



Zoning & Subdivision
Referral Cover Sheet

Ontario County Planning Board

Municipality and Referring Agency _____

Referring Official (name, title) _____

Applicant (name & address) _____

Email _____

Property Owner (name & address) _____

Email _____

Other Agent or Representative (Attorney, Architect, etc) (name & address) _____

Email _____

Property Information:

Tax Map Parcel #'s _____ Zoning _____

Utilities: *N/A*

Sewer Public
 Private

Water Public
 Private

Drainage Public
 Private

Application Type

Sections of Local Code(s) that apply to this application

Area Variance

Use Variance

Special Use Permit

Site Plan

Subdivision

Text Amendment

Map Amendment

Other

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

_____, Referring Official



Provision of required information is the responsibility of the applicant and referring agency. Failure to provide such information may result in a significant delay in processing.

This form can be filled out online at: <http://www.co.ontario.ny.us/planning/acrobat/cpb/CPBform.pdf>

TOWN OF BRISTOL LOCAL LAW NO ____ OF 2014 A local law to effect the Town of Bristol, Ontario County, New York (hereinafter "Town"), as it pertains to large scale Natural Gas and/or Petroleum Extraction Activities and Material Disposal Sites where byproducts and waste from such activities are discarded, stored or deposited.

BE IT ENACTED by the Town Board of the Town of Bristol, Ontario County, New York, as follows:

Section 1. Title

This Local Law shall be known as the "Bristol Local Law: Large Scale Natural Gas and/or Petroleum Extraction Activities and Material Disposal Sites."

Section 2. Authority and Intent; Findings; Purpose

A. This law is an amendment to the Town of Bristol Zoning Ordinance adopted pursuant to Article 16 of New York State Town Law and is intended to protect the public health, safety, and welfare of Town of Bristol residents through a Town-wide prohibition of defined land uses related to the large scale extraction petroleum and natural gas and disposal of wastes therefrom.

B. Findings of Fact - The Town of Bristol makes the following findings of fact:

Large scale oil and gas extraction operations have many of the characteristics and resulting impacts of a heavy industrial land use. These include; significant site disturbance, and an increased potential for significant truck traffic, noise, odors, environmental contamination as well as negative impacts on local roads, adjoining land uses and the overall rural community character of the Town.

The Town of Bristol is not zoned for heavy industrial uses. There is no legislative history or stated intent on the part of the Town to allow heavy industrial uses within its borders. The Town zoning map includes three light industrial districts. The list of allowed uses is confined to lower intensity uses unlikely to generate impacts like that of large scale oil and gas operations. The Zoning Ordinance also requires that the allowed light industrial uses occur within enclosed buildings. A special use permit with Planning Board review and approval is required for outdoor storage associated with light industrial uses. (Zoning Ordinance, Article 12, Section V). The intent of the Light Industrial zone designation is to provide an area for small scale, low intensity uses that will have minimal potential for offsite land use impacts. Examples of existing development in the light industrial districts that meet this intent are: a pipe organ repair and assembly facility and a pottery making operation.

Large scale oil and gas extraction operations have never occurred and are currently not allowed within in the Town of Bristol. NYSDEC records indicated that are currently 27 active natural gas wells in the Town. None are for large scale natural gas or oil extraction.

It is the intent of the Town Board to continue to allow small scale oil and gas operations as an ancillary use by landowners in the Town. Oil and natural gas are resources on which we all depend. Within the Town it is most appropriate that extraction of these resources be allowed to occur only on a small scale for onsite use, which has far less potential for negative impacts to the environment and the community character.

Prohibition of land uses related to large scale oil and gas extraction operations will protect public infrastructure and reduce the potential for negative impacts related to heavy trucking. This category of land uses typically requires a large amount of concentrated truck traffic resulting in an increased potential for damage to the Town's roads as well as air pollution, dust, and odors that could negatively impact the safety, aesthetic, and environmental stability of Bristol.

Prohibition of land uses related to the large-scale extraction of oil and natural gas is consistent with the Town's Comprehensive Plan. As outlined in our Comprehensive Plan, Bristol is a community that takes great pride and assigns extraordinary value to its rural character, recreational assets, agricultural lands, and other natural and scenic resources. According to the latest Town of Bristol Comprehensive Plan, compiled from the results of a survey of Town property owners, Section 1 underscores these aforementioned values:

Conservation of Open Space and Environmental Protection

To improve the condition of the environment and protect it from degradation

- *Protect Bristol's natural resources
- *Conservation measures will be taken to protect and further enhance our environment
- *Retain and nurture existing forest lands and open areas
- *Protect, preserve and enhance Bristol's four watersheds (upper and lower Honeoye Creek, Mud-Ganargua Creek and Canandaigua Lake)
- *Encourage environmentally beneficial land uses and land controls in the watersheds

Section 2 of Bristol's Comprehensive Plan further points to its cherished aesthetic qualities:

Community Character

Preserve our rural character, protect our natural resources and maintain scenic vistas

- *Ongoing attention to the preservation of rural character
- *Protect natural resources
- *Maintain scenic vistas

With the adoption of this law, the Town Board and Town of Bristol remain committed to the Vision Statement in that plan to "preserve and encourage a clean, naturally beautiful, rural environment with carefully planned commercial development, aesthetically pleasing, controlled residential growth, and increased recreational opportunities, while encouraging the preservation of agricultural lands.

This law will further protect natural resources critical to the health and safety and welfare of Town residents. The land uses associated with large scale extraction of oil and natural gas may pose detrimental health and environmental effects to Bristol's unique treasures including groundwater. Town residents get their water from wells and are dependent on aquifers for life-sustaining water. Maintaining the quality of this resource is critical to protecting the natural environment, the public health, and the local economy. Preservation of the Town's irreplaceable recreational and scenic sites, agricultural land, air and water quality, and priceless and unique character is of significant value to the residents, as evidenced by the public's comments at recent Town Board meetings and the Town of Bristol's Comprehensive Plan. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area.

This law will promote long term economic stability for the local economy. The aesthetic quality of a place, the integrity of its natural resources, and the condition of its infrastructure are matters that deeply affect whether people want to live, visit, or locate a business in that place. Therefore, preserving and protecting the distinct scenic, recreational, and other natural resources of the Town are important for both a healthy environment and growing economy.

Definitions (New) The following definitions shall be added to Article III, Section Two of the Town of Bristol Zoning Ordinance:

High-Volume Hydraulic Fracturing: Hydraulic Fracturing using 80,000 gallons or more of liquid as the base of fracturing fluid.

Hydraulic Fracturing -The practice of pumping fluid and a propping material typically composed of sand or other chemicals, down a well under high pressure to create fractures in gas-bearing rock.

Material Disposal Site – A site where waste from Natural Gas Exploration and/or Petroleum Extraction Activities is discarded, stored or deposited above or below the surface of the earth.

Natural Gas and/or Petroleum Extraction Activities – The drilling of a well, digging or other ground disturbance, including all forms of Hydraulic Fracturing done to explore for, develop and/or extract natural gas, petroleum or other subsurface hydrocarbons from their point of origin underground. This also includes accessory uses and facilities that directly support extraction operations.

Underground Natural Gas Storage – Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location.

Definitions (Amended) The following definitions in Article III, Section Two of the Town of Bristol Zoning Ordinance shall be amended as follows:

Essential Service. Underground surface or overhead electrical, gas, steam, water and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public services. This does not include uses prohibited under Section XIII, Part 1 of this Chapter.

Public Utility Facilities. Telephone and electric lines, poles, equipment and structures; water or gas pipes, mains, valves or structures, sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or public utility. This does not include uses prohibited under Section XIII, Part 1 of this Chapter.

Production and Assembly Uses – processing raw materials and component parts into finished products for distribution or retail sale.

Definitions (Deleted) The following definitions are hereby deleted from Article III, Section Two of the Town of Bristol Zoning Ordinance:

Light Industry. Industrial uses which meet the performance standards, bulk controls and other requirements established in this Zoning Local Law.

The following language is added to the Town of Bristol Zoning Ordinance, Article Six “Provisions Applicable to All Use Districts”

Section XIII.

1. The following land uses, as defined in Article III Section Two of this Ordinance, are prohibited within the Town of Bristol:
 - A. Natural Gas and/or Petroleum Extraction Activities
 - B. Material Disposal Sites
2. The prohibition in Part 1 of this section shall not apply to the following:
 - A. Continuation of existing land uses in compliance with Article Twelve of this Chapter.
 - B. Issuance of a Certificate of Occupancy for any and all construction performed pursuant to

building permits issued prior to the effective date of this Local Law;

C. Natural Gas and/or Petroleum Extraction Activities that:

1. Are conducted only to provide natural gas and/or petroleum to an end user on the same lot; and
 2. do not involve High-Volume Hydraulic Fracturing; and
 3. do not involve sale and/or distribution of extracted natural gas and/or petroleum to another user off site.
3. Before expansion of an existing or establishment of new Natural Gas and/or Petroleum Extraction Activities, registration with the Town is required in accordance with Section XIV of this Article.

SECTION XIV. Required Registration for Natural Gas and/or Petroleum Extraction Activities:

1. Before site modifications are made to allow Natural Gas and/or Petroleum Extraction Activities that are not prohibited by this chapter, the landowner shall register with the Code Enforcement Officer. This registration shall include:
 - A. A drawing of the site, drawn to scale and clearly depicting, at a minimum, all existing and proposed:
 1. Zoning classification(s)
 2. Property lines.
 3. Location and nature of all existing easements, deed restrictions and other encumbrances.
 4. Environmentally sensitive features including surface water, wetlands, flood plains and steep slopes.
 5. Land use(s).
 6. Development, including utilities, buildings, pavement and other improvements, and
 7. Property line setbacks for all buildings.
 - B. Information sufficient to verify that what is being proposed;
 1. Will not involve High Volume Hydraulic Fracturing.
 2. Will be conducted only to provide natural gas and/or petroleum to an end user on the same lot.
 3. Has all necessary permits from the NYSDEC and all other permitting agencies. Registrants shall submit a copy of all required permits and contact information for all permitting agencies.
 4. Includes required financial sureties and other measures to ensure compliance with permitting requirements imposed by the NYSDEC and all other permitting agencies.
 5. The Code Enforcement Officer shall review the registration to ensure it is complete and determine if other approvals may be needed from the Town or other agencies.
 6. Upon determination that the registration is complete and that no other approvals are required, the CEO shall notify the registrant and coordinate with the registrant and outside permitting agencies as necessary to establish a schedule for inspections to ensure the registered Natural Gas and/or Petroleum Extraction Activities continue to comply with this chapter.

The Town of Bristol Zoning Ordinance, Article Twelve is amended to read as follows:

Section I. Preexisting Non-Conforming Uses Lots and Structures

The lawful use of any structure or lot existing at the time of enactment of this Local Law may be continued, although such use does not conform to the provisions of this Local Law for the use district in which such structure or lot is located.

1. Changes

A. Certificate of nonconformity.

1. A certificate of nonconformity issued by the Code Enforcement Officer shall be required as part of any request to the Town to change a preexisting nonconforming use, lot, or structure.
2. A certificate of nonconformity shall:
 - A. Include a map depicting the boundaries of the subject property as well as physical improvements and uses.
 - B. Identify and describe all instances of nonconformity with the provisions of this chapter and the date they were established.
3. Upon issuance of the certificate of non-conformity, the Code Enforcement Officer shall formally determine if a variance or other Town approval is required for the proposed change to the subject non-conforming use, lot, or structure.

B. The following changes to a preexisting non-conforming use, lot, or structure shall require a variance from the Zoning Board of Appeals:

1. Reduction of a lot area or dimension that does not currently meet the minimum requirements of this chapter.
2. Physical changes to a non-conforming structure in a manner that increases the degree of nonconformity.

C. The Zoning Board of Appeals may, as a condition of variance approval, require subsequent site plan review by the Planning Board.

D. Abandonment. A preexisting non-conforming use shall be deemed abandoned when there occurs a cessation of said use and a failure to reinstate said use within one year from the date of cessation.

E. Reinstatement. No non-conforming use shall be reinstated if it has been abandoned or changed into a conforming use.

F. Restoration.

1. A preexisting nonconforming structure may be repaired, replaced or in other ways restored to its previous condition if damaged by fire, extreme weather, or other unintentional cause unless such restoration will create a threat to the public health, safety and/or welfare. Such restoration must be completed within a reasonable time limit as established by the Code Enforcement Officer. Said time limit shall not exceed one year.
2. Nothing in this chapter shall prevent the immediate strengthening or restoring to a safe condition any structure which has been declared unsafe by the Code Enforcement Officer.

Section II. Height Restrictions

- A. Chimneys, ventilators, skylights, heater tanks, television and radio receiving antennas and similar features, and the necessary mechanical appurtenances usually carried on above the roof level of a building or structure, may exceed the height limitations of this Local Law by not more than ten (10) feet.
- B. The height limitation of this Local Law shall not apply to the erection of a parapet wall or cornice for ornament extending above the height limitations by not more than five (5) feet.
- C. Public buildings, schools, churches and other similar permitted uses shall increase the front, rear and side yards by one (1) foot for each foot by which such buildings exceed the height limit herein established for the use district in which it is located.

Section III. Light Industrial

In Light Industrial (L-I) Use District, all light industrial processes shall take place within an enclosed building. A Special Use Permit shall allow light industrial storage out of doors. Light industrial uses shall be located so as to be a minimum of one-hundred (100) feet and adequately buffered from any non-industrial use district. This provision may be varied at the discretion of the Zoning Board of Appeals if it is in the best interest of the Town of Bristol or neighborhood and if it does not conflict with the Comprehensive Plan of the Town of Bristol.

Section IV. Municipal Facilities

The lot size, building size and setback requirements established by Article Eleven of this Local Law shall not apply to municipal facilities now or hereafter owned, maintained or operated by the Town of Bristol.

Section V: Operating Permits

An Operating Permit is issued by the Code Enforcement Office to operate a business in the Town of Bristol, after appropriate approvals for said business from the Planning Board and the Zoning Board of Appeals. This permit covers all guidelines set forth by the two boards. Any variation from these guidelines will start the process of cancellation of an operating permit.

Town of Bristol Zoning Ordinance, Article Twenty One "Validity" shall be amended to read as follows:

1. Should any word, section, clause, paragraph, sentence, part or provision of this Chapter be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.
2. No permit or approval issued by any local or state agency, department, commission or board for any use that would violate this chapter shall be sufficient to permit such use within the Town of Bristol.

Section 3. Superseding Intent and Effect

This law supersedes any inconsistent provisions of the Zoning Code of the Town of Bristol and any inconsistent provisions of all other local ordinances, local laws or local resolutions of the Town of Bristol.

Section 4. Effective Date

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? See "Brief Description of Proposed Action" above for the narrative description. If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		