

LOCAL LAW NO. 1 OF THE YEAR 2014

OF THE TOWN OF YORK

A local law to amend and supersede as applicable the zoning map of the Town of York as officially adopted and The Zoning Ordinance of the Town of York, Livingston County, New York to modify various definitions and substantive sections throughout the entirety of The Zoning Ordinance of the Town of York.

Be it enacted by the Town Board of the Town of York as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as "*A local law to amend and supersede as applicable the zoning map of the Town of York as officially adopted and The Zoning Ordinance of the Town of York, Livingston County, New York to modify various definitions and substantive sections throughout the entirety of The Zoning Ordinance of the Town of York.*"

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of York, and to implement the provisions of the Comprehensive Plan of the Town of York. This Local Law regulates the location, construction, alteration and use of buildings and structures and the development and use of land within the Town of York.

B. To these ends, this local law and the chapter that it amends and supersedes as applicable is designed to:

1. Balance various forms of development that are desirable by the public while protecting the rural character of the Town;
2. Protect and encourage farming and agriculture, which is the dominant land use in York;
3. Encourage new development in the existing hamlets in the Town to protect and promote their social and economic well-being;
4. Protect property values by prohibiting uses, buildings and structures that are incompatible with the character of the Town and each of its zoning districts;
5. Lessen and avoid congestion on town roads;

6. Provide adequate light and air; and
7. Minimize conflicts among the various land uses, both now and in the future.

SECTION 3. AMENDMENTS TO ARTICLE II. DEFINITIONS.

Article II, section 201. Definitions shall be amended to add the following defined terms which shall have the meanings indicated:

Drilling/Extraction Company – A person or organization who constructs a well and /or conducts drilling operations, including management and oversight of any subcontractor(s).

High Volume Hydraulic Fracturing – A well stimulation technique involving the pumping of hydraulic fracturing fluid (includes 300,000 or more gallons of water as a base fluid and any additives), possibly with a proppant, into a formation to increase formation permeability and productivity.

Land Under A Natural Gas Lease Or Oil Lease – Any parcel or combination of parcels that is encumbered by a valid natural gas or oil lease.

Natural Gas – Methane and 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 condition, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons, excluding any gas produced by a permitted landfill. Natural gas also includes any manufactured, mixed and/or by-product gas. May also be referred to as simply *gas*.

Natural Gas Compression Facility – Those facilities or combination of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration and tanks for the storage of waste liquids and hydrocarbon liquids.

Natural Gas Or Oil Leaseholder – A person or organization that has been granted rights by the owner to drill into and produce or extract natural gas or oil from a specified area of land.

Natural Gas Processing Facility – Those facilities that separate and recover natural gas liquids (NGL) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning and stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGL, removing sulfur or carbon dioxide, fractionation of NGL or the capture of CO₂ separated from natural gas streams.

Natural Gas and Petroleum Extraction and Production Wastes –

A. Any of the following in any form:

1. Below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, storage, or transportation of, natural gas, petroleum, or any related hydrocarbons;
2. Natural gas or petroleum drilling fluids;
3. Natural gas or petroleum exploration, drilling, production or processing wastes;
4. Natural gas or petroleum drilling treatment wastes (such as oils, hydraulic fracturing fluids, produced water, brine, flow-back, sediment and/or any other liquid or semi-liquid material);
5. Any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, storage, processing or refining of natural gas or petroleum;
6. Soil contaminated in the drilling, transportation, storage, processing or refining of natural gas or petroleum;
7. Drill cuttings from natural gas or petroleum wells; or
8. Any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum.

B. This definition includes some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes" under 40 CFR § 261.4(b).

C. The definition of natural gas and/or petroleum extraction, exploration or production wastes does not include:

1. Recognizable and non-recognizable food wastes; or
2. Waste generated by agriculture use.

Natural Gas and Petroleum Extraction and Production Activities – The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, utilizing any means of extraction or production, including but not limited to vertical drilling, horizontal drilling, high volume hydraulic fracturing and directional drilling. Gas produced and captured/extracted by a permitted landfill is excluded.

Natural Gas and Petroleum Facilities – Any facility associated with legally permitted commercial Natural Gas and Petroleum Extraction or storage operations associated with the commercial extraction or production of natural gas or petroleum products, including any structures, appurtenances, roads/driveways, the drill hole (well), ponds, and any surface disturbance used in connection with drilling operations for the oil or gas well.

Non-regulated Pipelines – Those pipelines that are exempt or otherwise excluded from regulation under Federal and State laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.

Petroleum – A simple or complex liquid mixture of hydrocarbons that can be refined to yield gasoline, kerosene, diesel fuel and various other products. May also be referred to as *oil*.

Property Owner – The owner of the legal title to the premises from which the gas or oil is to be extracted.

Temporary – An established, fixed period of time with the intent to discontinue a specific use, activity or action upon such expiration of such time.

Temporary Dwelling Facilities – Non-permanent facilities used to provide dwelling space for transient individuals for a limited period of time, including but not limited to tents, recreational vehicles, and mobile homes for non-recreational purposes.

Underground Injection Well – A well, including depleted natural gas or petroleum reservoirs and salt caverns, that is utilized for subsurface storage of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas or the placement, either temporary or permanently, of natural gas and/or petroleum extraction, exploration or production wastes.

Well – The hole which is drilled or put down for the purpose of mining for the production of natural gas or oil. Where reference is made anywhere to the prohibition of the construction of a natural gas or oil well within certain distance of specified places or features, such distances shall be measured from the edge of the Well Pad except where otherwise provided.

Well Pad – The structure and/or site development improvements made continuous to and immediately around a Well, for purposes of facilitating access to and from and use of such Well.

SECTION 4. AMENDMENT TO ARTICLE III. ZONING DISTRICTS.

The following new section shall be added to ARTICLE III. Zoning Districts:

“303 Interpretation of Permitted Uses

Any land use not specifically identified in the listing of permitted or specially permitted uses within each zoning district shall be deemed to be a non-permitted use.”

SECTION 5. AMENDMENTS TO ARTICLE IV. ZONING DISTRICT REGULATIONS.

The following amendments are made to the various sections of Article IV as set forth below:

To section 400. C. Special Use Permit. add the following:

“(10) Natural Gas and Petroleum Facilities”

To section 401. Residential District (R) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the Residential District:

(1) Natural Gas and Petroleum Facilities.”

To section 402. Hamlet Residential District (HR) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the Hamlet Residential District:

(1) Natural Gas and Petroleum Facilities.”

To section 403. High Density Residential District (HDR) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the High Density Residential District:

(1) Natural Gas and Petroleum Facilities.”

To section 404. Hamlet Commercial District (HC) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the Hamlet Commercial District:

(1) Natural Gas and Petroleum Facilities.”

To section 405. Commercial District (C) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the Commercial District:

(1) Natural Gas and Petroleum Facilities.”

To section 406. Mixed Use District (MU) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the Mixed Use District:

(1) Natural Gas and Petroleum Facilities.”

To section 407. Light Industrial District (LI) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the Light Industrial District:

(1) Natural Gas and Petroleum Facilities.”

To section 408. C. Special Use Permit. add the following:

“(4) Natural Gas and Petroleum Facilities”

To section 409. Planned Development District (PD) add a new section as follows:

“I. Prohibited Uses. The following uses are prohibited within the Planned Development District District:

(1) Natural Gas and Petroleum Facilities.”

Article IV. Zoning District Regulations. shall be amended to add the following new section:

“411. Principal Aquifer Overlay (PAO)

A. Purpose. Significant portions of the Town of York are not within a public water district or serviced by a public water source. Residents and businesses within these areas rely on groundwater as the source for their potable water supply needs. A New York State-designated Principal Aquifer is located within the Town and provides potable groundwater to much of the un-serviced areas within the Town. The Town finds that this resource is vulnerable to contamination from above and below ground uses that could result in significant environmental and financial impacts to the Town and its residents if compromised. The intent of the Principal Aquifer Overlay is, in the interest of public health, safety and general welfare, to prohibit certain land uses in order to preserve the quality and quantity of the Town of York’s groundwater resource within the Principal Aquifer areas. This will be accomplished by identifying certain uses that could be potentially damaging to groundwater quality, and by establishing minimum documentation and submittal requirements to protect groundwater quality and quantity.

- B. Relation to Other Districts. Within the Principal Aquifer Overlay, all of the underlying land use district regulations shall remain in effect except as specifically modified by this Section. In case of a conflict between this Section and the underlying use regulations, the more restrictive shall apply.
- C. Applicability. The Principal Aquifer Overlay shall include all those lands contained within the Principal Aquifer, as identified by New York State Department of Environmental Conservation and mapped by United States Geologic Survey Water Resources mapping for the area - "Potential Yields of Wells in Unconsolidated Aquifers in Upstate New York - Niagara Sheet."
- D. Prohibited Uses. The following uses are not permitted within the Principal Aquifer Overlay:
- (1) The discharge, land application, underground storage or disposal of any hazardous material, toxic substance, radioactive material or Natural Gas and Petroleum Extraction and Production Wastes with the exception of agricultural manure or fertilizer products or agricultural practices as defined in the Town's Right To Farm Law or as defined by the New York State Department of Agriculture and Markets;
 - (2) Any principal use that includes the production, processing, treatment or cleaning of any hazardous material, toxic substance, radioactive material or Natural Gas and Petroleum Extraction and Production Wastes;
 - (3) The dumping or disposal of snow or ice collected off site from roadways or parking areas into or within 100 feet of any watercourse;
 - (4) Any form of underground injection of any hazardous material, toxic substance, radioactive material or Natural Gas and Petroleum Extraction and Production Wastes, with the exception of agricultural manures, provided a Comprehensive Nutrient Management Plan is in place;
 - (5) Land spreading of septic waste;
 - (6) The disposal of hazardous material, toxic substance, radioactive material or Natural Gas and Petroleum Extraction and Production Wastes by means of discharge to a septic system;
 - (7) Commercial open storage of pesticides, herbicides, fungicides and artificial fertilizers within fifty (50) linear feet of any watercourse, unless watertight containment structures are utilized;
 - (8) Solid or liquid waste disposal facilities;
 - (9) Concentrated animal feeding operations in areas outside of designated Agricultural Districts created pursuant to New York State Agriculture and Market Law;
 - (10) Natural Gas and Petroleum Facilities;
 - (11) Natural Gas Compression Facilities;
 - (12) Natural Gas Processing Facilities;
 - (13) Natural Gas and Petroleum Extraction and Production Activities;

- (14) The drilling of a well used for solution mining or brine disposal for commercial use or resale;
- (15) Fuel oil or bulk petroleum wholesale dealer/distributor.

E. Site Development Requirements. Any permitted use or activity wholly or partially within the Principal Aquifer Overlay shall be required to have Site Plan Review and approval by the Planning Board (pursuant to Article XI) prior to issuance of a building permit or certificate of occupancy except for the construction or modification of a single one or two-family dwelling, accessory building or use; and/or agricultural uses.

- (1) The Planning Board may require changes or additions to the Site Plan as a condition of approval to safeguard groundwater resources. No building permit and no certificate of occupancy shall be issued unless and until such conditions have been fully met or performed. All improvements to the site shall be completed in strict conformance with the Site Plan as approved.
- (2) Such changes or additions to the Site Plan may include:
 - a. The location of the property in relation to the Principal Aquifer Overlay district;
 - b. A pollution control plan that includes measures and activities proposed to prevent on-site-disposal and potential contamination of groundwater or surface water, including spill response activities;
 - c. A description of any regulated hazardous materials used or stored on the property as part of any commercial or industrial processes; and
 - d. A disposal and storage plan for any regulated hazardous materials.

SECTION 6. AMENDMENT TO ARTICLE V. REGULATIONS APPLICABLE TO ALL DISTRICTS.

The following addition is made to Article IV as set forth below:

To section 508. Accessory Buildings and Uses. add the following:

“F. Structures and facilities accessory to or in addition to the drilling rig on a Natural Gas and Petroleum Facility shall be considered accessory uses and shall be entirely contained within or upon the Well Pad site.”

To section 509. Dumping of Waste Material. Add the following as the last sentence:

“Only lawfully produced wastes generated from within the Town of York may be stored or disposed of in the Town of York. No outside wastes, including Natural Gas and Petroleum Extraction and Production Wastes shall be brought into the Town of York for storage or disposal. This shall not include or apply to any waste

generated from agricultural practices as defined in the Town's Right To Farm Law or any food waste

To section 510. Outdoor Storage of Materials and Equipment. Add the following to subsection "A":

“(5) Equipment, vehicles, machinery and materials being temporarily stored as part of the construction or operation of Natural Gas and Petroleum Facilities located within the Town of York, either on the same site or at an off-site location.”

To section 510. Outdoor Storage of Materials and Equipment. Add the following to subsection "D":

“(6) In instances where machinery, equipment or vehicles associated with Natural Gas and Petroleum Facilities exceed the height of screening, such machinery, equipment or vehicles shall be located on the site in such a manner so as to not be visible from a publically accessible viewpoint past any fencing or screening feature.”

To section 512. Temporary Uses and Structures. Add the following to as the last sentence:

“Temporary dwelling facilities for non-recreational purposes, not otherwise permitted or regulated in this Code or not associated with the construction of a single dwelling unit are not permitted in the Town of York.”

To section 514. Protection of Environmentally Sensitive Areas. Add the following to subsection "C":

“(7) Principal Aquifer areas as defined by the New York State Department of Environmental Conservation and as provided for in section 411 of this code.”

To section 516. Performance Standards. Add the following as the last sentence to subsection "A(2)b.”:

“The Code Enforcement Officer may utilize the Town Engineer or other third party professionals, including consultants or local law enforcement to confirm a violation and/or certify compliance with these standards should the owner/operator/applicant of the proposed use not provide this information. The owner/operator/applicant shall reimburse the Town for any and all expenses associated with obtaining confirmation of a violation or certification of compliance as provided for immediately above.”

SECTION 7. AMENDMENTS TO ARTICLE VI. USE SPECIFIC REGULATIONS.

Article VI. Use Specific Regulations shall be amended to add the following new section:

“618. Natural Gas and Petroleum Activities and Uses

- A. Intent. The intent of this section is to preserve local public health, safety and community resources and provide standards that have not otherwise been addressed by statute, law, rule or regulation for the construction and operation of Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities (“Facilities”) and for Natural Gas and Petroleum Extraction and Production Activities within the Town of York.
- B. Applicability.
- (1) The standards and requirements set forth herein shall apply to all Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities and Natural Gas and Petroleum Extraction and Production Activities, proposed, operated, modified or constructed after the effective date of this Zoning Code.
 - (2) These standards and requirements shall only apply to legally permitted Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities and Natural Gas and Petroleum Extraction and Production Activities in which the extracted gas or oil is to be commercially sold or transported. This section shall not apply to retail sales of fuel or bulk fuel sales within any district in which such activities would otherwise be permitted. Natural Gas and Petroleum Extraction and Production Activities in which a single, legal residential, commercial or industrial use or a legal residential subdivision on the same site from which the resource is extracted or land which the owner legally titled to are exempt from these regulations.
- C. Fees. The fees for the review and/or processing of any zoning application or permit required by the Zoning Ordinance for Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities are set forth in the “Fee Schedule”, in the Town Code.
- (1) The Town shall charge back to the applicant any fees accumulated from outside consultants hired by the Town during the review or inspection of any Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities.
- D. Special Use Permit Required.
- (1) No Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities shall take place, be constructed, reconstructed, modified or operated in the Town of York except in compliance with these provisions, and unless a Special Use Permit has been issued to permit the same.

- (2) No Special Use Permit or other zoning permit or approval from the Town shall be required for natural gas and petroleum wells that existed prior to the effective date of this section 618. However, any expansion of such facilities beyond normal maintenance shall require compliance with this section.
- (3) The transfer or sale of any Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities, or any Special Use Permit associated therewith, shall not occur without prior notice being provided to the Town of York, which such notice shall provide relevant contact information for the assignee. Any subsequent assignee shall be fully bound to the special use permit, along with any conditions attached thereto.
- (4) Any Special Use Permit or other zoning permit for a Natural Gas and Petroleum Facility, Natural Gas Compression Facility or a Natural Gas Processing Facility which has been issued shall be subject to the provisions of to Article VIII, Section 808 B. ,

E. Special Use Permit Applications for Natural Gas and Petroleum Facility, Natural Gas Compression Facility or a Natural Gas Processing Facility.

- (1) Ten (10) copies of the permit application, along with applicable fees, for a Natural Gas and Petroleum Facility, Natural Gas Compression Facility or a Natural Gas Processing Facility shall be submitted to the Code Enforcement Officer (CEO). The CEO shall forward the application, if deemed complete, to the Town Planning Board for review pursuant to sections 802 and 905 D of the Code. The application shall include the following information:
 - a. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
 - b. Name and address of the property owner, leaseholder, drilling/extraction company and any participating, non-participating or royalty owner(s). If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
 - c. Address, or other property identification, of the Facility location, including Tax Map section, block and lot number.
 - d. A brief description of the project.
 - e. A copy of all completed and approved permit activities from all required State and County Agencies, as appropriate, along with any conditions imposed on the permit as well as insurance certificates held by the applicant and naming the Town as an additional insured entity.
 - f. A stamped and certified site plan shall be prepared by a licensed surveyor or engineer drawn and in sufficient detail. The site plan shall conform to the site plan requirements specified in 6 NYCRR Section 560.3 and shall also include the proximity to the following specified local features:

- (i) Principal aquifers as identified by the U.S. Geological Survey and/or the New York State Department of Environmental Conservation
 - (ii) The boundaries of any underground mine footprints
 - (iii) Any agricultural buildings, pasture fields and farmable lands used in conjunction with agricultural operations in the Town of York
 - (iv) Any Sensitive Environmental Features as identified in section 514
 - (v) Adjoining private wells
 - (vi) Bridges and culverts
- g. Clearing and grading plan indicating the extent of the area to be cleared and reclaimed as well as details of erosion and sedimentation control and storm water pollution prevention measures. The minimum amount of vegetation required for the well pad shall be cleared. The applicant shall make the best possible use of existing hedgerows, berms, tree lines, forested areas and other existing vegetation or natural features for screening and buffering from adjacent areas and avoid clearing these areas.
 - h. Lighting Plan showing any proposed lighting being in compliance with section 518.
 - i. Decommissioning/Reclamation plan as submitted and approved by the NYSDEC.
 - j. Completion of a Road Use and Repair Agreement in a format that may from time to time be adopted or modified by the Town of York, with the appropriate bonds or security fully set up prior to the beginning of any work associated with a Natural Gas and Petroleum Facility, Natural Gas Compression Facility, Natural Gas Processing Facility or Natural Gas and Petroleum Extraction and Production Activity. The Agreement shall, at minimum, include the designation of local haul routes, use of local haul routes, pre- and post-use condition survey, and determination of final road repairs and payment.
 - k. A construction schedule detailing the commencement, completion, and any major milestone dates of the proposed project.
 - l. All applications for approval of Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities shall be considered Type 1 actions under 6 NYCRR Part 617 State Environmental Quality Review (SEQR). Applicant shall provide a completed Part 1 of the Full Environmental Assessment Form.
 - m. A statement, signed under penalties of perjury that the information contained in the application is true and accurate.
- F. Standards. The following standards shall apply to all Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities:
- (1) The applicant shall adhere to and provide proof that the performance standards for noise, vibration, dust, lighting, and other potential impacts in section 516 and following will not be exceeded during any phase of construction or operation of the Natural Gas and Petroleum Facility, Natural Gas Compression Facility, Natural Gas Processing Facility or Natural Gas and Petroleum Extraction and Production Activities.

- (2) Temporary dwelling facilities associated with Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities are not permitted in the Town.
- (3) Driveway permits are required and shall be constructed in accordance with Town specifications.
- (4) The applicant shall coordinate any land clearing activities associated with Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities, Natural Gas Processing Facilities or Natural Gas and Petroleum Extraction and Production Activities with the respective landowners to ensure that the minimum amount of vegetation or trees are removed and that any cleared trees, if desired by the landowner, are placed in a suitable location or cleared in such a manner that the landowner may utilize the trees for personal or commercial use.
- (5) Contact information for complaints and a public informational document showing a summary of the construction, operation, timeframe, and physical extent of the well site shall be conspicuously posted at the entrance to the site to permit public interaction and outreach.
- (6) Facilities shall provide adequate off-street parking for all employees, including any subcontractors in accordance with section 519 of the Code.
- (7) A landscaping plan shall be required for all Natural Gas and Petroleum Facilities, Natural Gas Compression Facilities and Natural Gas Processing Facilities in accordance with section 520 of the Code.

G. Required Setbacks.

- (1) The following features represent unique or explicitly defined features to the Town of York which require protection from disturbance. Natural Gas and Petroleum Extraction and Production Facilities shall not be located within:
 - a. 2,000 feet of the boundary of a principal aquifer
 - b. 2,000 feet of the existing footprint of any current or former underground mine
 - c. 2,000 feet of an agricultural building used to house livestock, not on Land Under a Natural Gas or Oil Lease
 - d. 2,000 feet of any water supply source identified and utilized for livestock
 - e. 2,000 feet from any water well or water supply, not on Land Under a Natural Gas or Oil Lease
 - f. 2,000 feet from any habitable dwelling, not on Land Under a Natural Gas or Oil Lease

H. Abandonment or Discontinuance of Use.

If any Natural Gas and Petroleum Facility, Natural Gas Compression Facility or Natural Gas Processing Facility becomes non-operational and remains non-operational for a continuous period of one (1) year, the owner of such facility shall remove any and all equipment, buildings, structures and appurtenances associated with the facility, within ninety (90) days after the one (1) year mark of being non-operational has been reached. All such removal shall be at the owner's expense. Following removal, the site shall be

reclaimed in accordance with the reclamation plan provided by the applicant and approved by the NYSDEC.

(1) At the time of any permit being issued for any Natural Gas and Petroleum Facility, Natural Gas Compression Facility or Natural Gas Processing Facility, the proposed owner and/or applicant shall deliver a irrevocable bond or other form of surety, in a form and amount acceptable to the Town its engineer, consultants and legal counsel in their sole discretion, that ensures prompt removal of all facilities and proper restoration and/or reclamation of the site.

SECTION 8. AMENDMENTS TO ARTICLE VIII. ADMINISTRATION.

The following amendments are made to Article VIII as set forth below:

To section 804. Application details. Change the second sentence of paragraph A to read:

“Ten (10) copies of the materials to be submitted with the application shall clearly show the conditions of the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building and the appearance and function of the proposed use of building.”

To section 804. Application details. Change paragraph A(7) to read:

“At least ten (10) sets of plans or drawings drawn to scale that show:”

SECTION 9. AMENDMENTS TO ARTICLE X. VIOLATIONS.

The following amendment is made to Article X as set forth below:

To section 1001. Penalties for Offenses. change the provision to read:

”Any person or entity violating the terms of this chapter shall be subject to a fine of not more than \$2,000.00, or imprisonment for a period not to exceed six (6) months, or both.”

SECTION 10. AMENDMENTS TO ARTICLE XI. SITE PLAN REVIEW AND APPROVAL.

The following amendments are made to Article XI as set forth below:

To section 1109. Reimbursable Costs. Add the following as the last sentence:

”Any costs incurred by the Town for the use of outside consultants or third parties for inspection or review of plans and applications associated with permitted or specially permitted uses in the Town shall be charged to and paid by the applicant, with no such costs incurred by the Town.”

To section 1111. Inspection of Improvements. Change this section to read as follows:

“The Code Enforcement Officer shall be responsible for the overall inspection of site improvements. The applicant shall be responsible for advance notice for inspection coordination with officials and agencies, as appropriate. The Code Enforcement Officer at his/her discretion and with reasonable notice to the applicant, may retain the services of a qualified private consultant to assist with the inspection of site improvements and to determine compliance with the standards contained in this chapter or conditions imposed upon such activity or use in any approved permit.”

SECTION 11. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.