

A LOCAL LAW TO EXTEND THE MORATORIUM ON THE PROCESSING AND APPROVAL OF NEW APPLICATIONS FOR CERTAIN TOURISM-RELATED ACCOMODATION LAND USES IN THE TOWN OF GARDINER

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

Section 1. Title

This Local Law shall be referred to as the “Local Law to Extend Moratorium on the Processing and Approval of New Applications for Certain Tourism-Related Accommodation Land Uses in the Town of Gardiner”.

Section 2. Purpose and Intent

By Local Law No. 4 of 2018, the Town Board of the Town of Gardiner enacted a six (6) month moratorium on the processing and approval of new applications for building permits, special use permits, special permits, variances, site plan approval, lot line revision, subdivision approval or other approvals or permission related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of identified tourism-related accommodation land uses in the Town of Gardiner. The Moratorium became effective on December 21, 2018 when Local Law No. 4 was with the New York Secretary of State and was extended for an additional six (6) month period by the adoption of Local Law No. \_\_\_ of 2019. The moratorium is now set to expire on December 21, 2019.

The Town Board has undertaken a comprehensive review of the Town Zoning Law and general Code relating to tourism-related accommodation uses and has engaged the services of a professional consultant, Sterling Engineering, to provide assistance the Town Board in its review and provide recommendations for possible amendments. The Town Board has prepared and introduced a proposed local law to amend Chapter §220 and §200 of the Town Code.

It is the Town Board’s desire to complete its review of the proposed local law in an appropriate and deliberate manner free from any race to diligence or timing concerns raised by the possible expiration of the moratorium. The moratorium is set to expire on or about December \_\_, 2019 and it is anticipated the Town Board may need additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board desires to extend the current moratorium for an additional three (3) month period

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the extension of the moratorium 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 or is otherwise precluded from environmental review under Environmental Conservation Law, article

8 and is therefore not subject to review under 6 NYCRR Part 617 or Environmental Conservation Law article 8.

Section II – Moratorium – Extended Term

- A. Local Law No. 4 of 2018 Imposing a Six-Month Moratorium on the on the Processing and Approval of New Applications for Certain Tourism-Related Accommodation Land Uses in the Town of Gardiner shall be extended for an additional three (3) month period of time through March 21, 2020.
- B. Except as otherwise amended herein, all provisions of Local Law No. 4 of 2018, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for an additional three (3) month period of time through March 21, 2020.

Section III – Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section IV. Suspension and Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through December 21, 2019. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town’s Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Gardiner with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section V - Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.