

Minutes of the Town Board Meeting held by the LaFayette Town Board on August 13, 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
Thomas Bailey, Councilor
Adrian Shute, Councilor
David Knapp, Councilor
William McConnell, Councilor (Arrived 8:15 p.m.)

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Tom Chartrand, Bookkeeper
John Dunkle, Town Engineer
Mike Amidon
Jim & Anne Nakas

1. **Supervisor Scammell 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. Town Councilor Tom Bailey.**
4. **Councilor's Knapp moved and Bailey seconded the motion to accept prior meeting minutes of July 8, 2007, as submitted by the Town Clerk. Motion passed unanimously.**
5. **PUBLIC HEARINGS. None.**
6. **COMMUNICATIONS.**
 - A. **RESIDENTS. (Please sign in and give your name before you speak).**

Anne Nakas said she and Jim are here to follow-up on where the town is with the property at 2386 Route 11A. She said they really don't understand. Ms. Kelley's documents didn't meet the level needed to grandfather by Ralph Lamson's decision. She knows Ralph sent Ms. Kelley a letter telling her that. Ms. Kelley appeared before the Town Justice and her understanding is that Ms. Kelley was told she could continue her business. Anne is a little confused by this. She isn't sure on what basis. She doesn't know the process.

Supervisor Scammell said he doesn't have anything written on this. His understanding is that Ms. Kelley is still in business. He doesn't understand this himself as it seems it is a different business.

Anne said one business was a one-man business where people dropped off their air conditioner and he fixed it or they would call Mr. Belmont up and he would go over to their house and fix their refrigerator or air conditioner. It was a side-job as he worked full-time at Sears. They never considered this a full-time business and certainly not to the level it is now. This is not just an office operating either in the barn or the home. This is a construction business with supplies in the barn and some of the workforce still living there. They have been there since the beginning of April. This is more traffic. Between 7:30 a.m. and 8:00 a.m. there are about 4 people arriving. They meet there for coffee and then they all go back out of the driveway. This is much more than an office with one or two employees. The amount of traffic and activity that goes on is bothersome. Where do they go from here?

Kevin Gilligan said he thinks what happened is that Ralph Lamson cited them and the court basically dismissed the violation. In terms of Ralph's decision, it was consistent with the Nakas's opinion. He isn't sure you can appeal Ralph's decision as it was consistent with zoning. He thinks they could ask for an interpretation from the Zoning Board of Appeals to find out whether there is a violation or not. They could appeal the Justice Court's decision to the County Court.

Anne said in terms of the Justice dismissing it, does Springhill Construction still have to operate under the idea of just an office? Did dismissing it give them permission to continue operating a business? In essence, spot zoning is occurring to allow this to be a full-fledged construction business. Was it a decision that the office can stay in the barn or did the judge's decision mean they can operate a full-fledged construction business there? If that is so, now she has business next to her and it's spot zoning.

Kevin Gilligan said there was no written decision that he has seen. He knows it was dismissed but he doesn't know what the judge said about it.

Supervisor Scammell asked how the Nakas's can find out what the decision was.

Kevin Gilligan said to ask the judge. Basically all he did was dismiss the violation that they were illegally operating a business.

Anne asked if it was just that they were illegally operating the office business in the barn?

Kevin said he doesn't know she would have to ask Ralph Lamson.

Supervisor Scammell said they should go to both the judge and Ralph to find out about this.

Jim Nakas said in the past, Mr. Gilligan had suggested there is certain criteria that needs to be met to prove there was a business. He would include tax records, etc. In this instance, there were a bunch of people who wrote letters and it seems to be O.K. He can have a bunch of letters submitted too. This is an obvious and blatant violation of town laws and we are refusing to remedy the situation. If you read the law, it says one thing and they are obviously not in compliance. How can this possibly be dismissed when they get a letter from Ralph that they are not in compliance?

Anne said they need to check with Ralph to see what the judge was asked to decide on.

Kevin said to look at the court's records.

Jim asked if they should go to the Zoning Board of Appeals after this.

Kevin said they could to ask for an interpretation of what Ms. Kelley was cited for.

Anne asked if the Zoning Board of Appeals can overrule the judge's decision.

Kevin said no. If the Zoning Board of Appeals determines this is a violation, the Nakas's or the town can bring an action forward.

Supervisor Scammell asked if it isn't important to get the information from Ralph as to what Ms. Kelley was cited for.

Anne said they came before this Board as they hadn't heard the status of this other than Sheila Kelley saying she was told she could operate the business as she has been. All along this has been more than just a business that is in the barn instead of in the home. This is a full-fledged construction business going on next door and not just a home occupation with a couple of employees and a fax machine, etc. She also doesn't believe the workforce should be able to live there.

Supervisor Scammell said he got a sense all the work was being done in Florida but now he is advised they come and pick up the construction equipment from the site.

Anne said when Jason returned here on a full-time basis in the spring, all the bulk of the business came with him along with the workforce. What goes on there is what would happen at a construction business that was in a business area that had a garage where they kept their supplies and people arrived to get their daily orders. This all goes on next door and the workers are also being housed there. They may mow the lawn, take the trash out, etc. but their paychecks still come from Springhill Construction.

Supervisor Scammell confirmed they can talk to the Zoning Board of Appeals.

Kevin confirmed Ralph wrote Ms. Kelley a letter.

Anne said he sent her a letter stating it was a nonconforming use. She interpreted his letter to say that no matter how we look at it, the business itself is nonconforming and it couldn't be housed in the barn. Ralph gave her a couple of choices and a time limit. The next thing she knew, Ms. Kelley went to court with some letters and was told she could continue her business as it has been.

Supervisor Scammell asked what the Zoning Board of Appeals would interpret.

Kevin said the Zoning Board of Appeals would interpret the Zoning Ordinance and if Ralph's interpretation was complete.

Supervisor Scammell said it seems Ralph felt they were not in compliance but the Justice Court overruled his decision. What would the Zoning Board of Appeals overrule?

Kevin said maybe the Zoning Board of Appeals could clarify his decision more. You have 30 days to appeal the Justice Court's decision.

Anne said so they would have to pay for a lawyer to overrule the Justice Court's decision. She doesn't understand how we got here. There has never been one instance where anyone has disagreed that this business has not been in compliance. She doesn't understand why she must pay for her own lawyer to enforce the zoning of the town.

Kevin Gilligan said you are at a point where you are appealing the judge's decision. Once Ralph made the decision that Ms. Kelley was not in compliance, he gave her a ticket and she came into court where the judge dismissed the violation.

Anne asked if this means they can continue to operate out of compliance.

Kevin said the decision has been made and the only way to overrule the judge's decision is to go to a County Court and appeal it.

Anne said so they have spot zoning in Cardiff and they will use this along with their neighbors for an assessment appeal. She feels the value of her home is greatly decreased.

Supervisor Scammell believes even Ms. Kelley never really said she was in compliance leading up to this. The letters didn't seem to really have anything to do with this.

Anne asked if the Justice Court routinely overrules town laws or ordinances.

Supervisor Scammell said not that he is aware of. He doesn't really know what happened with this.

Anne asked if this judgment sets a precedent.

Kevin said no. Just the one case has been dismissed.

Anne said until the next person uses this as a precedent.

Kevin said the judge, for whatever reason, felt the information submitted didn't have enough facts to substantiate it.

Anne asked if the Zoning Ordinance isn't a law of sorts.

Kevin said yes.

Anne said she just doesn't understand how you can take a law and set it aside completely.

Kevin said the only person who knows is the judge who decided the case. He doesn't even know which judge had it.

Anne confirmed she has to appeal through County Court and she has 30 days from the date of the decision. She has to get a lawyer and go to court.

Kevin said yes. It should not be a big case.

Anne said however, they are still paying to enforce the towns Zoning Ordinance which has never been in dispute that Ms. Kelley is in violation of and she doesn't understand why this is now coming down to personal cost.

Councilor Bailey asked regarding the Zoning Board of Appeals making a determination, if they come up with specific terminology, can a new ticket be issued?

Kevin said no. If the Zoning Board of Appeals agrees completely that this is an illegal action, the only thing that can be done is for the town or someone to bring an action. The inexpensive side just got closed on this.

Supervisor Scammell said Mr. Zumpano came in. He wished to request a rezoning of one of the 5 lots across from the high school to multi-family instead of Agricultural/Residential (A/R).

Jim Nakas said when Mr. Zumpano came before the Planning Board, there was no mention of any other use than what is allowed in an A/R District.

Supervisor Scammell said Mr. Zumpano thinks the real estate market has changed and a duplex would be more likely to sell than a single family residence. He advised Mr. Zumpano he could come before the Board and ask them about this.

Councilor Shute said if this is changed to Multi-Family, an apartment building could go in there.

Supervisor Scammell said without a formal request, he isn't sure what Mr. Zumpano wants and the Board can't act on this.

B. TOWN HISTORIAN ANNE SMITH: resignation, effective 07.31.07.

Supervisor Scammell asked with regret if the Board accepted this.

Councilor's Knapp moved and Bailey seconded the motion to accept Anne Smith's resignation as Town Historian regrettably. Voting was as follows:

Supervisor Scammell	Yes
Councilor Knapp	Yes
Councilor Bailey	Yes
Councilor McConnell	Absent
Councilor Shute	Yes

Motion passed.

C. ONONDAGA COUNTY HEALTH DEPARTMENT: LaFayette Beach Water System (satisfactory).

D. ONONDAGA NATION FAITHKEEPER TONY GONYEA: Northeast LaFayette Water District - cultural resource survey & archeological monitoring (no problems).

E. CNY COMMUNITY FOUNDATION, Grants for Green Spaces Award (Councilor McConnell) for Bailey Park.

Councilor Knapp noted the \$750 has been received.

F. Northside Community Police Center: Annual picnic and newsletter.

G. NYS OFFICE OF PARKS RECREATION & HISTORIC PRESERVATION: Northeast LaFayette & Smokey Hollow Water Districts – project has no effect, regarding Human Remains Discovery Protocol.

H. FEHRER RUBBISH REMOVAL: trash quote.

Councilor Knapp asked about this.

Mary Jo said a gentleman stopped in with this estimate. This estimate was higher than what we currently pay.

Councilor Knapp said this can just be filed then.

I. NYS SENATOR JOHN DEFRANCISCO: 2007 property tax rebates.

Councilor Knapp noted applications will be mailed out starting August 27th and the deadline for applying is November 30th.

Supervisor Scammell recommended putting a notice about this in the next LaFayette Newsletter.

J. ASSOCIATION OF TOWNS, NYS: siting of power plants.

Supervisor Scammell asked Kevin Gilligan for his input on this.

Kevin said there is something going on at the state level where they are attempting to take things out of local government and this is one of them. Apparently they have a good enough lobby that say they don't have to deal with local municipalities as they have too much trouble with them. They are stating power plants are of so much importance at the state level that they should be exempt from local government. It appears it's another way to try to take government out of peoples hands. He believes this is why the Association of Towns is taking such strong opposition to this. The concern is that the further it gets away from the people, the less responsive the decision comes to the people. Generally they are talking about commercial wind farms wanting to come in and the state would take the decision out of the local governments hands with no regard to local zoning or input from the local residents. He would recommend the town support the Association of Towns on this. The importance of zoning has always been that a public hearing is held at the local level for local resident's to come in and have their say. The idea is keeping it local where people have the opportunity for input rather than being a regional board with a hearing held far away with probably no local representation on the Board.

The Board was in agreement with the Association of Towns.

Councilor Shute said this is not limited to windmills.

Kevin said an example of this was when they took the Town right out of the Ag. District decisions.

Councilor Shute moved and Councilor Knapp seconded the following Resolution:

WHEREAS, Article X of the Public Service Law provides a streamlined siting permit procedure for certain power generation facilities and the law expired December 31, 2002, and

WHEREAS, since January 1, 2003 power generation facilities have been sited via local zoning and state DEC review; and

WHEREAS, there is currently a proposal by Governor Spitzer before the Legislature to renew and revise Article X of the Public Service Law that would also include regulating the siting of windmills and wind turbines; and

WHEREAS, this proposal essentially eliminates local zoning control over windmills and wind turbines; and

WHEREAS the Town of LaFayette, through its Town Board, Planning Board and Zoning Board of Appeals, is more attuned to appropriate siting criteria for windmills and wind turbines in the town, and

WHEREAS, local governments are closest to the people, affording them a convenience and timely opportunity to have input on windmill and wind turbine siting proposals.

NOW THEREFORE BE IT RESOLVED that the Town of LaFayette is opposed to any inclusion of the siting of windmills and wind turbines in Article X of the Public Service Law as it removes local control of our landscape and violates the principles of Home Rule that has been the guiding force of our state, and urges the New York State Assembly and the New York State Senate to defeat proposed amendments to Article X of Public Service

Law. and to keep revisions to Article X requiring the review of siting such projects in accordance with local land-use laws; and

IT IS FURTHER RESOLVED, that the Town Board of the Town of LaFayette encourages any revision of Article X to address health and environmental issues for those who live and work near power generation facilities; and

BE IT FURTHER RESOLVED that the Town Clerk forward copies of this resolution to Governor Eliot Spitzer and elected state officials.

Voting on the above resolution was as follows:

Supervisor Scammell	Aye
Councilor Knapp	Aye
Councilor Bailey	Aye
Councilor McConnell	Absent
Councilor Shute	Aye

Motion passed.

K. SYRACUSE CHAMBER OF COMMERCE: Green Hills.

L. CNY RPDB: Regional Phase II Stormwater Compliance Proposal.

M. SECURITY MUTUAL LIFE: no premium adjustment necessary.

N. FCC: Time Warner Entertainment – effective competition.

Kevin Gilligan thinks they are basically saying it fits a certain criteria, they aren't bound by competition rules.

Councilor Shute said his understanding of this is in these towns they face significant competition and should not be subject to the controlling of their rates.

Kevin thinks this is due to dish T.V. If this application isn't opposed somehow at the federal level, the rates will probably go up.

Supervisor Scammell asked if there is anything we can do about this.

Kevin said you can contact a portion of the towns and villages listed to see if they are getting together to fight it.

Supervisor Scammell asked if the Association of Towns could be asked about this.

Kevin said you might ask them but it's really up to the towns involved to find out what they are going to do about this.

Councilor Bailey asked if it would be wise to bring it to the attention of the congressional or senate level.

Kevin Gilligan said yes You might do a letter to the two senators and the congressman. They will not be able to intercede with the FCC.

Councilor Shute asked about a letter to the newspaper.

Kevin said it could be done but he doesn't know how effective it will be.

O. ONONDAGA COUNTY DIVISION OF PURCHASE: deadline for auction.

P. PERMA: Certificate of Achievement (loss control evaluation score of 600 or greater for FY2006).

Q. ASSOCIATION OF TOWNS: 2008 dues.

R. NYS OFFICE OF REAL PROPERTY SERVICES/ORPS: Final State equalization Rate = 93%.

S. CENTRAL NEW YORK REGIONAL PLANNING & DEVELOPMENT BOARD/CNY RPDB: storm sewer system data collection program presentation.

T. FARM FAMILY CASUALTY INSURANCE COMPANY: policy reinstatement notice.

U. OTHER.

Supervisor Scammell said a notice has been received from Nixon Peabody that a tower will be going up in DeWitt.

Supervisor Scammell said he received a letter from Paul Zumpano regarding Orchard Land.

Leon Cook said he reported on this at the last meeting. Mr. Zumpano put 2' of fill on the turn-around but he removed it when Leon told him it was not his property. Mr. Zumpano bought the property and on his deed it shows the center of the road is where his property starts so he thought he had 100% control over it. Leon explained the town has 50' right-of-way from the highway center line. He checked with his lawyer who advised him Leon was right. He thinks Paul Zumpano is afraid the town might charge him for cleaning the blacktop off.

Tom Chartrand asked the Board for budget dates.

Councilor's Knapp moved and Shute seconded the motion to approve the following Budget Meeting, Work Session and public hearing dates:

9/24/07 at 5:30 p.m.	Meeting with small groups.
9/25/07 at 5:30 p.m.	Meeting with large groups.
10/2/07 at 5:30 p.m.	Budget work session.
10/16/07 at 5:30 p.m.	Budget work session if needed.
11/8/07 at 6:00 p.m.	Public hearing for 2008 budget and all special districts.

Voting on the above was as follows:

Supervisor Scammell	Yes
Councilor Knapp	Yes
Councilor Bailey	Yes
Councilor McConnell	Absent

Councilor Shute **Yes**
Motion passed.

Tom Chartrand submitted a sheet for funding the Northeast & Smokey Hollow Water District. The district will be paid off in 22 years.

7. **SPECIAL REPORTS.**

John Dunkle was present.

Councilor Knapp asked about the SPDES proposal from CNY Regional Planning and Development Board for \$5,000.

John said he thinks Supervisor Scammell and Councilor McConnell went to the presentation made by the county on this.

John advised all the water lines are in. On Apulia Road, West Shore Manor and Cook Farm Road there is actually water in the lines and they are starting the testing of it this week. They will be checking the pressure and for any leaks. Once this is done, they will put a bunch of chlorine through the lines to sterilize them and then OCWA will approve the lines. The resident's have been somewhat slow in doing their part. Quite a few folks will be re-using their water services as they are adequate. He thinks as we get a little further along and we know when the line is going to actually be ready for use, we should let the resident's know that they must decide about hookup by a certain date. There isn't much leeway. He doesn't know what the latest correspondence is from the Village of East Syracuse as to what the latest date they will supply water is.

Supervisor Scammell said he sent them a letter and hasn't heard anything back from them.

Councilor Bailey said he thinks they understand progress is being made and are being patient.

John Dunkle said someone told him they were going to shut it off at the end of September.

Supervisor Scammell said they haven't notified anyone of this yet.

Kevin Gilligan said they are probably going by the time-line the Health Dept. set. In the correspondence from the Health Dept. they state the water will not be shut off until December 31, 2007.

John Dunkle would recommend a letter be sent to the resident's when we know the water will be ready and give them a date they must decide by if they want hookup.

Councilor Shute asked if the town pays for the water service and the resident's pay for it to be hooked up to their house.

John said yes.

Councilor Shute asked if there isn't some money from Community Development for the hookup.

John said we had a \$30,000 grant to assist the resident's in making the connection.

Councilor Shute confirmed this is between the resident's and Community Development.

John Dunkle said yes. He believes they have the money all spoken for. The remaining large portion of work left is Smokey Hollow. They are about 1/3 of the way done. Last week they came to a screeching halt as they found rock. Right now they are banging through the rock like crazy. There was money in the budget in anticipation of this. \$540,000 has been paid to the contractor for work done in July and August. They are submitting a new payment request for \$130,000 for work up to last week.

Councilor Knapp asked if we are all set with money now.

John said there are 3 sources of funding: EFC Loan, Community Development Grant and the EPA Grant. The first two invoices from the contractor were paid for through EFC and the \$100,000 Community Development Grant. All but \$110,000 of the EFC Loan has been spent. What's left now is the EPA Grant. This payment request will be submitted to EPA. EPA is not moving terribly fast and at this time they are not considering accepting any payment requests as there is some review which still needs to be completed. We signed the agreement with them and the grant money is committed and now they won't release the money until the environmental review is completed.

Kevin Gilligan asked him for a contact name.

John said he doesn't have one. He only has a department.

Kevin said he needs to have a name to contact. He asked if the person John deals with at EPA could give him a name.

Councilor Knapp asked what happens if it takes a couple of weeks to get the funds.

John said he is going to work with the contractor on this. He has worked with the EPA before and it will get done, they are just a little slow.

Councilor's Knapp moved and Bailey seconded the motion authorizing the supervisor to sign the Stipulation Agreement Between County of Onondaga Department of Health and Northeast LaFayette Water District Regarding Ground Water Under the Direct Influence of Surface Water Source Water Supply for Residents Within the Northeast LaFayette Water District.

Voting was as follows:

Supervisor Scammell	Yes
Councilor Knapp	Yes
Councilor Bailey	Yes
Councilor McConnell	Absent
Councilor Shute	Yes

Motion passed.

John reviewed amendments to the Northeast Water District budget. He asked the Board to amend his agreement for about \$25,000. He had to sign a letter not to exceed a certain amount when this process started. He was off when he submitted his prior budget so he is humbly asking the Board to amend the engineering fees increasing the total engineering by \$25,000. The project total would go from \$137,000 to \$162,000 which is the result of the following changes:

- c) contract administration from \$30,000 to \$45,000
- d) the construction review from \$30,000 to \$40,000

Councilor Shute asked if the Board wanted to wait 10-15 minutes to see if Councilor McConnell shows up before voting on this.

Councilor Bailey said there was a problem about 20 years ago with the manufacturing of hydrants because the threads weren't universal. Are all the neighboring fire departments able to tie into the hydrants?

John said all the threads are standard to fit the Jamesville Fire District.

Leon Cook said all the fire departments have attachments to fit the threads. There are only two different types of threads.

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

A. DEPARTMENTAL (4th Monday).

1) **Assessors: Mary Doster, Marshall Taylor & Jim Munnell.**

2) **Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**

a) **2386 Route 11A – Home occupation/Business in Agricultural-Residential.**

• **Springhill Construction - court 08.01.07.**

b) **2190 Tully Farms Road – structure needs to be removed/burned (complete).**

c) **3081 Webb Road – property cleanup needed, letter sent.**

d) **2880 Route 11A – property cleanup needed, letter sent, contract for cleanup.**

e) **3669 Eager Road – dumping (letter sent, 7/07).**

f) **3303 Apulia Road – vehicles (letter sent, 7/01).**

g) **3965 Coye Road – vehicles (letter sent,7/01)**

h) **July monthly report.**

A written report was submitted.

3) **Dog Control: Jim Moore & Doug Scholes.**

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

• **\$39,171 to be received for '07-08 CHIPS funding – NYS Senator John DeFrancisco.**

• **Transportation Emergency Communications.**

Leon Cook said every meeting he has forgotten to give a report on the mowing of the 40 acres. When it was time in March to reorder the mower, he went to Cazenovia Equipment. We started with \$500 every year to get a new mower. Last year it went up to \$800. \$3,300 was the cheapest Cazenovia would go. He didn't order a new mower this year. When it comes to budget time, he has to do some different kind of funding.

Since the last meeting he paved the Q-Track, Gordon Cooper and the turn-around and then they went back through and took care of the driveways that needed elevation lines matching to the new pavement. After the paving, they oiled and stoned 3.70 miles. The roads were Orchard, Winacre, Commane, Bella Vista, Pioneer, Norman, Shute, Rowland and Tully Farms Extension. All these roads come under our CHIPS Program. He has filed the CHIPS report. We

can't expect the CHIP money until about the 15th of September. On August 7th they oiled and stoned another 3.38 miles. The roads were Dodge Road from Route 20 to Apulia Road and O'Connell, Colton, Bush and Ransom Roads. This brings us up to 7 miles that they planned on doing in the budget. When it goes back to the paving according to our 5-year program, we are a little bit ahead. On the 8th they put pipe in on Ortloff Road.

Leon said he's been working on our roller which is a 1978 roller. Our roller doesn't have roll-over bars on it and our Safety Officer says it's illegal to use. Because it's a newer model than 1969, we have to have roll-over bars. He's been working for 3 weeks on getting them. He asked about building the roll-over bars himself and having them certified. The factory said they can't do this. They have to build the roll-over bars and ship them. It will be \$3,100 for the bars and certification. In the 5-year program they are not scheduled to replace the roller until 2009. He feels we should go ahead with the \$3,100. He has this money in the budget but would like the Board's feelings on this.

The Board agreed if he has to do it, he has to do it.

Leon said he will go ahead and order them. He has one critical pipe crossing to do. He is going to try to do it with our machine. The pipe is down on West Shore Manor. It's a 12" pipe in there now and since the waterline has been going through he's been getting complaints that the pipe is too small. Our road specs say a minimum size pipe for all road crossings is 18". This 12" pipe was put in years ago.

They had one complaint from a resident that he thought they should have paved the road rather than oiling and stoning it. He explained to the resident that the cost is done through grant money and it's not taxpayers money for paving. This complaint was on Winacre Drive.

Councilor Shute asked if the price for oil has dropped at all.

Leon said over the winter it dropped. It started out at 67 and then it went to 68 and now it's at 69.

Councilor Shute asked if he budgeted for the increase.

Leon said no but you have to make it up here or there for it.

5) Justice Court: Malcolm Knapp & Maureen Perrin.

- **June monthly report.**

Written report for June was submitted.

Councilor Bailey said he spoke to a State Police Sergeant and apparently the state is eliminating the Highway Use Tax. Each state signs a permit for a trucker. The federal government stepped in and it's now consolidated. There's been some action in Albany where the Highway Use Tax was eliminated.

Councilor Shute asked if we received a share of this.

Councilor Bailey said there may be a loss of revenues but it will depend on what's found at the weigh-in station. In the past if the Highway Use Tax wasn't paid, it was a \$100 fine.

6) Library Director: Scott Kushner.

7) Recreation Director: Regina Reinschmidt.

- **July monthly report.**
A written report for July was submitted.

8) Tax Collector: Teresa Mech.

- **Delinquent tax collection matter.**

9) Town Clerk: Mary Jo Kelly.

- **July monthly report.**
A written report was submitted for July.

10) Town Supervisor: Greg Scammell.

- a) **Business demand survey.**
- b) **Sky Heights subdivision - Tully.**
- c) **Town Historian appointment – Greg Titus.**

Supervisor Scammell has met with Greg Titus who seems very interested in this. He will be appointed for this position for the remainder of the year.

- d) **July Monthly Report.**
A written report was submitted.
- e) **Transfer Sheet.**

Councilor’s Shute moved and Bailey seconded the motion to do the following transfers:

GENERAL FUND:

To:

A1440.4	Engineering	Contractual	\$1,485.00
A7550.4	Celebrations	Contractual	\$1,000.00
A9040.8	Workers	Employee	
	Compensation	Benefits	<u>\$ 415.00</u>
	TOTAL		\$2,900.00

From:

A1990.4	Contingent	Contractual	\$1,485.00
A8510.4	Community		
	Beautification	Contractual	\$1,000.00
A9030.8	Social Security	Employee	
		Benefits	<u>\$ 415.00</u>
	TOTAL		\$2,900.00

Voting was as follows:

Supervisor Scammell	Yes
Councilor Knapp	Yes
Councilor Bailey	Yes

Councilor McConnell

Absent

Councilor Shute

Yes

Motion passed.

B. COMMITTEE (2nd 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/Amidon Building – Thoma Redevelopment Report for LaFayette Hotel.

Councilor McConnell said Bernie Thoma contacted him two weeks ago. The grant for New York State Restore was released to start the paperwork. The document before the Board tonight states the town will be submitting paperwork for the grant in September.

Councilor Shute confirmed the application will be submitted in September.

Councilor McConnell said yes. This will start the process to alert New York Restore that we will be filing an application.

Councilor Shute said we list the state senator and assemblyman, will they control the purse strings on this?

Councilor McConnell doesn't know. He can find out when he talks to Mr. Thoma about this.

Councilor Shute just wondered if we should start contacting their offices.

Councilor McConnell said yes and Mr. Thoma can advise us on this.

Councilor's Shute moved and Knapp seconded the motion authorizing the supervisor to sign the Intent to Apply for Restore NY Funding. Motion passed unanimously.

b) Focus 2010.

c) Hamlet sanitary sewer district.

d) Hamlet water district.

Councilor McConnell said he submitted information earlier from an area engineer for the cost of water and/or sewer to be put in the Hamlet area. Mr. Thoma would collect the information from the resident's in the area and would do the grant writing for a fee of \$950 if the Board chooses to do this. The D.O.T. has now pushed back their project date to the spring of 2010 due to other priority budget items. He thinks there should be a committee of some sort

consisting of someone from this Board and some others to meet with the D.O.T. regarding the project. If we are serious about finding out the answer regarding water/sewer, here is a cheaper way to survey it and it wouldn't be in this budget cycle. The survey would be of approximately 300 property owners in the area of which the boundaries need to be determined.

Councilor Shute asked what the survey would be asking.

It was advised it would be to see about initial interest.

Supervisor Scammell said he thinks the first thing people would like to know is the cost for the project.

John Dunkle said perhaps the survey could be written asking what cost they would be willing to pay with a list of possible pricing.

Councilor McConnell thinks that is a good way to do it.

Councilor Knapp agreed. It would allow the Board to see where the cut-off point is.

John Dunkle would believe it would be under what the state comptroller has set for sewer & water.

Councilor McConnell just submitted this information to the Board tonight to review.

The Board returned to John Dunkle's request to amend the current Engineering Agreement with him dated August 13th.

Councilor McConnell confirmed John underestimated the project at \$137,000 and is now requesting \$162,000. What is the continuing need for engineering assistance and review?

John Dunkle said all the administrative work he has had to do with 3 funding sources and dealing with the resident's concerns are all added together. One of the changes is to correct an error in his original anticipated budget of \$14,000. He is putting a cushion in for construction review so he doesn't have to face this again.

Supervisor Scammell said there were an enormous number of meetings in the beginning which required engineering and legal representation.

Councilor McConnell said this means the town has to borrow more money.

John said no. That is what the contingency is there for. It covers increases in the cost of attorney, engineering and construction.

Councilor Knapp said this will leave \$9,000 in the contingency budget.

John said this is his projection. The bottom line on the project doesn't change.

Councilor's Bailey moved and Knapp seconded the motion to accept the amendment to the Engineering Agreement increasing it by \$25,000. Voting was as follows:

Voting was as follows:

Supervisor Scammell	Yes
Councilor Knapp	Yes
Councilor Bailey	Yes
Councilor McConnell	No
Councilor Shute	Yes

Motion passed.

Councilor McConnell thinks the \$5,000/municipality proposal is a good deal with the Central New York Regional Planning and Development Board regarding Regional Phase II Stormwater Compliance. 16 communities have obligated and the remaining ones are pending. The \$5,000 pays for their expertise and hand-glove opportunity with the DEC. It takes care of the requirements we will need to do rather than having to hire someone to do them.

Councilor Knapp said we are looking at potentially 27 municipalities. If more agree to do this, will the cost drop?

Councilor McConnell doesn't know. This is in an experimental phase right now.

Councilor Knapp asked over and above the reports we will be spending the \$5,000 for, what is left?

John Dunkle said how you administer the local laws, how many trainings we have held, etc. It's a much easier reporting process.

Councilor Knapp asked if the 3 items they list represent about 80% of what is being required which will take the most time.

Councilor McConnell said yes.

John Dunkle agrees with Councilor McConnell that it's in the towns best interest to have this cohesiveness with the rest of the community and the connection with the DEC. This takes us out of the equation.

Councilor Shute asked if there's a chance we get into this and become inundated to do little meetings.

Councilor McConnell said no. We will be tasked for input to report which we will be working with them on throughout the year.

John Dunkle said you would just be supplying data but not have to do the reports which are time consuming.

Councilor Shute asked John and Supervisor Scammell if it's their opinion these people are connected enough with the DEC that we won't get dinged with a fine.

John said they know what they are doing.

Councilor's McConnell moved and Knapp seconded the following resolution:

**Resolution Supporting Participation in the
Central New York Regional Planning & Development Board's
New York State Pollutant Discharge Elimination System
Stormwater Phase II Compliance Implementation Program for
Municipal Separate Sewer System Operators**

Resolution authorizing the items listed below pursuant to requirements of the new York State Pollutant Discharge Elimination System municipal Separate Storm Sewer System General Permit.

WHEREAS, the Town of LaFayette herein call the "Municipality", after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A,

herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREA, the Central new York Regional Planning and Development Board, herein called the “Board”, has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the board has proposed to conduct a regional public education, outreach and training compliance program to “reduce municipal staff burdens, ensure message consistency, provide widespread priority audience targeting, and provide the most efficient use of limited municipal funds by distributing total program costs over a number of entities” within a fifteen month timeframe as outlined in Attachment C;

NOW, THEREFORE, BE IT RESOLVED by The Town Board of the Town of LaFayette

- 1) That Supervisor Gregory Scammell or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related the Project;
- 2) That the Municipality agrees that it will fund its portion of the cost of the Project according to the fee schedule included in Attachment B, and that 50% of the funds will be made available to the Board no later than February 15, 2008 to initiate the project, and that 50% of the funds will be made available to the Board no later than September 15, 2008 to complete the project.
- 3) That one (1) certified copy of this Resolution will be prepared and sent to the Board no later than October 31, 2007.
- 4) That this Resolution take effect immediately.

Above motion passed unanimously.

Leon Cook submitted the state agreement for salt and sand which needs to be signed and reviewed by the Town Attorney.

John Dunkle said the SPDES inspection requirements/testing are written for engineers. He would recommend Ralph Lamson be able to do the inspections under his supervision. Whether the SPDES is town-wide or within the MS4 region, the same requirements have to apply.

Councilor Knapp asked if we keep it just to the MS4 region would the inspections by Ralph Lamson only have to be done in the MS4 area.

John Dunkle said if there were a project underway in the MS4 area, that would be correct.

Councilor Knapp asked if we just make the local law to the MS4 area, would Ralph still have to inspect areas involving more than an acre outside the MS4 area?

John said no.

Councilor Shute thinks restricting the SPDES to the MS4 area might eliminate the need for Ralph to be certified to do the inspection.

John said the Board might ask if they want to take this process over themselves.

Councilor Knapp said now we are looking at Ralph having to pass a test to be certified to do the inspections required.

Councilor Shute said and if Ralph can't do the inspections, we have to hire someone to do them.

Kevin Gilligan recommends at this point in time keeping it to the area you are mandated to have it in.

Supervisor Scammell asked if this can be amended over time.

Kevin said yes. You can go town-wide at any time.

John Dunkle said chances are you are not going to have any projects in the MS4 area.

TOWN BOARD RESOLUTION

August 13, 2007

William McConnell introduced proposed Local Law No. D-2007, establishing minimum erosion, sediment and stormwater management requirements and controls in the Town of LaFayette, and made the following motion, which was seconded by David Knapp :

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQR and that the Town Board shall act as lead agency with regard to this proposed action; and it is further

RESOLVED, that the Town Board conduct a public hearing as to the enactment of proposed Local law No. D-2007 at the Town Hall located at 2577 Route 11 in the Town of LaFayette on September 10, 2007 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

William McConnell Councilman	Voted	Yes
Thomas Bailey Councilman	Voted	Yes
Adrian Shute Councilman	Voted	Yes

David Knapp Councilman Voted Yes

Gregory Scammell Supervisor Voted Yes

The foregoing resolution was thereupon declared duly adopted.

TOWN OF LAFAYETTE

Proposed Local Law No. D of the Year 2007

**A Local Law to Establish Minimum Erosion/Sediment and
Stormwater Management Requirements and Controls in the
Town of LaFayette**

**Be it enacted by the Town Board of the Town of LaFayette, effective January 1,
2008, as follows:**

EROSION/SEDIMENT CONTROL AND STORMWATER MANAGEMENT

**Article I
General Provisions**

Section 1. Findings of Fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;**
- B. This stormwater runoff contributes to increased flooding and quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;**
- C. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;**
- D. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;**

- E. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;**
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;**
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff and sediment and erosion control from land development activities;**
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.**
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.**

Section 2. Purpose.

The purpose of this Local Law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This Local Law seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;**
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;**

- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, turbidity, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;**
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;**
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and**
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly designed, maintained and eliminate threats to public safety.**

Section 3. Statutory Authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of LaFayette has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of LaFayette and for the protection and enhancement of its physical environment. The Town Board of the Town of LaFayette may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 4. Definitions.

The terms used in this Local Law or in documents prepared or reviewed under this Local Law shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY – the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT – a property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING – any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING – any activity that removes the vegetative surface cover.

DEDICATION – the deliberate appropriation of property by its owner for general public use.

DEPARTMENT – the New York State Department of Environmental Conservation

DESIGN MANUAL – the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices (a sample of which is attached hereto as Schedule A).

DEVELOPER – a person who undertakes land development activities.

EROSION CONTROL - a measure that prevents sediment from being transported from a site.

EROSION CONTROL MANUAL – the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

GRADING – excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER – those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT – a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION – the process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY – construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER – the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT – a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION – pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING – clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN – sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT – land development activity

RECHARGE – the replenishment of groundwater.

SEDIMENT CONTROL – measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS – cold water fisheries, shellfish beds, swimming beaches, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

STABILIZATION – the use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION - the first land disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and sidewalks; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings.

STOP WORK ORDER – an order issued which requires that all construction activity on a site be stopped.

STORMWATER – rainwater, surface runoff, snowmelt and drainage

STORMWATER HOTSPOT – a land use or activity that generates concentrations of hydrocarbons, trace metals or toxicants in violation of NYS Water Quality Standards.

STORMWATER MANAGEMENT – the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY – one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) – a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF – flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK – lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE – a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY – a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 5. **Applicability**

- A. This Local Law shall be applicable to all land development activities, as defined in this Local Law, within the portion of the Town of LaFayette designated as a regulated MS4 area by the Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (DEC) or any similar agency, as amended from time to time.**

- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board of the Town of LaFayette, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.**

- C. All land development activities subject to review and approval by the applicable board of the Town of LaFayette under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this local law**
- D. All land development activities not subject to review as stated in subsection C above shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.**

Section 6. Exemptions

The following activities may be exempt from review under this law.

- A. Agricultural activity as defined in this Local Law.**
- B. Silvicultural activity except that landing areas and log haul roads are subject to this Local Law.**
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.**
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.**
- E. Cemetery graves.**
- F. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.**
- G. Emergency activity immediately necessary to protect life, property or natural resources.**
- H. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.**
- I. Landscaping and horticultural activities in connection with an existing structure.**
- J. Any part of a subdivision if a plat for the subdivision has been approved by the Town of LaFayette on or before the effective date of this Local Law.**

- K. Land development activities for which a building permit has been approved on or before the effective date of this Local Law**

**Article II
Stormwater Pollution Prevention Plans**

Section 7. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

Section 8. Contents of Stormwater Pollution Prevention Plans.

- A. All SWPPPs shall provide the following background information and erosion and sediment controls:**
- (1) Background information about the scope of the project, including location, type and size of project.**
 - (2) Site map/construction drawing(s) for the project, including a general location map with a scale no smaller than 1"=100 ft.; contour intervals with a minimum of 25 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); locations or known presence of agricultural tile drains or other existing features that cause artificial drainage of the site and their impact on the hydrology.**
 - (3) Description of the soil(s) present at the site;**
 - (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual),**

not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

- (5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;**
- (6) Description and volume of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;**
- (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;**
- (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;**
- (9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;**
- (10) Temporary practices that will be converted to permanent control measures;**
- (11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;**
- (12) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;**
- (13) Name(s) of the receiving water(s);**
- (14) Delineation of SWPPP implementation responsibilities for each part of the site;**
- (15) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and**

- (16) Any existing data that describes the stormwater runoff at the site.**
- B. Land development activities as defined in Section 1 of this Article and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection C below as applicable:**
- (1) Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department’s most recent 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.**
 - (2) Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.**
 - (3) Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.**
- C. SWPPP Requirements for Condition A, B and C:**
- (1) All information in Subsection A of this Section;**
 - (2) Description of each post-construction stormwater management practice;**
 - (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;**
 - (4) Map showing watershed area used for hydrological and hydraulic analyses;**
 - (5) All references for data;**
 - (6) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;**
 - (7) Comparison of post-development stormwater runoff conditions with pre-development conditions;**

- (8) Dimensions, material specifications and installation details for each post-construction stormwater management practice;**
- (9) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;**
- (10) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;**
- (11) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article III of this Local Law; and**
- (12) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this Local Law.**

Section 9. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

Section 10. Contractor Certification

- A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : “I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”**
- B. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.**

- C. The certification statement(s) shall become part of the SWPPP for the land development activity.**
- D. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.**

Section 11. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

- A. Technical Standards. For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:
 - (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)**
 - (2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Local Law of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).****
- B. Equivalence to Technical Standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Section 11(A) and the SWPPP shall be prepared by a licensed professional.**
- C. Water Quality Standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York or cause a violation of New York State water quality standards.**

Section 12. Maintenance, Inspection and Repair of Stormwater Facilities

- A. Maintenance and Inspection During Construction**

- (1) **The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.**
 - (2) **For land development activities as defined in Section 4 of this Local Law and meeting Condition A, B or C in Section 8(B), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.**
- B. Maintenance Easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of LaFayette to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of LaFayette.**
- C. Maintenance after Construction. The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:**
 - (1) **A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.**
 - (2) **Written procedures for operation and maintenance and training new maintenance personnel.**
 - (3) **Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 11(C).**

D. Maintenance Agreements

- (1) The Town of LaFayette shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement.**
- (2) The Town of LaFayette, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility and creation of a drainage district, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.**

Article III

Administration and Enforcement

Section 13. Construction Inspection.

- A. Erosion and Sediment Control Inspection.** The Town of LaFayette Stormwater Management Officer may require such inspections as necessary to determine compliance with this Local Law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this Local Law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of LaFayette enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
- (1) Start of construction**
 - (2) Installation of sediment and erosion control measures**
 - (3) Completion of site clearing**
 - (4) Completion of rough grading**
 - (5) Completion of final grading**
 - (6) Close of the construction season**
 - (7) Completion of final landscaping**
 - (8) Successful establishment of landscaping in public areas.**
- B. If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.**
- C. Stormwater Management Practice Inspections.** The Town of LaFayette Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit “as built” plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- D. Inspection of Stormwater Facilities After Project Completion.**
- (1) Inspection programs shall be established on any reasonable basis, including but not limited to:**
 - (a) routine inspections;**

- (b) random inspections;
 - (c) inspections based upon complaints or other notice of possible violations;
 - (d) inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and
 - (e) joint inspections with other agencies inspecting under environmental or safety laws.
 - (2) Inspections may include, but are not limited to:
 - (a) reviewing maintenance and repair records;
 - (b) sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and
 - (c) evaluating the condition of drainage control facilities and other stormwater management practices.
- E. **Submission of Reports.** The Town of LaFayette Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this Local Law.
- F. **Right-of-Entry for Inspection.** When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of LaFayette the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph A of this Section 13.

Section 14. Performance Guarantee

- A. **Construction Completion Guarantee.** In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of LaFayette in its approval of the Stormwater Pollution Prevention Plan, the Town of LaFayette may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of

the project and names the Town of LaFayette as the beneficiary. The security shall be in an amount to be determined by the Town of LaFayette based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of LaFayette, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town of LaFayette. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

- B. Maintenance Guarantee.** Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of LaFayette with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of LaFayette may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

Section 15. Record keeping.

The Town of LaFayette shall require entities subject to this law to maintain records demonstrating compliance with this Local Law.

Section 16. Enforcement and Penalties

- A. Notice of Violation.** When the Town of LaFayette determines that a land development activity is not being carried out in accordance with the requirements of this Local Law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) the name and address of the landowner, developer or applicant;**
- (2) the address when available or a description of the building, structure or land upon which the violation is occurring;**
- (3) a statement specifying the nature of the violation;**

- (4) a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
 - (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (6) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
- B. **Stop Work Orders.** The Town of LaFayette may issue a stop work order for violations of this Local Law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of LaFayette confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Local Law.
- C. **Violations .** Any land development activity that is commenced or is conducted contrary to this Local Law, may be restrained by injunction or otherwise abated in a manner provided by law.
- D. **Penalties.** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. **Withholding of Certificate of Occupancy.** If any building or land development activity is installed or conducted in violation of this local law the

Stormwater Management Officer may prevent the occupancy of said building or land.

- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of LaFayette may take necessary corrective action, the cost of which shall become a lien upon the property until paid.**

Section 17. Fees for Services.

Any person undertaking land development activities regulated by this law shall reimburse the Town for all expenses and costs associated with compliance with these requirements, including, but not limited to, engineering and legal expenses.

Section 18. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 19. Effective Date.

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

Schedule A

Stormwater Management Practices Acceptable for Water Quality <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.

	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

**SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE
AGREEMENT**

WHEREAS, the Town of LaFayette ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

WHEREAS, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

- 1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.**
- 2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.**
- 3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.**
- 4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.**
- 5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.**
- 6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.**

7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of _____ together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective _____ .

TOWN BOARD RESOLUTION

August 13, 2007

David Knapp introduced proposed Local Law No. E-2007, amending the subdivision regulations of the Town of LaFayette, and made the following motion, which was seconded by William McConnell :

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQR and that the Town Board shall act as lead agency with regard to this proposed action; and it is further

RESOLVED, that the Town Board conduct a public hearing as to the enactment of proposed Local law No. E-2007 at the Town Hall located at 2577 Route 11 in the Town of LaFayette on September 10, 2007 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

William McConnell Councilman	Voted	Yes
Thomas Bailey Councilman	Voted	Yes
Adrian Shute Councilman	Voted	Yes
David Knapp Councilman	Voted	Yes
Gregory Scammell Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

TOWN OF LAFAYETTE PROPOSED LOCAL LAW NO. E-2007

A Local Law Amending the Subdivision Regulations of the Town of LaFayette, Originally Adopted by the Town of LaFayette Planning Board on May 12, 1987 and Approved by the Town of LaFayette Town Board on July 13, 1987, As Previously Amended

Be it enacted by the Town Board of the Town of LaFayette, effective January 1, 2008, as follows:

Section 1. The purpose of this Local Law is to make all subdivisions within the Town of LaFayette subject to Local Law No. 5 of 2007 which establishes minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction.

Section 2. The Subdivision Regulations of the Town of LaFayette, originally adopted by the Town Planning Board on May 12, 1987 and approved by the Town Board of the Town of LaFayette on July 13, 1987, as previously amended are hereby further amended to add a new Section 370 as follows:

“Section 360 Stormwater Pollution Prevention Plan: Preliminary Subdivision Plat. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Local Law No. 5 of 2007 shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Preliminary Subdivision Plat shall be consistent with the provisions of Local Law No. 5 of 2007.

A. Final Subdivision Plat. A Stormwater Pollution Prevention Plan consistent with the requirements of Local Law No.5 of 2007 and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Final Subdivision

Plat shall be consistent with the provisions of Local Law No. 5 of 2007.”

Section 3. Effective Date.

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

**TOWN BOARD RESOLUTION
TOWN OF LAFAYETTE**

**Proposed Ordinance Amending Town Zoning
Ordinance Regarding Erosion/Sediment and
Stormwater Management**

David Knapp introduced a proposed Ordinance relating to erosion/sediment and stormwater management within the Zoning Ordinance in the Town of LaFayette, and made the following motion, which was seconded by Thomas Bailey :

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of an Ordinance in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed adoption of said Ordinance, with the result that the Town Board shall act as lead agency in this matter.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the adoption of said Ordinance is an unlisted action for purposes of environmental review under SEQR and that the Town Board shall act as lead agency with regard to this proposed action; and it is further

RESOLVED AND DETERMINED, that the following proposed Ordinance is hereby introduced for the Town Board’s consideration:

**REVISED
AMENDMENT TO THE 1970 ZONING ORDINANCE
OF THE TOWN OF LAFAYETTE, AS AMENDED**

BE IT ORDAINED, by the Town of LaFayette, acting through its duly constituted Town Board and pursuant to the authority conferred by Section 265 of the Town Law, the 1970 Zoning Ordinance of the Town of LaFayette, as amended, is hereby further amended, effective January 1, 2008, as set forth below:

Section 1. So that Section C of Article III of the Zoning Ordinance is amended to add a new subsection (e) as follows:

“e) A Stormwater Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Local Law No. 5 of 2007 shall be required for Controlled Site Uses for all land development activities, as that term is defined in Local Law No. 5 of 2007. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Controlled Site Use shall be consistent with the provisions of Local Law No. 5 of 2007.”

Section 2. So that Section B of Article IV of the Zoning Ordinance is amended to add a new subsection (g) as follows:

“G) A Stormwater Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Local Law No. 5 of 2007 shall be required for Specific Use Permits for all land development activities, as that term is defined in Local Law No. 5 of 2007. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Specific Use Permit shall be consistent with the provisions of Local Law No. 5 of 2007.”

Section 3. So that a new Section J of Article V of the Zoning Ordinance is added as follows:

“SECTION H. STORMWATER POLLUTION PREVENTION PLAN.

A Stormwater Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Local Law No. 5 of 2007 shall be required for all land development activities, as that term is defined in Local Law No. 5 of 2007. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007.”

Section 4. Effective Date.

**This Local Law shall be effective upon filing with the office of the Secretary of State;
and it is further**

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the adoption of this proposed Ordinance at the LaFayette Town Hall located at 2577 Route 11, LaFayette, New York on September 10, 2007, at 6:30 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

William McConnell Councilman	Voted	Yes
Thomas Bailey Councilman	Voted	Yes
Adrian Shute Councilman	Voted	Yes
David Knapp Councilman	Voted	Yes
Gregory Scammell Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

The board returned to the state Shared Services Agreement with the Highway Superintendent.

Councilor Knapp thinks the agreement has worked out wonderfully and saves numerous truck loads from the landfill. He thinks it works out very well.

Councilor’s Knapp moved and Shute seconded the motion authorizing the Supervisor to sign the Agreement for Shared Services with the state for salt and sand. Motion passed unanimously.

- e) **Grants – Ms. Thau, contract (KG & BM).**
- f) **Thoma/Comprehensive Plan proposal.**

4) Emergency Response (Tom Bailey, Bill McConnell, “Pete” Paul).
a) Onondaga County Department of Communications - OCICS.

Councilor Bailey said he and Leon Cook attended a meeting regarding a problem with the radio system that the LaFayette Highway Dept, LaFayette School District and Fabius Pompey School District use. Apparently there is a repeater on a tower and for some reason there is as unknown interference. One of the cheapest options is keeping the frequency we have but moving it to Channel 9. It will cost about \$1,200 for relicensing through the FCC which will be shared by the 3 users. By 2012 there will be a federal requirement for the 3 entities to go to a narrow band. Since the Town of LaFayette has it’s own tower on Groth Road, we could let the two school districts do what they need to do and let us move the repeater to the town tower for the Highway Dept. assuming there is space available and then the Highway Dept. would have the whole frequency to themselves. That would be a temporary solution until the new Onondaga County project is up and running. He will be talking to Emergency Management people in Onondaga County about what will work. We need to be sure putting the repeater on the tower wouldn’t interfere with any of the other tenants on the tower too. We would probably still have to pay the FCC licensing fee.

Councilor Knapp asked who we could talk to about this to see if the tower would work.

Councilor Bailey said someone from Bush Electronics would know about the range.

Councilor Knapp asked when the radio station is going to kick us of the tower.

Councilor Bailey said someone from Bush Electronics will be removing the repeater. He asked if there is space on our tower.

Councilor Knapp said there is a spot at about 120'. We need some assurance that we won't be interfering with our tenants. We need to be aware Cram towers could spring up at any time too.

- 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.**

Supervisor Scammell said Greg Hoxie wants someone to call him as he has a bunch of information on the AED's.

Councilor Bailey will contact him.

- f) Pets Evacuation & Transportation Standards Act of 2006.**
- g) NIMS workshop.**
- h) NIMS contact information (05.07.07 letter)**
 - **Local resolution similar to county's needed?**
 - **Jurisdiction contact sheet**
 - **CNY Business Journal – “Legal, HR considerations before a pandemic flu strikes.”**

- 5) Employee Policies & Benefits (Mary Jo Kelly, Adrian Shute & Mary Doster).**
 - **NYS Deferred Employee Compensation Plan (evaluate).**
 - **CNY Business Journal – “Prepare Now for New Law Protecting Social Security Numbers.”**

Councilor's Knapp moved and McConnell seconded the motion authorizing the Town Attorney to research the Social Security Article. Motion passed unanimously.

Councilor Shute asked if they don't have to give us some sort of communication if we are going to be expected to do something about it.

No one knew.

Councilor Shute asked if the library is a separate entity.

Kevin Gilligan said they are one of the in-between organizations.

Councilor Shute said they have the benefits of being their own corporation but we are responsible for the financing.

Supervisor Scammell said you could always not approve their budget.

Councilor Shute said if they were to have some infraction of the law, it would be us holding the bag.

Kevin Gilligan said conceivably.

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

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

Councilor Knapp said they are going to schedule a meeting in the next week or so to discuss the budget and a couple of issues they have.

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 (1st & 2nd floor) & Community Center. Code requirements (Rick Storrier/DK).**
- c) **Town offices - thermostats (DK).**
- d) **Town offices - Loose clapboards.**
- e) **Outside spigot for LPL garden area (done).**
- f) **HAVA/ADA polling place compliance.**
- g) **Stafford Park – carry in, carry out signs?**

Supervisor Scammell said there is some concern about the carry-in and carry-out policy at the park. The suggestion was made to put up a sign.

Councilor Shute doesn't think putting a sign up will do any good for those who don't pick up. If we keep putting these signs up, we are taking away from the park.

Supervisor Scammell said we could put one sign at the entrance to the park with all the rules on it. There are 3 entrances which we would need signs for.

Councilor Knapp will see what signs are down at the parks before the next meeting and get some suggestions on how to do it.

Councilor Shute said when they did the inspection of the Community Center they indicated the furnace didn't seem like it had been cleaned in quite some time.

Councilor Knapp would recommend Danny Bush to take a look at it.

Councilor Shute said where the exhaust vent pipe goes into the chimney, there are some holes too.

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

Councilor Shute said a week ago Saturday they had the alumni lacrosse game and Community Council helped out. It was a lot of fun. They had about 60 alumni playing. There had to have been at least 100 spectators. They had a free lacrosse clinic in the morning.

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%.**
- **CNY Community Foundation Grants – trees,**

Councilor Knapp noted the \$750 has been received.

Councilor McConnell said this is for 4 trees at Bailey Park.

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).**

Councilor Knapp said he received a letter from Beverly Oliver discussing the income range for kids using the Beach property in the summer to go with our grant application for later on this year.

Councilor Shute asked when the application is due.

Kevin Gilligan said by the end of February. During December and January you should hold your public hearing and be ready to submit the application.

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).**
- 3. Benches (Optimist Club).**

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

- a) Smoke detector batteries – change at DST/EST time changes (2x/year).**
- b) NYS Workplace Violence Prevention Law (NYS boilerplate & DVD).**
- c) Snowblower (electric?) evaluation.**

The Board discussed the snowblower and what type to get.

Councilor Shute will price them before the next meeting.

- d) Light (emergency) on north exit.**
- e) Community Center Inspection list, 06.29.07.**
- f) Concession Stand Inspection list, 06.29.07.**

Councilor Shute said it was a recommendation we build a handrail from the Community Center to the parking lot.

Councilor Knapp noted we do have a lot of senior citizens who use the building.

It was decided to have Herb Salladin review the list of things needing to be done at the Community Center and Concession Stand to see what he would be able to do and what he won't.

Councilor Shute said Tom Rezsnyak is still working on the Workplace Violence legislation.

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

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

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

- **LOSAP proposal.**
- **Tax rate query.**

Councilor McConnell said he discussed the proposal with the LFD Board President who advised they still haven't reviewed it but will do so shortly.

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.**
- **Town-wide vs. specific area.**

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

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

- **Public info meeting (early May).**
- **Letter to VESyr, affirming H2O cutoff date (completed).**
- **Financing Plan - EFC.**
- **Construction underway.**
- **Authorized payments to contractor.**
- **Water testing fees from Onondaga County Department of Health.**
- **Stipulation Agreement – Northeast LaFayette Water District and Onondaga County Health Department.**

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 – awaiting SOCPA review.**
- e) **SOCPA feedback issues.**
- f) **Local Law C-2007.**

The Board went through the Environmental Review for Local Law C-2007.

**RESOLUTION
LAFAYETTE TOWN BOARD
AUGUST 13, 2007**

Councilor Shute introduced proposed Local Law No. C-2007 regarding subdivision regulations and procedure for simple subdivisions and made the following Resolution, which was seconded by Councilor McConnell:

WHEREAS, a public hearing was held on such proposed Local Law on the 11th day of June, 2007 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, at its May 14, 2007 meeting this Board determined that the enactment of Proposed Local Law No. C of 2007 is an unlisted action that there are no other involved agencies, that this Board will act as lead agency for this application; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C of 2007.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that having reviewed the EAF submitted in connection with this application and the criteria set forth in 6 NYCRR Section 617, this Board as lead agency determines that there is unlikely to be any adverse environmental impact from this action and therefore renders a negative declaration for purposes of SEQR; and it is further

RESOLVED AND DETERMINED, that, by resolution dated June 19, 2007, the County Planning Board reviewed and considered this referral for a text amendment from the Town of LaFayette and offered its comments and recommendations. The Town Board has carefully considered this helpful input and makes the following findings:

Recommendation: 1. The provisions of the proposed Local Law C-2007 that permits two new building lots during a consecutive five-year period (that do not involve the creation of new streets, curb cuts or municipal infrastructure) must be clarified. Because any new lot created under this provision that fronts on a public road will eventually require a curb cut for

access, this provision seems to allow only the creation of landlocked parcels, which the Onondaga County Planning Board (OCPB) views as an unwise planning procedure. Even if a simple subdivision is approved by the Town without allowing a new curb cut, the Onondaga County Department of Transportation and New York State Department of Transportation are required to provide a driveway to any legal lot with frontage on a county or state highway, respectively, if the lot meets sight distance requirements for safe access.

Response: 1. The Town has removed the reference to “curb cuts”. Curb cuts will be one of the many considerations to be administered by the Codes Enforcement Officer in the simple subdivision process.

Recommendation: 2. If the Town decides to proceed with the concept of creating no more than two lots over a five-year period, a procedure must be put in place to keep track of such lots and to avoid repeated subdivision of parcels before the five-year period has elapsed. The Board suggests that on any filed map, a notation be made that states that no further subdivision of these parcels is permitted until five years has elapsed (a specific date would be entered on the final, filed plan).

Response: 2. The Code Enforcement Officer will keep an office log of simple subdivisions, including tax map number, owner, address, subdivision name, filing date, any new tax map number. The law has also been amended to require appropriate language to be affixed to any approved simple subdivision map, and 5 year limitation for further simple subdivision action.

Recommendation: 3. Local Law C-2007 must provide definitions for the terms “municipal infrastructure” and “curb cuts” as referenced in the definition for simple subdivision.

Response: 3. The local law has been amended to include a definition for “municipal infrastructure”. No definition was needed for “curb cut” as that term was deleted from the simple subdivision language (see response to #1, above).

Recommendation: 4. The proposed local law C-2007 must be modified to specify when the Town’s Code Enforcement Officer (CEO) must refer simple subdivisions to the Town’s Planning Board for full subdivision review. The OCPB has identified at least three situations where the referral must be mandatory: when the OCPB recommends modification or disapproval of a simple

subdivision under NYS General Municipal Law (GML) 239-n (GML 239-n requires a majority plus one vote to override a County Board resolution in such cases and only a board, not a CEO, can comply with this law); when a certain number of neighbors (suggest two) request a full Planning Board review; or when a county/state agency or government office requests/requires modification of a subdivision.

Response: 4. The Local Law has been amended in accordance with this recommendation.

Recommendation: 5. The notification of neighbors of any proposed simple subdivision must be broadened to include more people. A 300-foot limit on notification is too restrictive and should be widened to include additional parcels (suggest five) removed from the proposed subdivision parcel in each direction. A proposed subdivision may impact property at much greater distances than 300 feet, particularly if drainage issues are involved. The notification procedure must also indicate how notification is to be made, and public notice in a newspaper is necessary in addition to mailings. A response procedure must be incorporated into the local law to require the CEO to notify individuals that their comments have been received and why they have been incorporated into the subdivision or rejected. The proposed law also must provide a procedure for simple subdivisions that would require a public hearing for any proposed subdivision if requested.

Response: 5. The radius of notification has been expanded to 500'. Notice is given by publication and mail to owners of property within 500' (based on Town assessment records). A response procedure has been included and a public hearing before the Town Planning Board is mandatory if requested by a neighbor (500'), state/county agency or applicant.

Recommendation: 6. The proposed Local Law C-2007 must address the issue of how substantial modifications recommended either by outside government agencies or by the CEO will be handled. The law must state whether neighboring property owners would be advised that a revised simple subdivision is again available for comment or whether revisions would be made without any further public input. The OCPB recommends maximum public input and transparency in any process involving the subdivision of land or other public zoning actions.

Response: 6. This is no different that current rule of “substantial change” and will be followed by Code Enforcement Officer. Given minor nature of subject matter, less likely to be triggered.

Recommendation: 7. The proposed Local Law C 2007 must specify who will sign the final simple subdivision plat that is to be filed in the County Courthouse. The County Clerk may not accept the signature of the CEO, and the Town should investigate whether any signature other than that of the Planning Board Chair is acceptable. The Town Planning Board Chair should not be expected to sign any subdivision that has not been subject to Town Planning Board review.

Response: 7. The Final Plan for simple subdivisions will be signed by the Code Enforcement Officer. The Town Clerk has confirmed this as an acceptable procedure with the County Clerk’s Office.

Recommendation: 8. The Town Board must ensure that the simple subdivision process results in thorough SEQR and other environmental reviews, and the proposed local law must not only state that simple subdivisions are subject to review under SEQR by the CEO, but also establish a procedure for SEQR review and compliance, including notification of all involved and interested agencies when necessary. the Town must have a system of oversight for the simple subdivision process to ensure compliance with all applicable laws (environmental and others) affecting the subdivision of land to ensure that the process does not become arbitrary. The Town Board should be aware that individuals can appeal CEO decisions to the Zoning Board of Appeals. The Town Board must determine if it wishes to involve another local board in the subdivision review process, or, if not, the local law must establish a process by which people who object to a proposed simple subdivision can appeal to the Planning Board.

Response: 8. The proposed local law clearly indicates that simple subdivisions are subject to SEQR, which shall be undertaken by the Code Enforcement Officer as part of his/her review process. The procedure for SEQR is set forth in State Law and regulations. The law has been amended to direct appeals to the Town Planning Board.

RESOLVED AND DETERMINED, that proposed Local Law C-2007 is hereby enacted as Local Law 4-2007, as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 4-2007**

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 ratified, incorporated, and adopted by this Local Law and are further amended with respect to Article 2, to add a definitions for “simple subdivision” and municipal infrastructures and with respect to Article 3, to add a new section setting forth procedures 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 August 13, 2007 by Local Law 4 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:

- Building Inspector** Any person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such person according to these regulations.
- Approved Engineer** An engineer licensed by New York State and not expressly disapproved by the Town of LaFayette.
- Final Plat** 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.
- Comprehensive Plan** 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.
- Municipal Infrastructure** Public roads, water or drainage facilities.
- Official Submission** The date on which an application for plat approval complete Date and accompanied by all required information, endorsements, and fees, has been filed with the Planning Board.
- Planning Board** The Town of LaFayette Planning Board.
- Preliminary Plat** 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.
- Road, Major** 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.

Road, Minor

A collector road intended to serve primarily as an access to abutting residential properties.

Sketch Plan

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 an official submission of an application.

Subdivision

A division of any parcel of land into 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.

Subdivision, Major A subdivision containing five (5) or more lots, or any subdivision requiring a new road.

Subdivision, Minor A subdivision containing two (2), three (3), or four (4) lots, fronting on an existing road.

Subdivision, Simple Shall include either:

- 1. The mere adjustment of existing lot lines, without the creation of new streets, or municipal infrastructure; or**
- 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, or municipal infrastructure; or**
- 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, or municipal infrastructure.**

Undeveloped Plat 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.

Zoning Enforcement Any person appointed, designated, otherwise retained by the Officer Town Board to carry out the functions assigned to such person according to these regulations.

Zoning Law The Zoning Ordinance of the Town of LaFayette, as it may be

amended from time to time.

SEQRA **The New York State Environmental Quality Review Act and regulations promulgated thereunder .**

Certificate of Approval **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 and codes and that they provide adequate provisions for drainage, sewage, water, utilities and roadways.**

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 prepared by a licensed land surveyor, 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 publish in the Official Newspaper of the Town and send a notice to all property owners within 500 feet of the proposed simple subdivision based upon the latest assessment records of the Town, 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. The Codes Officer shall promptly acknowledge any such comments received and the Town’s response to same.**
- 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 shall be referred to the County Planning Board, in accordance with the statute.**
 - 4. Simple subdivisions are subject to review under the New York State Environmental Quality Review Act (SEQR), which review shall be undertaken and a determination made 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 a proposed simple subdivision plan map is not prepared by a licensed land surveyor 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 application defect.**
 - 7. Upon approval of a simple subdivision, the Code Enforcement Officer shall endorse said map, indicating Town approval for filing in the County Clerk’s Office pursuant to the authority of this local law. The map for a simple subdivision shall be endorsed and contain a statement confirming whether or not additional simple subdivision of a subdivided parcel is allowable and, if so, the termination date of the simple subdivision’s 5 year period. Upon approval, said map must be filed in the County Clerk’s Office as required by New York State Law or the approval shall be deemed null and void.**
 - 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, including confirmation of filing in the County Clerk’s Office.**
 - 9. The Code Enforcement Officer shall refer an application to the Town Planning Board for full subdivision review:**
 - a. When the County Planning Board recommends disapproval of the application; or**
 - b. Whenever a public hearing is requested by a neighboring property owner as herein defined, by the applicant or by any**

County or State Agency.

- 10. When correspondence or other concerns regarding a proposed simple subdivision is received from a neighboring property owner or any County or State agency, such communication together with a copy of application documents shall be referred to the Town Planning Board for its determination as to the articulated concern and whether a full subdivision review by the Town Planning Board should be undertaken. At a minimum, the Planning Board shall offer its advice and recommendation regarding such comments to the Code Enforcement Officer.**
- 11. Notwithstanding the above, the Code Enforcement Officer may, in his sole discretion, refer any request for simple subdivision to the Planning Board for its advice and/or approval.**
- 12. 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.**
- 13. 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.**
- 14. Appeals of a Code Enforcement Officer's determination relating to a simple subdivision shall be taken to the Town Planning Board and must be commenced within thirty (30) days of the Code Enforcement Officer's written determination on the application.**

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 (I) 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

	<u>Minor Road</u>	<u>Major Road</u>
Minimum width Right-of-way	50 feet	60 feet
Minimum width of Pavement	20 feet	24 feet

Minimum width of Shoulders	5 feet	5 feet
Minimum radius of Horizontal Curves	150 feet except for road intersection Corners	400 feet
Minimum length of Vertical Curves	Shall be such that at least 100 feet line of sight exists measured 3 feet above the road surface	200 feet
Minimum length of Tangents between Reverse Curves	100 feet except where excessive grades may be reduced to reasonable grades by shortening tangent	200 feet
Maximum Grade	10 % except that grades up to 14 % may be approved on short runs	6% - 8%
Minimum Grade	1 %	1%
Minimum Braking	200 feet	300 feet

Sight Distance

Section 510 Road Construction Standards

- 1. All road improvements shall be installed at the expense of the subdivider.**
- 2. 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.**
- 5.

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 subdivide 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 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 bona 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. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

William McConnell Councilman	Voted	Yes
Thomas Bailey Councilman	Voted	Yes
Adrian Shute Councilman	Voted	Yes
David Knapp Councilman	Voted	Yes
Gregory Scammell Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

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.**
- **Order and judgment favoring town.**
- **May appeal.**

May will appeal at the Appellate Court in November.

C. GRADER V. TOWN OF LAFAYETTE.

- **Decision favoring town.**
- **Grader appeal – withdrawn?**

Councilor Knapp asked about the Grader case. He believes they filed a notice allowing them to appeal if they so desired.

Kevin Gilligan said the clock has started running on this.

Councilor Knapp asked if we need to initiate the action to terminate this.

Kevin said at some point the town will initiate the Motion to Terminate it or it can sit there forever.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. 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).**

B. ONONDAGA COUNTY: proposal for centralization of tax collection –data collection, Lysander PILOT.

Supervisor Scammell said he hasn't heard anything on this for awhile.

Councilor Knapp thinks this can be removed from the agenda.

C. CNY Community Foundation - Grants for Green Spaces –2007 projects(s). In process (BM)

Councilor McConnell said the estimate for the 4 trees was \$800 and the grant was for \$750 so we will have to pay \$50 from the budget.

D. Town Landfill – vehicle extraction practice site (LFD research w.NYS DEC).

E. Remove older town signs (AS).

Councilor Shute said the sign up on Dodge Road is attached to two pieces of metal that seem to be anchored by cement. He needs to talk to Leon about removing the sign.

Supervisor Scammell said there is one on the corner of Coye Rd. and Apulia Rd. too.

Councilor Knapp said there is one coming down Route 20 toward Route 81.

Supervisor Scammell and Councilor Shute think that one is gone.

F. 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).**

11. NEW BUSINESS.

• Other.

Chris Keenan has been recommended for appointment to the Zoning Board of Appeals to fill out Al Miller’s term.

Councilor Shute doesn’t have a problem with this.

Supervisor Scammell thinks she managed a Nice N Easy and has done various things over time.

Councilor Shute moved and Councilor Knapp seconded the motion to appoint Christine Keenan to the Zoning Board of Appeals thorough December 31, 2010 to fill the vacancy left by Al Miller’s resignation. Voting was as follows:

Supervisor Scammell	Voted	Yes
Councilor Knapp	Voted	Yes
Councilor Bailey	Voted	Yes
Councilor McConnell	Voted	Abstained
Councilor Shute	Voted	Yes

Motion passed.

Mary Jo Kelly said HSBC would like an opportunity to review the town’s bank statements and give a proposal on the savings they can provide the town. They also discussed a check machine which all checks could be deposited through right from the Town Offices.

Councilor McConnell said it couldn’t hurt to see HSBC’s proposal.

Councilor Shute said the Chamber moved their account to Tully. He would do anything he could to keep their funds local but the service is terrible.

Supervisor Scammell said if the town account were moved, it would be a huge symbolic statement.

Councilor Shute said he did not want to move the Chamber’s account but he feels if they are doing a bad job, you need to let them know they are doing a bad job.

Councilor McConnell would suggest asking HSBC for a proposal and comparing notes.

Councilor's Shute moved and Knapp seconded the motion to provide bank statements to HSBC and Alliance Banks for proposals. Motion passed unanimously.

Councilor Shute said it was brought to his attention that as at some point near the corner of Coye Rd. there is a small cemetery and Moses DeWitt is buried there. Is there anything we can do to repair or clean up this cemetery.

Mary Jo noted this has been discussed in the past and she will research the minutes and get the past findings about this to the Board.

12. SUGGESTIONS FOR IMPROVEMENT AND POSITIVE CONTRIBUTIONS.

Councilor Shute said the Welcome to LaFayette pamphlet came out very well and it's nice to have all the organizations in it.

13. EXECUTIVE SESSION (if needed).

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

HIGHWAY FUND	#8151-8172
SPECIAL DISTRICT FUND	#8117
GENERAL FUND	#8119-8123, 8173-8215
TRUST & AGENCY FUND	#8217-8223
COMMUNITY DEVELOPMENT & CAPITAL FUND	#8116,8118,8224-8230

Motion passed unanimously.

15. Councilor McConnell moved and Knapp seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 10:12 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Adopted 9/10/07