

**Local Law # 2 of 2022**

**RESOLUTION OF ADOPTION**

**Moratorium on Town Center District, Common Driveway  
and Private Road Applications and Permits**

Councilman Welsh offered the following Resolution, which was seconded by Councilman Gusikoff, who moved its adoption:

*WHEREAS*, a Local Law was introduced by the Town Board of the Town of Union Vale as Local Law #2 – 2022, entitled “A LOCAL LAW OF THE TOWN OF UNION VALE, DUTCHESS COUNTY, NEW YORK TO ADOPT A MORATORIUM ON THE CONSIDERATION OF APPLICATIONS FOR AND THE ISSUANCE OF APPROVALS, VARIANCES AND PERMITS FOR USES ALLOWED IN THE TOWN CENTER ZONING DISTRICT AND FOR COMMON DRIVEWAY AND PRIVATE ROAD PERMITS IN THE TOWN”; and

*WHEREAS*, a copy of the proposed Local Law No. 2 is attached hereto as Exhibit A and incorporated herein, and the Town Board does hereby waive a verbatim reading of said Local Law and directs that said Local Law be spread across the record as if it, in fact, had been read verbatim; and

*WHEREAS*, a public hearing in relation to said Local Law was held on April 6, 2022 at 7:00 p.m., Prevailing Time; and

*WHEREAS*, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

*WHEREAS*, notice of said public hearing was given to the Clerks of the adjoining towns pursuant to General Municipal Law §239-m, and the proposed Local Law and notice of the public hearing were given to the Dutchess County Department of Planning and Economic Development for its advisory review in accordance with §239-m of the General Municipal Law, in response to which the County advised that the adoption of this Local Law was a matter of local concern; and

*WHEREAS*, the proposed Local Law and notice of the public hearing were forwarded to the Town of Union Vale Planning Board for its review and comments, following which it endorsed the adoption of this Moratorium Local Law; and

*WHEREAS*, said Local Law has been on the desks of the members of the Town Board of the Town of Union Vale for at least seven (7) days, exclusive of Sunday; and

*WHEREAS*, it has previously been determined that the adoption of this Moratorium Local Law is a Type II Action requiring no Environmental Review, now, therefore,

*BE IT RESOLVED* that the annexed Local Law be and the same is hereby enacted: TOWN OF UNION VALE LOCAL LAW #2 OF 2022 entitled "A LOCAL LAW OF THE TOWN OF UNION VALE, DUTCHESS COUNTY, NEW YORK TO ADOPT A MORATORIUM ON THE CONSIDERATION OF APPLICATIONS FOR AND THE ISSUANCE OF APPROVALS, VARIANCES AND PERMITS FOR USES ALLOWED IN

THE TOWN CENTER ZONING DISTRICT AND FOR COMMON DRIVEWAY AND PRIVATE ROAD PERMITS IN THE TOWN"; and

*BE IT FURTHER RESOLVED* that this Local Law shall be referred to as §210-10-a of the Town of Union Vale Town Code; and

*BE IT FURTHER RESOLVED* that this Local Law shall take effect upon adoption by the Town Board and filing with the New York State Secretary of State in accordance with applicable provisions of law, and specifically Article 3, §27 of the Municipal Home Rule Law.

The foregoing Resolution was duly put to a vote which resulted as follows:

Councilman Gusikoff	Aye
Councilman Durland	Aye
Councilman McGivney	Aye
Councilman Welsh	Aye
Supervisor Maas	Aye

Dated: Union Vale, New York  
April 6, 2022

I, Andrea Casey, Town Clerk of the Town of Union Vale DO, HEREBY CERTIFY that the foregoing is a true copy of a resolution offered by Councilman Welsh, seconded by Councilman Gusikoff, and adopted at the meeting of the Town Board, held on April 6, 2022.

  
\_\_\_\_\_  
ANDREA CASEY, TOWN CLERK

**Exhibit A**

**TOWN OF UNION VALE**

**LOCAL LAW #2 – 2022**

**A LOCAL LAW OF THE TOWN OF UNION VALE, DUTCHESS COUNTY, NEW YORK TO ADOPT A MORATORIUM ON THE CONSIDERATION OF APPLICATIONS FOR AND THE ISSUANCE OF APPROVALS, VARIANCES AND PERMITS FOR USES ALLOWED IN THE TOWN CENTER ZONING DISTRICT AND FOR COMMON DRIVEWAY AND PRIVATE ROAD PERMITS IN THE TOWN**

**§210-10-a Moratorium on Town Center District, Common Driveway and Private Road Applications and Permits**

**A. Findings.**

Supervisor Maas and Planning Board Chair Cartalemi have advised that the in-town mixed community service, commercial, residential and other uses, which the 2002 and 2010 zoning amendments allowed in the Town Center zone, are now available to Union Vale residents in nearby towns; and that the preferences of residents and developers, as well as the market for them, may have changed.

Supervisor Maas also advised that there is the potential for future safety, access and upkeep issues if the Town continues to allow common driveways and private roads which do not have to meet the Town Highway standards.

To allow for public input and the Town Board's evaluation of potential changes to these Code provisions, a temporary 90-day moratorium on the consideration of

applications for and the issuance of approvals, permits and variances relating to the uses currently allowed in the Town Center zone, and the approval of common driveways and private roads in the Town, is proposed. This moratorium, which can only be extended for good cause, will preserve the status quo and also avoid potential prejudice to property owners and developers who might apply.

**B. Statutory Authority.**

This Chapter is adopted pursuant to Municipal Home Rule Law §§10(1)(ii)(a)(14), 10(1)(ii)(d)(3), (10)(1)(ii)(a)(12), and 10(1)(ii)(a)(6), which grant Towns the authority to enact local laws regarding the matters allowed by the Statute of Local Governments, those relating to their property, affairs and governance, and those relating to their roads, highways and property, respectively.

**C. Supersession of State Law.**

This Code §210-10-a shall supersede Town Law §§267-b, 274-a, 274-b, 276 and 277, and the application of the Town of Union Vale's Zoning Code (Ch 210) and its Subdivision Code (Ch 192), to the extent they are inconsistent with this Chapter.

**D. Scope of Controls**

During the effective period of this Local Law, neither the Union Vale Planning Board, Zoning Board of Appeals or any board, officer or employee shall, except as provided below, accept, consider or process applications for or issue variances, approvals, interpretations or permits for any of the uses currently allowed under Union

Vale Zoning Code §210 Attachment 2 or otherwise in the Town Center zoning district, or for any common driveway or private road permit pursuant to Town Code Chapters 111, A215 or otherwise.

**E. Exceptions**

The restrictions provided for in this Chapter shall not apply to holders of current and valid approvals or permits for the uses, common driveways and private roads referred to in §4 above.

**F. Term.**

This Local Law shall remain in force for a period of 90-days from its effective date. It may for good cause be renewed, extended and modified by the Town Board of the Town of Union Vale for up to two additional 90-day periods.

**G. Effective Date.**

This Local Law shall take effect upon its adoption and filing with the New York State Secretary of State.