

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

Plattekill

Local Law No. 1

of the year 20

24

A local law

(Insert Title)

Prohibition of Motor Vehicle Racing

Be it enacted by the

Town Board

of the

(Name of Legislative Body)

County City Town Village

(Select one:)

of

Plattekill

as follows:

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

February 21, 2024

NYS Department of State

Division of Corporations, State Records & Uniform Commercial Code

One Commerce Plaza, 99 Washington Avenue

Albany, New York 12231

Dear Sir or Madam,

Enclosed, please find Local Law #1 (#1 of 2024) – PROHIBITION OF MOTOR VEHICLE RACING, for filing in your office. This local Law was adopted at a regular Town Board Meeting held by the Town of Plattekill Town Board on February 21, 2024

Please send a confirmation that this Local Law has been filed with the Secretary of State.

Thank you,



Sarah Nelson

Town of Plattekill

Town Clerk

(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. 1 of 2024 of the (County)(City)(Town)(Village) of Plattekill was duly passed by the Town Board of the Town of Plattekill on February 21 2024, 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
(Elective Chief Executive Officer)*
on _____ 20____, 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) _____
(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 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 _____ above.

Sarah Wilson

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

Date:

February 21, 2024

(Seal)

**TOWN OF PLATTEKILL
INTRODUCTORY LOCAL LAW
PROHIBITION OF MOTOR VEHICLE RACING**

BE IT ENACTED by the Town Board of the Town of Plattekill, County of Ulster, State of New York, as follows:

Section 1. Legislative intent. In 2005 the Town Board prohibited the commercial use of land for operation of motor vehicles, including off-road vehicles and motor vehicle racing, in the Town's residential zoning districts, because such use of land is not compatible with residences and other uses permitted in residential zoning districts. Upon review of the principal permitted uses and the permitted special uses in the BD-40, BD-60 and GB-80 zoning districts, this Board determines that the commercial use of land for the operation of motor vehicles, including off-road vehicles and motor vehicle racing, should be prohibited in all zoning districts in order to promote and protect the health, safety and welfare of the Town.

The Town Board finds that the commercial use of land for operation of motor vehicles creates noise, fumes, odors and potential environmental damage that are incompatible with most other land uses. The BD-40 and BD-60 zoning districts permit, among other uses, bed-and-breakfast establishments, community buildings, neighborhood stores, one-family dwellings, personal services, professional offices, public parks and playgrounds, specialty shops, senior care communities, agricultural uses, commercial indoor recreation and entertainment, day care, hotels and motels, medical clinics and offices, mortuary and funeral homes, multiple dwellings, nurseries and greenhouses, restaurants, retail and service establishments, supermarkets, professional offices, and schools, colleges and educational facilities, all of which would be adversely affected by the impacts of the commercial operation of motor vehicles. The GB-80 zoning district permits agricultural uses, commercial indoor recreation and entertainment, nurseries and greenhouses, and outdoor recreation and amusement, all of which would be adversely affected by the impacts of the commercial use of land for the operation of motor vehicles. Therefore, the Board determines to prohibit the commercial use of land for the operation of motor vehicles, including off-road vehicles and motor vehicle racing, in the Town of Plattekill.

This local law is not intended to affect any existing lawful commercial use of land for the operation of motor vehicles, motor vehicle racing or race track.

Section 2. Section 110-6, titled "Word usage and definitions," of Chapter 110, titled "Zoning," of the Code of the Town of Plattekill is amended by adding and amending certain terms and definitions as follows:

The term and definition of "commercial use of land for the operation of off-road and/or motor vehicles" is amended to read as follows:

Commercial Use Of Land For The Operation Of Motor Vehicles

Any use of land where one or more motor vehicles are operated, including but not limited to off-road vehicles and motor vehicle racing, on any surface, including but not limited to pavement, dirt, snow, ice or natural terrain, for which an admission, donation, membership fee or any other financial remuneration is required, requested and/or suggested.

A new term and definition is added to read as follows:

Motor Vehicle Racing

Competition between one or more motor vehicles measured by speed, time or otherwise, conducted on any surface. The use of a motor vehicle for racing practice also constitutes motor vehicle racing.

A new term and definition is added to read as follows:

Motor Vehicle

Any vehicle propelled by an internal combustion motor or engine, including but not limited to motor vehicles defined by the state Vehicle & Traffic Law, snowmobiles, off-road vehicles, moto-cross vehicles, all-terrain vehicles, drag race vehicles, stock cars and motorcycles, whether or not legally permitted to operate on public streets.

The definition of “outdoor recreation and amusement” is amended by deleting the following words at the end of the definition: “excluding commercial operation of off-road and motor vehicle uses in all residential zoning districts, including HR-1, RS-1, RR-15, AG-15 and M-3”;

and adding the following words:

excluding the commercial use of land for the operation of motor vehicles in all zoning districts.

A new term and definition is added to read as follows:

Race Track

Any ground, surface, area or track upon which one or more motor vehicles are used for motor vehicle racing or demonstration of skills and stunts.

Section 3. The Schedule of District Regulations Table, authorized by §110-10, titled “Schedule of District Regulations,” of Chapter 110, titled “Zoning,” of the Code of the Town of Plattekill is amended by deleting “Off-road and motorized vehicle uses” as a special use in the GB-80 zoning district.

Section 4. Section 110-55 [currently Reserved] of Chapter 110, titled “Zoning,” of the Code of the Town of Plattekill is adopted to read as follows:

§110-55. Prohibition of the commercial use of land for the operation of motor vehicles.

A. The commercial use of land for the operation of motor vehicles, including but not limited to off-road vehicles and motor vehicle racing, is prohibited in all zoning districts.

B. Without limiting the foregoing, the formal or informal use of or activity on any property as a race track is prohibited in the Town of Plattekill.

C. This §110-55 shall not affect any existing lawful (i) commercial use of land for the operation of motor vehicles; (ii) motor vehicle racing; or (iii) race track.

Section 5. Severability. If any provision of any article, section, subsection, paragraph, subdivision, clause, phrase or word of this local law shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, clause, phrase or word of this local law.

Section 6. This local law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF PLATTEKILL TOWN BOARD
RESOLUTION OF NEGATIVE DECLARATION AND
ADOPTION LOCAL LAW NO. 1 OF 2024
PROHIBITION OF MOTOR VEHICLE RACING**

WHEREAS, an Introductory Local Law entitled “Prohibition of Motor Vehicle Racing” was introduced before the Town Board of the Town of Plattekill on October 4, 2023, and upon notice duly published and posted, a hearing was held before the Town Board on November 15, 2023, and continued on December 6, 2023 and January 17, 2024, and thereafter closed for oral comments, and remained open for written comments until February 21, 2024; and then closed; and

WHEREAS, public discussion was heard at such hearing concerning the merits and potential environmental impacts of the introductory local law and, in addition, written comments were accepted, received and considered by the Board; and

WHEREAS, the Board received the report by the Ulster County Planning Board, dated February 14, 2024, of “No County Impact”; and

WHEREAS, the Town Board has considered and evaluated the potential environmental impacts of the proposed local law and the Town Board, as the sole involved SEQR agency and acting pursuant to the State Environmental Quality Review Act and the SEQR Regulations, has reviewed and evaluated the information and documents pertaining to the Board’s SEQR review in order to issue this SEQR Negative Declaration.

NOW, THEREFORE, IT IS RESOLVED as follows:

Title of Action: Local Law – Prohibition of Motor Vehicle Racing

SEQR Status: Type I

Project Location: All land in the BD-40, BD-60 and GB-80 zoning districts.

Description of Action: Zoning amendment to prohibit in the BD-40, BD-60 and GB-80 zoning districts the commercial use land for the operation of motor vehicles, including but not limited to off-road vehicles and motor vehicle racing and prohibit the formal or informal use or activity on any property as a racetrack.

Reasons Supporting This Determination:

In making this SEQR determination, the Board has considered the criteria set forth in §617.7(c) of the SEQR Regulations and evaluated relevant areas of potential environmental concern to determine whether this action may have a significant adverse impact on the environment. The Board has reviewed the full Environmental Assessment Form Parts 1 and 2;

the report, dated January 12, 2024, prepared by the Board's professional planning consultant; and all public comments and written submissions; and all Board members are familiar with the areas of the relevant zoning districts.

No potential environmental impacts have been identified during the public hearing and other review process of the proposed local law, and after careful review, evaluation and consideration, the Board is not aware of any evidence of potential significant adverse environmental impacts, whether individual, related, cumulative, direct or indirect, that may be caused by adoption of the proposed local law. Therefore, the Board finds and determines that the proposed local law will not have any significant adverse impact on the environment. As related below, the Board further finds and determines that the potential negative environmental and economic impacts of the commercial use of land for the operation of motor vehicles outweighs any positive economic impact arising from the development of such motor vehicles operations. Accordingly, this SEQR Negative Declaration is hereby issued and shall be filed in accordance with the SEQR Regulations.

This Negative Declaration is prepared in accordance with Article 8 of the state Environmental Conservation Law.

Contact Person:
Dean A. DePew Sr., Town Supervisor
Town of Plattekill
1915 Route 44/55, P.O. Box 45
Modena, New York 12548
(845) 883-7331 Ext. 10
Email: dad.townofplattekillsupervisor@gmail.com

A copy of this SEQR Negative Declaration shall be sent to:
Town Supervisor and
Town Clerk
Town of Plattekill
1915 Route 44/55, P.O. Box 45
Modena, New York 12548
(8445) 883-7331 Ext. 13

BE IT FURTHER RESOLVED that the Town Board finds and determines that this proposed local law is consistent with the Town's Comprehensive Plan. The Comprehensive Plan does not encourage the commercial use of land for the operation of motor vehicles. As set forth in the planning consultant's report, one of the key recommendations in the Comprehensive Plan is to encourage other types of tourism and entertainment venues, such as inns, bed and breakfasts, day spas and retreat centers. The commercial operation of motor vehicles would conflict with and discourage the development of such uses in the vicinity of such commercial motor vehicle uses. The Board agrees with the planning consultant's recommendation that the proposed law is "reasonable and consistent with the goals and recommendations stated in the Town's current Comprehensive Plan."

BE IT FURTHER RESOLVED that the Introductory Local Law titled “Prohibition of Motor Vehicle Racing” of the Town of Plattekill be and hereby is adopted as **Local Law No. 1 of 2024** of the Town of Plattekill on February 21, 2024.

On the motion by Supervisor DePew, seconded by Councilperson Castillo, the foregoing resolution was adopted on a vote of 3 Ayes, 1 Nays.

On The Vote:	YES	NO	Abstained	Absent
Supervisor DePew	X			
Councilman Castillo Jr	X			
Councilman Fazio	X			
Councilman Hoppenstedt		X		

The Supervisor declared the resolution adopted.

Dated: February 21, 2024