

**Local Law Filing**

**NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231  
(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Village of FISHKILL**  
.....

**Local Law No. 1 of the year 2026**  
.....

**To establish a temporary moratorium on certain land use applications in the Village Center Business District (VCBD) Zoning District.**  
.....

**(Insert Title)**

**Be it enacted by the BOARD OF TRUSTEES of the**  
.....  
**(Name of Legislative Body)**

**Village of FISHKILL as follows:**  
.....

**SECTION 1. TITLE**

This Local Law shall be known and cited as “Local Law # 1 of 2026, to establish a temporary moratorium on certain land use applications in the Village Center Business District (VCBD) Zoning District.

**SECTION 2. INTENT AND PURPOSE**

The Village Board hereby finds as follows:

1. The Village’s VCBD Zoning District plays a critical role in the economic vitality, character, and long-term planning goals of the Village.
2. The Village is currently undertaking, or intends to undertake, a comprehensive review of land use policies, zoning regulations, design standards, infrastructure capacity, traffic impacts, and related planning considerations affecting the VCBD Zoning District.
3. Continued acceptance and approval of new development applications during this review period may result in development inconsistent with the Village’s long-term planning

- objectives and could adversely impact community character, infrastructure, and public services.
4. A temporary moratorium is necessary to provide the Village adequate time to study, evaluate, and, if appropriate, amend its zoning laws, comprehensive plan, or related regulations affecting the VCBD Zoning District.
  5. This moratorium is a reasonable and necessary measure to protect the public health, safety, and general welfare and is intended to be of limited duration.

### **SECTION 3. STATUTORY AND CONSTITUTIONAL AUTHORITY**

The Village of Fishkill Board of Trustees is authorized and empowered to adopt this local law pursuant to Article IX of the New York State Constitution, the New York State Municipal Home Rule, New York State Village Law to promote the health, safety, and welfare of all residents and property owners in the Village of Fishkill.

### **SECTION 4. APPLICABLE ZONING DISTRICTS**

This local law shall only be applicable to the Village Center Business District VC-BD Zoning District.

### **SECTION 5. TERM**

This local law shall only apply to applications received by the Village after adoption by the Board of Trustees and shall be in effect for a period of twelve (12) months from the effective date hereof unless repealed, modified, extended or supplemented by further local law of the Village of Fishkill.

### **SECTION 6. MORATORIUM**

Except as otherwise provided herein, the Village hereby imposes a temporary moratorium on the acceptance, review, approval, or issuance of any permits, approvals, or authorizations for new development within the VCBD Zoning District.

During the moratorium period, the Village shall not accept or approve applications for:

- a. Site plan approval;
- b. Special use permits;
- c. Any other discretionary or ministerial approval that would authorize new development within the VCBD Zoning District.

## **SECTION 7. EXCEPTIONS**

This local law shall not apply to:

- a. Applications that have received final site plan approval and all required discretionary approvals prior to the effective date of this Local Law, provided such approvals have not expired;
- b. Applications for site plan approval in the VCBD Zoning District that were received or pending before the Village Planning Board as of the date of final adoption of this Local Law by the Board of Trustees;
- c. Applications for change in use of an existing structure in the VCBD District that do not propose any site improvements.
- d. Applications for Subdivision or Certificate of Appropriateness approval.
- e. The issuance of a building permit or certificate of occupancy in connection with any approved site plan that is already in process prior to the adoption of the moratorium;
- f. Ordinary maintenance, repair, or interior renovations that do not expand building footprint, floor area, or intensity of use;
- g. Emergency repairs necessary to protect public health or safety.

## **SECTION 8. ADMINISTRATIVE RELIEF FROM MORATORIUM**

The Village Board of Trustees shall have the authority to vary or waive any provision of this local law upon a determination that such a variance or waiver is required to avoid an unreasonable hardship upon an applicant. In addition to demonstrating an unreasonable hardship, the applicant must show that the granting of a variance or waiver will not materially undermine the purpose of this local law or adversely affect the interests of health, safety, or general welfare in the community. The Board of Trustees shall take into account the existing land use in the immediate vicinity of the property and the impact the variance or waiver will have on infrastructure, natural resources, government sources, stormwater runoff, and other environmental issues. Such application for a hardship variance or waiver shall comply with all other applicable provisions of the Village's Code and state law.

## **SECTION 9. SUPERSESSION OF INCONSISTENT LAWS, IF ANY**

The Village Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the State Village Law or other special law that may be declared inconsistent or in conflict with this local law. The State Law provisions that shall be, and hereby are, superseded include, but are not limited to, all of Article 7 of the Village Law and any other provision of law that the Village may supersede pursuant to the State Municipal Home

Rule Law and the Constitution of the State of New York. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that my require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

#### **SECTION 10. SEVERABILITY**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to with the Local Law or part hereof is held inapplicable had been specifically exempt there from.

#### **SECTION 11. EFFECTIVE DATE**

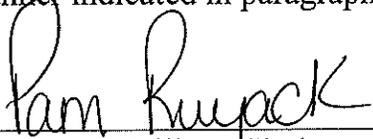
This local law shall take effect immediately upon its filing with the Secretary of State.

**LOCAL LAW CERTIFICATION**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2026 of the Village of Fishkill was duly adopted by the Board of Trustees on March 2, 2026 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1., above.

  
\_\_\_\_\_  
Village Clerk

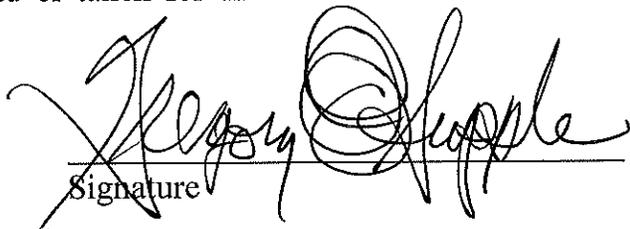
(Seal)

Date: 3/3/2026

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF DUTCHESS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

GREGORY D. SUPPLE, Village Attorney

Village of Fishkill

Date: March 3, 2026