

Public Notice Public Hearing on Proposed Local Law No. 1 of 2024

News Release Date

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PUBLIC NOTICE

Town of Austerlitz

Public Hearing on Proposed Local Law No. 1 of 2024

PLEASE TAKE NOTICE that Local Law No. 1 of 2024 has been introduced by the Town Board of the Town of Austerlitz, for purposes of commencing the adoption process. Local Law No. 1 of 2024 establishes a nine-month extension of the moratorium (Local Law 1-2023) on certain uses and development in the Town of Austerlitz effective July 18, 2024.

PLEASE TAKE FURTHER NOTICE that a public hearing on proposed Local Law No. 1 of 2024 will be held by the Town Board, on Thursday, March 21, 2024, at 6:45 p.m. for the purpose of providing an opportunity for interested individuals to comment on the proposed local law. Written comments addressed to the Town Board will also be accepted and may be mailed to the Town office address, P.O. Box 238, Spencertown, NY 12165 or emailed to the Town Clerk at shaag [at] austerlitzny.com. For written comments to be considered by the Board, your name and home address must be included. A full copy of the proposed Local Law #1-2024 can be picked up at the Town Clerk's office at 816 State Route 203, Spencertown, NY during regular officer hours or on the Town's website at www.austerlitzny.com.

By Resolution of the Town Board

Date: February 26, 2024

Susan Haag, Town Clerk

Introductory Local Law No. 1 of the Year 2024

A Local Law entitled, "Extension of Town of Austerlitz Moratorium of 2023 on Certain Land Uses and Development"

A Local Law establishing a nine-month extension of the moratorium on certain uses and development in the Town of Austerlitz.

Be It Enacted By The Town Board Of The Town Of Austerlitz as follows:

Section 1: Legislative Findings

By Local Law No. 1 of 2023, the Town Board of the Town of Austerlitz adopted a nine-month moratorium on the acceptance, processing and approval of special permit applications as may be required by the Town Zoning Code in order to establish certain uses. The reason for the moratorium was, and still is, to provide time to finish the process, started in 2022, for a complete update of the Town of Austerlitz Comprehensive Plan which was first adopted on September 9, 2004, and had not been amended or revised since its adoption. Since the update process started in 2022, it became clear that the Town Zoning Code, which basically allows a wide variety of uses anywhere in Town upon the issuance of special use permit, does not serve the community well and does not provide for appropriate planning for the future growth of the Town. As stated in Local Law No. 1 of 2023, the Town Zoning Code also does not provide the specific criteria and guidance to the Planning Board in reviewing and determining whether special use permits should be issued and this has created difficulty not only for the Planning Board but also for the community and applicants due to the lack of predictability in the planning for new uses and developments and in the review and decision-making process. Thus the Town Board concluded that the moratorium was necessary because continuing to accept and process special use permit applications while the Comprehensive Plan was being updated and changes were made to the Zoning Code could result in land uses and developments being established that are (a) contrary to the goals, policies and recommendations in the updated Comprehensive Plan, (b) contrary to the zoning amendments that will be based on the updated Comprehensive Plan, and (c) detrimental to residents and the future growth of the Town.

The Town has made much progress since the moratorium Local Law was adopted in 2023. A complete draft of the updated Comprehensive Plan has been circulated internally for comments and the draft Plan is being readied for public comment. The Town has also started working on changes to the Town Zoning Code based on the draft Comprehensive Plan. Although much work has been done, the Town Board recognizes that more time is needed to allow for the public comment portion of the process and to complete both the Comprehensive Plan and zoning updates. The Town Board affirms its prior finding set forth in Local Law No. 1 of 2023 that it is necessary and appropriate to have a short-term moratorium on those uses that require a special use permit as set forth in the present Town Zoning Code in order to ensure that new land uses and developments are compatible with the policies and recommendations set forth in an updated Comprehensive Plan and are in compliance with zoning amendments that will proceed from the updated Comprehensive Plan. Accordingly, the moratorium enacted in 2023 should be continued until the Comprehensive Plan and Zoning update process is complete. The 9-month moratorium enacted in 2023 and which became effective on July 18, 2023 (the filing

date with the Department of State) will expire on April 18, 2024. The Town Board estimates that such process will take another nine months from that date.

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town Board of the Town of Austerlitz to regulate and control land use within the boundaries of the Town and to protect the health, safety and welfare of its land owners and residents, the Town Board proposes to continue the temporary pause on new land uses and development that require a special use permit under the Zoning Code in order to allow the Comprehensive Plan process to be completed and zoning amendments to be enacted.

It is the intent of the Town Board to complete the Comprehensive Plan process currently in progress as quickly as practicable, with opportunity for further input from Town residents and property owners, and to thereafter enact amendments to the current Town Zoning Code.

The purpose of this local law is to prohibit, for a relatively short duration, the acceptance, processing, or approval of any application for a special use permit for any and all of the uses that require a special use permit as listed in the Allowable Use Groups Chart set forth in Section 195-13 of the current Town Zoning Code for the Rural Residential (RR), the Austerlitz Hamlet (A-HM) and the Spencertown Hamlet (S-HM) zoning districts with the exception of a few uses identified in Section 3 of this local law. All uses that are indicated as prohibited in the Allowable Use Groups Chart in those districts shall remain as prohibited. By enacting this moratorium, the Town can continue the planning process for an updated Comprehensive Plan and zoning amendments and can evaluate land use policies and regulatory controls in an orderly manner that will consider the Town's future growth, economy, and the Town's existing natural resources and community character.

Section 3. Moratorium

A. Pursuant to the powers of New York State Home Rule and Town Law, for a period of nine (9) months immediately following the April 18, 2024 expiration date of Local Law No.1 of 2023, the moratorium established in said Local Law No. 1 of 2023 shall continue for an additional nine months to end January 18, 2025. Said moratorium is on the acceptance, processing, or approval of any application for a special use permit for any and all of the uses that require a special use permit (SP) as listed in the Allowable Use Groups Chart set forth in Section 195-13 of the current Town Zoning Code for the Rural Residential (RR) zoning district, the Austerlitz Hamlet (A-HM), and the Spencertown Hamlet (S-HM) with the exception of applications for professional office, restaurant or retail business uses in an existing building without need for exterior improvements that are located in the Austerlitz Hamlet (A-HM) or the Spencertown Hamlet (S-HM) zoning districts.

B. During the term of this moratorium as continued herein, no applications will be accepted and no processing, review, actions, permits or approvals shall be continued, commenced, undertaken, made or issued by the Town of Austerlitz Planning Board or any other board, department, committee, official or agent of the Town of Austerlitz with respect to any of the uses identified in Section 3(A) of this local law. This moratorium shall apply to all special use permit or site plan applications whether pending or in process at, or received prior to, the effective date of this local law.

Section 4. Enforcement

This local law shall be enforced by the Code Enforcement Officer of the Town of Austerlitz pursuant to, and in the same manner and subject to the same penalties, fines and remedies as set forth in Article XIII (entitled "Enforcement") of the Town Zoning Code.

Section 5. Supersession

To the extent that this local law, or any provision set forth therein, is inconsistent with any New York State statute or regulation, it is the intent of this local law to supersede any such statute or regulation.

Section 6. Severability

Should any section or provision of this local law be declared null, void, voidable or invalid, by a court of competent jurisdiction, such judgement, order, declaration, or finding shall not effect the remaining sections or provisions of this local law.

Section 7. Effective Date and Term

This local law shall take effect immediately upon its filing with New York State Secretary of State and shall remain effective until the first of the following occurs: (a) the repeal of this local law or (b) the date nine (9) months from the expiration date of Local Law No.3 of 2023, unless otherwise extended or amended by the Town Board.

End Of Local Law