

LOCAL LAW NO. 2 [INTRODUCTORY] OF THE YEAR 2015

PETROLEUM TRANSMISSION PIPELINES

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PETROLEUM TRANSMISSION PIPELINES

A local law to prohibit petroleum transmission pipeline construction as a use anywhere in the Village of Tuxedo Park.

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF TUXEDO PARK AS

FOLLOWS:

Section 1.

Findings and Purpose

1.1. The Village Board of the Village of Tuxedo Park does hereby make the following findings and does hereby declare the following purposes with regard to the enactment of this local law:

- ⇒ The village has become aware of proposed construction of bi-directional petroleum Pipeline that is proposed to be constructed in and around the Village of Tuxedo Park and that such proposed pipeline would be for the purpose of transmission of crude oil and refined petroleum products.
- ⇒ The village finds that bringing liquified petroleum products via pipeline into and through our community increases endangerment of Village residents, property, and the local environment.
- ⇒ The village finds that transmission of liquified petroleum products via pipeline into and through the Village increases endangerment of the Village's surface and subsurface water sources, the Village's reservoir and lakes, important protected species within the Village (i.e. bald eagles, timber rattlesnakes, woodpeckers, etc.), and the Village environment as a whole;
- ⇒ The village finds that the pipeline presents safety concerns for the Village of Tuxedo Park, as well as potential harm to municipal and county infrastructure, and the increased likelihood of a negative impact upon future development in the community;
- ⇒ The Village of Tuxedo Park is a unique community listed on the National Register of Historic Places, and the construction of a petroleum

pipeline through the historic Village would negatively impact the unique characteristics that underlie the Village's listing on the National Register of Historic Places.

- ⇒ The Village of Tuxedo Park is concerned that construction equipment utilized for any proposed pipeline construction will be in close proximity to homes and foundations due to the constraints of available workspace. Temporary workspace usage will also severely impact the existing soil reducing water absorption and may increase future flooding possibilities.
- ⇒ The Village of Tuxedo Park is concerned with the increase in danger to its residents resulting as a result of the volume of flammable oil flowing through such pipeline, and its proposed route, which crosses through residential neighborhoods. Such residents will be in the "impact radius" in the event of an explosion, spill or any other occurrence resulting in a breach of such pipeline.
- ⇒ The village finds that a potential pipeline explosion could result in harm to hundreds of area residents resulting in a detriment to the health, safety and welfare of the Village residents;
- ⇒ The village finds that a pipeline carrying liquified petroleum products may result in detrimental effects on tax revenues to the Village as a result of right-of-way agreements and the ensuing decline in the property values of homes along and adjacent to the new such pipeline and surrounding neighborhoods as a direct consequence of the project;
- ⇒ The Village Board's finds that it is obligated under environmental regulations to act as stewards of our natural resources including protection of Village of Tuxedo Park water supplies and other natural resources for generations to come;
- ⇒ The village finds that protection of water supplies and resources is best accomplished by prevention of contamination and environmental degradation, rather than the clean-up of contamination and restoration of degraded environments after the fact;
- ⇒ Based upon the foregoing findings, the village hereby determines to amend its zoning chapter so as to prohibit liquified petroleum pipeline construction as a use anywhere in the village.

Section 2.

Zoning Chapter Amendments

2.1. Subparagraph “F” of section 100-6 [Permitted Uses] contained within Article IV [District Regulations] of Chapter 100 [Zoning] of the Village of Tuxedo Park code shall be repealed and replaced with a new Section 100-6(F) to read as follows:

Sec. 100-6 Permitted uses.

* * * *

- F. Public utility or municipal structures necessary for the service of the area. Notwithstanding the foregoing, the construction of pipelines for the purpose of transmission of refined or unrefined petroleum products anywhere within the village is prohibited.

Section 3.

SEQRA

Type of Action:

3.1. This matter constitutes a Type I action under the State Environmental Quality Review Act.

Lead Agency:

3.2. The Village of Tuxedo Park Village Board is the lead agency in regard to this action. The Village Board’s status as lead agency was established/affirmed on September 28, 2015.

Declaration of Significance:

3.3. A negative declaration was issued on _____.

Section 4.

Severability

4.1. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law on its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5.

Effective Date

5.1. This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.

Dated: January 14, 2016
Tuxedo Park, New York