

Written March 5, 2014

Town of Bristol
February 24, 2014

Joint Meeting of Town Board and Planning Board regarding
Parameters for Planning Board review and recommendations regarding a local law to address
potential impacts from oil & gas extraction operations

This meeting was recorded and if anyone wishes a more detailed outcome they are welcome to listen to it at the Town Hall.

Board Members Present:

Town Board: Al Favro, David Parsons, and Robert Green, Supervisor, Town Clerk Sharon Miller

Town Attorney: William Kenyon

Planning Board: Nate Harvey, Bob Drayn, Bob Raeman, Joann Rogers, Bob Stryker, and
Secretary Sandra Riker

Ontario County Planning: Tom Harvey Director of Planning, Tim Jensen and Maria Rudzinski,
senior planners

Others Present: people from the Community

Supervisor Green opened the meeting by thanking the Focus Panel members: Tom Stevens, Jude Ellis, Judy Salsburg Taylor, Scott Battle, Lon Chase, Nate Harvey, and Secretary Sandra Riker for all their hard work and dedication in researching the effects of High Volume Hydrofracking on the Town of Bristol.

The Focus Panel Recommendations from April 2013 are as follows:

1. Extend current moratorium, Local Law #3, for additional eighteen months
2. Research the negative and positive impacts of a ban on high volume Hydrofracking, and determine if a ban on HVHF poses too great a risk to Bristol and its residents. The following should be considered in this research process:
 - The Dryden / Middlefield decision in NYS Court of Appeals
 - The final draft of the SGEIS
 - Cuomo's decision on HVHF
 - Health Impact Study
3. Review and analyze local infrastructure, such as roads, bridges, water drainage, etc., to create a baseline inventory.
4. Assess the current local zoning laws regarding land use, road use, traffic restrictions, and all other activities related to heavy industry and high-impact uses.
5. Strengthen, and if necessary create, local zoning laws in order to keep the Bristol community safe from all aspects of heavy industry and its resultant operations. These revised or new laws should:

Written March 5, 2014

- Ensure consistency with current Bristol Comprehensive Plan
- Ensure consistency with the Town of Bristol's mission statement which states: "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"
- Strengthen and/or create local zoning laws related to noise, light, air, and water pollution in order to ensure consistency with the current Bristol Comprehensive Plan, Mission Statement and to protect the general community's health, safety and welfare. (e.g. waste disposal, underground injections, transportation of hazardous materials, etc.)
- Strengthen local zoning laws related to traffic congestion in order to ensure consistency with the current Bristol Comprehensive Plan and Mission Statement.
- Strengthen local zoning laws related to heavy and light truck traffic in order to ensure consistency with current Bristol Comprehensive Plan, Mission Statement and to protect the health, safety, welfare and the quality of life for the community at large.

The Town Board is in the process of drafting a law to address potential impacts from oil and gas extraction and related land uses. It's requested that the Planning Board review the following list, which establishes basic parameters for such a law. County Planning will then take the recommendations of the Planning Board after their review of the parameters presented this evening and will format a draft local law for review by the Planning Board who will pass it on to the Town Board, Town Attorney and the Ontario County Planning Board. Once the Town Board is satisfied with the Draft it will be presented for a public hearing and the SEQRA process.

It should be noted that what follows builds on the recommendations drafted in April of 2013 by the Bristol Focus Panel.

For all of the following proposed parameters the primary questions for consideration by the Planning Board are:

1. Are these parameters in agreement with the Town's adopted plans?
2. Are they appropriate and what are the potential land use impacts and how should they be addressed in a local law?

Basic proposed parameters for the local law:

1. HVHF would be defined as operations using 80,000 gallons or more of fluid to establish a well.
2. High Volume Hydro-fracking (HVHF) and related land uses would be considered to be heavy industry. (This would be a land use category.) These first two answers would establish a certain gallon limit that is acceptable and anything above that would be considered heavy industry.

Written March 5, 2014

3. HVHF extraction operations along with a broad range of HVHF related uses including processing, storage and disposal of by products and waste would be prohibited.
4. New well using less than 80,000 gallons would be allowed. This threshold is being considered because it is consistent with the threshold previously studied (SEQR GEIS 1992) and used by the NYSDEC in its permitting process. These wells would be for use by a landowner for personal use only and the production from these wells would not be for resale for commercial use.
5. All new wells would be required to register with the Town before beginning operations. This would not be a local permit process but would require submission of information sufficient to verify that:
 - The well will be under the 80,000 gallon threshold, and
 - Will serve an allowed principal use, and
 - Will have a valid NYSDEC permit, and
 - Measures are in place to ensure compliance with all permitting requirements. This is a registration process only any permitting process would be by the DEC.
6. Pre-existing nonconforming facilities would be allowed to continue in compliance with the existing language in Article Twelve of the Zoning Ordinance, i.e. Honeoye Storage.

There was some discussion between the Planning Board Members, the Town Board and the County Planning representatives with regard to the parameters stated above.

Respectfully submitted,

Sandra Riker
Planning Board Secretary
Town of Bristol