



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Village of Fishkill, Mayor and Board of Trustees will hold a **Public Hearing** at Van Wyck Hall, 1095 Main Street, Fishkill, New York, Monday, June 4, 2012

PUBLIC HEARING to start at 7:00 p.m

FOR THE PURPOSE OF BILL H-2012

A proposed Local Law Imposing a Six Month Moratorium on "Special Use" Zoning Permits.

LOCAL LAWS are on file for public review between the hours of 8:00 and 4:00 p.m. Monday through Friday at the Village Clerk's office.

DATED: May 23, 2012

Angela Arasim, RMC, CMC
Village Clerk

(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.

Village of FISHKILL

Local Law No. _____ of the year 2012

A Local Law Imposing a Six Month Moratorium on "Special Use" Zoning Permits

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

Village of FISHKILL as follows:

SECTION 1. Purpose and Intent

The Village of Fishkill Comprehensive Plan Review Committee has commenced deliberations to revise and adapt the Village of Fishkill comprehensive plan and zoning laws to reflect the needs of the Village of Fishkill for special permit type uses. The Review Committee will be seeking input from the Village residents and professionals as to the historic characteristics of the Village and its architecturally and aesthetically sound construction design for future expansion of the Village in regard to the type of uses allowed by "special permit". Such construction design planning relates to new building construction, reconstruction of existing buildings and the uses themselves that will be allowed by special permit in the Zoning Districts that border residential and historic areas of the Village.

SECTION 2.

Pursuant to the statutory powers vested in the Village of Fishkill to regulate and control land use and to protect the health, safety and welfare of its residents, the Board of Trustees of the Village hereby declares a six-month moratorium on the issuance of special use permits or development of real property as hereinafter designated.

SECTION 3. Exclusions from Moratorium

The following applications shall be excluded from the moratorium:

- A. Any pending application for a special use permit before the Planning Board or Zoning Board of Appeals which had been submitted for approval before April 16, 2012.

SECTION 4: Scope of Controls

A. During the effective period of this local law:

1. The Village Planning Board shall not consider any applications for special use permit (or associated site plan) filed after April 16, 2012. The Village Planning Board shall not grant any preliminary or final approval for a special use permit (or associated site plan) that would violate the terms of this moratorium.

2. The Village Zoning Board of Appeals shall not consider any applications for a use or area variance for a special permit use, where the application was filed after April 16, 2012. The Village Zoning Board of Appeals shall not grant any variance or other permit for any special permit use that would violate the terms of this moratorium.

3. The Building Inspector/Code Enforcement Officer of the Village shall not issue any permit that would result in the violation of this moratorium.

B. The Board of Trustees of the Village of Fishkill reserves the right to direct the Village Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this local law.

SECTION 5. Term

The moratorium imposed by this local law shall be in effect for a period of six (6) months from the effective date of this local law.

SECTION 6. Penalties

Any person, firm or corporation that shall otherwise violate any of the provisions of this local law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Village for zoning and/or building code violations; and

B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this local law and, if necessary, to remove any construction that may have taken place in violation of this local law.

SECTION 7. Validity

The invalidity of any provisions of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provisions.

SECTION 8. Hardship

A. Should any owner of property affected by this local law suffer an unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner of said

property may apply to the Board of Trustees of the Village in writing for a variance from strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purposes of this local law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, or associated site plan or other permit during the period of the moratorium imposed by this local law.

B. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a variation of this local law, the Board of Trustees shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Village. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Board of Trustees shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this local law. If the Board of Trustees determines that a property owner will suffer an unnecessary hardship if this local law is strictly applied to a particular property, then the Board of Trustees shall vary the application to this local law to the minimum extent necessary to provide the property owner relief from strict compliance with this local law.

SECTION 9. Effective Date

This local law shall take effect immediately upon its filing with the Office of the New York State Secretary of State.