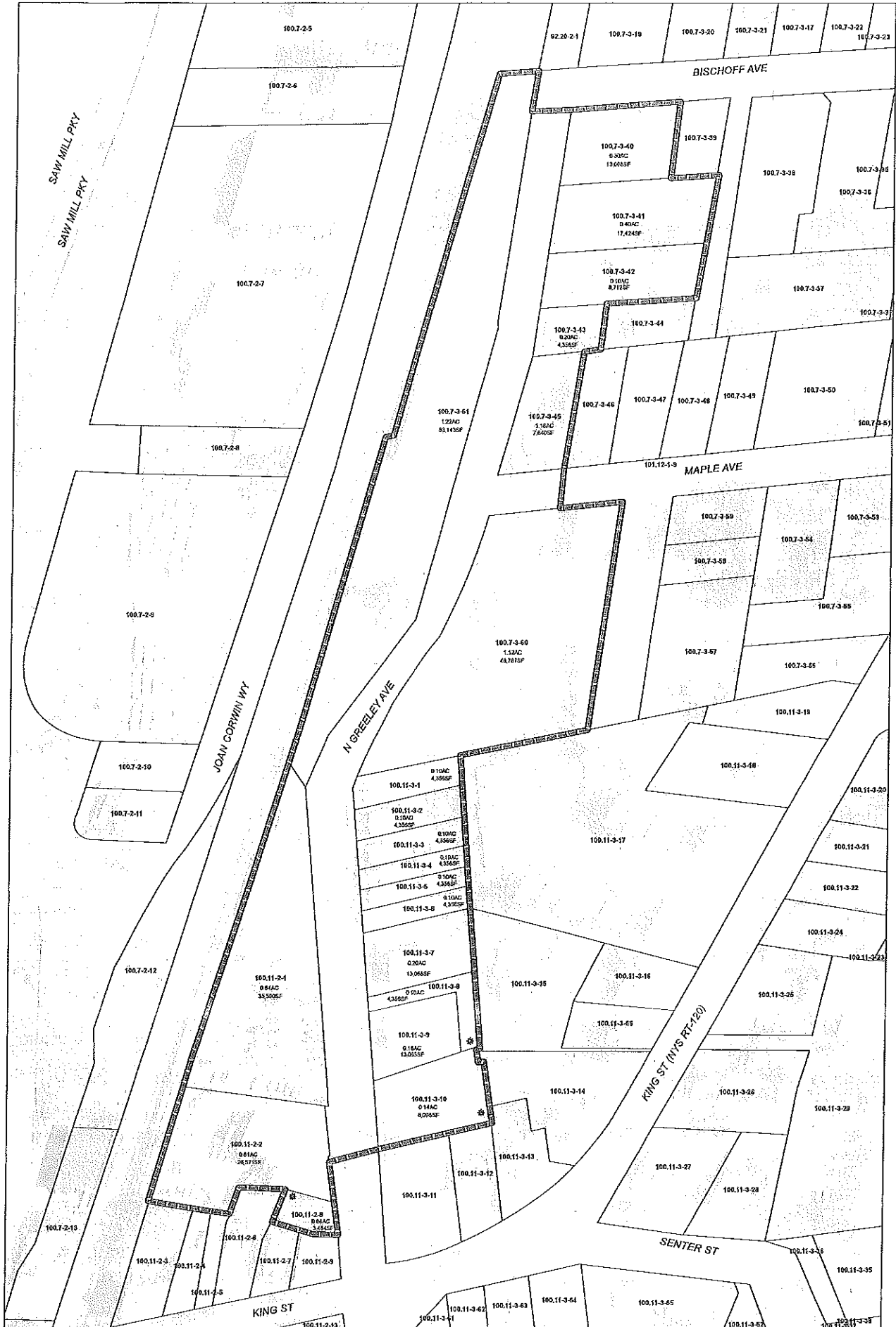
Christine Pappas

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: May 13, 2022

(Seal)

Chappaqua Hamlet Modified Moratorium Area



Sources: New Castle GIS, PWS, ESRI
 Date: 3/25/2021
 Author: KDC



Modified Moratorium Area 3.5.21

Map Note: This map is not certified by the Town of New Castle. All data must be field verified.