

Local Law Filing

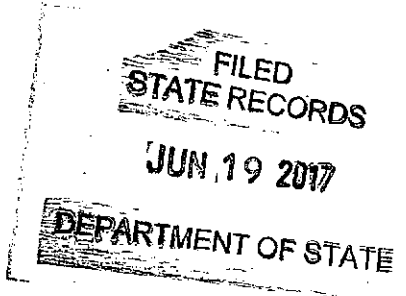
(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of LaFayette

Local Law No. 2 of the year 2017



A Local Law to Amend the 1970 Zoning Ordinance of the Town of LaFayette to Create Site Plan Review Regulations for Liquid Manure Storage Facilities

Be it enacted by the **Town Board** _____ of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of LaFayette as follows:

TOWN OF LAFAYETTE LOCAL LAW NO. 2-2017

A LOCAL LAW TO AMEND THE 1970 ZONING ORDINANCE OF THE TOWN OF LAFAYETTE TO CREATE SITE PLAN REVIEW REGULATIONS FOR LIQUID MANURE STORAGE FACILITIES

Be it enacted by the Town Board of the Town of LaFayette, as follows:

SECTION 1. **Legislative Intent and Findings.**

The purpose and intent of this Local Law is to amend the 1970 Zoning Ordinance of the Town of LaFayette to provide for site plan review regulations for the proposed construction or expansion of Liquid Manure Storage (LMS) Facilities within the Town, which Facilities have a manure storage area in excess of 100,000 cubic feet. The Town Board understands that from time-to-time, local farmers require the ability to store large quantities of manure in order to fertilize crops and carry out other farming operations in an efficient and economical manner. Nonetheless, the Town Board finds that LMS Facilities can be a potential threat to the health, safety and welfare of Town residents and the surrounding environment. The Town Board further finds that, despite the existence of State and Federal regulations, which set detailed performance standards for the construction and maintenance of such Facilities, some measure of local oversight is required in order to ensure the transparency of the process surrounding the permitting, construction and

(If additional space is needed, attach pages the same size as this sheet, and number each.)

expansion of these Facilities, and to ensure that any adverse impact upon Town residents is minimized. The site plan regulations adopted by this Local Law seek to achieve these goals without placing unreasonable restrictions on farming operations.

SECTION 2. Authority.

The Town Board enact this Local law in order to protect the health, safety and welfare of its residents, pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

SECTION 3. Amendment of the 1970 Zoning Ordinance of the Town of LaFayette.

To achieve the purpose and intent described in Section 1 of this Local Law, Article V ("Parking, Signs and Supplemental Regulations") of the 1970 Zoning Ordinance of the Town of LaFayette is amended to add a new Section K, as follows:

"SECTION K. LIQUID MANURE STORAGE FACILITIES

1. **Controlled Site Plan Review for Liquid Manure Storage (LMS) Facilities.** Any person, corporation or other entity which constructs, creates, or expands a Liquid Manure Storage (LMS) Facility with a capacity greater than 100,000 cubic feet must obtain Controlled Site approval from the Town Planning Board pursuant to the procedures set forth in Section B of Article III of this Zoning Ordinance prior to commencing construction. As it specifically pertains to the review of applications made pursuant to this Section, all references in Section B of Article III of this Zoning Ordinance to the requirements and regulations set forth in Section C of said Article shall hereby refer this Section.
2. **Required Submissions.** Applications for Controlled Site approval for proposed LMS Facilities shall include all of the following unless otherwise directed by the Planning Board:
 - a. A sketch of the parcel on a location map showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties, locations of neighboring private wells, and easements, right-of ways and/or roadways.
 - b. Plans showing the existing geographical features of the site of the proposed LMS Facility including land and water areas, the approximate location of all existing structures on or immediately adjacent to the site, and the circulation of traffic including the means of ingress and egress.
 - c. A description of the farm operation and a narrative of the intended use of the proposed LMS Facility, as well as a description of the months, days, and hours of the day during which manure will be transported to, placed in, and drawn out of the LMS Facility. The narrative must also include anticipated changes in the existing topography and natural features of the parcel as a result of the LMS Facility construction. The narrative must further include the names, addresses and telephone numbers of the owner and operator (if different than the owner) of the

farm operation, the engineer or engineering firm involved in the design and/or construction of the LMS Facility, other professionals involved (such as surveyors), and all State and Federal agency stakeholders responsible for the regulation and monitoring of the construction and subsequent maintenance of the LMS Facility.

- d. One paper copy and one electronic copy of stamped engineering drawings of the proposed LMS Facility, which include dimensions and elevations.
 - e. The application form and application fee in an amount determined by Town Board resolution pursuant to Subsection 1 of Section B of Article III of this Zoning Ordinance.
 - f. Copies of all plans, applications, correspondence and any and all other submissions made by the applicant or his/her/its authorized agents, employees, designees or affiliates to any governmental agency or agencies involved in the approval, regulation, monitoring or maintenance of the proposed LMS Facility, and any and all approvals, denials and/or responses received from said governmental agencies regarding said submissions.
3. **Setback Requirement.** All proposed LMS Facilities shall maintain a setback of 250 feet from all residential property lines, existing wells, water bodies, and public water supplies to the extent that such setback requirement is economically and environmentally feasible. It shall be the burden of the applicant to demonstrate economic and/or environmental infeasibility with regard to this setback requirement.
 4. **Monitoring Wells.** The Planning Board may require a monitoring well or wells for any manure storage which is located within 1000 feet of a residence or water supply well.
 5. **Screening and Fencing.** The Planning Board may require screening and fencing in a manner that is consistent with USDA standards which are incorporated in an approved conservation plan.
 6. **Exemptions.** This Section shall not apply to storage of manure inside a barn.
 7. **Public Hearing.** The Planning Board shall hold a properly noticed public hearing in accordance with Subsection 2 of Section B of Article III of this Zoning Ordinance on any application for Controlled Site approval submitted pursuant to this Section.
 8. **Planning Board Action Subsequent to Public Hearing.** Pursuant to Subsection 2 of Section B of Article III of this Zoning Ordinance, within 60 days after the public hearing, the Planning Board shall make its decision upon the application and shall deliver a written report to the Code Enforcement Officer denying, approving, or approving the application with changes and conditions.
 9. **Permitting.** Upon receipt of the Planning Board's approval of the applicant's application, or upon receipt from the applicant of amended plans reflecting compliance with the

Planning Board's required conditions for approval, the Code Enforcement Officer shall issue a permit for the proposed LMS Facility.

10. **Severability.** If any clause, sentence, paragraph, or subsection of this Section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or subsection thereof directly involved in the controversy in which such judgment shall have been ordered."

SECTION 4: Severability

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 5: Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2017 of the Town of LaFayette was duly passed by the Town Board on June 13, 2017, in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board and was deemed duly adopted on _____, 20__, in accordance with the applicable provisions of law.~~

3. ~~(Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board on _____, 20__.~~

~~Such local law was submitted to the people by reason of a (mandatory/permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general/special/annual) election held on _____, 20__, in accordance with the applicable provisions of law.~~

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.~~

5. ~~(City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.~~

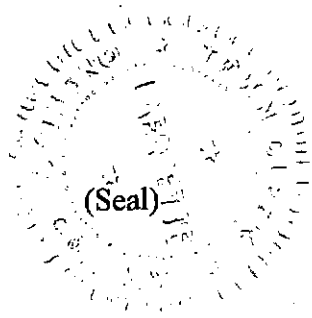
6. ~~(County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Jacqueline G. Roorda

Hon. Jacqueline G. Roorda, Town Clerk
Town of LaFayette

Dated: June 13, 2017