

RESOLUTION #30 OF 2021

**A RESOLUTION AMENDING SECTION 202 OF THE
TOWN OF MIDDLETOWN ZONING ORDINANCE**

WHEREAS, Section 202 of the Town of Middletown Zoning Ordinance currently defines the term “Resort” as “[a] facility for transient guests where the primary attraction is generally recreational facilities or activities”; and

WHEREAS, Sections 130 and 264 of the New York State Town Law authorize the Town Board of the Town of Middletown, after a duly noticed public hearing, to amend its Zoning Ordinance by resolution or other legal means, without resorting to the procedure required for the enactment of a local law; and

WHEREAS, the Town Board, after consultation with real estate developers and other community stakeholders, finds that said definition of “Resort” should be amended to clarify that resorts can be facilities without form of ownership constraints regarding occupancy, such as condominium ownership; and

WHEREAS, the Town duly noticed and advertised in the official newspaper of the Town that a public hearing will be held regarding said proposed Zoning Ordinance amendment on September 8th, 2021 at 6:00 p.m. at the Town Hall; and

WHEREAS, said public hearing was duly held on the 8th day of September, 2021 at 6:00 p.m., at which all parties in attendance were permitted an opportunity to speak in support of or in opposition to said proposed Zoning Ordinance amendment, or any part thereof; and

WHEREAS, the Delaware County Planning Department reviewed said proposed Zoning Ordinance amendment and offered no objection thereto; and

WHEREAS, that pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Town Board that adoption of the proposed Zoning Ordinance amendment constitutes a Type I Action as defined under said regulations. The Town Board has considered the possible environmental impacts of said amendment and determined that the adoption thereof will not have a significant adverse impact on the environment, and the Town Board issued a negative declaration with respect to the proposed Zoning Ordinance amendment; and

WHEREAS, the Town Board of the Town of Middletown, after due deliberation, finds it in the best interest of the Town to adopt said Zoning Ordinance amendment.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Middletown hereby amends the definition of “Resort” found in Section 202 of the Town of Middletown Zoning Ordinance to read, “A facility without form of ownership constraints

regarding occupancy, such as condominium ownership, for owners or guests where the primary attraction is generally recreational facilities or activities”; and be it further

RESOLVED, that the Town Clerk is hereby directed to enter this Resolution in the minutes of the November 10, 2021 Town Board meeting, to further cause the above-adopted Zoning Ordinance amendment, or a summary or abstract thereof, to be published in the official newspaper of the Town and to file the affidavit of such publication in her office; and be it further

RESOLVED that this Resolution will take effect immediately.

WHEREUPON, the Resolution was put to a vote and recorded as follows:

Motion made by: Brian Sweeney


Seconded by: Nelson Delameter

Council Member Christopher Dabritz was not in attendance.

Resolution adopted by a vote of 4 ayes and 0 nays

I hereby certified that the above resolution was duly adopted by the Town Board of the Town of Middletown at its regular meeting held on November 10th, 2021.

Dated: November 10th, 2021


Patricia F. Kelly, Town Clerk
Town of Middletown

SEAL

STATE OF NEW YORK }
COUNTY OF DELAWARE }
TOWN OF MIDDLETOWN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Middletown at a regular meeting held November 10th, 2021, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT

Supervisor Davis
Councilperson Sweeney
Councilperson Delameter
Councilperson Reischel


MEMBERS ABSENT

Councilperson Dabritz

VOTE

~~Yea~~/Nay/Abstain
~~Yea~~/Nay/Abstain
~~Yea~~/Nay/Abstain
~~Yea~~/Nay/Abstain
Yea/Nay/Abstain

Dated: November 10th, 2021



Patricia F. Kelly, Town Clerk
Town of Middletown

SEAL