

# Local Law Filing

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231  
[www.dos.ny.gov/corps](http://www.dos.ny.gov/corps)

(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.

County  City  Town  Village

Of CAIRO

Local Law No. 6 of the year 2015

**Establishing A Further Temporary Six Month Moratorium on Junk Yard Approvals**

A local law Establishing A Further Temporary Six Month Moratorium on Junk Yard Approvals  
*(Insert Title)*  
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**TOWN BOARD**

Be It enacted by the TOWN BOARD of the  
*(Name of Legislative Body)*

County  City  Town  Village

of CAIRO as follows:

PLEASE SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2015 of the ~~(County)~~(City)(Town)(Village) of CAIRO was duly passed by the TOWN BOARD on October 5, 2015, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, *(Elective Chief Executive Officer\*)* in accordance with the applicable provisions of law.

**3. ~~(Final adoption by referendum.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted *(Elective Chief Executive Officer\*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to *(Elective Chief Executive Officer\*)* permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

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.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_ October 5, 2015 \_\_\_\_\_

**TOWN OF CAIRO  
LOCAL LAW # 6 OF 2015  
JUNK YARD MORATORIUM**

Be it enacted by the Town Board of the Town of Cairo as follows:

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Further Temporary Six Month Moratorium on the Establishment of New Junk Yards.”

Section 2. Definitions

**GARBAGE** – All animal and vegetable waste resulting from the growing, processing, marketing and preparation of food items, including the container in which packaged.

**JUNK APPLIANCE** – Any abandoned, wrecked, discarded, dismantled or partly dismantled household appliance, including but not limited to stoves, washing machines, dryers, dishwashers, freezers, refrigerators, air conditioners, water heaters, computers or televisions, that is stored or placed outside of any residence or structure.

**JUNK FURNITURE** – Any abandoned, wrecked, discarded, dismantled or partly dismantled furniture, including but not limited to sofas, mattresses, bed frames, desks, tables, lawn furniture, chairs and chests of drawers, that is stored or placed outside of any residence or structure.

**JUNK MATERIAL** – Any abandoned, wrecked, discarded, dismantled or partly dismantled material including but not limited to a junk appliance, junk furniture, a junk vehicle, or garbage, rubbish, clutter and debris.

**JUNK VEHICLE** - Any vehicle, or used parts or waste materials from vehicles, that is a) Uninspected or unregistered; or b) Abandoned, wrecked, discarded, dismantled or partly dismantled; or c) Not in condition for legal use upon the public highways.

**JUNK YARD** – The use of any land for the temporary or permanent storage of garbage, rubbish, clutter, litter, debris, junk appliance(s), junk furniture, junk material, or more than one junk vehicle regardless of the intended future use of materials. Junk yard shall also mean those activities defined in Local Law #6 of 1985 of the Town of Cairo entitled “Salvage and Junk Yards”.

**RUBBISH, CLUTTER, LITTER AND DEBRIS** – Household or commercial trash, including, but not limited to, paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber, crates, furniture, rags, mattresses, blankets, cigarettes, tires, lumber, brick, stone and other building materials, no longer intended for in condition for customary use, and any and all tangible personal property no longer intended or in condition for customary use.

**UNINSPECTED VEHICLES** – A vehicle that has not been currently inspected for the State of New York and approved for safe and regular operation on roads and highways in the State of New York or does not bear an appropriate or valid inspection sticker by regulating agencies of any state or other governmental entity.

UNREGISTERED VEHICLE – A vehicle that has not been currently registered for the State of New York or does not bear an appropriate or valid registration sticker by regulating agencies of any state or other governmental entity.

VEHICLE – A device or conveyance used for the purpose of carrying or transporting passengers or goods or equipment or any combination of the above purposes, including but not limited to automobiles, buses, trailers, trucks, tractors, motor homes, mobile homes, campers, motorcycles, mini bikes, recreational vehicles, boats, all-terrain vehicles or snowmobiles.

### Section 3. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Cairo to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary six month moratorium on the establishment or development of new junk yards or similar business activities in the Town, or the issuance of any approvals or permits therefore.

The Town Board is now in the process of considering various options relating to this issue and is nearing completion of a proposed zoning law that will address the issue. The Town Board finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the issue, draft proposed amendments to the Town local laws, including a new zoning document, make appropriate changes to the draft of the proposed new Local Laws, schedule and hold the required public hearing on the Local Laws, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Laws (as adopted) with the Secretary of State of the State of New York.

### Section 4. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board shall not grant any approvals which would have as the result the establishment or development of any new junk yard or related business activity within the Town whether in accordance with Local Law #6 of 1985, Entitled “Salvage and Junk Yards” or otherwise.

2. The Town Planning Board shall not approve any site plan, approve any special use permit or other permit which would have as a result the establishment or development of any new junk yard or related business activity within the Town.

3. The Code Enforcement Officer/Building Inspector of the Town shall not issue any building permit or other permit which would result in the establishment or development of any new junk yard or related business activity within the Town.

4. The Town Board reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

### Section 5. No Consideration of New Applications.

No applications for any junk yard or related business activity affected by this Local Law or for approval for a site plan, a variance, a special use permit or other permits relating to junk yards shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 6. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. In the event that a local law relating to junk yard or related business activities is adopted 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 immediately on the date that the Local Law relating to junk yard or related business activities takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 7. Penalties.

Any person, firm or corporation that shall establish or develop any new junk yard or related business activity in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town violations; and
- B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law.

Section 8. Validity.

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

Section 9. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

15-37  
9/8/15

GREENE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM & PLANNING

Greene County Office Building  
411 Main Street  
Catskill, New York 12414



Telephone: (518) 719-3290  
Fax: (518) 719-3789  
E-Mail: [planning@discovergreene.com](mailto:planning@discovergreene.com)

Warren Hart, Director

PLANNING AND ZONING REFERRAL (239 REVIEW) FORM

SEND TO: Greene County Planning Board, 411 Main Street, Catskill, NY, 12414

FROM:  Village/Town Board  Zoning Board of Appeals  Planning Board, Village/Town of CARRO

1. Name of Case (landowner/purchaser etc.) NEW JUNK YARD MORATORIUM Tax Map #: TOWN-WIDE

2. Location of affected property (accurately describe) TOWN OF CARRO TOWN-WIDE

3. Type of Referral: MORATORIUM LOCAL LAW  
 New Zoning Law and Map  Site Plan Review  Area Variance  New or Amended  
 Amended Zoning Law/Map  Special Use Permit  Use Variance  Comprehensive Plan

4. General Description of Proposed Project: MORATORIUM ON APPROVAL OF NEW JUNK YARDS IN THE TOWN

5. This referral is required because the property is located within 500 feet of a:  
 Boundary of the Village/Town of CARRO  
 Boundary of a County or State Park or recreation area defined as: CARSKILL PARK  
 County or State building or institution defined as: \_\_\_\_\_  
 Right-of-way of the following County or State highway: \_\_\_\_\_

6. Anticipated Public Hearing Date: 10/5/15 Time: 7:00 Location: CARRO TOWN HALL

7. This referral is supplemented by the following, (check all that apply):  
 Application  Applicable Zoning Map  Location Map  
 Applicable Zoning Law  Site Map or Plan  Supporting Report  
 Environmental Assessment or Statement  Other-Specify PROPOSED LAW

8. If referral involves a variance, give reason why variance is needed (e.g., 5 foot side yard request while law requires 10 feet, required parking not provided, etc.) N/A

9. Official completing this form: Name & Title: TAL RAPPLEYGA, ATTORNEY FOR THE TOWN  
Address: PO BOX 793, PALATKA, NY 12184 Telephone: 758-8034

**NOTE: A USE VARIANCE** should be based on "unnecessary hardship", defined as property that cannot yield a reasonable return if used for the purposes allowed in the zone, where the requested use would not alter the essential character of the locality, where the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood, and where the alleged hardship has not been self-created. An **AREA VARIANCE** requires balancing the benefits of the variance to the applicant against the detriments to the health, safety and welfare of the neighborhood or community. It is judged by how substantial the variance is, the effect on the neighborhood and nearby properties, the other alternatives available, effects on physical or environmental conditions and whether the alleged difficulty was self-created.

In accordance with General Municipal Law, all referrals must be accompanied by "full statement" of the proposed action, which means all materials required by and submitted to the referring body as an application on the proposed action, including a completed environmental assessment form and all other materials required by the referring body to make its determination on significance pursuant to the state environmental quality review act. A completed Part I of the SEQR Environmental Assessment Form, or Environmental Impact Statement, Negative Declaration, or indication of SEQR Type II Status must be included with all referrals.

**GREENE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM & PLANNING**

Greene County Office Building  
411 Main Street  
Catskill, New York 12414



Telephone: (518) 719-3290  
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Warren Hart, Director

**COUNTY PLANNING BOARD REPORT ON PLANNING AND ZONING REFERRAL**

Municipality T Cairo  
Referral ID 15-36  
Date Received September 8, 2015

Response to Town  Village of  of Cairo Referring Agency Town Board

Date: September 16,, 2015

Name of Case: Resort Conversion Moratorium

**COUNTY PLANNING BOARD ACTION**

- NO JURISDICTION
- 30-DAY EXTENSION REQUESTED (see comments)
- LOCAL DECISION - NO COUNTY IMPACT
- LOCAL DECISION WITH COMMENT (see comments)
- APPROVAL
- APPROVAL WITH MODIFICATIONS (see comments)
- DISAPPROVAL
- INCOMPLETE - ADDITIONAL INFORMATION NEEDED FOR REVIEW
- OTHER

Planning Board Comments: See Comments

County Planning Board Secretary

If the County Planning Board disapproved the proposal, or approved with modifications, the referring agency shall not act contrary to the recommendation except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within seven days after taking final action, the referring agency shall file a notice of the final action with the County Planning board. The Greene County Planning Board's Notice of Final Action Form is provided for this purpose. A copy is attached.

Att: (1) Copy of original Planning and Zoning Referral Form