

Town of Bristol  
Planning Board  
Draft Minutes  
Workshop  
April 21, 2014

Participants: Nate Harvey, Joann Rogers, Bob Raeman, Bob Stryker, Bob Drayn, Secretary Sandra Riker and Tim Jensen from the Ontario County Planning Office

Attendees: Several people from the community

Prior to the start of the meeting the audience provided a list of questions that they would like the Planning Group to address at the next meeting. According to Camile Jobin-Davis Assistant Director of the Committee on open government for NYS the Board does not need to answer or entertain questions or comments at this time, the time for response would be when the final draft document is presented to the Town Board for yea or no acceptance and at any other public hearings. A proposed local law, resolution or policy being reviewed at the meeting must be made available to the public but will only be discussed within the workshop group. The meeting will be recorded.

Minutes of March 24<sup>th</sup> were amended with a few changes and a motion to pass them as amended was made by Bob Drayn and seconded by Bob Raeman.

Definitions: The group reviewed a couple of proposed definitions for heavy industry and light industry to be used in the Draft Local Law being reviewed this evening. They are:  
Heavy Industry can be identified by the "heavy" machinery frequently used to operate these enterprises. It is also identified by the "heavy" or large investment it takes to engage in this industry. Today the reference also suggests industries that cause disruption to the environment in the form of pollution and deforestation. It may engage in producing large equipment i.e.: planes; trains; automobiles and construction equipment. This category also includes: all forms of energy extraction such as mining; gas and oil extraction; gravel pits and timber harvesting. Heavy Industry usually supplies materials to be used in other industries to produce goods. Heavy industries that have or currently exist in Bristol are: Gas extraction and Storage; Gravel Pits and Timber Harvest.

Light Industry **requires** far less capital investment than heavy industry and is frequently targeted at providing goods and services directly to retail customers. These products are generally lighter, smaller and easy to transport and the environmental impact is much less than heavy industry. Examples of Light Industries currently in Bristol are: Parson's Organ Factory, Wizard of Clay, and Eagle Mountain Enterprises.

The County Planning Representative suggested that the proposed definitions were too specific and should only provide the parameters for light and heavy industry. The statements provided could be used as the Intent Statement in the individual zoning districts and include a list of allowed characteristics for each district. This would provide a basis for any other Board to be able to make a determination if a proposed use would fit the parameters stated. He told the group he would check to see what definitions County Planning might have that would be suitable. He also said that the definitions used in a Local Law might not be exactly the same as

would be found in Zoning Regulations and would review our Agriculture-Conservative District verbiage since most of the town falls in that District. (The Planning Board should determine if they would like to keep this in the zoning regulations as well.)

In view of the fact that the basis for the Bristol HVHF Local Law is in our current Moratorium he suggested a few statements to be added under the Findings of Fact:

- Large scale oil and gas extraction operations have many of the characteristics and resulting impacts of a heavy industrial land use.
- The Town of Bristol is not zoned for heavy industrial uses.
- The Law will protect public infrastructure and reduce potential negative impacts related to trucking. (This could be in conjunction with a Road Use Law.)

The Group looked at the definitions found in the Draft Local Law and it was suggested that some of them should be added to our Zoning Regulations. They agreed the following changes should be made:

- High-Volume Hydraulic Fracturing: Hydraulic Fracturing using 80,000 gallons or more of water should be changed to liquid as the base fluid in fracturing fluid as established in past accepted practice.
- Natural Gas- should read any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.
- Natural Gas and/or Petroleum Support Activities- needs to be simplified so it reflects support activities of the actual extraction.
- It was agreed that the definition for Light Industry should be amended in the Zoning Regulations.
- Under Article Six “Provisions applicable to all districts” Section XIII
  1. The following uses, as defined in Article III Section Two of this Ordinance, are prohibited within the Town of Bristol:
    - A. Operations using High-Volume Hydraulic Fracturing
    - B. Material Disposal Sites
    - C. Natural Gas and/or Petroleum Support Activities- this needs to be simplified to make the boundaries clear.
  2. The prohibition in Part 1 of this section shall not apply to the following development or construction:
    - A. Continuation of existing facilities in compliance with Article Twelve, Sections I, II and III of this Chapter. This refers to Pre-existing Non-Conforming Activities and uses.
    - B. Certificate of Occupancy for any and all construction performed pursuant to building permits issued prior to the effective date of this Local Law;
    - C. Extraction of oil and gas for personal use onsite by a single family residence and; extraction of oil and gas for use onsite in support of Agricultural Uses(s) as defined in Town Code and New York State Agriculture and Markets

Law. This could be a categorical exemption and needs to reference the 80,000 gallon fluid limit.

Under Section XIV of Article Six it was suggested that a registration process be included for all natural gas and/or petroleum extraction activities that would include a site plan filed with the Code Enforcement Office. One of the points being it will serve a principal permitted use on the same lot. This means it cannot be placed on a vacant lot.

The Group asked if there were any wells being permitted at this time. A phone call was made to the DEC Region 8 office and spoke with Linda Collart, the DEC Regional Supervisor for the Division of Mineral Resources who advised that while there has been little activity regarding gas wells since 2008 the DEC is able to issue a permit for any well that is consistent with the oil and gas regulations established in 1992 and it's GEIS. She said that it had been determined that 20,000 to 80,000 gallons of fluid is necessary to establish a well. Therefore, the threshold of 80,000 gallons of fluid is considered the standard for well drilling be it horizontal or vertical. At this time anything requiring more than 80,000 gallons would be subject to a more detailed SEQR process.

With regard to sureties required by the permittees Ms. Collart advised that an operator would be required to present financial security in the form of bonds, letters of credit, CD, etc. and must be kept in place until such time as when the well was no longer useful and would be plugged. This is part of a law that has been in place since 1963 when the DEC starting regulating well placement and requirements.

She also advised that the DEC has a searchable Data site where all "registered" wells can be viewed providing information as to when they were permitted, etc.

The next workshop meeting is set for May 19<sup>th</sup> at 6:30 pm. Tim will be providing the group with a revised draft copy of the Bristol HVHF LL for further work to be done with the Planning Group.

Respectfully submitted,

Sandra Riker

Secretary to Town of Bristol Planning Board