

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.

FILED
STATE RECORDS

Town of Homer

AUG 05 2015

DEPARTMENT OF STATE

Local Law No. 1 of the year 2015.

A local law requiring site plan approval prior to the construction of certain manure storage facilities.

Be it enacted by the Town Board of the

Town of Homer as follows:

Article XIV, Supplemental Regulations, of the Town of Homer Zoning Law is amended to add a new section entitled:

Section 1416 Manure Storage

- A. Any person, corporation or other entity which constructs, creates, or expands a liquid manure storage area to exceed 100,000 cubic feet of manure must obtain site plan approval from the Planning Board prior to the start of construction.
- B. The application for site plan approval shall include the following:
 1. 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.
 2. A description of the farm operation and a narrative of the intended use and timing of use of the proposed structure. The narrative must include anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. The narrative must also include the names and addresses of the owner, operator (if different than the owner), engineer or engineering firm, other professionals involved (such as surveyors) and agency stakeholders such as NRCS or SWCD.

3. A sketch plan. If determined to be necessary by the Planning Board, one paper copy and an electronic copy of stamped engineering drawings may be required, to include dimensions and elevations.
 4. Plans which show the existing features of the site including land and water areas and the approximate location of all existing structures on or immediately adjacent to the site as well as the circulation of traffic including the means of ingress and egress. The plans shall demonstrate that the setback requirements of Section 404 of this zoning law are met.
 5. The application form and application fee in an amount determined by town board resolution.
- C. The Planning Board may require any application for site plan approval to include copies of plans and correspondence which have been submitted to any other agency or agencies.
 - D. The Planning Board shall hold a public hearing on any application for site plan approval which is submitted pursuant to this section.
 - E. The Planning Board may require a monitoring well or wells for any manure storage which is located in Aquifer Protection District Areas I, II, or III.
 - F. 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.
 - G. 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.
 - H. This section shall not apply to storage of manure inside a barn.
 - I. This Local Law shall take effect immediately upon the filing with the New York State 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. 1 of 20 15 of the ~~(County)(City)(Town)(Village)~~ of Homer was duly passed by the Town Board on July 8 20 15, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 ____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

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

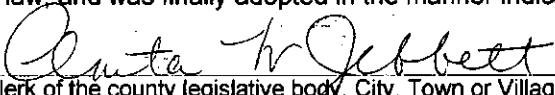
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.)

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 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: July 29, 2015

