

LOCAL LAW NO.: ____ OF 2018

A LOCAL LAW TO AMEND CHAPTER 179 “ZONING” OF
QUEENSBURY TOWN CODE AND REVISE ZONING MAP

***BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF QUEENSBURY AS
FOLLOWS:***

Section 1. Intent; Authority – The Queensbury Town Board recognizes the potential benefit of a current and accurate zoning ordinance. This Local Law is adopted in accordance with the New York State Municipal Home Rule Law.

Section 2. The Queensbury Town Board wishes to adopt this Local Law to clarify that commercial sand, gravel and topsoil extraction are allowed uses in the Rural Residential (RR) and Heavy Industrial (HI) Zones, with such uses in the RR Zone to be limited to parcel sites of twenty-five (25) acres or greater.

Section 3. Amendment of Zoning Law – Queensbury Town Code Chapter 179 entitled “Zoning” and known as the “Town of Queensbury Zoning Law,” Paragraph G of §179-10-070, entitled “Specific Standards” is hereby amended as follows:

G. Commercial mineral extraction and ***commercial*** sand, gravel and topsoil extraction. ~~commercial. Note that~~ Mining and excavation activity may be regulated by the New York State Department of Environmental Conservation or other agencies. Mineral extraction in the resource management, rural use, low-intensity use, and moderate-intensity use areas on the Adirondack Park Land Use and Development Plan are Class A regional projects subject to the jurisdiction of the Adirondack Park Agency. [Amended 12-15-2014 by L.L. No. 7-2014]

- (1) Commercial mineral extraction (defined as above ***by*** the Department of Environmental Conservation threshold) shall be allowed only within the Heavy

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Language with line drawn through is old language to be deleted.

Industrial (HI) District. *Commercial sand, gravel and topsoil extraction shall only be allowed within the Heavy Industrial (HI) and Rural Residential (RR) Districts. Commercial mineral extraction and commercial sand, gravel and topsoil extraction shall be subject to by special use permit as specified in Tables 2 and 4 of this Chapter and may only occur in a substantially undeveloped area and must maintain a buffer of at least 1,000 feet (horizontal distance) from any existing residence. In addition, for commercial sand, gravel and topsoil extraction, twenty-five (25) acres of land shall be the minimum allowable property size within a Rural Residential District.*

- (2) Any excavation associated with commercial mineral extraction *and/or commercial sand, gravel and topsoil extraction* shall not adversely affect the natural drainage of adjoining properties not in the same ownership, or the structural safety of buildings on such adjoining properties; the top of any slope of the excavation shall not be closer than 100 feet to the boundary line of any adjoining property not in the same ownership, nor closer than 200 feet to any public highway or water body or watercourse.
- (3) Within the above setbacks, natural vegetation shall be left undisturbed, except for planting pursuant to the requirements hereof. The Planning Board may, in its discretion, require additional measures to provide suitable screening of the excavation, such as planting or fencing.
- (4) An applicant for a special use permit for commercial mineral extraction *and/or commercial sand, gravel and topsoil extraction* shall submit to the Planning Board copies of all applications and other materials submitted to the New York State Department of Environmental Conservation in connection with its commercial resource extraction application.
- (5) In issuing a special use permit for commercial mineral extraction *and/or commercial sand, gravel and topsoil extraction* the Planning Board shall impose conditions designed to protect the public health, safety, and welfare. Such conditions shall be

limited to the following, unless the laws of New York State allow the imposition of additional conditions:

- (a) Ingress from and egress to public thoroughfares controlled by the Town;
 - (b) Routing of mineral transport vehicles on roads controlled by the Town;
 - (c) Requirements and conditions specified in the permit issued by the Department of Environmental Conservation concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control, and hours of operation;
 - (d) Hours of operation; and
 - (e) Enforcement of reclamation requirements contained in any Department of Environmental Conservation permit.
- (6) In issuing a special use permit for commercial mineral extraction *and/or commercial sand, gravel and topsoil extraction* uses not subject to regulation by the Department of Environmental Conservation, the Planning Board may impose such additional conditions as it deems necessary.
- (7) The Planning Board shall deny a special use permit for commercial mineral extraction *and/or commercial sand, gravel and topsoil extraction* for any project which does not satisfy the requirements of this section and/or Article 10 of this chapter regarding the general criteria and procedures for special use permits.

Section 4. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 5. Repealer – All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed. In particular, this Local Law is specifically intended to supersede the amended provisions of the current Town of Queensbury Zoning Law.

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Section 6. Effective Date – This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

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