

Local Law Filing

(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~~ of Claverack
Town
~~Village~~

Local Law No. 8 of the year 2023

A local law extending a three-month moratorium on Camps or Campgrounds.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Claverack
Town
~~Village~~

Section 1. LEGISLATIVE INTENT:

The Town Board of the Town of Claverack presently has established zoning regulations for the Town. The Town Board believes that the Town of Claverack is particularly situated for the establishment of Camps or Campgrounds within the boundaries of the Town.

The Town of Claverack is concerned that the present Claverack Zoning Law provisions may not be adequate to address any future applications for Camps or Campgrounds.

The Town Board of the Town of Claverack is of the opinion that if Camps or Campgrounds are allowed to proceed under the current zoning law it will lessen the ability of the Town to plan for its orderly development and protect the public health, safety and general welfare of the Town's residents. The Town Board also realizes that the Town, is a rural and open community, and that Camps or Campgrounds need to be regulated so as to no disturb other allowable uses, such as residential neighbors.

The Town Board finds that a moratorium should be enacted to enable the Town to further investigate the appropriate regulation of Camps and Campgrounds.

The Town of Claverack adopted Local Law #3 of 2023 enacting a three-month moratorium on Camps and Campgrounds on April 13, 2023, said moratorium is set to expire on July 13, 2023. The moratorium was extended by Local Law #4 of 2023 for an additional three months, until October 13, 2023. The Town continues to undertake a review and study of the issue relating to Camps and Campgrounds and the current zoning law as it applies to the use within the town. The Town desires to extend the moratorium to allow for further study.

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the adoption of a moratorium on land development or construction is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) which has been determined not to have a significant impact on the environment. Further, this moratorium is enacted by The Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

This moratorium is exempted from referral to the Columbia County Planning Board pursuant to the New York General Municipal Law 239-m by adoption of the “Opt Out” resolution, paragraph 14, stating that land use moratoria for a period of three months or less are exempt from referral, and are of local concern.

This moratorium is adopted in accordance with powers granted to the Town pursuant to the New York State Town law and the New York Municipal Home Rule Law, specifically sections 10 and 22.

Section 2. MORATORIUM.

A) A moratorium on the application, including for building permits, site plan approval, special exception permit and/or any zoning permits or variances for the installation, construction, modification, alteration, approval or extension of Camps or Campgrounds is hereby imposed from the period of October 13, 2023 commencing upon the expiration of Local Law #4 of 2023, for a period of three (3) months, it being the intent of the Town Board to have no gap or lapse of said moratorium. During the period of such moratorium the Town, including but not limited to the building inspector, planning board or zoning board of appeals shall accept no new application.

B) For the purposes of this Local Law, the terms Camp or Campground are defined as follows:

CAMP GROUND. Any lot, or adjoining lots if under the control of one person or business, including buildings and other structures on such lot, on which are located five or more campsites, tents, tent houses, trailers, cabins, camp cottages, vehicles, including recreational vehicles, or other structures intended for temporary or seasonal overnight occupancy. Excluded from this definition is the use of the yard of an existing occupied residence for occasional and irregular overnight camping

by (i) family members of guests of the resident or (ii) groups (such as scouts), being hosted by the resident.

Section 3. RELIEF FROM PROVISIONS OF THIS LOCAL LAW:

If any owner of property within the Town of Claverack seeks relief from this moratorium to enable such owner to obtain a permit for activity otherwise prohibited under this moratorium, such owner shall make application to the Town Board. Such request shall be taken under the procedural provisions of the existing Town of Claverack Zoning Law in relation to appeals, and shall be the subject of a public hearing before the Town Board in accordance with such procedures. It shall be within the discretion of the Town Board to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium. It shall be the burden of the applicant for such relief to demonstrate to the satisfaction of the Town Board upon competent evidence that an unjust result and extraordinary hardship will occur to the applicant, if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town.

Section 4. VALIDITY & SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 5. EFFECTIVE DATE.

This local law shall be effective immediately upon passage.

(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. 8 of 2023 of the Village of Claverack was duly passed by the Town Board on _____, 2023,
(Name of Legislative Body)

in accordance with the applicable provisions of law.

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 _____
(Elective Chief Executive Officer*)~~

~~submitted 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 (approved)(not approved)(repassed after _____
(Name of Legislative Body)

~~disapproval) by the _____ on _____, 20____. Such local law was subject _____
(Elective Chief Executive Officer*)~~

~~to 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 county-wide basis or, if there be none, the chairman 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 _____, _____, 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.

Mary Hoose, Town Clerk

(Seal)

Date: _____, 2023