

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general city law, the town law and the village law, in relation to establishing a temporary moratorium in matters of planning and zoning

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds that many towns, villages and cities have enacted temporary mora-  
3 toriums which prohibit landowners from making applications for otherwise  
4 permitted construction or land development, obtaining review of such  
5 applications or the issuance of some or all of the following: building  
6 permits, site plan approvals, special use permits, subdivision plats or  
7 zoning changes, and determinations by zoning boards of appeal. The  
8 legislature further finds that while the courts have sustained certain  
9 of these actions, there has been no explicit statutory authorization for  
10 these municipal moratoriums, which have been intended to benefit the  
11 community at large while impacting the property owners whose property  
12 interests are directly affected. The legislature declares that the  
13 absence of a statute authorizing and regulating the enactment of such  
14 moratoriums has created confusion as to their legality and uncertainty  
15 as to the acceptable scope, duration, adoption, appeal procedures and  
16 applicability of such moratoriums. It is the legislature's intent to  
17 adopt a comprehensive detailed statutory scheme to authorize municipi-  
18 palities to enact local laws or ordinances that provide for municipal  
19 enactment of moratoriums of limited duration on the issuance of some or  
20 all of the following: building permits, site plan approvals, special use  
21 permits and subdivision plats, and to establish the purposes for which  
22 such moratoriums may be enacted, and to establish appropriate limita-  
23 tions on their scope and duration.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD00265-01-9

1 S 2. The general city law is amended by adding a new section 82 to  
2 read as follows:

3 S 82. TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY OF  
4 ANY CITY IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE, A  
5 TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE  
6 FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS,  
7 SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOP-  
8 MENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSU-  
9 ANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE  
10 AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE CITY OR  
11 ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR OR  
12 REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF APPEALS.

13 2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A  
14 REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

15 (A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;  
16 (B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;  
17 (C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR  
18 (D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE  
19 COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

20 3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

21 (A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT  
22 TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR  
23 ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC  
24 HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION  
25 OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL  
26 ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A  
27 FINDING THAT THE GOVERNING BODY OF THE CITY WILL COMPLETE NECESSARY  
28 PLANNING STUDIES BY CITY EMPLOYEES OR BY CONTRACT WITH OUTSIDE CONSULT-  
29 ANTS BEFORE THE EXPIRATION OF THE MORATORIUM SHALL ALSO BE ENACTED;

30 (B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT  
31 EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDI-  
32 TIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED  
33 PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLAN-  
34 NING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

35 (C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE  
36 PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE  
37 DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

38 (D) STATE THE DURATION OF THE MORATORIUM.

39 4. EFFECT. (A) NO BOARD OR AGENCY OF THE CITY SHALL GRANT APPROVAL FOR  
40 AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

41 (B) NO MORATORIUM FOR PLANNING PURPOSES SHALL APPLY TO LOTS WHICH HAVE  
42 RECEIVED PRELIMINARY PLAT APPROVAL OR TO CONDITIONAL FINAL APPROVAL OF A  
43 SPECIAL USE PERMIT OR TO CONDITIONAL FINAL APPROVAL OF A SITE PLAN OR  
44 THE CONDITIONAL FINAL APPROVAL OF ANY OTHER LAND USE APPROVAL SUBJECT TO  
45 THE MORATORIUM, HOWEVER NOTHING SHALL PROHIBIT A MUNICIPALITY FROM  
46 PERMITTING OTHER SUCH EXCEPTIONS.

47 (C) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACT-  
48 MENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE  
49 ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS,  
50 ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO  
51 THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE  
52 GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSER-  
53 VATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

54 5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE  
55 LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE  
56 NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO

1 COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION  
2 OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME  
3 FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLAN-  
4 NING STUDY SHALL NOT EXCEED ONE HUNDRED EIGHTY DAYS OR FOR ONE YEAR IF  
5 ENACTED TO COMPLETE A STUDY FOR NATURAL RESOURCE PROTECTION OR COMPRE-  
6 HENSIVE PLAN OR AMENDMENT THEREOF. IN THE EVENT AN EXTENSION OF SUCH  
7 MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX  
8 MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS  
9 SECTION. SUCH EXTENSION SHALL CONTAIN THOSE LEGISLATIVE FINDINGS THAT  
10 REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN  
11 EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR  
12 SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMER-  
13 GENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

14 6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL  
15 PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE  
16 LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL  
17 APPROVE, APPROVE WITH MODIFICATIONS OR DENY SUCH APPEAL WITHIN A PERIOD  
18 OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

19 (B) THE LEGISLATIVE BODY OF ANY CITY MAY PROVIDE THAT BUILDING  
20 PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT  
21 APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE  
22 GRANTED BY THE APPROPRIATE CITY AGENCY OR ONLY BY SUCH LEGISLATIVE BODY  
23 PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE REQUIRED  
24 HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT THE  
25 APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF FACT  
26 THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES OF  
27 THE MORATORIUM.

28 S 3. The town law is amended by adding a new section 261-d to read as  
29 follows:

30 S 261-D. TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY  
31 OF ANY TOWN IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE, A  
32 TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE  
33 FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS,  
34 SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOP-  
35 MENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSU-  
36 ANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE  
37 AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE TOWN OR  
38 ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR OR  
39 REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF APPEALS.

40 2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A  
41 REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

42 (A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;  
43 (B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;  
44 (C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR  
45 (D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE  
46 COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

47 3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

48 (A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT  
49 TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR  
50 ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC  
51 HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION  
52 OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL  
53 ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A  
54 FINDING THAT THE GOVERNING BODY OF THE TOWN WILL COMPLETE NECESSARY  
55 PLANNING STUDIES BY TOWN EMPLOYEES OR BY CONTRACT WITH OUTSIDE CONSULT-  
56 ANTS BEFORE THE EXPIRATION OF THE MORATORIUM;

1 (B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT  
2 EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDI-  
3 TIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED  
4 PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLAN-  
5 NING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

6 (C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE  
7 PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE  
8 DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

9 (D) STATE THE DURATION OF THE MORATORIUM.

10 4. EFFECT. (A) NO BOARD OR AGENCY OF THE TOWN SHALL GRANT APPROVAL FOR  
11 AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

12 (B) NO MORATORIUM FOR PLANNING PURPOSES SHALL APPLY TO LOTS WHICH HAVE  
13 RECEIVED PRELIMINARY PLAT APPROVAL OR TO CONDITIONAL FINAL APPROVAL OF A  
14 SPECIAL USE PERMIT OR TO CONDITIONAL FINAL APPROVAL OF A SITE PLAN OR  
15 THE CONDITIONAL FINAL APPROVAL OF ANY OTHER LAND USE APPROVAL SUBJECT TO  
16 THE MORATORIUM, HOWEVER NOTHING SHALL PROHIBIT A MUNICIPALITY FROM  
17 PERMITTING OTHER SUCH EXCEPTIONS.

18 (C) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACT-  
19 MENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE  
20 ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS,  
21 ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO  
22 THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE  
23 GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSER-  
24 VATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

25 5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE  
26 LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE  
27 NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO  
28 COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION  
29 OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME  
30 FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLAN-  
31 NING STUDY SHALL NOT EXCEED ONE HUNDRED EIGHTY DAYS OR FOR ONE YEAR IF  
32 ENACTED TO COMPLETE A STUDY FOR NATURAL RESOURCE PROTECTION OR COMPRE-  
33 HENSIVE PLAN OR AMENDMENT THEREOF. IN THE EVENT AN EXTENSION OF SUCH  
34 MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX  
35 MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS  
36 SECTION. SUCH EXTENSION SHALL CONTAIN THOSE LEGISLATIVE FINDINGS THAT  
37 REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN  
38 EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR  
39 SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMER-  
40 GENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

41 6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL  
42 PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE  
43 LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL  
44 APPROVE, APPROVE WITH MODIFICATIONS OR DENY SUCH APPEAL WITHIN A PERIOD  
45 OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

46 (B) THE LEGISLATIVE BODY OF ANY TOWN MAY PROVIDE THAT BUILDING  
47 PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT  
48 APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE  
49 GRANTED BY THE APPROPRIATE TOWN AGENCY OR ONLY BY SUCH LEGISLATIVE BODY  
50 PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE REQUIRED  
51 HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT THE  
52 APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF FACT  
53 THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES OF  
54 THE MORATORIUM.

55 S 4. The village law is amended by adding a new section 7-705 to read  
56 as follows:

1 S 7-705 TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY  
2 OF ANY VILLAGE IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE,  
3 A TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE  
4 FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS,  
5 SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOP-  
6 MENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSU-  
7 ANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE  
8 AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE VILLAGE  
9 OR ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR  
10 OR REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF  
11 APPEALS.

12 2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A  
13 REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

14 (A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;  
15 (B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;  
16 (C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR  
17 (D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE  
18 COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

19 3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

20 (A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT  
21 TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR  
22 ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC  
23 HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION  
24 OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL  
25 ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A  
26 FINDING THAT THE GOVERNING BODY OF THE VILLAGE WILL COMPLETE NECESSARY  
27 PLANNING STUDIES BY VILLAGE EMPLOYEES OR BY CONTRACT WITH OUTSIDE  
28 CONSULTANTS BEFORE THE EXPIRATION OF THE MORATORIUM SHALL ALSO BE  
29 ENACTED;

30 (B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT  
31 EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDI-  
32 TIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED  
33 PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLAN-  
34 NING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

35 (C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE  
36 PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE  
37 DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

38 (D) STATE THE DURATION OF THE MORATORIUM.

39 4. EFFECT. (A) NO BOARD OR AGENCY OF THE VILLAGE SHALL GRANT APPROVAL  
40 FOR AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

41 (B) NO MORATORIUM FOR PLANNING PURPOSES SHALL APPLY TO LOTS WHICH HAVE  
42 RECEIVED PRELIMINARY PLAT APPROVAL OR TO CONDITIONAL FINAL APPROVAL OF A  
43 SPECIAL USE PERMIT OR TO CONDITIONAL FINAL APPROVAL OF A SITE PLAN OR  
44 THE CONDITIONAL FINAL APPROVAL OF ANY OTHER LAND USE APPROVAL SUBJECT TO  
45 THE MORATORIUM, HOWEVER NOTHING SHALL PROHIBIT A MUNICIPALITY FROM  
46 PERMITTING OTHER SUCH EXCEPTIONS.

47 (C) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACT-  
48 MENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE  
49 ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS,  
50 ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO  
51 THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE  
52 GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSER-  
53 VATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

54 5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE  
55 LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE  
56 NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO

1 COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION  
2 OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME  
3 FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLAN-  
4 NING STUDY SHALL NOT EXCEED ONE HUNDRED EIGHTY DAYS OR FOR ONE YEAR IF  
5 ENACTED TO COMPLETE A STUDY FOR NATURAL RESOURCE PROTECTION OR COMPRE-  
6 HENSIVE PLAN OR AMENDMENT THEREOF. IN THE EVENT AN EXTENSION OF SUCH  
7 MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX  
8 MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS  
9 SECTION. SUCH EXTENSION SHALL CONTAIN THOSE LEGISLATIVE FINDINGS THAT  
10 REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN  
11 EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR  
12 SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMER-  
13 GENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

14 6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL  
15 PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE  
16 LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL  
17 APPROVE, APPROVE WITH MODIFICATION OR DENY SUCH APPEAL WITHIN A PERIOD  
18 OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

19 (B) THE LEGISLATIVE BODY OF ANY VILLAGE MAY PROVIDE THAT BUILDING  
20 PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT  
21 APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE  
22 GRANTED BY THE APPROPRIATE VILLAGE AGENCY OR ONLY BY SUCH LEGISLATIVE  
23 BODY PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE  
24 REQUIRED HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT  
25 THE APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF  
26 FACT THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES  
27 OF THE MORATORIUM.

28 S 5. This act shall take effect immediately.