

Inter Muni Working Group
November 20, 2013
Notes

We reviewed the Proposed Road Use Law 8 23 2013 with text edits by Tim Jensen done on 11-18-2013.

Under Definitions:

The question was raised whether to use the term *Actor* or *Applicant*. As written we use Actor to refer to the person or entity proposing activity which requires the submission of a High Impact Traffic Analysis Form. The group preferred Applicant but was reminded that originally Don Young of Boylan Code said by using the term applicant it made the document appear to be a permit not a law.

Three definitions of Heavy Industry were provided and the group decided on the following:
Heavy Industry-Land uses and activities that involve large-scale assembly, fabrication, finishing, manufacturing, processing, packaging, storage and transport of goods for well resource extraction and processing.

Heavy Trucking- Activities which involve the regular and prolonged use on Town roadways of truck(s) exceeding a weight (to be determined) and associated with heavy industry.

Section (4) completely removed.

Section (5) now becomes (4) Determination Regarding High Impact Traffic.

The term High Impact Traffic Analysis Form is now referred to as High Impact Traffic Analysis.

- A. Reads-Prior to undertaking any activity that involves Development Activity, Heavy Industry, and/or Heavy Trucking, a High Impact Traffic Analysis must be submitted to the Town Planning Board and a review of same undertaken in compliance with this section.

Under g. The proposed route of the traffic, including

- i. The **current** status and details regarding the baseline traffic on such route,
- ii. The **current** capacity for additional vehicles on such route,
- iii. The **current** capacity for additional weight on the roads for such route,
- iv. The types of residences, business, etc. present along on such route,
- v. The **current** condition of the roadway on such route,

C reads Coordination of Review: Review of applications made pursuant to this chapter shall be coordinated with review of any other application for a land use or activity made to the Town.

D reads Planning Board Review: The Town Planning Board shall review the High Impact Traffic Analysis and shall refer same to the Town Highway Superintendent for a recommendation.

G reads Appeal: Planning Board determinations made pursuant to this chapter shall be appealable to the Town Zoning Board of Appeals within 30 days of the subject determination.

- a. Said appeal shall address only the following procedural oversights, which, if corrected would likely alter the determination of the Planning Board:
 - i. Failure to refer the application to an outside agency as required by this chapter or other applicable law,
 - ii. Failure to consider input from outside agencies,
 - iii. Failure to list findings that provide a reasoned basis for determination.

Section (5) Pre-existing Activity. A comment will be included here as to how best deal with pre-existing and pre-existing non-conforming activities.

Section (6) High Impact Traffic Requirements.

Under C-Where necessary, the Town Engineer or Engineering Consultant shall identify and recommend which may be required as a result of the Actor's/Applicant's High Impact Traffic.

It needs to be determined who has the authority to grant this power.

Under E-Upon report or discovery of impending or actual distinct and material damage to Town Roads resulting from the subject High Impact Traffic, every month or once the activity has concluded, whichever, comes sooner, the Engineer shall conduct post use testing on the proposed haul route and must determine results of the same. The Engineer must document any damaged roads as authorized by NY Vehicle and Traffic Law.

Under G-In lieu of the provisions set forth herein, a person or business may enter into a Road Use Agreement with the Town Board upon findings by the Town Highway Superintendent and Town Attorney that the proposed Road Use Agreement will provide the same or greater protection and damage mitigation than would otherwise be provided by compliance with the provisions herein.

Draft Special Use Permit and Zoning Amendment Language 11_15_13: The only changes needed to this are under Special Use Permit Standards:

7) Uses permitted pursuant to this section shall be inspected by (insert official) every (insert time) to ensure continued compliance with the requirements of this section and any conditions imposed by the (insert reviewing board). An official report of said review shall be forwarded to the (insert reviewing board) and kept on file with the Town.

Tim will clean up these documents and the working group will meet again on December 11, 2013.

It was also discussed what would be the procedure to roll these documents out to the towns. It was suggested that the group meet with the 6 Supervisors who originally initiated this action and present our findings to them. It would also have to go to the Board of Supervisors and County Planning for review.

Sandra Riker

Town of Bristol Representative to
Inter muni working group on natural resource extraction