

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 _____ COXSACKIE _____

Local Law No. 3 of the year 2023

A local law Imposing a Temporary Six-Month Moratorium on New Excavation or Mining of Lands Approvals

TOWN BOARD

Be It enacted by the _____ of the
(Name of Legislative Body)

County City Town Village

of _____ COXSACKIE _____ as follows:

(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. 3 of 2023 of the ~~(County)~~(City)(Town)~~(Village)~~ of Coxsackie was duly passed by the TOWN BOARD on November 14, 2023, 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__, 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)(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.

Bambi Hotaling, Town Clerk

Date: November 15, 2023

(Seal)

TOWN OF COXSACKIE
LOCAL LAW #3 OF 2023
IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON NEW EXCAVATION OR
MINING OF LANDS APPROVALS

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

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Temporary Six Month Moratorium on New Excavation or Mining of Lands Approvals.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Coxsackie 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 the establishment or development of any new excavation or mining of land activities or the enlargement of any existing excavation or mining activities in the Town, or the issuance of any approvals or building permits therefore.

The Town Board is now in the process of considering various options relating to this issue. The Town Board finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the issue, draft proposed amendments to the Town Code, make appropriate changes to the draft of the proposed new Local Law, schedule and hold the required public hearing on the Local Law, perform an appropriate environmental review of the Local Law, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Law (as adopted) 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 shall not grant any approvals which would have as the result the establishment or development of any new excavation or mining activities or the enlargement of any existing excavation or mining activities within the Town.
2. The Town Planning Board shall not approve any site plan, approve any special use permit or other permit which would have as a result the establishment or development of any new excavation or mining activity or the enlargement of any existing excavation or mining activity within the Town.
3. The Town Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use which would result in the establishment or development of any new excavation or mining activity or the enlargement of any existing excavation or mining activity within the Town.
4. The Zoning and Code Enforcement Officer/Building Inspector of the Town shall not issue any building permit or other permit which would result in the establishment or development of any

new excavation or mining activity or the enlargement of any existing excavation or mining activity within 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.

Section 4. No Consideration of New Applications.

No applications for excavation, construction, development, establishment or enlargement of any excavation or mining activity affected by this Local Law or for approval for a site plan, a subdivision, a variance, a special use permit or other permits relating to mineral exaction 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. In the event that a local law relating to mining is adopted prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire immediately on the date that the Local Law relating to mining takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 6. Hardship.

A. 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 in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship for a legally operating use. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice 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 an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to a particular property, then the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

C. Supersession. This variance section and the process and procedure of this Local Law supersede the New York State Town Law §§267, 267-a and 267-b in accordance with the powers granted in and pursuant to the provisions of §10 of the Municipal Home Rule Law and §10 of the Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the Municipal Home Rule Law, to supersede the provisions of the Town Law set forth above relating to the reviewing body and process and procedure governing the granting of variances.

Section 7. Penalties.

Any person, firm or corporation that shall establish or develop any new excavation or mining activity or enlarge any existing excavation or mining activity in violation of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided 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 and, if necessary, to restore any extraction or excavation which may have taken place in violation of this Local Law.

Section 8. 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 9. Exceptions

Notwithstanding this Local Law, the provisions herein shall not be applicable to excavation in connection with the construction of new homes, additions, businesses or other types of similar construction or landscaping within the Town.

Section 10. 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.