

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to
enact moratorium on
residential development

BE IT ENACTED by the City Council of the City of Beacon 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 land use approvals to review certain special use, site plan, and subdivision applications involving residential development, including single family and mixed use development within the City of Beacon, by means of amending Chapter 223, Zoning, of the Code of the City of Beacon.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The City Council hereby finds as follows:

1. The City of Beacon adopted a Comprehensive Plan in 2007 and updated it in 2017. These Comprehensive Plans encouraged development within the City of Beacon, with a special focus on opportunities for residential development along Main Street’s Central Business District, the Central Main Street, Linkage and Waterfront Districts. However, in the past approximately three years 1,200 residential units have been approved or are pending approval. The City is concerned that such a large number of housing in such a short time will stress the City’s water supply. The City’s vision was that development would be more gradual and take place over a period of years. The City’s water supply is of special concern. The City has enough water to maintain a population of approximately 17,800 people, and the additional units (approved, but not built, pending before the land use boards and those preliminarily discussed with the Building Department) have pushed the population close to that number. In connection with water supply, the City hired Leggette, Brashears & Graham, Inc (LBG) to look into the development of a new well on the existing Water Treatment

Plant property. That location was found unsuitable for potable water because the property does not have a sufficient water yield. The accelerated development of housing within the City will lead to greatly increased consumption of services and resources.

2. The City is participating in a grant awarded by the NYS Department of State, along with other communities, to develop a Community Profile, Housing Profile and Community Development Plan for Beacon. Patterns for Progress is administering this work. The Community Development Plan will include the data and trends from the community and housing profiles as well as a set of recommendations and strategies for the City to aid in its continuing revitalization efforts. The plan will include a) Research and data trend analysis based on the Community and Housing Profiles; b) Major project pipeline report; c) Community Engagement and Visioning sessions with summary reports; and d) Recommendations and strategies for each community.

~~3. On July 6, 2017 the City of Beacon Board of Education adopted Resolution 070517A to voice its concern over the sudden and unanticipated increases in student enrollment. The Board of Education believes that the surge in the City's population will adversely affect the financial and physical capabilities of the District to educate its students. By its Resolution, the Board of Education made a formal request that the Beacon School District be designated as an interested agency under State Environmental Quality Review procedures to review and comment on variances and site plans for multi-unit residences that come before any land use approval board.~~

- ~~4.~~3. It is the intent and purpose of this Local Law to establish a temporary moratorium on residential development in order to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the accelerated rate of development within the City. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of comprehensive studies and plans for the City's water supply and the regulation of residential development within the City of Beacon, including those studies being prepared by Patterns for Progress referenced above.

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, no application for special use permits, site plan approval, or subdivision approval will be processed by the City or any land use board, no submission of any application or consideration of any application for any permit or approval shall be accepted, and no permit or approval will be issued by the City for the establishment of new residential or mixed use development within the City until this ordinance has expired or has been repealed according to applicable law.

2. Any application for residential development submitted to the City before July 3, 2017 or pending before a land use board as of the July 11, 2017 Planning Board agenda ~~and or~~ the July 18, 2017 Zoning Board of Appeals Agenda is exempt from this moratorium. Any application seeking a modification or extension of an existing approval that does not increase the density (by unit or bedroom count) shall be exempt from this moratorium.
3. The City Council may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of ninety (90) days or such other time period, as the City Council, in its sole discretion, deems necessary to allow for the comprehensive study of the impacts of residential development within the City and preparation and adoption of regulations pertaining to such development.
4. In the event this Local Law causes a severe and substantial financial hardship to a property owner, an application may be made in writing to the City Council requesting an exemption from the provisions herein. After due notice and a public hearing on such application, the City Council 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 City Council that severe and substantial financial or economic hardship was directly created 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 General City Law for the entire duration of this moratorium, including any extension thereof.

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.

