

TOWN OF DRYDEN  
NOTICE OF ADOPTION OF AMENDMENTS TO  
ZONING ORDINANCE

PLEASE TAKE NOTICE that at a special meeting of the Town Board of the Town of Dryden, Tompkins County, New York, held at the Town Hall, 93 East Main Street, Dryden, New York on August 3, 2011, the following amendments were made to the Town of Dryden Zoning Ordinance:

1. Appendix A (Definitions) is amended by adding new definitions to read as follows:

“Natural Gas” shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

“Natural Gas and/or Petroleum Exploration” shall mean geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

“Natural Gas and/or Petroleum Exploration and Production Materials” shall mean any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

“Natural Gas Exploration and/or Petroleum Production Wastes” shall mean any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

“Natural Gas and/or Petroleum Extraction” shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

“Natural Gas and/or Petroleum Support Activities” shall mean the construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

2. Article XXI (Miscellaneous) is amended by adding a new Section 2104 to read as follows:

“Section 2104. Prohibited Uses.

- (1) Prohibition against the Exploration for or Extraction of Natural Gas and/or Petroleum.

No land in the Town shall be used: to conduct any exploration for natural gas and/or petroleum; to drill any well for natural gas and/or petroleum; to transfer, store, process or treat natural gas and/or petroleum; or to dispose of natural gas and/or petroleum exploration or production wastes; or to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes.

- (2) Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Materials.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.

- (3) Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.

- (4) Prohibition against Natural Gas and/or Petroleum Support Activities.

No land in the Town shall be used for natural gas and/or petroleum support activities.

- (5) Invalidity of Permits.

No permit issued by any local, state or federal agency, commission or board for a use which would violate the prohibitions of this section or of this Ordinance shall be deemed valid within the Town.”

3. The introductory paragraph of Subsection 1 of Section 806 (Quarries and Excavation, Topsoil Removal) of Article XIII (DISTRICT REGULATION: R-C ZONES) is amended to read as follows:

“1. The Town Board may authorize the issuance of a special permit for the excavation and sale of topsoil, sand, gravel, clay or other natural solid mineral or vegetable deposit, or the quarrying of any kind of rock formation in the R-C and R-D Zones only. No sand or gravel or other excavation operation, except a topsoil removal operation, shall be conducted on land of less than 20 acres in area. The Town Board must be guided by the public health, safety and general welfare, not only of the citizens of the Town of Dryden, but of any other municipality, and must give particular consideration to certain factors as follows:”

These amendments take effect upon adoption and publication as provided by law.

Bambi L. Avery  
Town Clerk

Supv Sumner	Yes
Cl Makar	Yes
Cl Leifer	Yes

**Investment policy** – This was recommended by the Finance Committee and discussed last week.

**RESOLUTION #94 – ADOPT INVESTMENT PLAN**

Supv Sumner offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby adopts the Investment Plan Policies, as follows:

The Town Bookkeeper has authority to follow the investment plan and make the following CD Purchases:

- Month 1 (July 2010) \$1.5M at 1% or better
  - Month 4 (Oct 2010) Evaluate and \$1.5M at 1% or better
  - Month 7 (Jan 2011) Evaluate and \$1.5M at 1% or better
- 2<sup>nd</sup> Cl Solomon

Roll Call Vote	Cl Solomon	Yes
	Supv Sumner	Yes
	Cl Makar	Yes
	Cl Leifer	Yes

**NEW BUSINESS**

Cl Leifer has prepared and provided board members with a resolution in support of a moratorium on hydrofracking.

**RESOLUTION #95 - RESOLUTION IN SUPPORT OF A MORATORIUM UPON CONDUCTING HYDRAULIC FRACTURING PENDING THE ISSUANCE OF A REPORT THEREON BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY**

Cl Makar offered the following resolution and asked for its adoption:

WHEREAS, on September 30, 2009, the NYS Department of Environmental Conservation issued a Draft Generic Environmental Impact Statement (DSGEIS) on high volume, slickwater hydraulic fracturing (HVSWHF) with horizontal drilling as proposed for the Marcellus Shale, and more than 14,000 comments on the dSGEIS were submitted, many pointing out significant defects and a reliance on incomplete or flawed studies, and

WHEREAS, New Yorkers' concerns include questions about the ability of the NYS Department of Environmental Conservation, with its current staffing levels and its proposed regulations, to protect our natural resources, our groundwater, our infrastructure, and prevent permanent damage to our environment, and

WHEREAS, recent serious accidents at Marcellus wells in Pennsylvania and West Virginia that

utilized HVSWHF, accidents in West Virginia's coal mines and at the drilling rig in the Gulf of Mexico highlight the dangers inherent in extractive mining, with particular concern about the possible role of methane (the main component in natural gas) in these events, and

WHEREAS, based on experience in other states where this drilling has been underway for years, the concerns include but are not limited to: air pollution (ground level ozone and smog) at and near drilling sites; threats to groundwater and surface water supplies from accidents on the surface, as well as subsurface failures of casings and the hydrofracking process itself; depletion and degradation of New York's lakes, rivers, streams, and wetlands; long-term consequences from infusion of potentially toxic chemicals into the ground; dangers from drill cuttings and flowback water, which may be unsuitable and unsafe for disposal in New York's landfills and wastewater treatment plants; deleterious effects of noise and light from 24/7 drilling on the natural habitat of our region and our residents' health and quality of life; significant damage to roads and bridges, resulting in loss of mobility and economic activity even if drilling companies eventually rebuild the damaged infrastructure; fragmentation of our landscape, with loss of vital habitat for wildlife and significant increase in "edge" habitats which stimulate growth of invasive species; damage to existing economic sectors, including agriculture, hunting and fishing, tourism, and higher education; social disruption, including increase in crime rates and demand for emergency medical services, and greater disparity between high- and low-income households; economic costs to residents and local governments, including higher inflation, increased pressure on housing and consequent homelessness, and precipitous drop in property values; and

WHEREAS, in addition to these concerns, methane ("natural" gas) is 72 times more potent than carbon dioxide in heating the planet according to the Intergovernmental Panel on Climate Change (2007). Therefore when all greenhouse gas emissions related to HVSWHF are calculated, including emissions from extraction, distribution, and use, natural gas is likely not "cleaner" than other fossil fuels and may be more damaging than coal; and

WHEREAS, rigorous scientific investigations of these issues are just beginning, including a study of the full life-cycle emissions of shale gas, the social and economic costs and benefits of the industry, and the federal Environmental Protection Agency's study of potential relationships between hydraulic fracturing and water resources; and

WHEREAS, New York State has acknowledged the dangerous potential for negative impacts with its determination that individual environmental assessments will be required for any wells in the New York City and Syracuse watersheds, and

WHEREAS, New York State has so far not committed itself to a course of action with respect to shale gas drilling in the Marcellus Shale or the Utica Shale, and

WHEREAS, in April 2010 companion bills (A.10490/S.7592) were introduced in the NYS Legislature to establish a moratorium on hydraulic fracturing for natural gas or oil until 120 days after the EPA issues its report on the effects of hydrofracturing on water quality and public health. The moratorium will sunset 120 days after the issuance of a new Environmental Protection Agency report, which is intended to allow the state agencies and state residents the opportunity to review and make use of the new Environmental Protection Agency report, now therefore be it

RESOLVED, That the Dryden Town Board hereby urges New York State to not issue permits to HVSWHF operations pending further independent scientific assessments, including the EPA study, research on the life-cycle greenhouse gas emissions of shale gas, and the social and economic impacts of the industry; and, be it further

RESOLVED, That the Dryden Town Board hereby supports passage of A.10490/S.7592

(Englebright/Addabbo, attached) titled “An act to establish a moratorium upon conducting hydraulic fracturing pending the issuance of a report thereon by the federal Environmental Protection Agency”; and be it further

RESOLVED, That at the very least, the same standards should be applied to all of New York State that the DEC has indicated it will apply to the New York City and Syracuse watersheds, and be it further

RESOLVED, That copies of this resolution will be sent to Governor David A. Paterson, Congressman Michael Arcuri, Congressman Maurice Hinchey, Assembly Speaker Sheldon Silver, Senate Leader John Sampson, NYS Health Commissioner Richard Daines, DEC Commissioner Peter Grannis, NYS Dept. of Agriculture & Markets Commissioner Patrick Hooker, the NYS Association of Towns, State Senators James Seward, George Winner, Michael Nozzolio, Antoine Thompson, Joseph Addabbo, Darrel Aubertine, and George Maziarz; Assembly members Barbara Lifton, Kevin Cahill, Steve Englebright, Robert Sweeney, and James Brennan; and Attorney General Andrew Cuomo.

2<sup>nd</sup> Cl Leifer

Roll Call Vote	Cl Solomon	Yes
	Supv Sumner	Yes
	Cl Makar	Yes
	Cl Leifer	Yes

Local Land Use Authority – J Wilson said DRAC has submitted petitions for this and a noise ordinance and provided a model ordinance. Cl Leifer said he has to do some research on the noise ordinance and TCCOG has a group working on the legal framework for local land use control. ZO Slater said his department does not currently have the staff or equipment to enforce a noise ordinance. Cl Leifer will have a recommendation or proposed ordinance for the board to look at by August.

Supv Sumner said D Kwasnowski will be discussing an aquifer protection ordinance with the Planning Board tomorrow night. This would be a beginning of local land use control.

M Robertson said TC Planning just got a \$50,000 grant to support a staff person for TCCOG committees.

DRAC members offered to work with Cl Leifer in his efforts. Atty Perkins has information he will share.

Supv Sumner would like two board members and a DRAC member to review the local land use authority petition and work on that. Supv Sumner, Cl Leifer and Hilary Lambert will meet and make a recommendation at the July agenda meeting. They will ask the Highway Superintendent for an update on road protection.

**Community Garden Lease agreement** – Board members have received and reviewed an agreement prepared by Atty Perkins and modeled after the one used by the City of Ithaca.

#### **RESOLUTION #96 – APPROVE COMMUNITY GARDEN LEASE**

Supv Sumner offered the following resolution and asked for its adoption: