

LEGAL NOTICE OF ADOPTION OF LOCAL LAW

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Baxter Estates, at a regular meeting held on October 6, 2021, duly adopted Local Law 5 of 2021, which reads as follows:

Local Law No. 5 of 2021, A local law extending a temporary moratorium on the development of any parcel of real property within Business A District of the Village of Baxter Estates intended for residential use of any kind or capacity.

Section 1. Legislative Findings and Intent. The Board of Trustees (the “Board”) of the Village of Baxter Estates (the “Village”), in adopting Local Law No. 1 of 2021 (the “Temporary Moratorium”), found that

- A. Economic conditions in recent years have adversely impacted the viability of local businesses catering to the local community, evidenced by a consistent presence of vacant storefronts in the Business A Zoning District of the Village, as well as in the commercial districts in the surrounding community of which the Village is a part. The difficulties experienced by local businesses in the Village and surrounding community pre-date the COVID-19 pandemic’s onset in March 2020, but have been compounded by the pandemic’s economic impacts.
- B. Recently, several owners of parcels of real property in Business A District have expressed an interest in developing their properties for multi-residential use, without any commercial or business use, apparently reflecting the sense of the property owners that commercial and business uses may not offer a reasonable return on their investments in property in the Business A District.
- C. The Board notes that, in addition to the 23 enumerated commercial, business or other non-residential permitted uses in the Business A District, under Village Code Section 175-21 of Chapter 175, “Zoning,” of the Village Code (the “Zoning Code”), permitted uses presently also include a single-family or two-family detached dwelling, or a multiple dwelling, in each case satisfying the zoning code provisions applicable under Article III, “Residence F Districts,” of the Zoning Code.
- D. The Board notes that the vast majority of properties in the Business A District of the Village along the Village’s primary commercial district, abutting Main Street, Port Washington, contain (or most recently contained) commercial or business uses, some of which also contain some residential use.

- E. The Board notes that the provisions of Article IV of the Zoning Code have not been modified or amended in more than 2 decades, and that the provisions applicable to residential development in the Business A District, contained in Article III of the Zoning Code and made applicable by cross-reference to residential development in the Business A District, have not been meaningfully reviewed in many decades.
- F. The Superintendent of Buildings has advised the Board that it appears that significant zoning variances would be required for possible residential development projects in the Village's Business A District that have been the subject of recent informal submissions to the Village. The Board notes that most residential development in the Business A District would likely not satisfy relevant restrictions contained in Article III, in light of the size and contours of existing parcels, as improved, in the Business A District.
- G. The Board finds that the best interests, health, safety and welfare of the Village residents and property owners will be promoted through a study and evaluation of the Village Zoning Code provisions applicable to residential development in the Business A District before any new proposed development comprised partly or entirely of residential uses in the Business A District is processed, reviewed or considered by the appropriate Village Boards, departments and officials.
- H. The purpose of such study and evaluation will be to enable the Board to explore whether existing regulation of such uses is appropriate to permit property owners to develop, own and operate properties in a reasonable and cost-effective manner, while protecting the health, safety and welfare of all Village residents and property owners, in light of current conditions in the Village and surrounding communities.
- I. For the foregoing reasons, the Board determines that the best interests, health, safety and welfare of the Village, its residents and its property owners are served by the establishment of a moratorium for a period of six (6) months on (i) the development of all parcels of real property in Business A District for any residential use, in whole or in part, and (ii) the review, processing, consideration and determination as to any submissions or applications of any kind relating thereto, by or on behalf of any owner of property within the Business A District, to the Village, or any Board, department, officer or official of the Village.

Since enactment of the Temporary Moratorium, the Board has met with and retained land use and planning consultants, who have advised the Board that they are continuing with their study in preparation for a report and recommendations to

address with the Board, which should be available to the Board and the public prior to November of this year. In order to enable that study and report to be completed, presented and considered, and to enable the Board to consider same, and, if the Board so determines, to prepare and adopt amendments to its Zoning Code in response thereto, the Board finds that the best interests of the Village are served by extending the Temporary Moratorium through June 30, 2022.

Section 2. Scope of Moratorium.

Except as provided in Sections 3 and 4 below, during the period from and after the effective date of this law until June 30, 2022:

A. No new building or other structure shall be constructed, and no existing building or other structure shall be altered, extended or expanded, on any parcel of real property within any Business A District of the Village for any residential use of any kind or capacity, whether in whole or in part.

B. No building permits shall be issued for any new building or other structure, or for the alteration, extension or expansion of any existing building or other structure, on any parcel of real property within any Business A District of the Village for any residential use of any kind or capacity, whether in whole or in part.

C. No new application shall be accepted, and no pending application shall be processed by the Village, or by any Board, department, official or officer of the Village, with respect to any new building or other structure, or with respect to any existing building or other structure, on any parcel of real property within any Business A District of the Village for any residential use of any kind or capacity, whether in whole or in part.

Section 3. Exceptions.

A. This moratorium shall not apply to the acceptance or processing of applications, the issuance of building permits, or any construction which relates only to the alteration, repair, replacement, or maintenance of existing buildings and other structures, so long as the proposed work that is the subject thereof complies in all respects with the Village Zoning Code.

B. This moratorium shall not apply to any municipal use on property which is owned by either a municipality or a special district of a municipality.

Section 4. Variances.

In the event of unnecessary hardship, an application for relief from this local law

may be made to the Village's Zoning Board of Appeals pursuant to the provisions of Village Law §7-712-b(2) for a "use variance."

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Dated: Port Washington, New York
October 6, 2021

By Order of the Board of Trustees
of the Village of Baxter Estates
Chrissy Kiernan, Village Clerk-Treasurer