

Town of Bristol
Planning Board
Workshop Summary
March 24, 2014

Members Present: Bob Raeman, Bob Stryker, James Rogers, Nate Harvey, Bob Drayn and Secretary Sandra Riker

Definitions:

Nate has the group looking at the definitions in our current Moratorium to decide which they would like to see included in the Draft Local Law to address potential impacts from oil & gas extraction in the Town of Bristol:

- Agriculture Use - Land used for the production of crops and/or livestock and livestock products (as those terms are defined at Section 301 of the New York State Agriculture and Markets Law). *We do not have a specific Agriculture Use definition in our current zoning but have definitions for farm and farm buildings.*
- Natural Gas — 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.
- Natural Gas and/or Petroleum Support Activities - Shall mean the following: (a) Natural Gas Compression Facility; (b) Natural Gas Processing Facility; (c) Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Disposal/Storage Facility; (d) Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Dump; (e) Land Application Facility; (f) Non-Regulated Pipelines; (g) Underground Injection; or (h) Underground Natural Gas Storage.
- Radioactive Material — Material in any form that emits radiation, but only if such material has been moved from its naturally occurring location through an industrial process. Such material is "radioactive material" for purposes hereof, It is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation or any other regulatory agency.
- Underground Natural Gas and Storage - Subsurface storage, including in depleted gas or oil reservoirs and salt caves, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.

They reviewed definitions provided by Nate from various sources with regard to heavy industry and light industry. The Group is to research further definitions of both heavy and light industry for our next meeting. It was suggested that they look at the Coastal Zone Act for the State of Delaware (handout at this meeting) for suggestions.

Parameters from County Planning:

1. To read: HVHF would be defined as operations using x number of gallons or more of fluid in accordance with the SGEIS in effect at the time of permit application.
2. HVHF and related land uses would be considered heavy industry (a good definition is needed.)
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. (The Group agreed that if this premise stays no further work needs to be done as this is an all-out BAN. This would eliminate any possibilities for statements 4-7.)
4. New wells using less than xx gallons of fluid in accordance with the SGEIS in effect at the time of permit application. These wells would be for consumption on that property and not available for sale.
5. All new well would be required to register with the Town before beginning operations (this is in the draft SGEIS as part of the permitting process with the DEC.) This would not be a local permit process but would require submission of information sufficient to verify that:
 - The well will be under the x gallons in accordance with the SGEIS in effect at the time of permit application.
 - Will serve an allowed principal use as an accessory use.
 - Will have a valid NYSDEC permit, and
 - Measures are in place to ensure compliance with all permitting requirements.

The Group suggested that rather than register a permit be required similar to that used for timber harvest and or gravel mining, this would include site plan review and inspection by the CEO office. A suggestion was made as part of this requirement the applicant would have to provide tank space sufficient to hold the fluid for the one time use of priming the well.

6. Pre-existing nonconforming facilities would be allowed to continue in compliance with the existing language in Article Twelve of the Zoning Ordinance.
7. Parameters from the focus panel to be included:
 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:

- 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.

8. The minimum depth of an HVHF well is 2,000 feet at any point as specified in the NYS revised draft SGEIS, dated 9/7/2011.

Road Use Law

The Group looked at the OCNREWG-Draft Model Local Law for Road Use of 1/22/14. The comment made at this time was anywhere that it stated it was the Town Highway Superintendent’s responsibility to make a determination or assess a finding that the Town

Board be included in this process as well. They will look at this document again at the next workshop.

Tentative date for next workshop is Monday April 21st at 6:30 p.m. at that time they will review their studies of the following:

- Definitions- Heavy and Light Industry including reading through Delaware Coastal Law 70.
- Clarification to #3 of the parameters.
- Road Use Law of 1/22/14 keeping in mind the changes that Naples made to their Road Use Law to facilitate the local farmers and developers. (To be included in packet.)