

Local Law Filing

(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 Town Village
(Select one:)

of Minden

Local Law No. _____ of the year 20¹⁶

A local law adding a provision to Article VIII, of Chapter 90, ZONING, of the Minden Town Code
(Insert Title)
establishing sawmill regulations for the Town and requiring a special use permit & site plan
review by the planning board for all operations involving the processing of timber not
constituting a "timber operation" as defined in Sec 301, subd. 14 Agriculture & Markets Law

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

County City Town Village
(Select one:)

of Minden as follows:

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

Section 1. Sawmill Regulations

1. All sawmills shall require a Special Use Permit and Site Plan Review by the Planning Board.
2. Hours of operation shall be limited to 7AM to 6PM, Monday through Friday and Saturday 7AM to 12 noon. Operation of the sawmill business shall not occur on the following holidays: Memorial Day, Labor Day, July 4th, Thanksgiving, Christmas and New Year's Day.
3. Vehicular access to the sawmill shall be by means of an access drive at least twelve feet (12') wide and the first fifty feet (50') of which from the road along the drive must be paved. The rest of the drive beyond the first fifty feet (50') can be a stone surface.
4. All aspects of the sawmill operation (except access drives) shall be set back no less than 200 hundred feet (200') from the front and rear of the property and one hundred feet (100') from the side property lines and five hundred feet (500') from any residentially zoned and used property or church or school. The Planning Board may require a visual screen comprised of evergreen trees to be planted along any site boundary line that abuts one or more residential lots. The Planning Board shall have the discretion to require greater front, back and side setbacks of up to five hundred feet (500') and/or to require a berm or other appropriate noise barriers where circumstances require to prevent a disturbance to persons or farm animals on neighboring properties.
5. All sawmill by-products shall be disposed of on a regular basis so as not to create a nuisance or hazard and shall in no event be allowed to accumulate longer than three (3) months before being removed and properly disposed of. No storage of logs, lumber, sawdust, bark, scrap wood or equipment of any kind shall be permitted within any yard setback area at any time. Lumber/logs shall be piled with due regard to stability of piles and in no case higher than twenty (20) feet.
6. No sawmill activity or storage shall be within one hundred feet (100') from the edge of any stream or any wetland as defined by state or federal law.
7. The minimum lot size for a sawmill shall be five (5) acres with four hundred feet (400') of road frontage, provided however, that in the event a residence is located on the premises, which is limited to being the residence of the owner/operator of

- the sawmill, then the minimum lot size shall be seven (7) acres with six hundred feet (600') of road frontage.
8. Timber and logs shall not be skidded across any roads or highways nor shall log skidders cross same as part of operations at anytime.
 9. At such times as the sawmill is operating the maximum noise level may not exceed 55 decibels at all property lines. Should complaints arise concerning noise levels, the Town CEO shall take noise readings at the property lines. Should noise levels exceed the 55 decibel level at any property line, the Town Planning Board may require sound mitigation measures as it deems appropriate which could include building insulation, vegetation, buffering along the property lines, equipment silencers, etc. If found in violation of the 55 decibel noise level, the owner/operator has thirty (30) days to comply or a stop work order will be issued by the Town CEO.
 10. Sawmills shall be housed in the confines of a building.
 11. No burning of shavings, sawdust and refuse materials shall be permitted on the premises.
 12. These sawmill regulations apply to all operations involving the processing of timber not constituting a "timber operation" as defined in Section 301 subdivision 14 of the NYS Agriculture and Markets Law.

Section 2. Severability

If any provisions of this local law or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court, such holding or unconstitutionality or invalidity shall in no way affect or impair any other provision of this local law, or the application of any such provision to any other person or circumstance.

Section 3. Effective date

This Local Law shall take effect on the twentieth day after adoption upon filing with the Secretary of State.

Section 4. Repealer

This Local Law shall supersede all prior local laws, ordinances, rules and regulations of the Town of Minden that may be inconsistent with this local law and any such prior local laws, ordinances, rules and regulations shall be, upon the effective date of this local law, null and void.

Section 5. Numerical/Lettering Designations

The chapter designations and numerical/lettering designations of the section and article(s) included in the local law shall be delegated to the discretion of General Code Publishers, which may renumber the chapter, sections and Article(s) included in this local law as necessary to accommodate incorporation of this local law in the Code of the Town of Minden.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹⁶ of the ~~(County)(City)(Town)(Village)~~ of Minden was duly passed by the Minden Town Board on _____ 20¹⁶, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

LEGAL NOTICE

NOTICE OF PUBLIC HEARING ON A LOCAL LAW

BY THE TOWN OF MINDEN

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Minden, New York, did on the ____ day of _____, 2016, adopt a resolution to authorize a Public Hearing on a proposed local law adding a new provision to Article VIII, Supplementary Regulations, of Chapter 90, ZONING, of the Code of the Town of Minden establishing sawmill regulations for the Town of Minden and requiring a special use permit and site plan review by the planning board for all operations involving the processing of timber not constituting a "timber operation" as defined in Section 301, subd. 14 of the NYS Agriculture and Markets Law.

The public hearing will be held on: Thursday, _____, 2016 @ 6:50pm

Town Hall, 134 State Highway 80

Fort Plain, NY 13339

All interested parties shall have an opportunity to be heard as to the proposed local law.

By Order of the Town Board

Dated: _____, 2016

JANET TRUMBULL
Minden Town Clerk