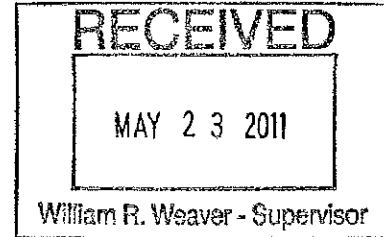
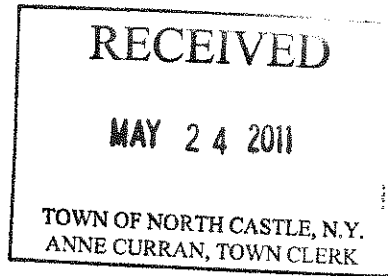


MEMO TO: Supervisor Weaver

Date: May 23, 2011

RE: Request for Public Hearing on a Draft Land Use Moratoria

From: The Concerned Citizens of Armonk



Supervisor Weaver:

This memo and draft proposal (attached) comes to you framed in the spirit of collaboration, partnership and concern for the future of the economic well being and cultural integrity of the Hamlet of Armonk. As stated on our town website, our uniqueness and appeal lies in the fact that we have maintained our charming historic character while using the principle of smart growth to allow for controlled development. This balance has brought our community a diverse array of commercial establishments that are making Armonk a destination location. Modern Barn and North Restaurant, Cici Crib, and Mariani Gardens are just a few of the latest examples of the reasons why our Westchester Neighbors want to spend time here. Long standing enterprises like Sheep Shack, Hickory and Tweed, Schliefer's Delicatessen and LaMer Seafood complement these newcomers. Although they provide totally different goods and services, what they all have in common is that they are owned and operated by independent entrepreneurs whose business model and values mirror that of our town.

The recent business development events place Armonk in a unique and exciting position. We have the opportunity to shape the future of our economic viability and maintain the distinctive character of our community while preserving the appeal of our commercial district.

The vehicle to achieve these goals is to enact a Moratorium. We have been advised that this process is a legal and commonly used methodology and falls within your purview as Town Supervisor. In fact, it is a course of action that Armonk successfully implemented in 2005. It is a proven approach that has been utilized by towns like Rye and Dobbs Ferry.

The draft proposal we have submitted outlines the conditions of the legislation which is necessary to address the best interests of our current retailers and our community. It gives us the moment to take a deep breath and deliberately and strategically analyze our future.

What we are asking from the Town Board is to grant the Commercial Business District of Armonk that opportunity. We are asking you to hold a public hearing at your June 8th Town Board meeting to consider a moratorium.

We are happy to speak with you to further discuss our proposal.

RECEIVED
MAY 24 2011
TOWN OF NORTH CASTLE, N.Y.
ANNE CURRAN, TOWN CLERK

RECEIVED
MAY 23 2011
William R. Weaver - Supervisor

TOWN OF NORTH CASTLE

LOCAL LAW NO. __ FOR THE YEAR 2011

A Local Law adopting a six (6) month moratorium in the Town of North Castle temporarily prohibiting the processing of applications and the issuance of any building permits and/or certificates of occupancy for any retail or commercial use 8,000 square feet of retail floor area space¹ or greater in the CB District in the Hamlet of Armonk.

WHEREAS, the Town of North Castle (the "Town") prides itself on its community and the character of its neighborhoods and downtown areas; and

WHEREAS, the Town was planned and has been developed in a very unique way so as to preserve the scenery, maintain the historic nature of the surroundings and to encourage local entrepreneurs to keep their businesses in the Town; and

WHEREAS, it is possible that the Town will receive application(s) for new retail and/or business uses within the next six months in the Hamlet of Armonk; and

WHEREAS, retail and/or business establishments in the CB district in the Hamlet of Armonk can pose unique land use planning and environmental concerns due to size, location, traffic, and other aesthetic concerns; and

WHEREAS, the Town last reviewed its Comprehensive Plan and the future blueprint of its community in 1996; and

WHEREAS, the Town has determined that it is time to review its Comprehensive Plan and its land use regulations to ensure that the Town grows in a manageable and desired pattern; and

WHEREAS, the development of retail and/or commercial establishments 8,000 square feet of retail floor area space or greater, in the absence of appropriate planning and design guidelines, may have irreparable and negative impacts on the Town, the Town's residents, and the Town's existing businesses in the Hamlet of Armonk; and

WHEREAS, further analysis is needed in order to develop the appropriate land use and zoning regulations and mitigation measures for such land uses; and

WHEREAS, the Town initially requires up to six (6) months to engage in the research and planning process to develop the aforementioned land use and zoning regulations.

NOW, THEREFORE, Be It Enacted by the Town Board of the Town of North Castle as follows:

¹ Retail floor area space shall not include basement or other storage/preparation areas.

Section 1. Purpose

The Town is anticipating receiving applications for retail and/or commercial uses in the near future in the Hamlet of Armonk. The Town prides itself of maintaining its historic nature with development that is appropriate in size and scale to its unique character. In order to preserve the existing nature of the Town and to ensure the most appropriate development of retail and/or business establishments 8,000 square feet of retail floor area space or greater, there shall be a moratorium on accepting applications and granting buildings permits or certificates of occupancy for any retail or commercial use 8,000 square feet of retail floor area space or greater in the CB District in the Hamlet of Armonk.

Section 2. Authority

This moratorium is enacted by the Town Board of the Town of North Castle pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law § 10.

Section 3. Enactment of Moratorium

1. No building permits and/or certificates of occupancy shall be issued for any retail or commercial use 8,000 square feet of retail floor area space or greater in the CB District in the Hamlet of Armonk during the effective period of this Local Law.
2. No boards (the Town Board, Planning Board, Architectural Review Board and Zoning Board) shall accept any development/re-development/change of use applications for any retail or commercial use 8,000 square feet of retail floor area space or greater in the CB District in the Hamlet of Armonk during the effective period of this Local Law.

Section 4. Appeals/waiver

An aggrieved property owner may apply to the Town Board for a waiver and the Town Board shall have the discretion to grant such waiver.

In granting a waiver, the Town Board must find that the waiver will not adversely affect the purpose of this Local Law and/or the health, safety or welfare of the residents.

Section 5. Early Termination or Extension of this Local Law

In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by this Board prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the Town Board that an extension of this moratorium is required, then the Town Board by resolution, may extend this moratorium for such a period of time as it deems necessary in order to fulfill the findings made by the Town Board, up to and including an additional six (6) months from the date of the original expiration of this Local Law.

Section 6. Conflicts with State Statutes and Authority to Supersede

To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control.

Section 7. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing same with the Secretary of State of the State of New York.