



Town of Lumberland Zoning Law





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Narrowsburg, NY 12764

Lumberland Zoning Rewrite Committee:

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10.0 EXPLICITLY PROHIBITED USES

10.1. Findings of Fact

The Town Board has heretofore made certain findings, determinations, and declarations relative to the matters set forth in this Article 10.0, and a copy of the text of such findings, determinations, and declarations is set forth at Section C. of Appendix A attached hereto.

10.2. Purposes and Intent

The Purposes and Legislative Intent underlying the Town Board's passage of this Article 10.0 are set forth at Section D. of Appendix A attached hereto.

10.3. Authority for Adoption

The Town Board adopts this Article 9.0 pursuant to the authority described at Section E. of Appendix A attached hereto.

10.4. Explicitly Prohibited Uses

The following uses and activities are expressly and explicitly prohibited in each and every zoning district within the Town, and no building or structure shall be created, altered or erected, and no body of water, land or building thereon shall be used, for any of such uses or activities:

- (a) High-Density Industrial Cattle, Swine, or Fowl Production.
- (b) Industrial Use, except for approved Light-Impact Industrial Use;
- (c) Junkyard.
- (d) Land Application Facility.
- (e) Large Scale Water Use.
- (f) Mining, Except For approved Lesser Scope Mineral Extraction.
- (g) Natural Gas And/Or Petroleum Exploration Activities.
- (h) Natural Gas And/Or Petroleum Extraction Activities.
- (i) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility.
- (j) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump.

(k) Natural Gas Compression Facility.

(l) Natural Gas Processing Facility.

(m) Non-Regulated Pipelines.

(n) Wind Energy Facilities, except for approved Small Wind Energy Facilities.

(o) Underground Injection.

(p) Underground Natural Gas Storage.

Any condition caused or permitted to exist in violation of this Section 10.4 is a threat to public health, safety and welfare, and is hereby declared and deemed to be a nuisance. Collectively the above expressly prohibited uses may be referred to in this Law as "Explicitly Prohibited Uses," any one of the above expressly prohibited uses may be referred to in this Law as an "Explicitly Prohibited Use," and any combination of more than one such use may also be referred to as "Explicitly Prohibited Uses."

10.5. Prohibition Against Natural Gas And/Or Petroleum Extraction, Exploration or Production Wastes

The Town of Lumberland hereby exercises its authority and right under NYS ECL § 27-0711 to adopt a local law that is consistent with the Environmental Conservation Law Article 27, such consistency demonstrated by the fact that this Local Law complies "with at least the minimum applicable requirements" set forth in such statute, and the rules and regulations promulgated pursuant to said Article 27.

It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose release, or maintain, or to suffer, cause or permit to be produced, stored, injected, discarded, discharged, disposed, released, or maintained , anywhere within the Town, any Natural Gas And/Or Petroleum Extraction, Exploration or Production Wastes.

Resolution #150, 2010
RESOLUTION FOR THE LUMBERLAND TOWN BOARD
REGARDING NATURAL GAS DRILLING

WHEREAS: the Town Board of the Town of Lumberland recognizes that its citizens have a reasonable expectation to live in an environment where clean air and water prevail; where the natural character and the value of their land are protected; and where dangers to health and safety are not tolerated; and

WHEREAS: the Town Board recognizes the presence of the Millenium Natural Gas Pipeline within its borders, and recognizes the presence of the natural gas-bearing sedimentary formation called the Marcellus Shale which lies beneath the entire surface of the Township and beneath the entire watershed of the Upper Delaware River, and

WHEREAS: the Town Board recognizes that various legislative and executive regulatory entities- including but not limited to the US Environmental Protection Agency, the Delaware River Basin Commission, and the new York State Senate-have numerous concerns with the potential advance of the natural gas industry into the Marcellus Shale, such concerns related to reduced water supply and water contamination that would result from large scale withdrawal of the region's water for industrial use, and to the improper treatment and disposal of the hundreds of billions of gallons of water that would be intentionally contaminated as part of the extraction process, and

WHEREAS: on April 13th Bill No. A10633 was introduced by eighteen Assembly Members, including Aileen Gunther, A. D. 98, and along with it's companion bill in the Senate S8043, and

WHEREAS: Bills No. A10633 and S8043 to amend N.Y. Env. Conserv. L. #23-0303, insofar as #23-0303 has been construed to strictly limit local governments ability to pass local laws and/or ordinances affecting the exploration and/or extraction of oil and gas, and

WHEREAS: Bills No. A10633 and S8043 expressly clarifies #23-0303 to re-establish "Home Rule" and the authority of local governments to pass local laws and/or ordinances which may affect the exploration and/or extraction of oil and gas, provided such local laws and/or ordinances do not regulate the exploration and/or extraction of oil and gas regulated by State statute, regulation and/or permit.

NOW, THEREFORE, BE IT RESOLVED: that the Town Board of the Town of Lumberland urges any and all legislative and executive regulatory entities, with the

requisite authority, to act with due diligence to not only impose but also to continue the moratorium on natural gas drilling until such time as all studies examining the industrial process of natural gas drilling using horizontal drilling and hydraulic fracturing are completed; as well as studies examining the cumulative impacts that large scale natural gas extraction may have upon the Delaware River Watershed and upon the health and wellbeing of its people are completed and are considered to pose no imminent and long-term danger to the citizens of Lumberland.

AND FURTHER BE IT RESOLVED: that the Town Board of the Town of Lumberland strongly supports these bills A10633 and S8043 and urges our State Legislators to support these bills and to make sure they are re-introduced in the next session of Legislature.

MOTION BY: Supervisor Nadia Rajsz

SECOND BY: Councilmen Joseph Carr, Jay Shafer, James Akt and William J. McKerrell

VOTE: 5 - 0

ADOPTED BY THE TOWN BOARD OF THE TOWN OF LUMBERLAND

VIRGINIA V. HORN, TOWN CLERK

DECEMBER 8, 2010

cc Hon. Governor Andrew Cuomo

cc Hon. Senator Charles Schumer

cc Hon. Senator Kirsten Gillibrand

cc Hon. Congressman Maurice Hinchey

cc Hon. Senator John H. Bonacic

cc Hon. Assemblywoman Aileen Gunther

cc Hon. Sullivan County Legislature