

Be it enacted by the Board of Trustees of the Village of Tuckahoe as follows:

Historic Buildings Moratorium

A local law imposing a 6-month moratorium on the acceptance, processing, or approval of applications for demolition or building permits, site plan or subdivision applications for any property in the Village of Tuckahoe that is on or eligible for the National Register of Historic Places or that is listed in the Tuckahoe Comprehensive Plan as a historic structure within the Village.

Be it enacted by the Board of Trustees of the Village of Tuckahoe as follows:

Section 1. Legislative Findings and Intent.

In May 2014, the trustees of the Village of Tuckahoe updated the Village Comprehensive Plan. The Plan includes a section 3.1 on Historical Perspectives, which lists structures of historical significance in the Village. On May 10, 2021, the Trustees furthered this Comprehensive Plan historical preservation goal by establishing a Historical Preservation Task Force to explore ways to enhance the preservation of such historic properties. This review will likely culminate in a list of committee recommendations to implement the Comprehensive Plan with a possible zoning code update that could better protect such structures, with a historic preservation law, or with the granting of additional review powers to the Planning Board or other board or commission to better protect structures of historic significance.

Section 2. Scope of Moratorium.

During a period of six (6) months from the effective date of this local law, no applications shall be accepted, processed or approved by the Village pertaining to the demolition, addition, or substantial alteration of any structure within the Village that is listed or eligible for listing on the National Register of Historic Places or that is listed in the Village of Tuckahoe Comprehensive Plan as a significant historic building.

Section 3. Variance and Modifications of Moratorium.

Notwithstanding the provisions of Section 2 of this Local Law, during the period of effectiveness of the Moratorium thereby imposed, the Zoning Board of Appeals (ZBA) may vary or modify the application of any provisions of this Local Law upon the ZBA's determination that such variance or modification of this Local Law with respect to a specific property is consistent with the health, safety and general welfare of the inhabitants of the Village and their property; in harmony with the spirit and purposes of this Local Law; and that the owner of property affected by this Local Law will suffer a severe and unnecessary hardship in the way of carrying out the strict letter of this Local Law. In granting such a variance or modification to this Local Law, the ZBA shall also make all of the findings necessary for an area variance.

Section 4. Procedure for Variance or Modification.

Upon submission of a written application to the Building Inspector by the property owner seeking a variance or modification pursuant to Section 3 above, the ZBA shall, within thirty (30) days of receipt of said application, schedule a Public Hearing thereon at which the property owner and other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the ZBA shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for such variance or modification of this Local Law. Any variance or modification of this Local Law shall be to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 5. Extension of Moratorium.

For good cause shown, if it appears that the process referred to hereinabove will not be completed within six (6) months from the effective date of this Local Law, the Board of Trustees may, by Resolution, extend the period of this Moratorium for an additional period or periods of time specified thereby, not to exceed, altogether, a period of fifteen (15) months from the effective date of this Local Law. Notice of the adoption of such Resolution, setting forth the date in which this Moratorium shall expire, shall be published in the official newspaper of the Village.

Section 6. Municipal Home Rule.

This local law is adopted pursuant to the authority granted by Municipal Home Rule § 10(1)(e)(3). It supersedes the provisions of the New York Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time.

Section 7. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 8. Effective Date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.