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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. 1 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 an 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:

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

##### **§ 260-15. Prohibited uses.**

- B. 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:

- 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 machin-

ery 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:

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