

Minutes of the Town Board Meeting held by the LaFayette Town Board on May 14, 2007 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette

Present: Gregory Scammell, Supervisor  
David Knapp, Councilor  
Thomas Bailey, Councilor  
William McConnell, Councilor (Arrived 7:56 p.m.)  
Adrian Shute, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Ralph Lamson, CEO (Arrived 7:43)  
Kevin Gilligan, Town Attorney  
Tom Chartrand, Bookkeeper  
John Dunkle, Town Engineer  
Anne Sweeney-Nakas  
Regina Reinschmidt, Rec. Coord.  
Sean Doolittle, LFD

1. **Dep. Supervisor Paul called the meeting to order at 6:31 p.m.**
2. **The Town Clerk took the Roll. Councilor McConnell absent. All else present.**
3. **Pledge to our U.S. Flag led by Town Councilor Dave Knapp.**
4. **Councilor's Shute moved and Knapp seconded the motion to accept the April 23, 2007 Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **PUBLIC HEARINGS & SPECIAL REPORTS.** None
6. **COMMUNICATIONS.**
  - A. **Residents. (Please sign in and give your name before you speak).**
    - **LaFayette Fire Department:, (former) landfill site request.**

Sean Doolittle was present from the L.F.D. He said they use to do their car vehicle training at the fire house. Since they have put the tarvia in, it doesn't work there anymore. They would like to put a guardrail in and build a car pad at the landfill. They would like to put a phone pole in there too. This is so they can do their drills without being at the L.F.D. Right now they don't have anywhere to train for this that is realistic. If they can't do this, they will have to go to DeWitt and if something should happen here, they are out of the area.

Councilor Shute asked what the training entails. Do they light the vehicle on fire and put it out?

Sean said yes. For the extrications they turn the car over onto its side, etc., and practice getting someone out. By having the guardrail and phone pole, it makes it more realistic.

Councilor Bailey asked if there couldn't be a place designated for this at the L.F.D. where there is a lot of real estate.

Sean described the boundaries of the fire station. One side would be too close to the propane tanks and the other side of the fire barn would be too close to the property line.

Councilor Knapp asked Leon Cook what he thought of this.

Leon said it is easier now as the Highway Dept. won't be stockpiling sand and salt. The L.F.D. could go further in. He asked how big the pad would have to be.

Sean said it would have to be 2 cars wide by 2 cars deep.

Leon said nothing can be built on the site where the garbage was buried years ago. We can't do anything in that area. Straight in from where the sandpiles are was never opened to the public and no garbage was buried there.

Councilor Knapp said we would want to keep it away from the landfill part.

Sean said they try to be sure all the fluids are drained out of the vehicles.

Councilor Knapp asked Kevin Gilligan about any legal issues.

Kevin Gilligan said because the landfill was closed with the DEC involved, he would suggest we contact the DEC and tell them what we are proposing to do and see if they have any concerns. He thinks fluids might be one of their concerns and where the water would run off to that they use to put the fire out. He thinks the water might run into Hemlock Creek. If the DEC doesn't have a problem with it, you would have to find a way to be sure all the fluids were drained including the radiator fluids prior to the training and that they were properly disposed of and then look into the drainage.

Sean said even if they said the LFD could do the extrication part but not the burn, they would be better than nothing.

Councilor Bailey said we can't even get a burn permit now,, however, there might be an exemption for the L.F.D. The L.F.D. might want to canvass the residents on Groth Rd. to let them know what the L.F.D.'s plans are and see if they have any concerns. To him it seems like an ideal site for this training.

Sean will check with the DEC and get back to the Town Board.

Kevin Gilligan said to try to get something in writing from them.

The Board moved ahead to Special Reports.

John Dunkle was present. A couple of nights ago they had a public information meeting for everyone regarding the water district. They advised the resident's of the revised budget and construction schedule. They are proposing construction start June 1. It looks like we will make the EFC deadline. After all the issues with easements, he is down to acquiring one easement. The design did have to be adjusted so all the other easements were not needed. He would like the Board to officially make the award for the contract to the low bidder. He wrote a letter dated 5/11/07 to Supervisor Scammell recommending LaFleur Constructors, Inc. who were the low bidders. He is

recommending that the Town Board authorize the award to them for all of the base bid and all the alternatives.

Councilor Shute asked if Smokey Hollow is definitely on board.

John Dunkle said yes.

Councilor Knapp confirmed the redesign was done so we don't need the easements in question.

John Dunkle said yes.

Councilor Knapp asked if the residents on Smokey Hollow still want to be in even though they are considering their own well.

John Dunkle said there are actually two individuals considering this. He advised of them that they would have to make an official request to the Town Board asking not to be part of the water district.

Councilor Shute asked what happens if the last person drops off? How do we negotiate the change?

John said throughout this process he will be doing change orders. There are unit costs for everything. When we are all done and make a final adjustment as to what the put-in-the-ground quantities are, that is actually what we pay for.

**Councilor's Shute moved and Bailey seconded the motion to award the contract for the Northeast LaFayette Water District base bid and alternative bids to LaFleur Constructors, Inc for a total contract cost of \$1,073,473.00 subject to final approval by USEPA, Onondaga County Community Development and NYS EFC.**

**Voting was as follows:**

<b>Supervisor Scammell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilor Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilor Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilor Shute</b>	<b>Voted</b>	<b>Yes</b>

**Motion passed unanimously.**

John Dunkle gave a SPDES report. Each year the town is supposed to compile a report of all their activity in terms of the 6 things the town is supposed to do. This is the 4<sup>th</sup> year out of 5. Right now he is preparing the year 4 report. There wasn't a lot of activity this year towards outlining the ordinance. We will be moving towards that. Councilor McConnell will bring the Board up to date on this when he arrives. He is charging the committee to work through the ordinances that the Board will need to consider before the end of the year. He would suggest the Board work through them now and just make them active January 1, 2007. One thing Councilor McConnell will be discussing with the Board is that there is only one tiny section of the town that draws us into this. It's arbitrary and difficult to define its boundaries. One thing the Board will have to decide is if they wish to make this town-wide. By the end of the year the board will have to enact 3 separate ordinances. The first 3-year reports were reviewed by the DEC and they were somewhat critical. He has gotten some good advice on how to show what we are actually doing. The town is actually doing a good job. We need to be more specific regarding Building Permits issued, Planning Board cases heard, etc. He thinks they had a very productive committee meeting. This is just an information meeting for the public on where we are at and what we are doing. There will be a final report by the end of the year for the DEC on what we did last year.

Councilor Bailey confirmed by the end of the year the Board needs to decide on the 3 ordinances.

John Dunkle said yes.

Councilor Knapp said the issue of whether we should do just the area or go town-wide must be determined.

John Dunkle said after their meeting he thinks they decided it would be beneficial to the town and no more expensive for the town to go town-wide. It's not significantly more work and his recommendation would be to go town-wide.

Councilor Knapp confirmed under an acre is still not affected by this.

John said yes. This would also allow us to review an application that might only have part of the land in the designated area.

Tom Chartrand asked about a mobilization payment for the contractor.

John Dunkle said there would probably be one.

Tom said we are locked out of any EFC before the next meeting.

John said one of the things, if the town goes with the EFC long-term loan, is that the town will close on the loan at the end of July. During the last conference call they had the town was advised it cannot spend any more money until it closes on the loan.

Tom said all funds will be frozen.

John Dunkle said he called the contractor and he was receptive to the idea. If we authorize him to proceed June 1<sup>st</sup>, we could potentially pay him for mobilization. By law, we are obligated to pay him within 30 days of the bill being submitted.

Councilor Knapp asked what the solution is.

John asked if disbursing money requires an action of the Town Board.

Tom Chartrand said yes.

John asked if it could be preauthorized.

Tom thinks the only way to resolve this is to have a special meeting if the contract is in and there is a mobilization charge in it. There is \$485,000 available through the short-term EFC. Once June 8<sup>th</sup> comes, we cannot dip into anything. He doesn't know if EFC would accept a pre-authorized payment from the short-term loan.

John said if the voucher isn't submitted in time, it would fall on the contractor.

Kevin Gilligan said the town can draw money after it closes but he doesn't know how quickly the money will be available.

Tom Chartrand said if we close July 27<sup>th</sup>, funding would be available by July 28<sup>th</sup>. The bills could be pre-presented and the funds could be moved to our account once we have written the checks.

It was decided the board would hold a special meeting if needed.

John Dunkle said if one is needed, it would be needed the last week in May or the first week in June.

Kevin said the draft laws will be handed out tonight for the town Board to review and they will be introduced at the June Meeting.

John Dunkle said he reviewed the Sky Heights Subdivision in Tully. It's 15 lots. Quite a bit of the properties drainage will eventually work its way into the Town of LaFayette. He recommends we write a formal request to see their drainage plans and formally sign-off on them.

Supervisor Scammell said we notify them that we do wish to comment on this formally.

John said he can write a letter stating he reviewed it and what he recommends.

Supervisor Scammell said he plans on going to the meeting.

Kevin Gilligan said the meeting is May 23<sup>rd</sup> so we need to have any written comment in before then.

John Dunkle will do a letter to Supervisor Scammell stating he reviewed it and what his comments are.

Supervisor Scammell said Ms. Kelley dropped off a letter regarding her property at 2385 Route 11. In the letter she states she is still pursuing her options to continue to do business at this location.

Kevin Gilligan said they are alleging a non-conforming use. Having a farm does not grandfather you into having a construction business in a separate building. A produce stand doesn't have anything to do with a construction business.

Anne Sweeney Nakas believes Tom Belmont did leave his home and go repair air conditioners at other peoples homes and did collect old air conditioners and refurbish them and hand them out to people. If it was a business, it certainly wasn't as intrusive as what us going on there now. That operation hasn't been going on for at least 1 ½ to 2 years.

The Board will ask Ralph Lamson to write Ms. Kelley a letter requesting her to supply documentation that these businesses were in effect prior to 1970 and show there was no lapse in the operations for more than 6 months.

**B. NYS Comptroller & Office of Court Administration: DWI legislation teleconference.**

Councilor Knapp is pretty sure one if not both of the judges will be joining this teleconference.

**C. Arc of Onondaga: services to local and national companies.**

Supervisor Scammell asked if we are in need of picnic tables.

Regina Reinschmidt said they might be interested.

Supervisor Scammell noted the cost ranges from \$150 to \$225.

Regina said YCIP made them for about \$100.

Supervisor Scammell asked Leon Cook if he used the wooden stakes.

Leon said yes.

Supervisor Scammell gave him a copy of this letter.

**D. NYS Senator John DeFrancisco: '07-08 CHIPS funding for LaFayette \$39,171.**

Councilor Knapp asked Leon if the \$39,171 is what we were expecting from CHIPS.

Leon said it was lower than that and we got an increase.

**E. CNYSPCA: "Give Me Shelter" Golf Tournament, 8.09.07.**

**F. Office of the State Comptroller – Justice Court Fund (2006): Town of LaFayette, \$91,347.50.**

Councilor Knapp noted we are ranked 9<sup>th</sup> in Onondaga County in total fines. We are ranked 178<sup>th</sup> in New York State.

**G. Syracuse Post-Standard, 4.20.07, “The Job Picture: Growth in the service sector helped the Syracuse area gain jobs in March, while unemployment fell”.**

**H. Southern Hills Preservation Corporation: donation appreciation.**

**I. Onondaga County Legislature: 05.01.07 agenda.**

“Memorializing the Governor and the Legislature of the State of New York to amend Election Reform and Modernization Act to allow the use of lever machines through 2009”.

Councilor Knapp asked Kevin Gilligan if he heard anything.

Kevin said no.

**J. U.S. Senator Charles Schumer: Distance Learning & Telemedicine Grant Program.**

**K. Town of LaFayette Assessors: change in assessment for (former) landfill.**

Supervisor Scammell noted the landfill is now worth \$300,000.

**L. NYS Office of Parks, Recreation & Historic Preservation: 2007-08 annual grant cycle applications.**

**M. Dr. Rainer Brocke: LaFayette Hotel.**

Councilor Knapp thinks a lot of what he discusses the Board has already been doing.

Councilor Bailey noted the first sentence refers to the Board discussing the LaFayette Hotel in its last Board Meeting. The Board has been discussing the Hotel for quite some time longer than the last meeting.

Councilor Knapp said he or Councilor McConnell will respond to Mr. Brocke’s letter.

**N. Assistant Chief of the Appeals, Division of NYC Law Department: Collateral Source Bill, X.1544/A.4354.**

Councilor Knapp asked if this thing is going anywhere.

Kevin said he doesn’t know. It is just saying the town signed on last year and they are requesting we support it again.

**Councilor’s Knapp moved and Bailey seconded the motion to notify Assemblyman Stirpe and Senator DeFrancisco to support the bill. Motion passed unanimously.**

**O. Jamesville-DeWitt High School: Operation Graduation.**

The Board asked if a check wasn't already sent in support of this.  
Mary Jo checked records and a check was issued in February.

- P. Onondaga County Department of Health: satisfactory water sampling.**
- Q. CNY Emergency Medical Services Regional Council: public hearing.**
- R. MacKenzie Hughes, Jeff Brown: strategic grants.**
- S. Alliance Archeological Services: Phase I archeological study complete.**  
Councilor Knapp confirmed this comes out of the water district fund.  
Supervisor Scammell said yes.
- T. Reagan Agency: dividend.**
- U. Onondaga County Legislature: mortgage tax apportionment.**
- V. NYS Office of Parks, Recreation & Historic Preservation: SHPO review of water district – no adverse effect.**
- W. Onondaga County Department of Emergency Management: NIMS compliance. \***
- X. Other.**

7. **SPECIAL REPORTS.**

- **Town Engineer John Dunkle: Northeast LaFayette & Smokey Hollow Water District – bid award.**
- **SPDES.**  
Both above reports were given earlier in the meeting

8. **REPORTS** (one meeting in May).

**A. DEPARTMENTAL (4<sup>th</sup> Monday).**

- 1) **Assessors: Mary Doster, Marshall Taylor & Jim Munnell.**
- 2) **Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**
  - a) **Apulia Road – various violations south of Jamesville Reservoir (letter sent).**
  - b) **2386 Route 11A – Home occupation/Business in Agricultural-Residential.**
  - c) **2190 Tully Farms Road – structure needs to be removed.**
  - d) **3081 Webb Road – property cleanup needed, letter sent.**
  - e) **2880 Route 11A – property cleanup needed, letter sent, contract for cleanup.**  
Ralph submitted a written report for April.
- 3) **Dog Control: Jim Moore & Doug Scholes.**

**4) Highway Superintendent: Leon Cook.**

Leon Cook said they have been picking up an awful lot of brush. While the dump days were going on,, people put out a lot more brush. They are going to start picking it up again. Today was the last day that people could put it out.

Earth Day was short of volunteers. We had less than one load of stuff this year.

Supervisor Scammell asked what we had last year.

Leon said two 10-wheelers loads and the 1-ton truck load.

Councilor Shute asked who coordinated it this year.

Leon said Pat Keefe. She had everyone lined up and he doesn't know what happened. We lost a lot of volunteers who usually help.

Councilor Shute asked if the weather was bad this year.

Leon said no. It was good weather.

Cleanup Days at the landfill went pretty good. We got almost 90 refrigerators to take care of between air conditioners, refrigerators and freezers. They had dumpsters brought in there this year and as the metal stuff was brought in, it was but right in the dumpster.

Councilor Knapp said it worked out real well.

Councilor Bailey asked how many dumpsters they went through.

Leon thinks they have went through 7 so far.

Councilor Shute asked where the metal goes to.

Leon said a place on Bridge St. They used to take it to Roth.

Councilor Knapp asked how the steel compares to last year.

Leon thinks we will have more this year than we had last year. They will finish up and next meeting he will give the report on what the cost was. They already spent almost \$500 on dust control. Two days before they started cleanup, he had calcium brought in and sprayed the area down.

**Councilor's Knapp moved and Bailey seconded the motion that the dumpster off truck # 10 is surplus. Motion passed unanimously.**

**Councilor's Knapp moved not to exceed \$600 to repair the road entrance to the LaFayette Nature Preserve and Ropes Course.**

Councilor Shute said we have gone through this before. They have a corporation that is collecting money and making a profit from this so why aren't they responsible for this?

Supervisor Scammell said because it's a town access road.

Councilor Knapp said it's town property.

**Councilor Bailey seconded the above motion. Motion passed unanimously.**

Leon said the last thing is they had a Superintendent's Meeting and there was a gentleman from the DEC who inspects fuel tanks in this region. He spent 1 ½ hours going over the rules on tanks. Our tanks are a little ways from complying. Our tanks were put in in 1998. Clay Smith did the engineering for this. There are things we are not doing and don't have. The pumps have to read whatever they



are pumping. If they are pumping a gallon, they have to show a gallon. He thinks the gas pumps can be calibrated but the diesel pump is so old they don't make parts for it anymore.

Councilor Knapp asked why a gauge needs to be on it.

Leon said he is suppose to know exactly what is being pumped out. Every 10 days he is supposed to be comparing what is pumped into the tank compared to what is pumped out. They need a new pump for the diesel tank. The fills need to have a catch basin on them. The tanks need to be numbered according to the registration numbers. The next time he renews the registration he needs to amend the form to read the tank is not in contact with soil. The tank sets on two runners.

Ralph Lamson arrived.

Leon said the tank has a leak detector on it and there's something wrong with it. The pricing to take care of this, install a new pump and calibrate the gas pump is \$6,700. If the pump needs parts, it will be more than this. He thinks it's very important that we get this taken care of because the fine starts out for a small problem at \$5,000. The next step is \$10,000 and then \$20,000.

Supervisor Scammell asked if this is something that is in the budget.

Leon said no.

Supervisor Scammell doesn't see how we can do it this year then. The budget is very tight this year according to Tom Chartrand.

Leon said the other work that needs to be done is numbering the tanks and they are doing this. He thinks the \$6,700 would be less than paying the fine.

Supervisor Scammell said there is no money in the budget for this.

Councilor Bailey asked if all this came about from the Superintendent's Meeting. Was there previous notification that the DEC would be there and the topic he would be discussing?

Leon said yes. He was invited to come. Every meeting they have someone is invited to come advise them about something. He will go ahead and do what they can on this.

Councilor Bailey asked what the shelf life of the tank is. It's 9 years old now, is it good for another 9?

Leon said yes. It should be good for a lot longer than that. Every 30 days he has to crawl under the tank to inspect it and file a written report that there are no leaks.

**5) Justice Court: Malcolm Knapp & Maureen Perrin.**

Written report for April was submitted.

**6) Library Director: Scott Kushner.**

Written Director's Report and Board Minutes for March & April.

"Scott received the results of the phone survey conducted by Jennifer Kinney of Syracuse University. This free survey was requested to assess the level of support by the town for an expansion of library. The data was collected from a phone survey from a random sample of registered voters in the town. Form the

target population of 3,285 individuals, 410 people were called (by selecting every eighth name until the sample was complete), and 102 responses were collected, making the response rate 25% of the sampling frame and 3% of the target population. Considering the small sampling, the results were fairly positive (91 % of the respondents said they were in support of expanding the library). However, the board felt we should do another, more comprehensive survey (by mail)...”

**7) Recreation Director: Regina Reinschmidt.**

Regina said baseball and softball have officially started. They have 11 teams this year which is down from their usual 13 or 14.

They did a lot of work on the fields this year. They had a lot of volunteers including Councilor Knapp and Leon helped a lot too.

Lacrosse has started as well. The girls will be playing at the Apple Festival Grounds and at the concession fields or the lacrosse box. Fred Groth will be replacing the locks and door at the concession building. They did replaced one door last year and are doing the other one this year. He is also working with Leon Cook on the bathroom door at the Beach. Scott Shute got the water system at the Beach going.

She and Leon did all 6 water samples for testing at our town sites.

They are adding kickball family night outside on June 10<sup>th</sup>.

She asked if there is funding for defibrillators.

Councilor Bailey said there are possible funding agencies but it's kind of hit and miss right now. He is trying to get the best for the money.

Regina said Community Council is looking into getting one.

Councilor Bailey asked her to hold off on this as we are getting a reduced cost by purchasing two or more.

Regina said Community Council did offer the training.

**8) Tax Collector: Teresa Mech.**

- **Thomas Chartrand: review complete.**
- **Delinquent tax letter follow-up (JL).**

Supervisor Scammell said Tom Chartrand's review is complete. John Langey is going to draft a letter for Mrs. Wirshing regarding this matter.

Councilor McConnell arrived 7:56 p.m.

The Board returned to Ms. Kelley's letter.

Ralph Lamson would have to see proof that all these businesses were running and there were no gaps of over 6 months to see if there is a possibility that they can grandfather in and the business would have had to start before the zoning came into effect.

Supervisor Scammell asked if it would matter that they are not the same business such as what she has.

Ralph said the roofing and air conditioning businesses are similar to hers. They would have to have records that these businesses didn't lapse for 6 months.

Anne Sweeney Nakas would like to know what constitutes records.

Ralph said some sort of business records.

Anne asked what the time-frame to produce these records would be. Since this has been quite a lengthy process, is there a time-frame like 2 weeks or 3 weeks to produce the records for Mr. Lamson's review to possibly make a determination?

Ralph would recommend 2 weeks. He believes that is reasonable.

Supervisor Scammell said by the next Town Board Meeting we should know if these records are available.

Anne confirmed the Board will take this up at their next meeting.

Councilor Knapp said the next Town Board Meeting isn't for one month so the Board should definitely know by then.

Ralph Lamson said Geary Miller is in litigation over his property on Tully Farms Rd. in the mudslide area. He is trying to get the people who were going to buy his property to remove the junk vehicles they put there.

3081 Webb Road came in front of Judge Knapp a couple of weeks ago and there is a fight over who owns the property now. Ms. Bentley/Curtis supposedly sold it to someone and he paid the back taxes on it and now she is saying she didn't sell it to him. He noticed some of the property has been cleaned up and he saw someone working around there.

Supervisor Scammell asked about whether it was structurally O.K.

Ralph said he hasn't gotten in touch with the police officer and doesn't know if he is going to be able to.

Ralph said as far as he knows Apulia Rd. has been cleaned up.

The Horton property on Tully Farms Rd. may be able to be burned down by the fire department. He has to get in touch with Greg Hoxie who said they might be interested in burning it down for Mrs. Horton.

6171 Route 20 east was the hotel.

Councilor Bailey said it's all cleaned up now.

Councilor Knapp asked about the Sunrise Community.

Ralph said that is the trailer park on Apulia Rd.

Councilor Knapp said by Colton Rd.

Supervisor Scammell asked Ralph if he had any idea what they are going to do with the old hotel that was demolished.

Ralph said he talked to the owner about a year ago who said he would like to subdivide it and build a house there.

**9) Town Clerk: Mary Jo Kelly.**

Written Report for April was submitted.

**10) Town Supervisor: Greg Scammell.**

**a) Multi-town Shared Services Opportunities (Association of Town Supervisors) – NYS Senator John DeFrancisco.**

**b) Business demand survey.**

**c) Written report for April was submitted.**

**B. COMMITTEE (2<sup>nd</sup> Monday).**

- 1) **Agriculture (Dave Knapp & Mary Jo Kelly).**
- 2) **Communications & Technology (Mike Forte, Pat Keefe Mary Jo Kelly, Marshall Taylor, & Greg Scammell).**

- **Town Website (functional requirements, transition to Digital Towpath, parallel operations, URL name (now townoflafayette.com, possibly townoflafayette.org or lafayette.ny.us.gov), email addresses, conversion & file transfers.**

- 3) **Economic Development (Bill McConnell & Greg Scammell).**

- a) **LaFayette Hotel – Thoma Redevelopment Report for LaFayette Hotel.**

Councilor McConnell said Thursday at 9:30 a.m. he will be meeting with Mr. Thoma and Mike Amidon. Anyone on the Board is welcome to join them.

Councilor Knapp asked where they will be meeting.

Councilor McConnell said it hasn't been determined yet but he will let the Board know. They will be discussing possible funding for the building.

- b) **Focus 2010.**
- c) **Hamlet sanitary sewer district.**
- d) **Hamlet water district.**
- e) **Grants – Ms. Thau, contract (KG & BM).**

- 4) **Emergency Response (Tom Bailey, Bill McConnell, “Pete” Paul).**

- a) **Onondaga County Department of Communications - OCICS.**
- b) **NYS PSC – TSP (Telecommunications Service Priority) (BM).**
- c) **Pandemic/Avian/Bird Flu.**
- d) **NIMS training (TB members, etc.).**
- e) **AED's & training for town offices, library & Onondaga County Soil & Water.**
- f) **Pets Evacuation & Transportation Standards Act of 2006.**

- 5) **Employee Policies & Benefits (Mary Jo Kelly, Adrian Shute & Mary Doster).**

- **NYS Disability Insurance.**

- 6) **Environmental & Conservation Advisory Board (Rainer Brocke, Barb Ferro, Knowlton Foote, Wolff Garritano, Eileen Gilligan & Nancy Mueller).**

Supervisor Scammell said we are about to provide some GIS data for the spraying for the caterpillars. He thinks the spraying will be taking place pretty soon.

Councilor Knapp asked when they come out.

Supervisor Scammell believes when the leaves start coming out. He thinks there are many people who plan on spraying.

**7) Highway (“Pete” Paul, Leon Cook, Dave Knapp, Sumner Palmer & John Greeley).**

**a) Multimodal/CHIPS funding – granted from Senator DeFrancisco’s office.**

**b) SummerRidge/Lynn Hutton - \$25k maintenance deposit refund request.**

Kevin Gilligan believes this has been completed.

**c) Ropes Course – road access in need of improvement.**

**8) Physical Plant (Herb Salladin, Dave Knapp & Bill McConnell).**

**a) Heating/Cooling system alts & new temperature controls - RFP, deferred until 2007 (water softener needed?, energy source options(natural gas, heating oil equivalent prices)).**

**b) Fire & smoke alarms at Town Offices (1<sup>st</sup> & 2<sup>nd</sup> floor) & Community Center. Code requirements (Rick Storrier/DK).**

Councilor Knapp said Mr. Storrier has been busy coaching right now but he will look into this shortly.

**c) Thermostats (DK).**

Councilor Knapp said this is on hold until a later date.

**d) LPL ceiling leak.**

**9) Recreation & Youth (Dave Knapp, Adrian Shute, Regina Reinschmidt).**

Councilor Knapp said they had the Optimist Club Fishing Derby this past weekend. It went very well. They had about 100 kids. Afterwards they had the dedication of the new playground equipment with Dale Sweetland, Supervisor Scammell and Wahid Akl as guest speakers.

Councilor Shute said he has had a number of people tell him how much they appreciate it.

Supervisor Scammell asked if there is plans to expand on it.

Councilor Knapp said it was designed so down the road we can definitely add on very easily without a lot of upheaval. It comes in modules.

**a) Marion Bailey Park.**

**1. Short term.**

- **New trees & maintenance (stump removal & tree trimming) to existing trees -94%.**

- **Park signs “children playing” - 76%.**
- **Basketball court improvement (new nets, paint backboards, straighten basketball pole, remove old volleyball pole) - 73%.**
- **General maintenance and improvement (more mowing, weed trimming, trash pickup, remove old concrete pad) – 70%.**

**2. Long term.**

- **Resurface basketball court.**
- **Add fencing (north side) to protect children from ditch & road.**
- **Speed limit reduction to 30 mph.**
- **Traffic flow control (light, sign, 4way stop @ 11A & Rowland).**
- **Parking area from 11A.**

**b) LaFayette Beach.**

- 1. Evaluate survey/transfer LaFayette Beach from LCC to town.**
- 2. Roof/cover over sandbox (Herb Salladin). Bids. (DK).**
- 3. Repair/move lacrosse box, lifeguard station repair.**
- 4. Structural repairs – bid (DK).**

**c) Fred Stafford/Optimists Park.**

- 1. Optimist’s project.**
- 2. Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.**
  - **Tully-\$12k – materials only (all volunteer labor).**

**10) Safety (Tom Rezsnyak, Adrian Shute, Leon Cook & Regina Reinschmidt).**

- a) Smoke detector batteries – change at DST/EST time changes (2x/year).**
- b) Community Center & Town Offices 11.08.06 inspection list.**
- c) NYS Workplace Violence Prevention Law (MT/CCF clarification on number of employees).**
- d) Snowblower(electric?) evaluation.**
- e) Light on north exit.**

Councilor Shute had a to-do list for the Community Center and the Town Office Building, none of which is expensive. He will leave the list for Herb Salladin to look at.

Councilor Knapp asked if the Board would like Fred Groth to replace the exit sign that is dark in the Meeting Room with one like the one as you come into the Town Offices.

Councilor Shute said Tom Rezsnyak is working up a plan for the workplace violence.

**11) School District liaisons (Bill McConnell & Pete Paul).**

Councilor McConnell said he talked to Mark Mondanaro about sharing Park Ranger duties. He was very interested and will talk to the School Board about this at their next meeting.

Councilor Knapp said he spoke to Jim and JoAnn Moore a couple of times on the whole duty thing and the school a little bit. They are perfectly willing to do the school too when they do the sweep. If they see anything, they will call 911 immediately rather than taking any action on their own. Basically the bathroom facilities are opened at sunrise and closed at sunset. If anyone is still at the park he will advise them the parks close at dusk. Three to four times a week at their discretion, they will do a sweep around the other two parks.

Councilor Bailey would like to see a little more specifics regarding locations and times in their logs. If something should happen, we can go back to their logs to see exact times, etc. He will contact them about this.

## **12) Senior Transportation & Housing (Beverly Oliver & Greg Scammell).**

### **13) Service Awards (Bill McConnell, Dave Knapp, John Harper & Larry Paige).**

Councilor McConnell has talked to Dave Rogers at RBC and a gentleman at EPA Harbridge. They offer the same services as Penflex. They offer a far greater flexibility to the town. He has a package to offer to the L.F.D. to look at and consider. John Harper has talked to Dave Rogers about it. He thinks the administrative costs might be the same but there is quite a bit more flexibility.

Councilor Knapp said L.F.D. members could change their investment more than once a year.

Councilor McConnell said they can do it more than once a year now but the time-frame is too lengthy.

Councilor Knapp asked if the Town Board needs to oversee this.

Councilor McConnell said yes. The total amount the town will always own. He will be advising more on this in the future.

### **14) SOTS & OCRRA Liaison (Dave Knapp & Bill McConnell).**

- **District wide mailing – 2007 fuel costs, prevailing wage, etc.**

### **15) SPDES (Bill McConnell, Jim Nakas, Steve Beggs, Nancy Mueller, Ralph Lamson, John Dunkle & Kevin Gilligan).**

- **(3) Local laws.**

Councilor McConnell handed out drafts of the SPDES ordinances. He would ask the Board to review them and if they have any questions to let him or John Dunkle know. He would hope they could be introduced at the next meeting and applicable 1/1/08. The drafts are going into the report that will be filed shortly.

They had a very good committee meeting. Nancy Mueller had some very good input for the reports and how to make them better. The best input came from Ralph Lamson and Nancy. There is a fine for each measure. The area that we have designated in the town that falls under was not decided upon because of water issues but population density. The boundaries are arbitrary. The

municipality laws may change in the next 5 years. He would recommend adopting these ordinances town-wide for the above two reasons. Nancy was very firm about the fines. They are tentatively scheduling a meeting for Wednesday morning. He would like the Board to review this proposal.

Councilor Knapp wasn't at the meeting but he thinks Nancy Mueller has been very helpful.

Councilor McConnell said she is a wealth of knowledge in this area. He asked the Board how they wanted to handle the final report.

Councilor Knapp said it looks like the Board will have to have a special meeting for the water district before the next scheduled meeting in June.

Councilor McConnell asked what date is being considered.

Councilor Knapp said John Dunkle is going to let the Board know.

Councilor McConnell believes this should be in the mail a week from this Monday due to Memorial Weekend.

Supervisor Scammell suggested the 21<sup>st</sup> or 22<sup>nd</sup>.

Councilor Knapp is out of town all next week.

Councilor Shute said he doesn't know what the standard is that we are being held to regarding the report. He doesn't know how to judge it.

Councilor McConnell said with the input he has received from Kathy B. and Nancy working on this, he would be comfortable to go forward with it.

Councilor Knapp asked if he knew what a good report looked like.

Ralph Lamson said Kathy B. said John Dunkle's report had the basic ideas but didn't say how many of them we did or the percentage.

Councilor McConnell said if there is something that comes up that might be a concern, he will notify the Board.

Councilor Knapp said these ordinances will be introduced at the June 11<sup>th</sup> meeting.

Councilor McConnell said yes, so if there is any questions or comments, let him know before then. Another issue Nancy Mueller brought up is for Leon Cook on how we ditch.

#### **16) Water (Greg Scammell & "Pete" Paul).**

##### **a) Northeast LaFayette Water and Smokey Hollow Service Improvement districts.**

- **Public info meeting (early May).**

Supervisor Scammell said there were about 60-70 in attendance at the informational meeting that was held. When they got to the cash part of what it would cost to the residents they seemed very pleased with it.

- **Letter to VESyr, affirming H2O cutoff date.**

Supervisor Scammell submitted a copy of the letter he sent.

##### **b) Hamlet drainage study – request submitted to NYS DOT, intersection of Routes 11 & 20 to be reconstructed in 2009.**

#### **17) Zoning Review (Mary Jo Kelly, Ralph Lamson & Greg Scammell).**



- a) **Jamesville Reservoir Preservation District/JRPA change.**
- b) **SOCPA subdivision guidelines to distribute to local subdivision applicants.**
- c) **Digitized zoning map, correction & amendments.**
- d) **Zoning Ordinance update – amendments to subdivision process.**

A draft of the proposed subdivision amendments was submitted to the Board. Kevin advised as there had been Resolutions and Local Laws amending the Subdivision Regulations in the past, the Regulations would be adopted as a Local Law to clean it up.

**Councilor’s Knapp moved and Bailey seconded the motion scheduling a public hearing for Local Law C-2007 on June 11, 2007 and introducing Local Law No. C-2007 as follows:**

**TOWN OF LAFAYETTE  
PROPOSED LOCAL LAW NO. C-2007**

**A Local Law Ratifying and Adopting the Current Subdivision Regulations of the Town of LaFayette Originally Adopted by the Town of LaFayette Planning Board on May 12, 1987 and Approved by Resolution of the Town of LaFayette Town Board on July 13, 1987, As Previously Amended, and, Further, Amending Said Regulations to Include a New “Simple Subdivision” Procedure for Administrative Approval**

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

- Section 1. The purpose of this local law is for administrative convenience and to streamline subdivision approval procedures for simple subdivisions, to increase the economy and efficiency of the Town Planning Board’s efforts and time, to reduce costs and delays that can accompany a full Planning Board review process on matters that do not warrant full Planning Board review and to accelerate the approval process for simple subdivisions of land.**
- Section 2. The Subdivision Regulations of the Town of LaFayette, originally adopted by the Town Planning Board on May 12, 1987 and approved by resolution of the Town Board of the Town of LaFayette on July 13, 1987, as previously amended are hereby notified, incorporated, and adopted by this Local Law and are further amended with respect to Article 2, to add a definition for “simple subdivision” and with respect to Article 3, to add a new section for simple subdivisions, as follows:**

**TOWN OF LAFAYETTE  
SUBDIVISION REGULATIONS**

**Adopted by the Town Planning Board on May 12, 1987**

**Adopted by the Town Board on July 13, 1987**

**Amended by the Town Board on June 13, 2005 by Local Law 3 of 2005 (Fees)**

**Amended by the Town Board on \_\_\_\_\_, 2007 by Local Law C of 2007 (ratifying subdivision regulations and adding simple subdivision procedure)**

**ARTICLE 1: ENACTMENT, AUTHORIZATION, PURPOSE, VARIANCE**

**Section 110 Enactment Authorization**

**Pursuant to the authority granted to the Town in Sections 268, 276, and 277 of the Town Law, the Town Board of the Town of LaFayette has previously by resolution authorized and empowered the Planning Board of the Town of LaFayette to approve plats within that part of the Town of LaFayette outside the limits of any incorporated city or village; and to pass and approve the development of plats already filed in the office of the Clerk of Onondaga County if such plats are entirely or partially undeveloped, and the Planning Board was also authorized and empowered to approve or disapprove (a) changes in the lines of existing streets, highways, or public areas shown on subdivision plats or maps filed in the office of the Clerk of Onondaga County, (b) the laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Town and highway laws within that part of the Town of LaFayette outside the limits of any incorporated city or village.**

**Section 120 Title**

**These regulations shall be known as the "Subdivision Control Regulations of the Town of LaFayette."**

**Section 130 Purpose**

**The purpose of these regulations is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.**

**Section 140 Administration**

**The Subdivision Control Regulations shall be administered by the Planning Board and the Zoning Enforcement Officer.**

**Section 150 Variance**

**The Planning Board may waive, subject to appropriate conditions, the provision of any or all of such improvements and requirements as in its judgment of the special**

circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

### **Section 160 Applications, Fees and Costs**

Wherever any subdivision of land is proposed to be made and before any contract for the sale of, or any offer to sell such subdivision or any part thereof is made, the subdivider shall apply in writing to the Planning Board for approval. Applications may be obtained from the Town Clerk. Applications shall be filed with, and fees paid to, the Town Clerk.

**1. Filing Fees.** Subdividers are required to pay fees to cover a portion of the reasonable cost of administering these regulations, including, but not limited to, the engineering fees incurred by the Town in obtaining from the Town Engineer a report on the adequacy of the subdivider's drainage plan, and all reasonable legal, clerical and advertising expenses incurred. At the time a subdivider first submits an application for approval of a proposed subdivision Plat, and before the hearing on the proposed subdivision shall be called and opened, the subdivider shall pay a fee of \$100.00, plus \$50.00 per lot. Within sixty (60) days after the Final Plat is filed in the Office of the Onondaga County Clerk, or with sixty (60) days after an application is withdrawn, the Town Clerk shall refund to the subdivider the unexpended portion of the sums collected above.

**2. Cost of Engineer's Certificates.** Subdividers are responsible for the cost of obtaining a Certificate of Approval for the Final Plat from either the Town Engineer or an Approved Engineer. Subdividers who obtain a Certificate of Approval from the Town Engineer may choose one of the following options:

- (i) The subdivider may contact the Town Engineer and obtain an estimate of the costs to the Town of employing the Town Engineer to review the subdivider's plats, specifications and proposed improvements and certify the Final Plat (the "Estimate"). The subdivider shall deliver to the Town Clerk a copy of the Estimate, and shall deposit the amount of the Estimate, plus 10%, with the Town Clerk before the public hearing on the proposed subdivision shall be called and opened; or
- (ii) The subdivider may, at the time of filing the application for subdivision approval, pay an estimated engineering fee of \$200.00 per lot. Within 60 days after the Final Plat is filed in the Office of the Onondaga County Clerk, or within 60 days after an application for Plat approval is withdrawn or disapproved, the Town Clerk shall refund to the subdivider the unexpended portion of the sums collected in (i) or (ii) above.

**3. Cost of Review by Town Engineer.** The Planning Board may require that the Town Engineer review the plats, specifications and proposed improvements of subdividers who obtain the Certificate of Approval from an Approved Engineer. The Planning Board shall inform a subdivider of the need for such review after submission of the application for approval of the subdivision. Subdividers are responsible for the cost of the Town Engineer's review. If the Planning Board informs the subdivider that such review is necessary, the subdivider shall contact the Town Engineer and obtain an Estimate (the "Estimate") of the cost to the Town of the review of the subdivider's plats, specifications, construction documents and proposed improvements. The subdivider shall deliver to the Town Clerk a copy-of the Estimate, and shall deposit the amount of the Estimate, plus 10%, with the Town Clerk before the hearing on the proposed subdivision shall be called and opened. Within sixty (60) days after the Final Plat is filed in the office of the Onondaga County Clerk, or within sixty (60) days after an application for plat approval is withdrawn or disapproved, the Town Clerk shall refund to the subdivider the unexpended portion of the sums collected above.

**4. Costs of Engineer's Inspections.** Subdividers are responsible for the cost of inspections of all improvements by the Town Engineer. At least five (5) days prior to commencing the construction of the first of the required improvements, the subdivider shall pay to the Town Clerk a fee of \$100 per lot to cover the cost of these inspections. Unless and until the subdivider shall pay the inspection fee, no Certificate of Occupancy shall be issued for any structure erected upon any lot in the subdivision nor shall the Town accept the dedication of any road or other improvement in the subdivision.

**ARTICLE 2: DEFINITIONS**

For the purpose of these regulations words and terms used herein defined as follows:

- |                           |  |
|---------------------------|--|
| <b>Building Inspector</b> | <b>Any person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such person according to these regulations.</b>  |
| <b>Approved Engineer</b>  | <b>An engineer licensed by New York State and not expressly disapproved by the Town of LaFayette.</b>  |
| <b>Final Plat</b>         | <b>A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, must be duly filed or recorded by the applicant in the Office of the Clerk of the County of Onondaga.</b> |

<b>Comprehensive Plan</b>	<b>A comprehensive or master plan for the development of the Town prepared by the Planning Board pursuant to Section 272-a of the Town Law.</b>
<b>Official Submission Date</b>	<b>The date on which an application for plat approval complete and accompanied by all required information, endorsements, and fees, has been filed with the Planning Board.</b>
<b>Planning Board</b>	<b>The Town of LaFayette Planning Board.</b>
<b>Preliminary Plat</b>	<b>A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning board of the layout of the proposed subdivision.</b>
<b>Road, Major</b>	<b>An arterial road or a commercial road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties.</b>
<b>Road, Minor</b>	<b>A collector road intended to serve primarily as an access to abutting residential properties.</b>
<b>Sketch Plan</b>	<b>A sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations. A sketch plan is not n official submission of an application.</b>
<b>Subdivision</b>	<b>A division of any parcel of land in of two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term subdivision shall include re-subdivision. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the second lot thereof.</b>
<b>Subdivision, Major</b>	<b>A subdivision containing five (5) or more lots, or any subdivision requiring a new road.</b>
<b>Subdivision, Minor</b>	<b>A subdivision containing two (2), three (3), or four (4) lots, fronting on an existing road.</b>

<b>Subdivision, Simple</b>	<b>Shall include either:</b> <ol style="list-style-type: none"><li><b>1. The mere adjustment of existing lot lines, without the creation of new streets, curb cuts or municipal infrastructure; or</b></li><li><b>2. The elimination of existing lot lines so as to consolidate one or more lots into a lesser number of lots and not involving the creation of new streets, curb cuts or municipal infrastructure; or</b></li><li><b>3. The division of one parcel so as to create no more than two (2) new building lots during a consecutive five (5) year period, and not involving the creation of new streets, curb cuts or municipal infrastructure.</b></li></ol>
<b>Undeveloped Plat</b>	<b>A plat where twenty (20) percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.</b>
<b>Zoning Enforcement</b>	<b>Any person appointed, designated, otherwise retained by the Officer Town Board to carry out the functions assigned to such person according to these regulations.</b>
<b>Zoning Law</b>	<b>The Zoning Ordinance of the Town of LaFayette, as it may be amended from time to time.</b>
<b>SEQRA</b>	<b>The New York State Environmental Quality Review Act and regulations promulgated thereunder .</b>
<b>Certificate of Approval</b>	<b>A statement from the Town Engineer or and Approved Engineer that the subdivider's plats, specifications, construction documents, and proposed improvements are in compliance with all applicable laws, regulations codes and that they provide adequate provisions for drainage, sewage, water, utilities and roadways.</b>

**ARTICLE 3: REVIEW AND APPROVAL PROCEDURE**

**Section 310 General**

**Minor subdivisions shall be processed in the following stages:**

- 1. Sketch Plan Conference.**

- 2. Application.**
- 3. Public Hearing.**
  
- 4. Reference to Onondaga County Planning Board.**
  
- 5. Final Plat: approval**

Major subdivisions shall be processed in the following stages:

- 1. Sketch Plan Conference.**
  
- 2. Application.**
  
- 3. Public Hearing.**
  
- 4. Reference to Onondaga County Planning Board.**
  
- 5. Preliminary Plat approval.**
  
- 6. Optional Public Hearing.**
  
- 7. Final Plat approval.**

Simple Subdivisions shall be processed as follows:

- 1. Upon receipt of an application for a Simple Subdivision as defined in Article 2 above, including a location survey plan map showing all buildings, easements, existing infrastructure, existing and proposed lot lines by metes and bounds, as well as receipt of the fee therefore as specified by the Town Board, the Town Code Enforcement Officer shall review such application and may approve the same, providing that the proposed simple subdivision plan map complies with all Town zoning and other laws rules and regulations.**
  
- 2. Prior to such approval by the Code Enforcement Officer, the Town Clerk shall send a notice to all property owners within 300 feet of the proposed simple subdivision advising them that the application is on file in the Town Offices for public review and any questions or comments may be sent in writing to the Code Enforcement Officer within the date advised on the notice which shall be 30 days from its mailing date.**
  
- 3. If the simple subdivision is within 500 feet of any of the triggering receptors as set forth in Section 239-n of the New York General Municipal Law, as that law may be amended from time to time, the application will be referred to the County Planning Board, as required by statute.**

- 4. Simple divisions are subject to review under the New York State Environmental Quality Review Act (SEQR), which review shall be undertaken by the Codes Enforcement Officer.**
- 5. Simple subdivisions, in appropriate circumstances, are subject to the provisions of the Town’s Stormwater Management program.**
- 6. In the event that such subdivision plan map is not a survey or does not comply with all Town zoning and other laws, rules and regulations, the Code Enforcement Officer shall disapprove such application and advise the applicant of the nature of the defect.**
- 7. Upon approval of a simple subdivision, the Code Enforcement Officer shall endorse said map, indicating his/her approval for filing in the County Clerk’s Office pursuant to the authority of this local law.**
- 8. The applicant for simple subdivision approval shall provide such number and type of copies of the approved plan as the Code Enforcement Officer shall specify for the Town’s records.**
- 9. Notwithstanding the above, the Code Enforcement Officer may, in his sole discretion, refer any such request for simple subdivision to the Planning Board for its advice and/or approval.**
- 10. If referred to the Planning Board as herein provided for simple subdivisions, such referral shall be made within thirty (30) days from the time such application is received and is deemed complete by the Code Enforcement Officer.**
- 11. There shall be an application fee for simple subdivisions in accordance with an amount to be determined from time to time by resolution of the Town Board.”**

#### **Section 320 Pre-Application Procedure**

**Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. He should study the site suitability and opportunities for development. Presumably he will discuss financing, planning, and marketing with the lending institutions. With his licensed land surveyor and/or engineer, he should develop a sketch plan which in turn should be submitted to the Planning Board for advice and assistance and should be accompanied by a preliminary environmental assessment (EAF).**

#### **Section 330 Sketch Plan Conference**



**At least ten days before the next regularly scheduled meeting of the Planning Board, the subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Clerk will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the subdivider's program as they relate to the Comprehensive Plan, if any, design standard and improvement requirements.**

**This meeting is intended to assist the subdivider in the planning and preparation of the Preliminary or Final Plat in order to save him both time and money in preparing maps and plans. At this meeting, the plan will be classified as a minor or major subdivision by the Planning Board as defined by this ordinance. Subdivisions classified as minor may proceed directly to preparation of a Final Plat without submission and approval of a preliminary plat which shall be required for a major subdivision.**

**This step does not require formal application, fee or filing with the Planning Board.**

#### **Section 340 Department of Health**

**Onondaga County Department of Health approval may be required for any subdivision. Early contact by the subdivider with this department is advised.**

#### **Section 350 Preliminary Plat**

**All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available at the Town Office accompanied by all documents specified in Article 4 herein.**

**Review of Subdivision. Following the review of the Preliminary Plat and supplementary material submitted for conformity to these regulations, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the Preliminary Plat. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of SEQRA regarding the potential impact which the proposed subdivision may have upon the environment. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the Preliminary Plat and state its reasons for disapproval unless the time in which the Planning Board must take action on such Preliminary Plat is extended by mutual consent of the subdivider and the Planning Board.**

**Notice of Public Hearing. The hearing shall be advertised at least once in the official newspaper of in the Town at least five (5) days before the hearing. The Planning**

**Board may provide that the hearing be further advertised in such manner as it deems appropriate. Notice of the hearing shall be mailed to the owner of all adjoining properties and properties within three hundred (300) feet of the subdivided property at least five (5) days before the hearing.**

**SEQRA Review. The lead agency in the SEQRA review process will be responsible for completion of a final Environmental Impact Statement. Statement findings must accompany approval of the Preliminary Plat.**

**Notice of Decision. Within five (5) days of approval, the action of the Planning Board shall be noted on three (3) copies of the Preliminary Plat and reference made to any modifications determined. One (1) copy shall be returned by mail to the subdivider and the other two (2) copies retained by the Planning Board.**

**Effect of Approval. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. The Preliminary Plat shall be a guide to the preparation of the Final Plat. Before submission of the Final Plat or any portion thereof for formal approval the subdivider must comply with these regulations and all requirements set forth by the Planning Board in their review of the Preliminary Plat, and any requirements of the Onondaga County Department of Health.**

### **Section 360 Final Plat**

**All subdivisions as defined herein shall require Final Plat approval by the Planning Board.**

**The subdivider shall file with the Planning Board an application for Final Plat approval on forms available at the Town Office.**

**The application shall be accompanied by the documentation specified in Article 4 herein. Such application shall be submitted at least fourteen (14) calendar days prior to the meeting at which it is to be considered by the Planning Board and no later than six (6) months after the date of the Preliminary Plat approval.**

**Optional Public Hearing. A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official submission date of the Final Plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of the public hearing. The time in which the Planning Board must take action on the Final Plat may be extended by mutual consent of the subdivider and the Planning Board. If the Final Plat is disapproved, the grounds for disapproval (including a reference to the provision of these regulations violated by the Final Plat), shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the stated forty-five (45) day period shall be deemed final approval of the Plat.**

**Notice of Public Hearing.** The hearing shall be advertised at least once in the official newspaper of the Town at least five (5) days before the hearing. Notice of the hearing shall be mailed to the owners of all adjoining properties within three hundred (300) feet of the subdivided property at least five (5) days before the hearing.

**Waiver of Public Hearing.** If the Final Plat is in substantial agreement with the approved Preliminary Plat, the Planning Board may waive the public hearing requirement. If no hearing is held the Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of its official submission date.

**Notice of Decision.** Within five (5) days of approval, the subdivider shall be notified by mail of the final action of the Planning Board. He shall record the Final Plat, or the approved section thereof, in the Office of the Clerk of Onondaga County, N.Y. within sixty (60) days after the date of approval; otherwise the Final Plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Onondaga County, NY

**Conditional Approval.** Upon conditional approval of such Final Plat the Planning Board shall empower a duly authorized officer to sign the Final Plat upon completion of such requirements as may be stated in the conditional approval resolution. The Final Plat shall be certified by the Town Clerk. A certified statement of the requirements shall accompany the Final Plat which, when completed, will authorize the signing of the conditionally approved Final Plat. Upon completion of the requirements the Final Plat shall be signed by the duly authorized officer of the Planning Board. Conditional approval of a Final Plat shall expire one hundred-eighty (180) days after the date of the resolution granting conditional approval. The Planning Board may, however, extend the expiration time by not more than two additional period of not more than ninety (90) days each.

**Filing of Plats in Sections.** Prior to granting conditional or final approval of a plat in final form the Planning Board may permit the Final Plat to be subdivided into two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the Final Plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections or a Final Plat subject to any conditions imposed by the Planning Board shall be granted concurrently with conditional or final approval of the Final Plat.

In the event the subdivider shall file only a section of such approved Final Plat in the office of the County Clerk, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each Town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved

**plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265-a of the Town Law.**

**The Building Inspector shall not be authorized to issue a building permit or a Certificate of Occupancy for any structure on any lot in the subdivision unless and until the approved plat shall have been filed in the office of the County Clerk as required by this paragraph.**

#### **ARTICLE 4: DOCUMENTS TO BE SUBMITTED**

##### **Section 410 Information Required for all Plat Submissions**

- 1. Name and address of subdivider and professional advisers, including license numbers and seals.**
- 2. Map of property, drawn to scale, at a scale of one (1) inch to fifty (50) feet, one (1) inch to one hundred (100)feet or one (1) inch to two hundred (200) feet, showing:**
  - a. Subdivision name, scale, north arrow and date.**
  - b. Subdivision boundaries.**
  - c. Contiguous properties and names of their owners**
  - d. Existing and proposed roads, utilities, and structures.**
  - e. Water courses, marshes, wooded areas, public Facilities, and other significant physical features on or near the site.**
  - f. Proposed pattern of lots including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities.**
  - g. Land contours at minimum intervals of five other suitable indicators of slope.**
  - h. Subsurface conditions on the tract, if required by the Board: Location and results of tests made to ascertain subsurface soil; rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of solid percolation tests if individual sewage disposal systems are contemplated.**
- 3. Copy of tax map(s).**
- 4. Existing restrictions on the use of land including Easements, covenants,**

**and zoning.**

- 5. Total acreage of subdivision and number of lots proposed.**
- 6. Building types, including their approximate size and cost at time of application.**

#### **Section 420 Minor Subdivisions**

**The following shall be submitted with all applications for approval of a Final Plat for a minor subdivision:**

- 1. One (1) copy of the plat to be submitted to the Onondaga County Clerk, drawn with ink on appropriate material, plus five (5) paper copies.**
- 2. A Certificate of Approval from either the Town Engineer or an Approved Engineer.**
- 3. Information specified under Section 410, updated and accurate.**
- 4. Sufficient data acceptable to the Planning Board which shall readily enable it to determine the location, bearing, and length of every road line, lot line, and boundary line. Such data shall be sufficient to allow for the reproduction of such lines on the ground.**
- 5. On-site sanitation and water supply facilities shall be designed to meet the specifications of the Onondaga County Department of Health and a statement to this effect shall be made on the application.**
- 6. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.**
- 7. Additional information as deemed necessary by the Planning Board.**
- 8. Any required fees.**

#### **Section 430 Preliminary Plat, Major Subdivision**

**The following shall be submitted with all applications for approval of a Preliminary Plat for a major subdivision:**

- 1. Six (6) copies of the plat map, drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.**
- 2. All information specified under Section 410, updated and accurate.**

- 3. All parcels of land proposed to be dedicated to public use and the conditions of such use.**
- 4. Grading and landscaping plans**
- 5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.**
- 6. The approximate location and size of all proposed waterlines hydrants and sewer lines, showing connection to existing lines.**
- 7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.**
- 8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, and the location of any underground cables.**
- 9. Preliminary designs for any bridges or culverts.**
- 10. The proposed lot lines with approximate dimensions and area of each lot.**
- 11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the Preliminary Plat.**
- 12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.**
- 13. A draft Environmental Impact Statement, if required.**
- 14. Where the Preliminary Plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.**
- 15. Additional information as deemed necessary by the Planning Board.**
- 16. Any required fees.**

**Section 440 Final Plat, Major Subdivision**

**The following shall be submitted with all applications for approval of a Final Plat for a major subdivision:**

- 1. One (1) copy of the Final Plat to be submitted to the Onondaga County Clerk, drawn with ink on suitable material plus five (5) copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.**
- 2. Proposed subdivision name and the name of the Town and County in which the subdivision is located; the name and address of the record owners and subdivider; name, address, license number and seal of the surveyor and/or engineer.**
- 3. Road lines, pedestrian ways, lots, easements, and areas to be dedicated to public use.**
- 4. Sufficient data acceptable to the Planning Board which shall readily enable it to determine the location, bearing and length of every road line, lot line, and boundary line. Such data shall be sufficient to allow for the reproduction of such lines on the ground.**
- 5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves. Tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The Final Plat Shall show the boundaries of the property, locations, graphic scale, and true north point.**
- 6. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney-as to their legal sufficiency.**
- 7. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.**
- 8. Approval of the Onondaga County Department of Health of water supply Systems and sewage disposal systems proposed or installed.**
- 9. An approved Environmental Impact Statement, if required.**
- 10. Construction drawings including plans, profiles, and typical cross sections, as required showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.**

11. Evidence of legal ownership of the real property which is the subject of the Final Plat.
12. Deed restrictions, existing and proposed, for recording.
13. A Certificate of Approval by an Approved Engineer or by the Town Engineer. The Certificate of Approval for a Major Subdivision must also certify that the subdivider has complied with one of the following alternatives:
  - a. All improvements have been installed in accord with requirements of these regulations and with the action of the Planning Board giving approval of the Preliminary Plat, or
  - b. A performance bond, certified check, or letter of credit has been posted in an amount sufficient to assure such completion of all required improvements.
14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of these regulations.

#### **Section 450 Waiver of Submission Requirements**

When an application concerns a subdivision of uncomplicated nature such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive any submission requirements it deems appropriate.

### **ARTICLE 5: DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

#### **Section 505 Road Design Standards**

**Conformity with General Plan.** The arrangement, width, location and extent of major roads and all minor roads should conform and be in harmony with the Comprehensive Plan, if any, for the Town. Roads not in the Comprehensive Plan, if any, should conform to the recommendation of the Planning Board based on existing and plan roads, topography, public safety, convenience and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

**Arrangement.** Residential minor roads shall be designed to discourage through traffic whose origin and destination is not within the subdivision.



**Location.** When a proposed subdivision is adjacent to or contains a State highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway regarding the State highway right-of-way and direction. The Planning Board may require the subdivider to establish a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential district, or for commercial or industrial purposes. Such distance shall also be determined with due regard, for the requirements of approach grades and future grade separation. Railroad rights-of-way shall receive similar consideration.

**Intersections.** Roads shall intersect one another at angles as near to a right angle as possible, and no intersections of roads at angles less than sixty (60) degrees shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at the right-of-way line when the intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Road jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.

**Dead End Roads.** Dead-end roads, designed to be so permanently, shall not be generally approved. They shall not be longer than four hundred (400) feet in general and not longer than five hundred (500) feet in any case, and shall be provided at the closed end with a turn-around having a street property line diameter of at least one hundred thirty (130) feet.

**Half Roads.** Dedication of a half road shall be prohibited, except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half road is adjacent to a tract to be Subdivided, the other half of the road shall be platted within such tract.

**Access.** In commercial and industrial districts, definite and assured provision shall be made for service access, such as off road parking, and loading and unloading consistent with and adequate for the uses proposed.

**Names and Addresses.** Names of new roads shall not duplicate existing or platted roads. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the house numbering system now in effect in the Town.

**Road Signs.** The subdivider shall provide and erect road signs or a type to be approved by the Town Board at all road intersections prior to acceptance of the constructed roads.

**Trees. If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.**

**Standards for Road Design**

	<b><u>Minor Road</u></b>	<b><u>Major Road</u></b>
<b>Minimum width Right-of-way</b>	<b>50 feet</b>	<b>60 feet</b>
<b>Minimum width of Pavement</b>	<b>20 feet</b>	<b>24 feet</b>
<b>Minimum width of Shoulders</b>	<b>5 feet</b>	<b>5 feet</b>
<b>Minimum radius of Horizontal Curves</b>	<b>150 feet except for road intersection Corners</b>	<b>400 feet</b>
<b>Minimum length of Vertical Curves</b>	<b>Shall be such that at least 100 feet line of sight exists measured 3 feet above the road surface</b>	<b>200 feet</b>
<b>Minimum length of Tangents between Reverse Curves</b>	<b>100 feet except where excessive grades may be reduced to reasonable grades by shortening tangent</b>	<b>200 feet</b>
<b>Maximum Grade</b>	<b>10 % except that grades up to 14 % may be approved on short runs</b>	<b>6% - 8%</b>
<b>Minimum Grade</b>	<b>1 %</b>	<b>1%</b>
<b>Minimum Braking Sight Distance</b>	<b>200 feet</b>	<b>300 feet</b>

**Section 510 Road Construction Standards**

- 1. All road improvements shall be installed at the expense of the subdivider.**

- 3. Roads shall be built in conformity with the Highway Specifications of the Town of LaFayette.**

#### **Section 515 Sidewalks**

**Sidewalks may be required and shall be installed as follows:**

- 1. Sidewalks shall be installed at the expense of the sub-divider, at such locations as the Planning Board may deem necessary.**
- 2. Sidewalks must be constructed to comply with the detailed specifications required by the Town Engineer or an Approved Engineer and approved by the Planning Board.**
- 3. Sidewalks shall be concrete or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.**

#### **Section 520 Disposal**

**Public utility improvements may be required and shall be installed as follows:**

- 1. Fire Protection: Hydrants to be of size, type and location specified by the Town Engineer or by an Approved Engineer.**
- 2. Street Lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.**
- 3. Electricity: Power lines shall be placed underground and shall be approved by the local power company.**
- 4. Utility Services: Shall be extended beyond the highway boundary or the easement within which the main utility line is located.**

#### **Section 525 Water Supply**

- 1. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board.**

#### **Section 530 Disposal**

- 1. If, in the opinion of the Planning Board, it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board in**

**accordance with plans approved by the Onondaga County Department of Health.**

- 2. All sanitary sewage disposal systems shall meet the requirements of the Onondaga County Department of Health and the State Department of Environmental Conservation to the satisfaction of the Planning Board.**
- 3. Dry sewers may be required in those parts of the Town deemed to have sufficient population density to merit community sanitary sewer systems in the future. Such requirements shall be in harmony with the Comprehensive Plan, if any, for the Town.**

### **Section 535 Lots**

**Location. All lots shall abut by their full frontage on public roads to ensure suitable access.**

**Dimensions. The lot size, width, depth, shape, and area shall comply with the 1970 Zoning Ordinance of the Town of LaFayette, as amended or any successor zoning ordinance.**

**Double Frontage Lots. Frontings on two roads other than corner lots shall be discouraged.**

**Pedestrian Easements. In order to facilitate pedestrian access from roads to schools, parks, play areas, or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may also be required.**

**Setback. The provisions of the 1970 Zoning Ordinance of the Town of LaFayette, as amended, shall apply regarding setback lines.**

**Lot Lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and, except when indicated by topography, lot lines shall be straight.**

**Corner Lots. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.**

### **Section 540 Unique and Natural Features**

**Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved when possible. Also streams, lakes, ponds, and wetlands shall be left unaltered and**

**protected by easements or otherwise. All surfaces must be graded and restored within six (6) months of completion of the subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.**

#### **Section 545 Public Open Spaces and Sites**

**Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the Comprehensive Plan, if any, and be made available by one of the following methods:**

- 1. Dedication to the Town.**
- 2. Reservation of land for the use of property owners by deed or covenant.**
- 3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the Town does not proceed with the purchase.**
- 4. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in the plat or that a provision for such parks would otherwise be impractical, the Board may require as a condition to approval of the plat a payment to the Town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground, or recreational purposes which purposes shall include the acquisition of property.**

**The Planning Board may require the reservation of such other area or sites of a character, extent, and location suitable to the needs of the Town such as water plants, sewage treatment plants and other community purposes not anticipated in the Comprehensive Plan, if any.**

#### **Section 550 Land Unsuitable for Subdivisions**

**As a safety measure for the protection of the health and welfare of the people of the Town, that portion of a proposed lot which is found by the Planning Board to be unsuitable for subdivision purposes due to harmful features (e.g. drainage problems), shall not be subdivided unless and until adequate methods are formulated by the subdivider and approved by the Planning Board. Before all approval, the subdivider shall in lieu of the improvements, furnish a surety bond, certified check, or letter of credit covering the cost of the required improvements.**

#### **ARTICLE 6: BOND FOR INSTALLATION OF IMPROVEMENTS**

### **Section 610 General**

**In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, sewage disposal, road signs, sidewalks and road surfacing will be constructed, the subdivider shall enter into one of the following agreements with the Town.**

- 1. An agreement that the subdivider will construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final approval of the plat.**
- 2. In lieu of the completion of the improvements, the subdivider shall furnish a bond executed by a surety company acceptable to the Town in an amount equal to the cost of construction of the improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board, after consultation with the Town Engineer. The subdivider shall pay for the cost, if any, incurred by the Planning Board in consulting the Town Engineer.**
- 3. In lieu of the completion of improvements, the subdivider shall deposit a certified check or a letter of credit in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the subdivider and approved by the Planning Board.**

### **Section 620 Conditions**

**Before the Final Plat is approved, the subdivider shall have executed a subdivider contract with the Town, and a performance bond certified check, or letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.**

**The performance bond or letter of credit shall (a) in the case of the performance bond, name the Town as obligee and (b) in the case of the letter of credit, name the Town as the payee, and each shall provide that the subdivider, his heirs, successors, and assigns, his agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this ordinance, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with all applicable laws and regulations.**

**Any such bond or letter of credit shall require the approval the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety and/or financial institution.**

**Wherever a certified check is deposited, to the Town of LaFayette. It shall be payable to the Town of LaFayette.**

#### **Section 630 Extension of Time**

**The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond, letter of credit, or certified check deposit, shall be completed within one year from the date of approval of the Final Plat. Road improvements shall be completed within two year from the date of approval of the Final Plat. The subdivider may request an extension of time, provided he can show reasonable cause for his inability to perform the improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond, letter of credit, or certified check deposit to construct the improvements as it deems necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications. There shall be no extension of time given unless and until the terms of the bond or letter of credit: shall be extended as well and proof of such extension provided to the Town in sufficient time to enable the Town to grant an extension.**

#### **Section 640 Agreement - Schedule of Improvements**

**When a certified check, letter of credit or performance bond are provided pursuant to the preceding sections, the Town and the subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of: the check deposit, letter of credit or performance bond shall not be repaid to the subdivider until one (1) year following the completion, inspection and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.**

#### **Section 650 Modification of Requirements**

**Upon approval by the Town Board, the Planning Board, after due notice and a public hearing, may modify its requirements for any or all improvements, and the face value of the performance bond or letter of credit shall thereupon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond or letter of credit may be increased or reduced proportionately.**

#### **Section 660 Inspection**

**Periodic inspections during the installation of improvements shall be made by the**

**Town Engineer to insure conformity with the approved plans and specifications as contained in the subdivider contract and these regulations. The subdivider shall notify the Town Engineer when each phase of improvement is ready for inspection. Upon acceptable completion and installation of the improvement, as certified by the Town Engineer, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond, letter of credit or certified deposit as designated in the subdivider's contract to cover the cost of such completed work.**

#### **Section 670 Acceptance of Roads and Facilities**

**When the Town Engineer, following the final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installations and improvements have been completed in accordance with the subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which the performance bond has been posted, the letter of credit issued, or the certified check deposited. Prior to acceptance of the facilities, the subdivider shall deposit with the Town Clerk a complete set of as-built drawings which show the location and extent of all installations and improvements required to be completed by the subdivider's contract.**

### **ARTICLE 7: MISCELLANEOUS PROVISIONS**

#### **Section 710 Penalty Provision**

- A. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or I resists the enforcement of any of the provisions of the Subdivision Control Regulations of the Town of LaFayette shall, upon conviction, be deemed guilty of a violation. A violation of any of the provisions of the Subdivision Control Regulations of the Town of LaFayette shall be punishable under the Penal Code as a violation. Each week an offense is continued shall be deemed a separate violation of these regulations.**
- B. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of these regulations.**

#### **Section 720 Certification and Filing with County**

**The Town Clerk is hereby directed to forthwith file a certified copy of these regulations with the Clerk of Onondaga County.**

#### **Section 730 Severability**



**If any clause, paragraph, section, or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section, or part of these regulations.**

**Section 3. Effective Date.**

**This local law shall take effect upon its filing with the New York Secretary of State.**

**Voting upon the above Motion was as follows:**

<b>Supervisor Scammell</b>	<b>Voted</b>	<b>Aye</b>
<b>Councilor Knapp</b>	<b>Voted</b>	<b>Aye</b>
<b>Councilor Bailey</b>	<b>Voted</b>	<b>Aye</b>
<b>Councilor McConnell</b>	<b>Voted</b>	<b>Aye</b>
<b>Councilor Shute</b>	<b>Voted</b>	<b>Aye</b>

**Motion passed unanimously.**

Councilor McConnell asked Kevin Gilligan about the extra work that would be required to review the Zoning Ordinance proposed amendments per his letter.

Kevin said they could not fit the review of the Zoning Ordinance as there are some areas that could be large legal issues that would not fall within the retainer.

Supervisor Scammell asked if he could come back with the sections that he can review one at a time.

Mary Jo said she is not upset with whatever the Board decides on this but she will do no further work on zoning issues. There were hours spent on this to try to make it better and if it doesn't go forward, she is done working on zoning issues in the future.

Supervisor Scammell said that is understandable.

Ralph Lamson asked the status of JRPA zoning.

Mary Jo said we are waiting for them to bring a petition to the Board regarding jet skis. She believes John Langey has also asked the Board for guidance if they want him to pursue researching legislation for this area as there will be an additional fee to do the research.

**9. LITIGATION & OTHER LEGAL MATTERS.**

**A. Onondaga Nation Land/Land Rights Claim.**

**B. William May mobile home on Jamesville Reservoir.**

- **County court rules in town's favor.**
- **NYS Supreme Court rules in town's favor.**
- **Appealed by Mr. May.**
- **File or dismiss.**
- **Order and judgment favoring town (SMY).**

Kevin Gilligan advised the Order has been in front of the judge for several weeks. Sam Young called over today to see what is going on. The judge has been in trial.

**C. Grader v. Town of LaFayette. Decision favoring town (SMY).**

Kevin Gilligan said they have until July 11<sup>th</sup> to appeal.

Councilor Knapp asked what the order regarding May would say.

Kevin said he hasn't seen it. From what he hears it gives Mr. May 30 days to remove the trailer.

Councilor Knapp asked if there is any wiggle room in this.

Kevin said there's none in that order but he can appeal it.

Councilor Bailey asked if there is some continuity in the local justice court. Now that the State Supreme Court decision has been made, would it be prudent to ask the Town Justice Court to act?

Kevin thinks at this point you have to figure you are waiting for the Appellate Court to make it's decision. If they rule in our favor, there's a contempt order sitting there.

Supervisor Scammell asked why he wouldn't have to move this within 30 days.

Kevin would guess once he gets the order served on him, he will appeal and that appeal would go to the Appellate Division as well.

**D. Sky Heights subdivision - Tully (JL).****10. UNFINISHED BUSINESS & ACTIVE PROJECTS.****A. Crime coverage – review of town books - complete (TC).****B. Community Development Grant app.**

- 1) **2006 - Water district & Water District hookups. Accepted, to be administered & distributed by OnCo CD.**
- 2) **2007 Park Designs (Bailey Park, LaFayette Beach & Stafford Park). Review 2006 apps.**
- 3) **Park designs (SU &/or playground equipment manufacturers- Parkitects) – rejected.**
  - **Bailey Park.**
  - **LaFayette Beach.**
  - **Stafford Park.**
  - **Community Development income survey map (BM).**

Councilor Knapp said we didn't get awarded the \$1,000 we applied for in the application we submitted for LaFayette Beach area. However, they have authorized \$50,000 out of the money that might not be spent. Historically when you make the backup list, next year you are kind of on the top of the list to get funding. He got some feedback on things they would like us to do that would help with next years application.

**C. Onondaga County: proposal for centralization of tax collection –data collection, Lysander PILOT.**

**D. CNY Community Foundation - Grants for Green Spaces – completed (projects for 2007).**

Councilor McConnell said he was advised there is plenty of money right now and it's first come first serve. He will be writing one to finish up Bailey Park. It can be used for trees or some of the other items they had requested.

Supervisor Scammell asked if the signs "Children Playing" are something the Highway Dept. can do.

Councilor McConnell asked if they are up.

Leon Cook believes they are but he will check. He thinks they put them up last year.

Councilor Knapp asked if they didn't want some "No Parking" signs too.

Supervisor Scammell asked Leon if they are up.

Leon said they didn't put the "No Parking" signs up in the park. The resident's wanted the signs in the park by the basketball hoop. He suggested putting in a parking area in and putting signs up saying "No Parking Beyond This Point". He doesn't think people will drive in there and park on the lawn any more.

**E. Signs – business (four corners – LaFayette Chamber of Commerce), small (redesign?, minor roads), large (install four at 11 N&S and 20 E&W), signs on town properties/local business opportunities during Apple Festival, Winterfest, etc. (AS & DK).**

Councilor Knapp said if after the brush is done being picked up, will Leon have time to help put the signs up?

Leon said they will try to fit that in. They have to clean up the roads at Applewood Estates. They will get the signs up one way or another.

**F. U.S flags – proper lighting for utility pole mounts (BM, 8.29.06 email).**

- **Purchase LaFayette banners to be flown w.the U.S. flags & arrange in an attractive manner, perhaps flags with banners. Banner design.**

Councilor Knapp is going to order some flags this week that will be put up before Memorial Day. He will put the United States Flags on the poles that are lit and then he will put up Service Flags on the poles that are dark.

**G. Onondaga County Tax Auction – 5998 Route 20, May 8<sup>th</sup>, 2007.**

Supervisor Scammell noted this is done.

**H. For TB review.**

- 1) **GBoR member: tbd , 01/01/07 – 09/30/08 (replacing John Aiken's term).**
- 2) **Zoning Board of Appeals member: tbd, 1/1/07 – 12/31/10 (replaced Al Miller's term).**

Supervisor Scammell noted he brought a name before the Board regarding the Zoning Board. He would appreciate the Board letting him hear their feelings on this so he can get back to the person.

**11. NEW BUSINESS.**

Councilor McConnell said now that the two parcels on the corner are divided up, what can we do to ask Mr. Muraco to clean up his parcel to make it look better?

Ralph Lamson asked in what way.

Councilor McConnell said the weeds going uncut inside the fence.

Ralph will check the state ordinance to see if there is anything on this.

Councilor Knapp thinks the other thing to look at is some safety hazards that might be sticking out of the ground.

Supervisor Scammell said there are some items sticking up out of the ground on the east boundary of the property. He has had some complaints about construction debris left next to the building.

Leon Cook said the boxes have to be brought up so the Garden Club can get them ready for Memorial Day. He hasn't heard from Rainer Brocke on this so he will call him.

- **Contract renewal with Onondaga County Sheriffs.**

Supervisor Scammell said the 2006 contract needs to be updated. He would presume the terms are the same. He asked if he can change the years on the contract from 2006 to 2007. They sent him the old contract.

Kevin Gilligan said he can handwrite 2007 and initial it.

Supervisor Scammell will do this. If it's not the right rate, they will let him know.

- **Surplus items for disposal.**

**Councilor's Knapp moved and McConnell seconded the motion naming the following items surplus: 3 computer monitors, a keyboard, speakers and a shredder. Motion passed unanimously.**

The Town has been contacted regarding a tower lease. The Board was not interested in the offer.

Kevin Gilligan will contact them.

Councilor Knapp said this is the same carrier that the Board discussed earlier.

Supervisor Scammell isn't sure about that.

Kevin said in his letter it stated if he didn't hear from the Board in 5 days, their offer is revoked. He is representing Cingular which was the same company represented by the California company before.

## **12. Suggestions for improvement and positive contributions.**

- **Welcome to LaFayette pamphlet – Town Clerk Mary Jo Kelly.**

Councilor McConnell asked the status of the Welcome to LaFayette Pamphlet.

Mary Jo said she is still waiting for information from the Optimist Club, Apple Festival and L.F.D.

Councilor Knapp said he will take care of the Optimist Club and Apple Festival.

Councilor McConnell asked for a copy of what is ready.

Councilor Shute said some of the surrounding towns have approached the LaFayette Chamber of Commerce to see about joining together. The LaFayette Chamber of Commerce discussed this and didn't think it would be the best thing for LaFayette. They did agree to hold several meetings a year including the area towns. The first area town meeting will be June 6<sup>th</sup> at Orchard Valley. Fabius, Tully, Pompey and Jamesville are all invited and it will be hosted by the LaFayette Chamber of Commerce. Everyone is welcome to attend. It will begin at 7:00 p.m.

**13. Executive session (if needed).**

**Councilor's Knapp moved and McConnell seconded the motion for the Board to go into Executive Session to discuss a personnel matter and to include the Town Attorney. Motion passed unanimously.**

The Board went into Executive Session at 9:05 p.m. and Supervisor Scammell called the Regular Meeting back to order at 9: 19 p.m.

**14. Motion to audit & pay bills.**

**Councilor's McConnell moved and Knapp seconded the motion to audit and pay the following bills:**

<b>HIGHWAY DEPT. FUND</b>	<b># 7633 - 7646</b>
<b>GENERAL FUND</b>	<b># 7647 – 7694</b>
<b>SPECIAL DISTRICT FUND</b>	<b># 7696</b>
<b>TRUST &amp; AGENCY FUND</b>	<b># 7697</b>
<b>COMMUNITY DEVELOPMENT &amp; CAPITAL FUND</b>	<b># 7698 – 7700</b>

**Motion passed unanimously.**

**15. Motion to adjourn.**

**Councilor's McConnell moved and Knapp seconded the motion to adjourn. Motion passed unanimously.**

The Town Board Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

**Approved June 11, 2007**