

# 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  Town  Village  
(Select one:)

of Mamakating \_\_\_\_\_

Local Law No. 2 of the year 2018

A local law Prohibition of Extractive Operations in LIO Zoning District  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Mamakating \_\_\_\_\_ as follows:

Section 1. Legislative Intent. The Town of Mamakating zoning code currently allows extractive operations, defined as mining, quarrying, excavation or removal of earth products, as a special use in the Industry/Office (IO) and Light Industry/Office (LIO) zoning districts. There are currently four active mining operations in the Town. One of those mines is a large operation located in the IO zoning district. The three other operating mines are non-conforming uses, since they are located in zoning districts that do not permit extractive operations. No mining operations are located in the LIO zoning district.

The LIO zoning district is located principally along the easterly side of State Route 209, with two small areas of the zoning district located on the westerly side of Route 209. State Route 209 is the primary north-south route through the Town, stretching from State Route 17, through the Village of Wurtsboro and into Ulster County. The LIO zoning district extends to the northerly boundary of the Village of Wurtsboro. The Town Board seeks to develop an economic development strategy centered on eco-tourism and related service industries, as described in the June 2017 draft Comprehensive Plan recommended by the Town's Comprehensive Plan Steering Committee. Mining operations generate significant heavy truck traffic, noise, dust and adverse aesthetic impact. The existence of mining operation(s) along this primary route into the Town is detrimental to the Town's community vision and economic development strategy.

SEE ATTACHED

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

The easterly boundary of the LIO zoning district runs parallel and very close to the historic D&H Canal and its tow path, which is used as a walking trail. The Town is in the process of improving and extending this walking trail as part of its successful efforts to establish additional trails and other recreation opportunities in the Town. The Town Board determines that mining operations in close proximity to the D&H Canal trail are detrimental to the hiking and walking experience and contrary to the Town's efforts to construct additional and linked trails throughout the Town.

The southerly portion of the LIO zoning district includes the Wurtsboro Airport and vacant lands designated as the Wurtsboro Airport Economic Development Area, which may be developed for compatible uses, offices, restaurants and research facilities. The Town's current Comprehensive Plan recommends light industrial, research and office uses for this EDA and recommends a mix of those uses in order to minimize heavy vehicle traffic through the Village of Wurtsboro. The draft Comprehensive Plan prepared by the Town's Comprehensive Plan Steering Committee calls for the development of a strategy to promote the growth and utilization of the Wurtsboro Airport as a means of attracting visitors to the Town, which is endorsed by this Board. The Town Board determines that mining operations in close proximity to the Wurtsboro Airport and adjoining vacant lands are not compatible with the Wurtsboro Airport or the economic growth of the Airport, and are not compatible with appropriate development of lands adjoining or near the Airport. In addition, the Board determines that mining operation(s) will produce significant volumes of heavy vehicle traffic, contrary to the recommendation of the current Comprehensive Plan.

The Town Board finds and determines that the prohibition of extractive operations in the LIO zoning district promotes the Town's community vision and economic development strategy, its emphasis on eco-tourism and recreation, the economic growth and utilization of the Wurtsboro Airport, the appropriate use of adjoining and nearby lands, and the general public welfare.

In early 2016, the Town Board initiated the statutory process to update the Town's 2001 Comprehensive Plan. The Town Board's intention was to adopt a new Comprehensive Plan and then adopt zoning amendments consistent with that Plan. That process has taken longer than anticipated. The draft Comprehensive Plan recommended to the Town Board by the Comprehensive Plan Steering Committee calls for the prohibition of all new extractive operations throughout the Town. The Board is considering that draft Plan in its process of reviewing all relevant matters prior to adoption of an updated Town Comprehensive Plan.

The Town Board is aware that E. Tetz & Sons or a related group is processing a mining permit application submitted to the State Department of Environmental Conservation. The Town Board believes that the proposed mining site, which adjoins the Wurtsboro Airport, an established residential subdivision and the D&H Canal trail, and is within the viewshed of the State parks and trails on the Shawangunk Ridge, is a singularly poor location for a mining operation. Although the Town Board's preference would be to consider and adopt zoning amendments after completion of the overall Comprehensive Plan process, the Board finds that it

is in the public interest to amend the Comprehensive Plan, to the extent necessary, and adopt this local law at this time.

Section 2. Schedule I, titled "Table of Use and Bulk Requirements" for the LIO (Light Industry/Office) zoning district is amended by deleting "Extractive operations" as a Special Use.

Section 3. Effective date. This local law shall immediately take effect upon filing with the Secretary of State.

(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. 2 of 2018 of the ~~(County)(City)~~(Town)(Village) of Mamakating was duly passed by the Town Board on April 3, 2018, 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) \_\_\_\_\_  
*(Name of Legislative Body)*  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**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) \_\_\_\_\_  
*(Name of Legislative Body)*  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

Such local law was 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 was (approved)(not approved) \_\_\_\_\_  
*(Name of Legislative Body)*  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject 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\*)*

\* 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 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.)**

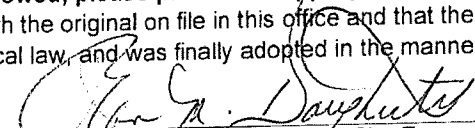
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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

Date: 4/3/18

(Seal)