

Local Law No. 10 (2012)

A LOCAL LAW TO ENACT A MORATORIUM ON HYDRAULIC FRACTURING AND RELATED ACTIVITIES

BE IT ENACTED, by the Town Board of the Town of Niskayuna, as follows:

Section 1. Title

This Local Law shall be known as the “Hydraulic Fracturing and Related Activities Moratorium Local Law” of the Town of Niskayuna.

Section 2. Purpose

While hydraulic fracturing and directional gas drilling are not currently permitted uses in any zoning district in the Town of Niskayuna, the Town Board desires to take further steps to ensure that neither hydraulic fracturing, directional gas drilling nor any ancillary or related uses or activities take place within the Town, pending review, drafting and adoption of Town Code provisions relevant to such activities. Serious health and environmental impacts caused by these uses could threaten the health of the residents in the Town, could require the use of massive amounts of water, or the transportation of massive amounts of water causing impact to Town highways and could cause other aesthetic, environmental and public health impacts, resulting in the degradation of the quality of life in the Town of Niskayuna and the Town’s infrastructure. It is the purpose of this local law to enable the Town to have sufficient time to consider, draft and enact a local law or laws relating to hydraulic fracturing, directional gas drilling and related or ancillary uses to avoid such negative impact with the Town of Niskayuna.

Section 3. Moratorium

The Town Board hereby enacts a Moratorium which shall prohibit the review of any application, the granting of any approval or permit, the issuance of any use or area variance, the granting of site plan or subdivision approval, and/or the issuance of any other Town approval or permit relating to any wells involving the practices involving of directional gas drilling or hydraulic fracturing, or any use, business or project involving the storage or vehicular transport of water to be used for hydraulic fracturing or any hydraulic fracturing fluids or waste materials on, over, or about any real property with the Town.

Section 4. Supersession of Provisions of State Law

This Local Law is enacted pursuant to Section 10 of the Municipal Home Rule Law, and under Section 22 of such Law, is intended to supersede Sections 261-a, 264, 267, 267-a, 267-b, 273, 274-a, 274-b, 276, 277, 278, 279, 280 and 280-a, as well as all inconsistent provisions of the Town of Niskayuna Code or Town ordinances.

Section 5. Term of Moratorium

This Local Law and the Moratorium established hereunder shall expire three years from its effective date.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 7. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Section 8.

This local law shall take effect as provided in Section 27 of the Municipal Home Rule Law of the State of New York.