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Text of law is given as proposed. Matter being eliminated is not struck through, and underlining is not used to indicate new or repositioned matter.

Town of Woodstock

Proposed Local Law No. __ of the year 2012

A local law amending the Woodstock Code, Chapter 260, the Zoning Law of the Town of Woodstock, Ulster County, New York, as previously amended, to prohibit: the exploration and/or extraction of natural gas and/or petroleum; the storage, treatment and disposal of natural gas and/or petroleum exploration and production materials; the storage, treatment and disposal of natural gas and/or petroleum exploration and production waste; and support activities for the exploration and/or extraction of natural gas and/or petroleum. Also, this Local Law amends the Woodstock Code, Chapter 260, to prohibit the take-off and/or landing of aircraft, including helicopters, on lands in the Town of Woodstock.

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

Section 1. Statutory authority.

This Local Law is enacted in accordance with Article XIII of Chapter 260 of the Woodstock Code, the Zoning Law of the Town of Woodstock, as amended; Articles 9 and 16 of the Town Law of the State of New York, which grant the Town Board of the Town of Woodstock authority to enact local laws for the purpose of promoting the health, safety and welfare of the people of the Town; Article 2, Section 10 of the Municipal Home Rule Law, which gives the Town of Woodstock the power to protect and enhance its physical environment; Article 12-B, Sections 239-l and m, of the General Municipal Law; Section 10 of the New York Statute of Local Governments; Article IX of the New York State Constitution; and other legislative authority of the State of New York, as amended from time to time.

Section 2. Purposes.

By the addition of § 260-15-B and § 260-15-C the purposes of this Local Law are to:

- A. Prohibit the exploration for and/or extraction of natural gas and/or petroleum within the Town of Woodstock, and activities associated therewith;
- B. Promote the purposes of planning and land use regulation by, among other things, preserving and protecting the roads, stormwater detention facilities, fire, police, and other emergency response services within the Town;
- C. Promote the health, safety and welfare of the public and the Town's present and future inhabitants by protecting them from the adverse public nuisance and/or land use impacts and effects that could result if the uses listed in § 260-15-B were allowed to be conducted within the Town;

- D. Protect and preserve the character of the Town and its historic, recreation, and tourism sites, water and air quality, underground drinking water supplies, scenic and other natural resources, by shielding them from the adverse public nuisance and/or land use impacts and effects that could result if the uses listed in § 260-15-B were allowed to be conducted within the Town;
- E. Prevent increased traffic congestion, excessive noise and disturbances, diminished property values, and the adverse public nuisance and/or land use effects and impacts resulting from the activities designated as prohibited uses within the Town by the addition of amending the Woodstock Code, Chapter 260 § 260-15-B to the Town of Woodstock Code;
- F. Prohibit takeoff and/or landing of aircraft, including helicopters, on lands and waters in all zoning districts of the Town of Woodstock except (1) in instances where aircraft, including helicopters, are used for medical or emergency purposes, and (2) when specifically authorized by the Town Board or (3) where and airport was established prior to January 6, 1966 by the addition of § 260-15-C to the Town of Woodstock Code.

Section 3. Findings.

The Town Board hereby makes the following findings, determinations, and declarations relative to the matters set forth in this Local Law.

- A. Woodstock is a small town known as the Colony of the Arts. A significant percentage of its acreage is owned by the City of New York, the City of Kingston and the State of New York. The people of Woodstock take great pride in and assign great value to the small-town atmosphere, and to the Town's historic, scenic and natural resources.
- B. Maintaining the quality of water resources within the Town is critical to protecting the natural environment of the Town, the general health and welfare of Town residents, and the local economy.
- C. Preserving and protecting the scenic and natural resources of the Town is important for both a healthy environment and vibrant economy. Fortunately, Woodstock attracts a number of yearly visitors that have significant beneficial impact on the local economy.
- D. Allowing one or more of the uses listed in Section 4-B of this Local Law to be conducted within the Town would impair the existing character of the Town by producing a combination of negative impacts upon the environment and upon the people living in proximity to the areas where such activities were permitted. Such negative impacts could include, without limitation: traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability of affordable housing, damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas and scenic views, decreased recreational opportunities, and damage to the local economy dependent on tourism.
- E. Uses listed in Section 4-B of this Local Law conducted within the Town, would increase traffic and therefore be hazardous or inconvenient or dangerous to pedestrians (especially children), cyclists, and motorists, and could result in traffic congestion that could delay emergency response times for medical emergencies, fires and accidents. Roads are a critical public resource and constitute a major investment of the public's money. The Town is not in a position to bear the high costs associated with the road-use impacts that could accompany many of the activities listed as prohibited in Section 4-B of this Local Law. Accidents involving heavy trucks have greater potential for serious injury or death than those involving smaller vehicles.

- F. The creation, generation, keeping, storage or disposal of natural gas and/or petroleum extraction, exploration or production wastes within the Town could have a negative impact on the public health, safety and welfare of the inhabitants of the Town.
- G. The high costs associated with the disposal of wastes that arise from natural gas and/or petroleum extraction, exploration or production processes have in other localities resulted, and could in our Town result, in persons or corporations seeking to avoid such costs by depositing such waste along roadways, in vacant lots, on business sites, in the private dumpsters of others, or in other unauthorized places. Such activities would pose a hazard to the public health, safety, and welfare of the inhabitants of the Town.
- H. Use of property for take-off and/or landing of aircraft, including helicopters constitutes a nuisance by creating unacceptable noise and disruption of quiet enjoyment of the ambience of the Town, particularly in residential areas, and is in contravention of § 260-4 of this Chapter, which warrants to all Woodstock residents such enjoyment shall be free from nuisance. The explicit prohibition of aircraft take-off and/or landing in § 260-15 C to the Woodstock Code is a legitimate goal of land use laws.
- I. The existing proscription of the uses listed in Section 4-B of this Local Law, and the additions of § 260-15-B and § 260-15-C to the Woodstock Code is a legitimate goal of land use laws.

Section 4. Amendments to the Woodstock Code.

Chapter 260 of the Woodstock Code, the Zoning Law of the Town of Woodstock, as amended, is hereby further amended as follows:

The title of § 260-15, Prohibited industrial uses, is hereby amended to delete the word “industrial” as follows:

§ 260-15. Prohibited uses.

The currently unlabeled and untitled introductory paragraph of § 260-15 is hereby amended so that it appears as below and is followed, as currently, by the unamended list of prohibited industrial uses.

- A. Prohibited industrial uses. In any district where manufacturing or light industry is permitted, *[and so forth to end of paragraph]* but is not limited to, the following such uses:
 - (1) to conduct any exploration for natural gas; to drill any well for natural gas; to transfer, store, process, treat natural gas; to dispose of natural gas exploration or production wastes; to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes;
 - (2) for the storage, transfer, treatment and/or disposal of natural gas exploration and production materials
- C. § 260-15 is hereby further amended by the addition of a new subsection “B” as follows:
 - B. In any district, no land in the Town of Woodstock shall be used:
 - (1) to conduct any exploration for natural gas; to drill any well for natural gas; to transfer, store, process, treat natural gas; to dispose of natural gas exploration or production wastes; to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes;
 - (2) for the storage, transfer, treatment and/or disposal of natural gas exploration and production materials

and/or wastes;

(3) for natural gas extraction support activities.

(4) importation for any purpose of wastes resulting from natural gas exploration or extraction.

D. § 260-15 is hereby further amended by the addition of a new subsection “C” as follows:

C. No person, firm or corporation shall operate or cause to be operated any aircraft, as defined in §260-123 of this Chapter, on or from any land or waters within the Town of Woodstock, except:

- (1) When required for military or governmental purposes, or for medical or police emergencies; or
- (2) When specifically authorized by the Town Board; or
- (3) at an airport or heliport established prior to January 6, 1966.

E. § 260-123, Definitions, is hereby amended by the addition of the following definitions:

AIRCRAFT – A mechanically propelled vehicle capable of transporting humans in flight. The term AIRCRAFT shall include any airplane and/or helicopter.

NATURAL GAS EXTRACTION SUPPORT ACTIVITIES – The construction, use, maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas storage facility, or a natural gas gathering line, venting station or compressor associated with the exploration or extraction of natural gas.

F. § 260a (260 Attachment 1), Schedule of Use Regulations, is Hereby Amended to include the addition of the prohibited uses as Follows:

Structure/Land Use	R8	R5	R3	R1.5	HR	HC	NC	LI/SLI	FW
Accessory Uses									
Aircraft takeoff/landing area	X	X	X	X	X	X	X	X	X
Business Uses									
Airport or heliport	X	X	X	X	X	X	X	X	X

Section 5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6. Effective Date.

This Local Law shall take effect upon being filed in the office of the New York Secretary of State.

Whereas, the Town Board's wishes to adopt proposed amendments to the Woodstock Code, Chapter 260, the Zoning Law of the Town of Woodstock, Ulster County, New York, as previously amended, to prohibit: the exploration and/or extraction of natural gas and/or petroleum; the storage, use, treatment and disposal of natural gas and/or petroleum exploration and production materials; the storage, use, treatment and disposal of natural gas and/or petroleum exploration and production waste; support activities for the exploration and/or extraction of natural gas and/or petroleum, and to prohibit the take-off and landing of aircraft on lands in the Town of Woodstock, and

Whereas, on April 10, 2012 the Town Board, with regard to the proposed amendment to prohibit the take-off and landing of aircraft on lands in the Town of Woodstock,

Pursuant to 6 NYCRR 617.21 and Chapter 65 of the Woodstock Town Code (TWEQRA) resolved to,

1. Declare itself lead agency for the proposed action
2. Declare the proposed action to be unlisted pursuant to provisions of Chapter 65 of the Town Code, and 6NYCRR Part 617.4(b), State Environmental Quality Review (SEQR)
3. Direct the Town Supervisor to prepare a full environmental assessment form
4. Declare that the proposed action will not have a significant negative impact on the environment, and
5. Direct the Town Supervisor to forward the proposed amendments to the Ulster County Planning Board for its consideration, where from it received no comment relating to take-off and landing of aircraft, and

Whereas, on April 24, 2012 the Woodstock Town Board, with regard to a proposed amendment to prohibit the exploration and/or extraction of natural gas and/or petroleum; the storage, use, treatment and disposal of natural gas and/or petroleum exploration and production materials; the storage, use, treatment and disposal of natural gas and/or petroleum exploration and production waste; support activities for the exploration and/or extraction of natural gas and/or petroleum, Pursuant to 6 NYCRR 617.21 and Chapter 65 of the Woodstock Town Code (TWEQRA) resolved to;

1. Declare itself lead agency for the proposed action
2. Determine the proposed amendments to be unlisted actions pursuant to provisions of Chapter 65 of the Town Code, and 6NYCRR Part 617.4(b), State Environmental Quality Review (SEQR)
3. Direct the Town Supervisor to prepare a full environmental assessment form
4. Declare that the proposed action will not have a significant negative impact on the environment, and,
5. Direct the Town Supervisor to forward the proposed amendments to the Ulster County Planning Board for its consideration and recommendation, such recommendation then received only to define the term "natural gas support activity," which was done in the version of the proposed local law presented for the public's consideration, and

Whereas, the Town Board decided to extract the proposed amendment to

prohibit the take-off and landing of aircraft on lands in the Town of Woodstock from the packet containing several other proposed amendments to the zoning law and to add it to the proposed amendment pertaining to natural gas activities, and Whereas, on June 19, 2012 the Woodstock Town Board adopted a resolution scheduling a public hearing to be held at the mesal Hornbeck Community Center to hear comment from the public on the proposed amendments to Chapter 260 of the Woodstock Code, and

Whereas, the Town Board, after careful consideration and input from the public finds its initial declarations of non-significant environmental impact (the “negative declaration”) to be correct because,

1. With the exception of one private airport established in Woodstock before January 6, 1966, which will not be banned by the proposed amendment, there are no others, and
2. Provisions are made for emergency
3. To date there has been none of the activities relating to natural gas conducted in the Town of Woodstock that the proposed amendment will prohibit, nor has there been any proposal or application before the Town to conduct the activity proposed to be prohibited, nor is the Town aware of any agreements or leases, proposed or otherwise, between Woodstock property owners and agents of the natural gas industry, and
4. The findings in Section 3 of the proposed local law as they pertain to both of the proposed prohibited uses are true and relevant to the maintenance of the health, safety and welfare of the people of the Town of Woodstock, now therefore be it,

Resolved, the Town Board of the Town of Woodstock, after consideration of public comment made at the properly noticed public hearing scheduled for July 17, 2012,

1. Closes the public hearing, and
2. Affirms the negative declarations with respect to the two uses to be prohibited by adoption of this Local Law, and
3. Adopts this Local Law # 1 of the year 2012, and
4. Directs the Town Clerk, in conjunction with the Attorney for the Town Rod Futerfas, to forward the legislation to the New York Secretary of State, and be it further

Resolved, to direct the Supervisor on behalf of the Town of Woodstock to communicate to the Governor of New York the following message:

- The revenue realized by local and state government from taxation or fees collected from entities that engage in the practice commonly referred to as “hydro-fracturing” would be temporary, and
- Communities in New York State where hydro-fracturing may be permitted would suffer the consequences of boom and bust economies, leaving them not only financially prostrate but also environmentally compromised, and
- The ultimate price of permitting hydro-fracturing, whether paid by ours or following generation, would be exorbitant, and,
- Woodstock is grateful for the efforts of the Governor to expand

renewable energy, such as wind and solar power, in New York, and commits itself to make reasonable sacrifices needed to further the expansion of such energy sources, as well as do its best to conserve energy resources now available.

TOWN OF WOODSTOCK • 45 COMEAU DRIVE, WOODSTOCK NY 12498

PHONE: (845) 679-2113:
Ext. 7: Supervisor; Fax: (845) 679-7915
Ext. 4: Town Clerk; Fax: (845) 679-8743
Ext. 1: Assessor
Ext. 3: Building Dept, Code Enforcement
Ext. 6: Planning Board
Ext. 8: Zoning Board of Appeals
Ext. 8: Environmental Commission
Ext. 8: Commission for Civic Design
FAX: (845) 679-8743:
Assessor, Bldg. Dept., Planning Board
Zoning Board of Appeals, CCD, WEC

Incorporated 1787



Colony of the Arts

Highway Department: (845) 679-2805
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Justice Court: (845) 679-6345
Fax: (845) 679-6826
Police/Fire/Emergency: (845) 679-2422
Fax: (845) 679-2009
Water/Sewer Dept.: (845) 679-2356
Fax: (845) 679-0317
Youth Center: (845) 679-2015
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RESOLUTION 67-2013

A RESOLUTION IN SUPPORT OF A LAW TO CRIMINALIZE THE TECHNOLOGY OF HYDRAULIC FRACTURING FOR OIL AND GAS AND ALL ACTIVITIES RELATED

Offered by Supervisor Wilber, seconded by Councilman Wenk:

THIS RESOLUTION in support of NEW YORK PUBLIC LAW 1, a law to criminalize hydraulic fracturing for oil and gas and all related activities, is submitted for public discussion and official endorsement in the towns and villages, cities and counties throughout New York State.

One basis for this act of criminalization rests in Chapter 40, Title A, of the NYS Penal Code, which states: "the general provisions of this chapter are:

- To proscribe (*make illegal*) conduct which unjustifiably and inexcusably causes or threatens substantial harm to individual or public interests.
- To give fair warning of the nature of the conduct proscribed and of the sentences authorized upon conviction.
- To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the rehabilitation of those convicted, and their confinement when required in the public interest."

WHEREAS, to prohibit the industrial technology known as hydraulic fracturing, or "hydrofracking" for oil and gas and all activities that surround and support such technology; and

WHEREAS, hydraulic fracturing for oil and gas is a shale gas and oil extraction procedure designed and perpetrated by business corporation directors exercising rights, powers and decision-making authority never granted to corporate entities by the People; and

WHEREAS, the rights of the People, especially with regard to their health and safety, are supreme, and their rightful decision-making authority must take precedence over the privileging of corporations by federal and state legislators, executives and judges; and

WHEREAS, the New York State Department of Environmental Conservation's Division of Mineral Resources is mandated "to authorize and to provide for the operation and development of oil and gas properties in such manner that a greater ultimate recovery of oil and gas may be had," and, therefore is not mandated, making it incapable, to protect people, their communities or their natural environments; and

WHEREAS, destructive impacts to water, air, land, local economies, housing resources, roadway infrastructure, and public health are significant and well-documented; and

WHEREAS, all bans and moratoria on hydraulic fracturing for oil and gas are not true prohibitions accompanied by deterrent-level penalties, subject as they are to the vast discretionary authority of DEC officials appointed by the governor or executive office agencies; and

WHEREAS, bans and moratoria cannot guarantee prohibition of the many related activities that can be imposed on communities, including but not limited to water withdrawals, importing/dumping of oil and gas hydraulic fracturing wastes and operation of already permitted hydraulic fracturing for oil and gas wells; and

WHEREAS, it is necessary to move beyond past focus on the techniques and harms of drilling, toxic chemicals, corporate poisoning of water and the like, and strongly assert the Peoples' authority to decide the circumstances of energy production in our state and nation, thereby placing such decision-making where it belongs in any real democracy, in the will of the governed; and

WHEREAS, a law to criminalize hydraulic fracturing for oil and gas with appropriate penalties is unlikely to originate in the legislature or from our state officials, it is incumbent upon the people of the State to instruct our legislators to introduce and enact this law; therefore

BE IT RESOLVED, that hydraulic fracturing for oil and gas and all related activities shall be illegal in New York State as anti-social and anti-ecological behaviors; and

BE IT FURTHER RESOLVED, that all corporate directors or public officials committing or enabling hydraulic fracturing for oil and gas or related activity shall be penalized commensurate with their violation of the law; and

BE IT FURTHER RESOLVED, that as self-governing people it is our responsibility to make the rules and write the laws by which we shall be governed; and therefore,

BE IT FINALLY RESOLVED, that the Town of Woodstock in the State of New York supports the passage of NEW YORK PUBLIC LAW # 1 and instructs the Woodstock Town Clerk to send a certified copy of this resolution urging enactment of said law to our legislators in the Assembly and the Senate along with a copy of NEW YORK PUBLIC LAW # 1.

All voted 4-0: Supervisor Wilber - aye
Councilwoman Magarelli - aye
Councilman Wenk - aye
Councilman McKenna - aye

STATE OF NEW YORK
:SS:
COUNTY OF ULSTER

I, the undersigned Clerk of the Town of Woodstock, Ulster County, New York, **DO HEREBY CERTIFY:**

THAT I have compared the attached proceedings of the Town Board of the Town of Woodstock including the resolution contained therein with the originals thereof on file in my office and that the same is a true and correct copy of the said original as recorded in the minutes of the Town Board meeting held on January 15, 2013 and filed in the Office of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Woodstock, New York this 17th day of January, 2013.

SEAL



Jacquelyn E. Earley, RMC, Town Clerk
Town of Woodstock