

Local Law # _____ of 2019

Town of _____

Military Base Disclosure Law

SECTION 1. TITLE

This local law shall be known and cited as "Military Base Disclosure Law for the Town of _____" being Local Law number __ of 2019.

SECTION 2. AUTHORITY

This local law is adopted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law.

SECTION 3. Purposes

- A. To promote a mechanism that helps avoid and minimize compatibility issues with Fort Drum and Wheeler-Sack Army Airfield (WSAAF) operations, to encourage cooperation in land use planning between Fort Drum and the Town of _____ so that future community growth and development in _____ are compatible with both Town goals and the training and operational missions at Fort Drum, and to sustain the environmental and economic vitality of the region while protecting public health, safety, and welfare.

SECTION 4. APPLICABILITY

- A. The requirements of this local law shall be met for all non-agricultural uses in the Town of _____ requiring site plan review approval, special use permit approval, or subdivision approval pursuant to (*ADD IN NAMES OF THESE LAWS OR SECTIONS*) as follows:

Choose one of the following:

- a. In all zoning districts in the Town of _____.
 - b. In zoning districts (*Add in those zoning districts where you want to apply this*) in the Town of _____.
 - c. Whenever a site plan, special use or subdivision application is received on lands shown on maps at <http://dancgis.org/fdc/> and located within the noise zones (aircraft, ordnance, and small arms), and within the air accident zone of Fort Drum and the Wheeler-Sack Army Airfield.
- B. Further, the Town of _____ Building Inspector (*Code Enforcement Officer*) shall ensure that a copy of the military disclosure statement articulated in Section 4, below, be attached to every building permit issued in the Town as follows:

- a. In all zoning districts in the Town of _____.
 - b. In zoning districts (*Add in those zoning districts where you want to apply this*) in the Town of _____.
 - c. Whenever a site plan, special use or subdivision application is received on lands shown on maps at <http://dancgis.org/fdc/> and located within the noise zones (aircraft, ordnance, and small arms), and within the air accident zone of Fort Drum and the Wheeler-Sack Army Airfield.
- C. The military disclosure statement articulated in Section 4, below, can be voluntarily issued by the following:
- a. The Town of _____ via the Town Clerk, Building Inspector (*Code Enforcement Officer*), and town website;
 - b. Real estate agencies;
 - c. Property management companies;
 - d. Firms listing properties “for sale by owner”

SECTION 4. MILITARY DISCLOSURE STATEMENT

For required disclosure to be put on plats and plans by Planning Board:

- A. The military disclosure statement to be included on all approved site plan, special use, and subdivision approvals in the Town of _____ is as follows:

“This location, which is subject to (site plan, special use, subdivision) approval by the Town of _____ Planning Board, is located near the military installation at Fort Drum and the Wheeler-Sack Army Airfield and may be affected by noise or other conditions. These conditions could possibly include noise from low flying helicopters and fixed wing aircraft, firing ranges (small arms fire and grenades), vehicles, loud music, and the demolition of unexploded devices. The noises may be occurring at any time of the day or night. These areas may also be subject to dust from frequent military maneuver operations.

For voluntary use:

- B. The military disclosure statement for use by the Building Inspector (*Code Enforcement Officer*) and for voluntary use is as follows:

“If you are contemplating buying, selling or developing a property near Fort Drum and the Wheeler-Sack Army Airfield, or otherwise arranging for a tract of land near Fort Drum to be occupied, you should be aware that the area may be subject to noise or other conditions from military operations at Fort Drum and the Wheeler-Sack Army Airfield. These conditions could possibly include noise from low flying helicopters and fixed wing aircraft, firing ranges (small arms fire and grenades), vehicles, loud music, and the demolition of unexploded devices. The noises may be occurring at any time of the day or night. These areas may also be subject to dust from frequent military maneuver operations. New occupants or residents moving to locations near its borders should realize that they could experience the above conditions resulting from living near a busy military installation. Additional information concerning Fort Drum is available at the JLUS website https://www.fortdrumcompatibility.org/jlus_study and maps are also available at <http://dancgis.org/fdc/>.”

9. SEVERABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if provisions shall be deemed or declared invalid, all other provision hereof shall remain valid and enforceable.

10. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.