

Resolution of the Board of Trustee of Village of East Nassau
Introductory Local Law No. 3 of 2015

At the regular monthly meeting of the Board of Trustees of the Village of East Nassau (the "Village Board") held on December 9, 2015, the following Resolution was presented:

Whereas, the Board of Trustees of the Village of East Nassau (hereinafter the Village Board") has recently discovered that there is an unintended gap or loophole in the Village of East Nassau Land Use and Development Regulations (Local Law No. 1 of 2010) regarding outdoor recreation uses in that such use is defined, and thereby covered, in the Regulations only if it is commercial or fee-based; and

Whereas, the Village Board finds that any outdoor recreation use open to the public has the potential for creating impacts on the Village and neighboring properties and should be subject to the special use permit and site plan review process regardless of whether such use can be classified as commercial, fee-based or nonprofit; and

Whereas, under the proposed law, the definition of the term "Recreation, Outdoor" will be amended to broaden the definition and thereby the applicability of the Village's zoning procedures and requirements will apply to any outdoor recreation use that is open to use by the public and the term "Open Space Recreation Use" will be deleted to avoid confusion since that term is not used in the Regulations ; and

Whereas, the Village Board has discussed this zoning amendment and authorized the Village Attorney to prepare a proposed local law that would amend the Village of East Nassau Land Use and Development Regulations accordingly; and

Whereas, at its November 11, 2015 regular meeting the Village Board introduced and proposed for adoption introductory Local Law No. 3 of 2015 of the Village of East Nassau which would amend the Village of East Nassau Land Use and Development Regulations (Local Law No. 1 of 2010) by changing the definition of the term "Recreation, Outdoor" as set forth in Article XII of the Regulations, including such term in the Table of Uses under the category Non-Residential, General Uses in Article III, Section 1 of the Regulations and eliminating the term and definition of "Open Space Recreation Use" in Article XII; and

Whereas, at the same meeting, the Village Board accepted Part 1 of a completed Environmental Assessment Form pursuant to SEQRA and scheduled a public hearing for December 9th and that public hearing has been duly noticed and held; and

Whereas, notice of the public hearing has been duly posted and published and sent to the clerks of adjoining municipalities and the referral to Rensselaer County has been made pursuant to the General Municipal Law; and

Whereas, this meeting has been duly noticed and convened;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Village Board determines that the adoption of proposed Local Law No. 3 as an amendment to the existing Village zoning regulations is an action that is subject to the State Environmental Quality Review Act (SEQRA) as a Type I Action as that term is defined under SEQRA and that the Village Board, being the only involved agency, designates itself as lead agency for purposes of the SEQRA review.
2. The Village Board having reviewed Part 1 of the Environmental Assessment Form and having discussed and completed Part 2 of the Form, hereby adopts the Environmental Assessment Form as completed.
3. Village Board, as lead agency hereby finds and concludes that the contemplated zoning law amendment does not result in the potential for a significant adverse environmental impact and that no further environmental review is required.
4. The public hearing on proposed Local Law No. 2 of 2015 has been duly held and closed and those who wished to be heard regarding said proposed law had a full and fair opportunity to be heard.
5. The Village Board hereby adopts Local Law No. 3 of 2015 of the Village of East Nassau which amends Local Law No. 1 of 2010 for the reasons set forth in Section 1 of Local Law No. 3 of 2015.
6. The Village Board hereby directs that the Village Clerk and counsel prepare said Law for filing and that it be filed with the Office of the Secretary of State.

Upon motion made by _____, seconded by _____,
the foregoing Resolution was duly adopted by the Board of Trustees of the Village of
East Nassau on December 9, 2015 by vote of a majority of its members as follows:

	Aye	Nay
Trustee W. Davis	_____	_____
Trustee L. Davis	_____	_____
Trustee Kernan	_____	_____
Trustee Acquario	_____	_____
Mayor Levinn	_____	_____