

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of New Lisbon
Town
Village

Local Law No. 1 of the year 2008

A local law (Insert Title) Establishing A Moratorium On Oil And Gas
Exploration in the Town Of New Lisbon

Be it enacted by the (Name of Legislative Body) Town Board of the

County
City of New Lisbon
Town
Village

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A LOCAL LAW ESTABLISHING A MORATORIUM ON OIL AND GAS
EXPLORATION IN THE TOWN OF NEW LISBON

AUTHORITY: Pursuant to Article XVI, Sections 264, 265, 274-a and 274-b of the New York State Town Law and Article II Section 10 of the Municipal Home Rule Law, the New Lisbon Town Board hereby enacts a moratorium on oil and gas drilling, exploration or related enterprises or activities in the Town of New Lisbon.

WHEREAS, the Town Board recognizes that there has been an increase in the number of oil and gas leases in the Town of New Lisbon which may result in increased highway traffic, including heavy construction vehicles, the deterioration of the Town's fragile infrastructure, noise and a significant impact on the town's resources, including but not limited to local aquifers, freshwater wetlands and loss of topsoil and may cause the loss of rural character of the landscape, as well as having an impact on the town's ability to serve the needs arising from such development including but not limited to fire protection, emergency services, police protection, and infrastructure requirements and

WHEREAS, the Town of New Lisbon Board has recently completed the development of a town-wide Comprehensive Plan, and

WHEREAS, the Comprehensive Plan may have a significant role in proposing adoption of or revisions to the Land Use Law of the Town of New Lisbon, and

WHEREAS, the New Lisbon Town Board is currently exploring changes in its land use laws, and

WHEREAS, the Comprehensive Plan and the proposed revisions and/or adoption of a Land Use Law require that the Town Board have time to effectively plan for wise and controlled growth,

THEREFORE BE IT RESOLVED that the Town of New Lisbon Planning Board shall not review and/or grant any approvals for oil and gas exploration or related enterprises or activities in the Town of New Lisbon for a period of six months or until such time as the Town of New Lisbon Board has revised, passed and filed any new or revised provisions of a Local Land Use Law, whichever comes first. The Planning Board shall not review any applications for oil and gas exploration or enterprises or activities related thereto which may currently be before the Planning Board unless such application has been deemed complete, i.e., they have submitted all required information to the Planning Board as required by the Town's Law and the New York State Environmental Quality Review Act (SEQRA) and the Planning Board has deemed that the information is in sufficient form for review of the project. Pending applications for oil and gas exploration or enterprises or activities related thereto which have been deemed complete may receive final action from the planning board while the moratorium is in effect.

THEREFORE LET IT BE FURTHER RESOLVED that the Town Board shall have the power to vary or modify any provision of this Local Law upon the board's determination, and with its absolute legislative discretion, after public hearing on notice that this Local Law would pose extraordinary hardship on a landowner or developer and that such variation or modification is consistent with the spirit of the review of the Town's Land Use Law being conducted by the Town Board and the Planning Board and that such variance or modification will not adversely affect the health, safety, and general welfare of the residents of the Town of New Lisbon.

Effective Date: This local Law shall be effective upon filing and acceptance by the New York State Secretary of State.