

Local Law Filing

Town of Hornby, Steuben County, New York

Local Law # 1 of 2016

A Local Law amending the Town of Hornby Zoning Ordinance as follows:

- I. Amending Article 13. Section 13.8 Fences, Walls, Hedges and Screen Plantings** to improve the line of sight where driveways met Town Roads thus improving citizen's ability to enter the Town Road Safely.
- II. Amending Article 4. Section 4.0.B.3 and Article 5.1 and Appendix B** to increase the minimum acreage for Agricultural, Residential and Industrial uses from 2 (two) to 5 (five) acres to conform to the current Comprehensive Plan.
- III. Amending Article 17. Administration Section 17.2 - Certificate of Occupancy** deleting the word "land" as said Certificate is applicable to buildings and/or structures.
- IV. Amending the Zoning Ordinance to add Articles and Sections defining requirements for the implementation of any Heavy Industry Project in the Town of Hornby as follows:**

Article 2. Interpretations Section 21 Definitions

Article 4. Use Regulations Section 4.0.C.11, Section 4.0.C.12 & Section 4.0.C.13

Article 12. Site Plan Approval Section 12.0 Intent

**Article 13. Section 13.25 Camp Grounds & Section 13.26
Recreational Vehicle (RV) Park
Article 21. Heavy Industry**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF
HORNBY, STEUBEN COUNTY, NEW YORK, AS FOLLOWS:**

Article 13. DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS

Section 13.8 Fences, Walls, Hedges and Screen Plantings.

Fences, walls, hedges and screen plantings are permitted as follows:

- A. Where the driveway meets the road, no fence, wall, hedge or screen planting shall exceed three (3) feet in height. The only exceptions are wire mesh fences with a minimum wire spacing of not less than 2" x 4" or rail fencing with a minimum of one (1) foot between rails.
- B. On a corner lot, no fence, wall, hedge or screen planting over three (3) feet in height shall be constructed the intersection or two streets. In any use, the minimum clear vision distance shall be twenty-five (25) feet from the edge of the pavement at an intersection.
- C. All new fences, walls, hedges or screen plantings in any use must be constructed to allow a clear vision distance of twenty-five (25) feet from the edge of the road right of way, as determined by the Hornby Highway Dept., Steuben County Highway Dept. or the New York State Dept. of Transportation, and must be no more than three (3) feet in height.
- D. Fences, walls, hedges or screen plantings may be required in multi-family, commercial or industrial uses, by the Planning Board, as is necessary to protect the residential quality of adjacent Property.
- E. The clear vision, line of sight area, shall contain no plantings, fences, walls, structures or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the street pavement, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

Article 4. USE REGULATIONS

Section 4.0. Agricultural-Residential District (A-R).

B. Permitted Uses

1. Agriculture, crops
2. Agriculture, livestock on five acres or more
3. Single-family dwelling on five (5) or more acres. Two (2) of these acres must be buildable (See Section 5.7).
4. Two-family dwelling on more than ten (10) acres. Four (4) of these acres must be buildable (See Section 5.7)
5. Factory Manufactured Homes – modular
6. Public Schools, Parks and recreation
7. Satellite television antennas
8. Accessory uses customarily incident to any uses mentioned herein and located on the same lot as the principal use
9. Home Occupation

Article 5. AREA BULK REGULATIONS – DENSITY CONTROL

5.1 Density Control Schedule (Area and Bulk Schedule)

The attached schedule of density control regulations is hereby adopted and declared to be a part of this Zoning Law and is hereinafter referred to as the “Town of Hornby Density Control Schedule - APPENDIX B”

APPENDIX B
Section 5.1
Town of Hornby Density Control Schedule
(Area and Bulk Requirements)

Principle Use	Lot		Minimum Yard Dimensions ¹ (feet) Principle Building			Minimum Yard Dimensions (feet) Accessory Building			Maximum Lot Coverage Percent	Maximum Height (feet)
	Minimum BUILDABLE ² Lot Size per	Width (feet)	Front	Rear	Side	Front	Rear	Side		

	Principle Use (feet)									
Agriculture ³ - Livestock	5 Acres	250	75	50	50	N/A	50	25	5	35
Residential ⁴ – Dwelling Unit On Collector Road ⁵	5 Acres	250	50	50	50	N/A	50	25	10	35
Residential ⁴ Dwelling Unit On Minor Road	5 Acres	250	50	50	50	N/A	50	25	10	35
General Uses	30,000 sq. ft.	100	40	40	20	N/A	25	15	30	35
Religious & Quasi-Public	4 Acres	250	50	40	50	N/A	25	20	30	35
Gasoline Filling Stations	30,000 sq. ft.	100	50	35	35	N/A	25	25	25	18
Commercial Uses	30,000 sq. ft.	100	40	30	40	N/A	N/A	N/A	30	35
Industrial Uses	5 Acres	300	30	50	25	N/A	N/A	N/A	50	35

Notes:

1. Front yards are measured from the road right-of-way.
2. See Section 5.7 to calculate net acreage of **BUILDABLE** Land. See Article 8 – Residential Cluster Development and Article 9 – Residential District.
3. Acreage for agricultural uses may be computed as **GROSS**, not **BUILDABLE** acres. Minimum size does not apply to those parcels that are part of a “farm operation” as defined by AML Article 25-AA, Section 305-a, when located in a NYS Certified Agricultural District.
4. Residential lot size may be reduced if part of a cluster residential development. See Article 8- Residential Cluster Development. See Town of Hornby Subdivision Law for additional requirements for lots in major or minor subdivisions.
5. Curb cuts on collector roads must be a minimum of five hundred (500) feet apart (same side of road).

Article 17. ADMINISTRATION

Section 17.2 Certificate of Occupancy

No building or structure shall be used or occupied, and no building or structure hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Code Enforcement Officer in accordance with the provisions of this Ordinance.

All certificates of occupancy for new or altered buildings or structures shall be applied for coincident with the application for a building permit therefore. Such certificate of occupancy shall be issued within thirty (30) days after the erection or alteration shall have been approved as complying with the provisions of this Zoning Ordinance.

A temporary certificate of occupancy may be issued for a residence for a period of sixty (60) days, with one (1) thirty (30) day extension. Such temporary certificate of occupancy shall only be issued based on a showing that the following can meet minimum state codes:

- A. Water Supply
- B. Sewage
- C. Plumbing
- D. Heating
- E. Electrical meeting requirements of insurance underwriters

Add to Article 2. Interpretations Section 2.1 Definitions.

Access Roads – Private roads that provide vehicular access to sites or structures from public roads. Access roads do not include lanes customarily used by farmers to access agricultural fields or driveways to private dwellings.

Agricultural Practices – Any activity connected with the raising of crops, livestock or livestock products as defined in Agriculture and Markets Law 301, subdivision 2.

Including but not limited to the following:

- a. Field crops including corn. Wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits including apples, peaches, grapes, cherries and berries.
- c. Vegetables including tomatoes, snap beans, cabbage, carrots, beets and onions.

- d. Horticultural specialties including nursery stock, ornamental shrubs, trees and flowers.
- e. Livestock and livestock products including cattle, sheep, hogs, horses, poultry, ratites (large flightless birds such as ostriches, emus, rheas and kiwis), farmed deer, farmed buffalo, peacocks, fur bearing animals, milk, eggs and furs.
- f. Maple sap
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplant or cut from the stump.
- h. Aqua cultural products including fish, fish products, water plants and shellfish.
- i. Woody biomass, meaning short rotation woody crops raised for bio-energy uses.

Campground – Any parcel or tract of land including buildings or other structures, under the control of any person, where five or more campsites are available for temporary or season overnight occupancy for a fee.

Dormitory – A building, or part thereof, where lodging (with or without meals) is provided for compensation, direct or indirect, for four or more persons, residing for 30 days or more, when no kitchen or dining facilities are provided in individual rooms. The term dormitory shall include “man Camps”, temporary facilities commonly set up by energy companies to provide food and shelter for employees near drilling locations. Such dormitories or “man camps” may include modular or mobile housing units designed to be removed from the site when drilling activities in the area are complete.

Heavy industry – Gas, oil, mining and large scale manufacturing of goods such as machinery, equipment or steel.

Industrial Storage Yard – An outside area larger than 10,000 square feet where heavy equipment, pipes, storage tanks, building materials, fuel, storage trailers, office trailers or any other items customarily used in construction, mining, gas exploration or similar industries are stored or stock piled. Industrial storage yards do not include areas used to store equipment or materials used in agricultural practices.

Land Use Activity – Any construction or land use activity that changes the use or appearance of land or a structure or the intensity of use of the land or structure. “Land Use Activity” shall explicitly include, but not be limited to, the following:

- a. New Structures
- b. Expansions to existing structures
- c. New uses, changes in or expansions of existing uses

- d. Roads
- e. Driveways
- f. Excavations for the purpose of extracting soil or mineral deposits

Light industry – The manufacture or assembly of items that use moderate amounts of partially processed materials or components to produce items of relatively high value per unit weight.

Planning Board – For the purposes of this ordinance and its amendments shall mean the Town of Hornby Planning Board.

Public Hearing – A meeting announced, advertised in advance and opens to the public, with the public given an opportunity to speak, participate and express their opinions and concerns in support of or in opposition to the announced subject of the meeting.

Recreational Vehicle – Type of vehicle used as temporary living quarters for recreation, camping or travel that either has its own motive power or is mounted on or drawn by a motor vehicle. This includes travel trailers, camper trailers, pop-up campers, truck campers and motor homes.

Recreational Vehicle (RV) Park – Premises designed to accommodate three or more occupied recreational vehicles.

Residential Structure – Any permanent structure with electric power and running water.

Right of Way – A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water lines, sanitary and/or storm sewer and other similar uses.

Site – Any area of disturbance greater than one acre that is not agriculture related.

Sketch Plan – An informal drawing of a proposed development made prior to preparation of a detailed site plan, the purpose of which is to identify problems or concerns and determine what information shall be required on the site plan.

Structure, Accessory – Any structure designed to accommodate an accessory use but detached from the principle structure such as a free standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

Article 4. Section 4.0.C.11 Conditional Uses – General

- (a) Cemetery
- (b) Church or other Place of Worship
- (c) Crematory
- (d) Cultural Facilities (Library, Art Gallery, Museum, etc.)
- (e) Day Nursery
- (f) Golf Course or Country Club
- (g) Hospital or Sanitarium
- (h) Institutional or Philanthropic use
- (i) Municipal Buildings
- (j) Non-profit Club
- (k) Nursing or Convalescent Home
- (l) Public Utility or Transportation Use
- (m) Wind Energy Conversion Systems (Wind Turbines)

Article 4. Section 4.0.C.12 Conditional Uses – Business/Commercial

- (a) Agriculture, Nursery
- (b) Airport
- (c) Automobile Repair Garage
- (d) Bank
- (e) Bar or Night Club
- (f) Bowling Alley
- (g) Campground
- (h) Car Washing Station
- (i) Convenience/Mini-Market
- (j) Department Store / General Merchandise
- (j) Dormitory
- (k) Drive-in Movie Theater
- (l) Drug Store
- (m) Equipment Rental or Sales Yard
- (n) Funeral Home
- (o) Gasoline Station

- (p) Grocery Store
- (q) Laundry or Dry Cleaning Plant
- (r) Light Industry
- (s) Motel / Hotel
- (t) Motor Vehicle Sales and Service
- (u) Newspaper Offices and printing Shops
- (v) Offices – General
- (w) Personal Commercial / Service Establishments
- (x) Recreational Vehicle (RV) Park
- (y) Restaurant
- (z) Retail Business or Service, not otherwise specifically mentioned

herein

- (aa) Riding Academy / Stable
- (bb) Roadside Stand
- (cc) School Conducted for Profit
- (dd) Self-Service Laundry
- (ee) Theater or Concert Hall
- (ff) Veterinarian Office, Animal Hospital or Kennels
- (gg) Wholesale Business or Service, not otherwise specifically mentioned

herein

Article 4. Section 4.0.C.13 Conditional Uses – Industrial

- (a) Administrative, educational and related offices/facilities in
conjunction with an industrial use listed herein
- (b) Agriculture, manufacturing
- (c) Contractors Equipment Storage
- (d) Extractive Operations and Soil Mining in compliance with Section
13.15
- (e) Heavy Industry
- (f) Industrial Storage Yard
- (g) Manufacture, Fabrication, Extraction and Assembly / Material
Handling
- (h) Research Lab
- (i) Warehouse / Distribution Facility

Article 12. Site Plan Approval

Section 12.0 Intent

The intent of the site plan approval is to determine compliance with the objectives of this Ordinance and with regard to conditional uses that may be permitted in the Town of Hornby. The objective is to evaluate various land uses that may cause a conflict between existing and proposed uses or be in conflict with natural site conditions and thereby minimize the adverse effects concerning health, safety and overall welfare of the residents of the community. The Planning Board, at its discretion, may waive the concept and final application procedure. It is not the intent of this local ordinance to prohibit per se any land use activity, specifically oil, gas and or mining effort but to allow all land use activities which will meet the standards set forth in this local ordinance.

Article 13. DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS

Section 13.25 Campgrounds

New York State Law regulates the operations of campgrounds; however, no campground shall be located in the Town of Hornby without the consent of the Planning Board thru the Conditional Use permit Process.

Section 13.26 Recreational Vehicle (RV) Park

1. No recreational vehicles spaces shall be within 150 feet of the centerline of any public road.
2. No recreational vehicle shall be parked within thirty (30) feet of another recreational vehicle or property line.
3. No parking or loading or maneuvering incidental to parking or loading shall be permitted on a public road.

4. Roads within a recreational vehicle park shall afford safe and convenient access to all spaces and facilities and shall provide all-weather access to sites. Road surfaces should be adequate to prevent the spread of mud or soil to public roads. Dust should be controlled.
5. Natural vegetation should be retained to the maximums extent practicable.
6. Drinking water supplies, waste disposal and electrical supply shall meet all New York State Codes. Appropriate hookups shall be provided at each site.
7. Dumpsters or trash receptacles shall be screened from view of park guests and the general public.
8. Contact information for the park manager or owner shall be on file with the Town Code Enforcement Officer.

Article 21. Heavy Industry

Section 21.0 Applicability

A. Applicability of Review Requirements for **Oil, Gas and Mining**

All new land use activities within the town shall require a **Heavy Industry** site plan review and approval before implementing activities except for those listed in Article 4 – Use regulations, section 4.0.B. – Permitted Uses and Section 4.0.C – Conditional Uses.

Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to The Hornby Town Planning Board for written jurisdictional determination.

B. Effect on Existing Uses

This law does not apply to uses and structures which are lawfully in existence as of the date that this law becomes effective. Any use which would otherwise be subject to this law that has been discontinued for a period of two years or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law

and fully constructed and completed within one year from the effective date of the law.

C. Relationship of this law to Other Laws and Regulations

This local law in no way affects the provisions or requirements of any other federal, state or local law or regulation. Where this law is in conflict with any other such law or regulation, the more restrictive shall apply.

Section 21.1 **Heavy Industry Site Plan Review**

A. Procedures

Prior to undertaking a land use activity not excepted by Section 21.0 of this local law, a site plan approval by the Town Planning Board is required. Applicants for site plan approval shall follow all procedures of this local law hereinafter set forth.

B. Sketch Plan

A sketch plan conference shall be held between the town planning board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the town planning board of their proposal prior to the preparation of a detailed site plan; and for the town board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:

1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features; anticipated changes in existing topography and natural features; and , where applicable, measures and features to comply with flood hazard and flood insurance regulations.

2. An area map showing the parcel under consideration for the site plan review and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel.
3. A topographic or contour map of adequate scale and detail to show the site topography.

C. Application Requirements

Following the sketch plan conference, an application for site plan approval shall be made in writing to the town planning board and shall be accompanied by information drawn from the following checklist, as determined necessary by the town planning board at the sketch plan conference.

Site plans shall be drawn to scale using such a scale that all features required to be shown on the plan are readily discernible. Five sets of the plan and any accompanying documents shall be provided. An additional set of plans and documents shall be required for those projects requiring referral to the Steuben County Planning agency under General Municipal Law, Section 2391 and Section 239m.

Site Plan Checklist:

1. Application defining the project as oil, gas or mining.
2. Title of drawing including name and address of applicant and person responsible for preparation of such drawing; deed reference (book and page).
3. North arrow, scale and date of preparation.
4. Boundaries of the property plotted to scale.
5. Existing man-made and natural features including: buildings, vegetation such as trees, crops, brush, etc.; ponds, water bodies, wetlands: flood plains and flood ways.
6. Grading and drainage plan showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses; projects disturbing more than one acre of soil must have a **NYS DEC storm water management permit** with plans.

7. Location, design, type of construction, proposed use and exterior dimensions off all buildings.
8. Location, design and type of construction of all parking and all truck on and off loading areas showing access and egress.
9. Provisions for pedestrian access.
10. Location of outdoor storage areas, if any.
11. Location and configuration of all construction materials for all existing or proposed site improvements including drains, culverts, retaining walls and fences.
12. Description of the method of sewage disposal and the location, design and construction of such facilities.
13. Description of the method of securing public water supply and the location, design and construction materials of such facilities.
14. Location of fire and other emergency zones including the location of fire hydrants if included in the design.
15. Location, design and construction materials for all energy distribution facilities, both temporary and permanent, including electrical, gas and solar energy.
16. Location, size, design and type of construction of all proposed signage.
17. Location and proposed development of all buffer areas including existing vegetative cover.
18. Location and design of outdoor lighting facilities.
19. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
20. A general landscaping plan and planting schedule.
21. An estimated project construction schedule.
22. Identification of any and all permits from any and all other governmental bodied required for the execution of the project.
23. Record of application for and status of all necessary permits from any and all other governmental bodies.
24. Other elements integral to the proposed development as may be considered necessary in the particular case by the town planning board such as traffic counts, noise studies, etc.
25. Hours of operation and use during and after construction of the project.

D. State Environmental Quality Review Act (SEQRA) EIA Form

An application for site plan review shall include a Short or Full Environmental Assessment Form (EAF) as defined by the SEQR Act. All Type I Actions require a Full EAF. Unlisted Actions may use a Short or Full EAF at the discretion of the Town Planning Board.

E. Required Fee

An application for site plan review shall be accompanied by a fee established by resolution of the town planning board.

F. Completeness of Application

An application is not complete and shall not be considered complete until deemed complete by the town planning board. If an application is deemed incomplete, the planning board shall provide the applicant a written list of missing information required to complete the application. No refund of application fees shall be made and no additional fees shall be required upon submittal of additional information.

G. Reimbursable Costs

Costs incurred by the town planning board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.

Section 21.2 Review Standards

A. General Standards and Considerations

The town planning board review of the site plan shall include, as appropriate but not limited to, the following general considerations.

1. Location, arrangement, size, design and general site compatibility of buildings, lights and signs.

2. Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and of both on-loading and off-loading areas.
4. Adequacy and arrangements of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
5. Adequacy of storm water and drainage facilities; compliance with any required NYS storm water control permits.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation as possible.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special Attention to the adequacy and impact of structures, roadways and landscaping in areas susceptibility to ponding, flooding and/or erosion.
10. Overall impact on the surrounding neighborhood including compatibility of design consideration.

B. Specific Standards and Considerations

The following specific standards shall apply in conjunction with the subject uses or in the designated areas.

1. Access Roads 300 feet or longer in length
 - a. Access roads shall intersect with public roads at a 90 degree angle.
 - b. It is recommended that access roads not exceed a 5% slope within 50 feet of the public road and shall not exceed 12% slope at any point.
 - c. Access roads will require the determination of the need for any permits required by Steuben County and/or New York State and must comply with any conditions imposed by such permits.

- d. Access roads must use culverts approved by the town, county or state when there is a ditch where the access road intersects with a town, county or state road.
- e. Sight distance where the access road meets the public road shall be no less than 500 feet. If it is not possible to have 500 feet in sight distance, warning signs must be posted and/or a flagman used when vehicles are entering or exiting the road.
- f. Access roads shall not be less than 100 feet from any intersection of public roads.
- g. Design of the access road shall prevent storm water entering the public roadway.
- h. The surface of any access road shall be adequate to prevent mud from being deposited by vehicles on the public roadway.

2. Dormitory

- a. Dormitories shall be located a minimum of 150 feet from the centerline of any public road, shall not be closer than 20 feet to any property line and not closer than 100feet from a private residence, church or business.
- b. One parking space per sleeping room plus one parking space for each on-duty employee shall be required.
- c. Parking shall be located at the side or rear of the structure and shall not be closer than 20 feet to any property line.
- d. The parking lot must be paved or gravel and, in either case, must be designed to prevent storm water runoff to adjoining properties or roadways through the use of swales, retention ponds, etc. Storm water runoff from structures must also be controlled.
- e. The dormitory must meet all NYS Building Codes and all codes for potable drinking water and waste disposal.
- f. Trash facilities such as garbage cans or dumpsters shall be screened from public view.
- g. Landscaping materials shall be of appropriate size, quantity and character to provide an attractive setting for dormitory residents, neighbors and those passing by.
- h. Contact information for the manager and the owner of the dormitory shall be on file with the Town Code Enforcement officer.

- i. There shall be in place either a reclamation plan or a transition plan. The reclamation plan will show how the site will be returned to natural state should the structures be removed. A transition plan will detail how the structures on the site will be put to another uses or, if they are to be removed, how the site will be changed to another use such as single-family homes or any other use as allowed by law.

3. Industrial Storage Yard

- a. Nothing shall be stored within 100 feet of the centerline of any adjoining public road.
- b. Nothing shall be stored within 20 feet of any property line and/or within 100 feet from a private residence, church or business.
- c. Any repairs and maintenance shall be conducted in an enclosed structure or on an impervious surface with appropriate storm drainage and a detention plan will be in place so as to minimize the infiltration of chemicals or petroleum product fluids into the ground.
- d. Natural vegetation shall be retained as much as possible and efforts shall be made control dust.
- e. Any entrance to or exit from the site shall have 250 feet of site distance and shall be no closer than 50 feet to any intersection or any other entrance/exit.
- f. Driving surfaces within the site shall be adequate to prevent spreading of mud to public roads and storm water shall not drain onto public roads or adjoining properties.
- g. Items stored on site shall be kept in a neat, orderly and safe manner. Any scrap material no longer intended or in condition for use shall be removed from the site.
- h. Contact information for the site shall be on file with appropriate public safety officials in case of spills, fires or other incidents that may occur when no employees are on site.

4. Drilling Sites

Pursuant to Environmental Conservation Law Section 23-0303(2) which declares that New York State's regulatory program for oil, gas and solution mining "supersede(s) all local laws or ordinances relating to the regulation of oil, gas or solution mining industries; but shall not supersede the local

government jurisdiction over local roads or the rights of the local governments under the real property tax law”, the following criteria for drilling sites will be met:

The owner and/or operator of the Drilling Site shall enter into a ROAD USE AGREEMENT with the Town of Hornby Superintendent of Highways to plan routes and to protect and repair road damage caused by the high volumes of truck traffic to and from the Drilling Site. The owner/operator of the Drilling Site shall also pursue road use agreements with neighboring towns and Steuben County if such roads will experience high volumes of truck traffic that may cause damage.

Section 21.3 **SEQRA Compliance**

A. SEQRA Compliance

The Town Board shall comply with all requirements of a SEQR Act before a decision is made on a site plan.

B. Compliance with General Municipal Law

The Board shall refer the project for review by the Steuben County Planning Department when required by General Municipal Law Section 239-1 and Section 239-m.

C. Filing of the Final Approved Site Plan

Following approval or approval with modifications of any site plan, no building permits shall be issued until a final copy of the site plan, including any modifications made during the review process, is filed with the Town Clerk. The final approved site plan must be drawn to scale by a licensed Engineer, Architect or Surveyor and sealed by same.

Section 21.4 **Miscellaneous Provision**

A. Code Enforcement Officer

The code enforcement officer shall be responsible for overall inspection of the site improvements, including coordination with the town board and other officials and agencies as appropriate.

B. Further Regulations by Town Planning Board

The Town Planning board may, after a public hearing, recommend to the Town Board the adoption of such further rules and regulations as it deems necessary to implement a specific project. Zoning regulations are local laws that may be adopted or amended only by the Town Board.

C. Amendments

The Town Board may on its own motion, own petition and after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

D. Integration Procedures

Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the town, the town planning board shall attempt to integrate, as appropriate, site plan review as required by this local law with the procedural and submission requirements for such other compliance.

E. Enforcement

Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine of not more than two hundred fifty dollars (\$250.00) to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience omission, neglect or refusal shall continue.

F. Severability

The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

Effective date:

This local Law shall take effect immediately upon filing with the Secretary of State.