

**ACTION FOR ULSTER COUNTY RESIDENTS AND ALL
LIVING IN VULNERABLE AREAS IN THE ‘G’ ZONE.**

(Ulster, Greene, Putnam, Rockland, Dutchess, Orange Counties)

*To ensure that your town doesn’t end up with a gas-fired power plant proposed just feet from a residential neighborhood, **urge your municipality to place a moratorium on fossil-fuel burning power plants while they consider zoning that specifically addresses power plants.***

Smaller “peaker” power plants (25 MW or less) are primarily under jurisdiction of local governments — not New York State — and are going to become increasingly prevalent throughout the Hudson Valley.

Most municipalities do not have zoning specifically regulating power plants.

***Q.** Should power plants be allowed at all in our town? Would prohibiting them constitute impermissible exclusionary zoning?*

Not necessarily. NYS courts have stated that municipalities can ban industrial uses as long as prohibiting a use is a reasonable exercise of its police powers to prevent damage to the rights of others and to promote the interests of the community as a whole.

(Gernatt Asphalt Products v. Town of Sardinia)

If power plants are permitted in your town, how should our zoning regulate them? They should only be permitted:

- * In heavy industrial zones that are designated for uses that generate significant noise, traffic or pollutants and are far away from important environmental areas and residences;
- * With a special use permit;
- * Subject to strict conditions related to noise, stack height, etc.;
- * Subject to minimum lot size and coverage (subject to underlying zoning requirements or can create specific new standards); and
- * With an enforceable decommissioning plan requiring restoration of the site to original condition or better.

This resident action was made possible by the generous support of Scenic Hudson, Citizens for Local Power and KingstonCitizens.org