

TOWN OF GALLATIN
LOCAL LAW # _____ OF THE YEAR 2015

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

SECTION I – TITLE OF LOCAL LAW

This Local Law shall be entitled “A Local Law Establishing a Floating Commercial/Industrial District on Property Owned by Costa Pocono Farm, Inc. located at 112 Karwacki Road in the Town of Gallatin.”

SECTION II – LEGISLATIVE PURPOSE

In 2015, Costa Pocono Farm, Inc. Submitted an application to the Town of Gallatin for the establishment of a Floating Commercial/Industrial District (“FCID”) on its 160 acre parcel of land located on Karwacki Road in the Town of Gallatin.

The purpose of the FCID is to allow for the creation of a commercial district as a recreation club or area, outdoor (for profit) as allowed by the Town of Gallatin Zoning Law Section 3.1 all in accordance with the New York State Department of Environmental Conservation (“DEC”) and the New York State Department of Agriculture and Markets (“A&M”).

This matter was referred to the Town of Gallatin Planning Board for a recommendation and the Planning Board recommended that the FCID application be approved subject to the regulations of the DEC and A & M.

The Town Board of Gallatin considered the criteria set forth in Section 3.2(B)(4) of the Town of Gallatin Zoning Law and determined that: (i) the use was consistent with the intent of the Zoning Law and the particular zoning district and are of the Town in which the property is located; (ii) the existing development in Town will not be adversely affected by the establishment of such use and the creation of the FCID; (iii) adequate public services and other support facilities exist to serve the needs of the FCID; (iv) no other regulations would be adversely affected by the creation of the FCID; (v) the proposed use was consistent with the underlying objectives of the Town’s Comprehensive Plan and the Town’s Zoning Law; (vi) there is a need for the creation of the FCID in the area to allow for the commercial venture of the outdoor recreation club or area for profit on the Farm’s property; and (vii) the standards and objectives set forth in Section 6.8(B) of the Town of Gallatin Zoning Law were consistent with the approval of this FCID.

SECTION III – AMENDMENTS TO EXISTING ZONING LAW

The Town of Gallatin Zoning Law is hereby amended by this Local Law as follows:

The following property situated on Karwacki Road and currently owned by Costa Pocono Farm, Inc. Is hereby zoned and designated a Floating Commercial/Industrial District (FCID) Zone pursuant to Article III, Section 3.2 of the Zoning Law, subject to the regulations set forth hereinafter:

“ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Gallatin, County of Columbia and State of New York, bounded and described as follows:

Beginning at a corner of a box wire fence found on the southerly side of Columbia County Route 8 at the northwesterly corner of this parcel and being on the easterly line of an old cemetery. Referenced as being located South 05° 30' 05" West 79.28 feet from a monument found on the northerly side of Columbia County Route 8. Proceed along the southerly presumed road line for Columbia County Route 8 as described map 13, 14 and 13A for County Route 49; South 63° 57' 10" East for a distance of 80.48 feet; South 53° 48' 55" East for a distance of 92.32 feet; South 53° 52' 40" East for a distance of 129.58 feet to a point. Here leave the highway and continue along a new division line and passing through an iron pin set at 8.6 feet; South 05° 52' 40" West for a distance of 526.24 feet to an iron pin set in a wet and low area; South 46° 04' 55" West for a distance of 313.67 feet to an iron pin set; South 06° 21' 55" West for a distance of 192.59 feet to an iron pin set; South 06° 00' 00" East for a distance of 194.01 feet to an iron pin set; South 00° 55' 30" East for a distance of 175.20 feet to an iron pin set; South 00° 32' 00" West for a distance of 330.20 feet to an iron pin set; South 01° 33' 55" West for a distance of 407.53 feet to an iron pin set in a stone wall on the northerly line of lands now or formerly of Karwacki and Hull as described in Deed 401 page 47. Continuing along the lands of Karwacki and Hull, North 69° 46' 45" West for a distance of 308.17 feet to a pin found at lands of Costa Pocono Farm, Inc., as described in deed cartridge 411 frame 1566. Continue along the lands of Costa Pocono Farm, Inc.; North 00° 17' 40" East for a distance of 577.12 feet; North 23° 36' 40" East for a distance of 248.40 feet; North 43° 03' 55" East for a distance of 212.24 feet; North 06° 32' 05" East for a distance of 255.68 feet; North 41° 15' 45" East for a distance of 96.28 feet to a 36 inch oak tree; North 05° 35' 30" West for a distance of 108.11 feet; North 01° 22' 00" East for a distance of 76.97 feet to a stone wall. Continue along lines approximated by an irregular stone wall, North 01° 38' 05" West for a distance of 145.71 feet; North 00° 10' 30" West for a distance of 227.46 feet; North 01° 23' 00" West for a distance of 128.00 feet to the southeasterly corner of the old cemetery. Continue along the old cemetery along wire fence remains, North 03° 00' 45" East for a distance of 126.25 feet to the point or place of beginning. Being the Merger A parcel as shown on a map entitled "BOUNDARY LINE ADJUSTMENT MAP FOR: ADOLFO and ANNE M. FECCI and COSTA POCONO FARM, INC. and last revised on March 5, 1999.”

SECTION IV – BULK REQUIREMENTS, PERFORMANCE STANDARDS AND CONDITIONS FOR THE FCID

The FCID shall be subject to the following Bulk Requirements, Performance Standards and Special Conditions:

1. The activities of the commercial outdoor recreation club or area (for profit) shall be permitted only in the hunting preserve as shown on the revised site plan of

August 10, 2015. Any and all use of the remainder of the said property shall be in accordance with the requirements of the Rural Residential 2-Acre District in the Town of Gallatin.

2. All activities of the commercial outdoor recreation club or area (for profit) shall be conducted in accordance with the Domestic Game Animal Breeder-Class A licenses issued by the New York State Department of Environmental Conservation. All activities will be in compliance with the following New York Codes, Rules and Regulations:

6 NYCRR Part 153 et. al.

6 NYCRR Part 175 et. al.

6 NYCRR Part 189 et. al.

1 NYCRR Part 68 et. al.; and

11-0103 and 11-1905 of the New York Environmental Conservation Law.

3. Within six (6) months of the date of the enactment of this Local Law, and prior to the commencement of any commercial outdoor recreation club or area activities, the property owner shall apply for, and receive, a Special Permit and Site Plan Approval from the Gallatin Planning Board.

4. The property owner shall comply with all requirements of the Town of Gallatin Zoning Law, the District Schedule of Use Regulations and all Site Plan requirements and Conditions of Approval imposed by the Planning Board.

SECTION V - SEPARABILITY

If any part or provision of this Local Law, or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved and the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Gallatin hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provisions been apparent.

SECTION VI – REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby superseded.

SECTION VII – EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.