

VILLAGE OF FREEVILLE

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Local Law # 6 of 2011

A Resolution by the Village of Freeville Board of Trustees
Regarding Natural Gas Drilling in the Village

Be it enacted by the Board of Trustees of the Village of Freeville as follows:

Section I: Preface

WHEREAS Town Law 261 of the State of New York makes clear that town-level zoning ordinances do not apply to villages within towns;

WHEREAS Article IX of the Constitution of the State of New York grants local governments the power to adopt local laws and this power is further strengthened in the Municipal Home Rule Law Article 2, section 10;

WHEREAS Article 3, section 344.04 of the Village of Freeville Land Use and Development Code prohibits all types of Heavy Manufacturing in Residential and Agricultural zones, throughout the Village, section 344.06 prohibits the Commercial Storage of Volatile and Hazardous Substances in the Village, and section 346.02 prohibits Commercial Extractive Activity;

WHEREAS the Village is a small, densely populated, residential municipality set in a rural landscape;

WHEREAS much of Freeville is situated over an aquifer that supplies water to village households and businesses through a system of artesian wells;

WHEREAS much of Freeville lies within a flood plain or a critical environmental area (CEA) as identified by the Town of Dryden;

WHEREAS Freeville's existing comprehensive plan and the revision being drafted by the Planning Board reflect residents' stated desire to preserve the character of the village and the quality of life there;

and WHEREAS the environmental, economic, social, and cultural impact of hydrofracture natural-gas drilling is a highly contentious issue,

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Section II: Provisions

BE IT RESOLVED that the Village of Freeville Board of Trustees enact a moratorium on industrial natural-gas drilling for a period of 180 days to begin at the expiration of New York State's moratorium on said drilling, thereby enabling the Village Planning Board to complete a revised comprehensive plan.

Section III: Effective Date

All codes, laws or parts of same in conflict herewith are repealed.

The invalidity of any section, clause, sentence, or provision of this law shall not affect the validity of any part of this law which can be given effect without such invalid part or parts.

This law shall become effective immediately upon filing with the Secretary of State.