

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

(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. 5 of the year 2014

Imposing a Further Temporary Six Month Moratorium on Approvals Involving Resorts
A local law -----
(Insert Title)

TOWN BOARD
Be It enacted by the ----- 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. 5 of 2014 of the ~~(County)~~(City)(Town)(Village) of CAIRO was duly passed by the TOWN BOARD on October 6, 2014, 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.

Lore H. Rumpf

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

Date: October 6, 2014

(Seal)

TOWN OF CAIRO
LOCAL LAW # 5 OF 2014

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 Approvals Involving Resorts.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Cairo by the Municipal Home Rule Law of the State of New York, 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 (6) month moratorium on any new subdivision application, site plan review, building permits or other municipal approvals for any use involving the conversion of a resort, motel or bed and breakfast to some other use other than those relating to an agricultural use as that term is defined in the NYS Agriculture and Markets Law or one or two-family dwellings in the Town, or the issuance of any approvals or building permits therefore.

The Town Board has recently adopted a new Comprehensive Plan and is now in the process of implementing a new zoning law and other land use goals set forth therein which would address, among other things, subdivision of lands, site plan review, building permits or other municipal approvals of land relating to the preservation and rejuvenation of the Town’s tourism infrastructure and base attractions including but not limited to seasonal resorts, inns, hotels and similar uses and structures in the Town. The Town Board finds and determines that several former resort properties have recently been permanently lost to a change in use by new development. The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the enactment of the necessary statutory and other tools to implement the same, including but not limited to, drafting proposed amendments to existing Town Local Laws, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board and/or any other municipal body shall not grant any approvals which would have as the result the establishment or development of any new subdivision, site plan review, building permits or other municipal approvals within the Town related to or involving the conversion of or change of use of a resort, motel, inn or bed and breakfast to any other use except for use of such land and/or structures to an agricultural use as that term is defined in the NYS Agriculture and Markets Law or one or two-family dwellings in the Town.
2. The Building Inspector and/or Code Enforcement Officer of the Town shall not issue any building permit or other permit which would result in the establishment or development of any new subdivision, site plan review, building permits or other municipal approvals within the Town related to or involving the conversion of or change of use of a resort, motel, inn or bed and breakfast to any other use except for use of such land and/or structures to an agricultural use as

that term is defined in the NYS Agriculture and Markets Law or one or two-family dwellings in the Town..

B. 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.

C. Definitions. For the purposes of this local law the following terms shall mean:

- i) Resort or motel: any structure, building or group of structures or buildings, whether owner-occupied or otherwise, that contain more than five guest rooms where lodging, with or without meals, is provided for compensation;
- ii) Bed and Breakfast: an owner occupied dwelling unit that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation;
- iii) Inn: any structure or building that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation

Section 4. No Consideration of New Applications.

No applications for the conversion of any resort, inn, or motel to any other use in the Town. Additionally, no pending request for approval of a site plan, a site plan review, building permits or other municipal approvals, a variance, or other permits relating to same shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 5. 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. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new subdivision, use that would require a site plan review, building permits or other municipal approvals for the conversion of any resort, inn, or motel to any other use in the Town in violation of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided for in the Town's Site Plan Review Law and by applicable local laws, ordinances, rules, regulations of the Town for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law.

Section 7. 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 8. Variances

Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town Cairo in writing for a variance from the strict compliance with this Local Law upon the submission of proof of such unnecessary hardship. For the purpose of this Local Law, unnecessary hardship shall not be mere delay in being permitted to make application or waiting for a decision on the application for a subdivision, variance, special use permit, site plan, site plan review, building permits, other municipal approvals or permits during the period the moratorium imposed by this Local Law.

Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance of this Local law, the Town Board of the Town of Cairo shall, within sixty (60) days of receipt of such application, schedule a public hearing on said application upon five (5) days written in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of the Public Hearing, render its decision in writing, either granting or denying the application for a variance from the strict requirements of this Local Law. In the event that the Town Board determines that the property owner shall suffer an unnecessary hardship, the applicant shall then be referred to the Town Board, Planning Board, Building Inspector and/or Code Enforcement Officer for a full review of the proposed project in accordance with the then enacted subdivision, site plan review, building permits or other municipal approvals laws, rules and regulations in the Town of Cairo and the State of New York.

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.

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



Telephone: (518) 719-3290
Fax: (518) 719-3789
E-Mail: 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 CAIRO

1. Name of Case (landowner/purchaser etc.) CAIRO TOWN BOARD Tax Map #: TOWN WIDE

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

3. Type of Referral: NEW 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: 6 MONTH MORATORIUM ON APPROVAL OF NEW JUNK YARDS

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

6. Anticipated Public Hearing Date: 10/16/14 Time: 6:00pm Location: CAIRO 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 LOCAL 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.) _____

9. Official completing this form: Name & Title: TAL G. RAPPLEBA ATTORNEY FOR THE TOWN
 Address: 4 MAPLE LAKE, PO BOX 795 VALATTE, NY 12184 Telephone: (518) 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.