

**BE IT ENACTED** by the Board of Trustees of  
the Village of Rye Brook as follows:

**SECTION 1.** Title.

This local law shall be known and may be cited as the 2006 Interim Development Law of the Village of Rye Brook.

**SECTION 2.** Purpose and Intent.

The Board of Trustees is familiar with that portion of the Village of Rye Brook known as the Byram Ridge Section which is located in the R-20 Zoning District. The Village is aware of the potential for re-subdivisions in the Byram Ridge neighborhood and is further aware of the significant storm water drainage and groundwater issues with which this neighborhood and other sections of the Village abutting this particular section is encumbered. The Village is also concerned as to the potential aesthetic impact on the character of this unique neighborhood as well as the harm that can be caused to the existing homes as well as future home owners on any lots that can be developed from the existing high groundwater table present in this neighborhood as well as in which the manner that storm water drainage is discharged. The purpose of this moratorium is to permit the Village sufficient time to analyze the potential impacts of such development and the ability of the land use regulations to deal with such matters. For this purpose, the Village has and will continue to conduct research, studies and surveys and has and will present findings and recommendations to the public through informational meetings and public hearings. It is anticipated that this procedure may lead to the creation and possible adoption of necessary amendments to the Zoning Code and subdivision regulations of the Village, including but not limited to, change in the minimum lot size.

The Board of Trustees of the Village of Rye Brook hereby determines as follows:

i. That the development of land and structures require proper limits, planning and local control so that land will not be overdeveloped; new construction will be consistent with existing development patterns and character; services will not be overburdened; pre-existing storm water drainage and groundwater problems will not be exacerbated; and the health, safety, welfare and character of the community will be preserved and protected;

ii. That insufficiently regulated development and the proliferation of new structures and/or uses without the necessary regulation is detrimental to property values, the quality of life of Village residents and the suburban character of the Village and is inconsistent with the goals and policies of the Village of Rye Brook Vision Plan, presented to and accepted by the Board of Trustees;

iii. That the preservation of open space and environmental features requires specific regulation for the protection of health, safety and welfare of the residents of the Village and for maintaining the visual and aesthetic character of the Village;

iv. That the continued issuance of approvals and permits risks further subdivision and development of the Village's large and small areas of open spaces;

v. That it is necessary and appropriate to protect the public interest to impose this moratorium on all applications for subdivisions, resubdivisions, site plan approvals, special use permits and other project development plans, or any aspect thereof, for an interim period during which time the Village Board will study and review these areas of concern;

vi. That it is the purpose of this moratorium to temporarily freeze the development of land in this section to give the Village time to review and possibly amend the Code of the Village of Rye Brook as a result of its study and analysis;

vii. That this moratorium is a reasonable and necessary response to the above identified crisis and is as limited as possible to achieve its objectives discussed herein;

viii. That this local law provides for a review and appeals procedure to avoid or minimize any inequities or hardships that may result from the strict application of this local law.

### **SECTION 3. Scope.**

This local law shall apply to all properties having frontage on Beechwood Boulevard, Edgewood Drive, Hillandale Road, Loch Lane and Woodland Drive, Village of Rye Brook, and located within the R-20 zoning district: (hereinafter referred to as "Zoning District").

### **SECTION 4. Scope of Controls.**

During the effective period of this local law:

- a) The Planning Board shall not grant any preliminary or final approval for a subdivision, resubdivision, site plan, special use permit or any aspect thereof, within the Zoning District.
- b) The Planning Board shall not issue a report or recommendation on any preliminary or final approval for a subdivision, resubdivision, site plan or special permit within the Zoning District.
- c) The Zoning Board of Appeals shall not grant any area variance on any application pending before the Board of Trustees or Planning Board, use variance or zoning text amendment for any property within the Zoning District.

**SECTION 5. No Consideration of New or Pending Applications.**

No new or pending applications within the Zoning District for an area variance on an application that also requires approval from the Board of Trustees or Planning Board or an application for subdivision, resubdivision, site plan approval, special use permit, use variance or any aspect thereof, shall be considered by any official board or agency of the Village of Rye Brook while this Local Law is in effect.

**SECTION 6. Term.**

This Local Law shall be in effect for a period of up to one hundred eighty (180) days from its effective date and shall not be thereafter extended or renewed.

**SECTION 7. Penalties.**

Any person, firm or corporation who shall violate any of the provisions of this Local Law shall be subject to:

- a) Such penalties as may otherwise be provided by the laws, rules and regulations of the Village of Rye Brook for violations; and
- b) Injunctive relief in favor of the Village of Rye Brook to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

**SECTION 8. Severability and validity.**

The invalidity of any provision of this Local Law shall not effect the validity of any other portion of this Local Law, which can be given effect without such invalid provision.

**SECTION 9. Superseding Other Laws.**

- a) All laws, ordinances, rules and regulations of the Village of Rye Brook are modified and superseded by this Local Law with respect to their application to the properties designated under this Local Law for the term of this Local Law.
- b) This Local Law shall modify and supersede, with respect to the properties covered by this Local Law and for the term of this Local Law, the provisions of Sections 7-700 to 7-742, inclusive, of Article 7 of the Village Law of the State of New York.

**SECTION 10. Appeals.**

- a) The Village Board of Trustees shall have the power to vary or modify the application of any provision of this Local Law upon its determination, in its absolute legislative discretion, that such variance or modification is consistent

with the spirit of the intended master plan and prospective zoning code amendments upon which this local law is based and with the health, safety and general welfare of the Village, and upon finding that the application of the provisions of this local law to a specific property will cause undue economic hardship and that such hardship is unique to that specific property.

- b) Upon receiving any application for such variance or modification, the Village Board of Trustees may refer such application to the Planning Board for a report of said Planning Board with respect to the effect of the prospective variance or modification upon the intended zoning change. To expedite the appeal, the Village Clerk shall forward, within forty-eight hours after receipt of same, all applications for relief to the Planning Board for its report. Such report shall be returned by the Planning Board to the Village Board within thirty (30) days of such reference, and shall be placed on the next agenda of the Village Board of Trustees for a determination after expiration of said thirty-day period or receipt of a report from the Planning Board, whichever is earlier. The granting of an appeal for relief by the Village Board of Trustees shall authorize and permit the Planning Board and Zoning Board to accept, review, consider and otherwise act.

**SECTION 11. Effective Date.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.