

Introductory Local Law No. 2 of the year 2016

Village of East Nassau, County of Rensselaer

A local law amending the Village of East Nassau Land Use and Development Regulations with regard to modifying the definition of Outdoor Recreation

Section 1. Legislative Intent

It is the intent of this local law to amend the definition of the land use term “RECREATION, OUTDOOR” as set forth in the Village of East Nassau Land Use and Development Regulations (Local Law No. 1 of 2010) in order to encompass all outdoor recreation uses and not just those that are commercial or fee based as the term is currently defined. The Board of Trustees of the Village of East Nassau finds that all outdoor recreation uses that are open to the public involve such issues as adequate access and parking, safety, noise, hours of operation, and other such aspects of the use. Thereby all outdoor recreation uses have the potential to cause impacts in the area in which they are located or on neighboring properties regardless of whether they are a commercial enterprise or a nonprofit enterprise. By expanding the definition of the term “RECREATION, OUTDOOR” as set forth in Section 3 hereof, special use permit and site plan review procedures will apply to any outdoor recreation use open to the public and the Village of East Nassau will have the authority to review such uses on a case by case basis to ensure that the outdoor recreation uses are compatible with the Village’s character, surrounding properties and must meet the Village’s zoning criteria before being established.

Section 2. Authority

This local law is adopted by the Board of Trustees pursuant to its authority to adopt local laws under the New York State Constitution Article IX and section 10 of the Municipal Home Rule Law and to adopt and amend zoning laws under Article 7 of the Village Law.

Section 3. Amendment

A. Article XII of the Village of East Nassau Land Use and Development Regulations (Local Law No. 1 of 2010) is hereby amended by changing the definition of the term “RECREATION, OUTDOOR” to read as follows:

RECREATION, OUTDOOR: Any land that provides outdoor amenities for passive or active recreation or entertainment to the public. This term includes, but is not limited to, nature trails, nature or forest preserves, camping areas and areas for scenic views as well as ball fields and courts, pools or swimming areas, riding or driving trails or courses, and outdoor concerts, plays or other outdoor entertainment productions. This term does not include any such amenities or uses on lands, easements or rights of way owned or operated by local, state or federal governments.

B. Article XII of the Village of East Nassau Land Use and Development Regulations (Local Law No. 1 of 2010) is hereby amended by deleting the term “OPEN SPACE RECREATION USE” and the definition accompanying that term in its entirety.

C. Article III, Section 1 of the Village of East Nassau Land Use and Development Regulations (Local Law No. 1 of 2010) is hereby amended to add the use “Outdoor Recreation” to the use table under the category of Non-Residential, General Uses and inserting “X*” under each zoning district indicating that said use requires a special use permit and site plan review.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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