

November 9, 2017

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room November 9, 2017 at 7:06 PM. The meeting was called to order by Supervisor Jeffrey Hart and opened with the Pledge of Allegiance to the flag.

Present were: Supervisor Jeffrey Hart, Councilperson Joanne James, Councilperson Christine Laughlin, Councilperson Casey Powers, Councilperson Allinger was absent. Also present were, Highway Superintendent Kevin Berggren, Recreation Director Dustin James, Town Attorney Tom Smith and 6 other attendees.

Privilege of the Floor

Tim Lillard: asked those attending the meeting if they felt the Federal Government should ban bumpstocks on guns and polled those present.

Michelle Henry: commented on the Dryden pipeline that passes through Cayuta Road. Ms. Henry also commented regarding one of the property owners is now denying access for volunteers to gather creek water for the Pony Hollow creek water sampling. Ms. Henry also thanked the Board for adding the 100 ft. buffer for perennial streams in the Site Plan Review Law.

Approval of the October 12, Regular Business Meeting, and the October 17, 24 and 30th Board Meeting Minutes

Motion was made by Councilperson Laughlin to approve October 12, 2017, seconded by Councilperson Powers.

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

Carried

Motion was made by Councilperson James to approve October 17, 2017, seconded by Councilperson Powers.

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

Carried

Motion was made by Councilperson Powers to approve October 24, 2017, seconded by Councilperson James.

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

Carried

Motion was made by Councilperson Laughlin to approve October 30, 2017, seconded by Councilperson Powers.

November 9, 2017

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

Carried

Reports

Highway Department: Highway Superintendent Berggren reported on the completion of summer projects and that the Fishkill Road project is being permitted for the spring of 2018. Also the engineering for the Main Street Culvert project continues with the County suggesting specifications for a 3 sided structure. Superintendent Berggren also stated the trucks are being readied for the winter weather and that the salt shed is full. Supervisor Hart asked if any dates had been received from the Town of Ithaca for equipment training on the Van Kirk Road property. Superintendent Berggren stated the Town was waiting from grating plans from Tompkins County Soil and Water before that could begin.

Water/Sewer Department: Water Supervisor Berggren commented that had been a repair on Trumbulls Corner Road, and showed the broken saddle to the Board Members. Mr. Berggren suggested to the Board to begin thinking of replacing the main and saddles in the water district. Mr. Berggren also feels a new well needs to be drilled to replace the Pine Circle well in the near future.

Recreation: Supervisor Hart read the final Recreation report from Director Reid Hoskins. Recreation Director Dustin James spoke to those attending and commented he hoped to have a Recreation Supervisor hired by December.

Code Enforcement: Code Officer Alan Teeter was absent. Supervisor Hart read the monthly report that summarized the 11 October permits.

Tompkins County Legislature: Representative McKenna was absent.

Planning Board: Absent

Ad Hoc Park Committee: Absent

Supervisor: Reported the USGS aquifer study has been completed and the Town could look forward to the report. Supervisor Hart stated that Michelle Henry requested her reappointment to the Tompkins County EMC. Motion was made by Councilperson Laughlin to approve the appointment of Michelle Henry as the representative from the Town of Newfield to the Tompkins County Environmental Management Council for the term January 1, 2018 through December 31, 2019, seconded by Councilperson Powers.

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

Carried

Supervisor Hart thanked the Board Members for their contributions to keeping the Town within the tax cap. Councilperson James added that a new truck for the water department and that an expansion to the sewer leach field were added items in the 2018 budget. Councilperson Powers congratulated those recently elected.

November 9, 2017

Old Business

Nexamp Community Solar

Eric Misbach a representative from Nexamp Community Solar stated that Nexamp had acquired the rights to the Millard Hill Road projects, 1, 2 and 3. Mr. Misbach stated that Nexamp was a veteran owned company that presently had 22 community solar farms in Mass. Nexamp offers unique flexible solar opportunities without putting solar on a home. Mr. Misbach also stated that the Millard Hill Rd. project could possibly handle 1000 subscribers depending upon the subscriber usage. Nexamp is looking to begin construction this winter and connect to NYSEG in the spring. Mr. Misbach stated John Murphy would be the contact person at Nexamp regarding the Host Community Benefit Agreement and decommissioning escrow.

Discussion and Action on the 2018 Newfield Town Budget

Councilperson Laughlin commented that she would like to see the Budget meetings begin earlier in 2018. Motion was made by Councilperson Laughlin to approve the 2018 Newfield Town Budget, seconded by Councilperson Powers.

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

Discussion and Action on Local Law No. 6 of the year 2017- Site Plan Review

Attorney Smith presented the Resolution No. 22 -2017 SEQRA Resolution – Site Plan Review Law

WHEREAS, the Town of Newfield proposed to enact a Site Plan Review Law (the “Local Law”);
 WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and associated regulations including 6 NYCRR 617.1, et seq. (“SEQRA”) the Town is required to undertake a review of potential environmental impacts associated with the Local Law;
 WHEREAS, the Town has prepared a draft Environmental Assessment Form regarding the Local Law including Parts 1, 2 and 3 (the “EAF”)
 WHEREAS based upon the information contained in the EAF and the knowledge and review of the Town Board members and after due deliberations;
 NOW, THEREFORE, upon motion duly made by Councilperson James and seconded by Councilperson Powers it is

BE IT RESOLVED, as follows:

Upon a thorough review and due consideration of the EAF, which the Town now adopts, the Town makes the following findings;

- 1.The Town has considered the Local Law pursuant to the criteria set forth in applicable law and regulation, including SEQRA;

November 9, 2017

2. The Town has taken a hard look at possible environmental impacts of the Local Law pursuant to SEQRA regulation;
3. The Town determines, for those reasons set forth in the EAF, that the Local Law will have no significant negative environmental impacts and hereby issues a negative declaration under SEQRA

AYES: Hart, James, Laughlin and Powers

NAYS

ABSENT: Allinger

Carried

Motion was made by Councilperson James to approve the adoption of Local Law No. 6 of the year 2017 – Site Plan Review Law, seconded by Councilperson Powers.

Town of Newfield Site Plan Review Law Local Law # 6 of 2017

BE IT ENACTED by the Town Board of the Town of Newfield, County of Tompkins, State of New York, as follows:

ARTICLE 1 INTRODUCTORY PROVISIONS

Section 1.0 - SHORT TITLE – This local law shall be known as the “Site Plan Review Law,” or simply as the “Local Law” herein.

Section 1.1 – AUTHORITY – This Local Law is adopted pursuant to the authority and provisions of § 10 of the Municipal Home Rule Law, § 10 of the Statute of Local Governments, and Town Law Article 16, including §§ 268 and 274-a therein.

Section 1.2 – PURPOSE – The purpose and intent of this Local Law is to: protect the value of land throughout the Town; to encourage orderly and beneficial development of land; to prevent the pollution of air and water; to assure the adequacy of proper drainage methods; to provide for the preservation of open spaces; to abate and mitigate nuisances; to encourage the preservation of natural features, topography, and resources; and to generally protect the health, safety and public welfare of the residents of the Town. This Local Law seeks to assure a balance between development rights and activities and their impacts and the effects of such

November 9, 2017

development activities upon the residents and the environment of the Town, such as by and through the mitigation of potential negative impacts resulting from development activities in certain environmentally sensitive areas, as well as through identifying and minimizing certain adverse effects of unregulated development upon drainage, traffic, public utilities, surface and ground water quality, wildlife habitat and other natural and public resources, and the need for and provision of community services. The Town has determined that certain uses, while allowed, need to be evaluated relative to their suitability to and compatibility with natural site conditions and surrounding land uses. Thus, the intent of this Local Law is to promote the conservation, preservation, and development of the Town, while also helping to prevent and mitigate certain unwanted and deleterious impacts that may arise from the unregulated development of land for certain allowed uses. It is not the intent of this Local Law to allow or disallow any legal land uses, but instead to identify those which may have impacts that can or should be regulated to achieve the goals of this Local Law.

Section 1.3 – SUPERSESSSION – The provisions of Town Law § 274-a are expressly hereby superseded to the extent required to give effect to the terms, requirements, and procedures set forth in this Local Law, particularly, but not exclusively, as pertains to the timelines for review and the scope of, and requirements for, plans, applications, and maps. No requirements or powers conferred upon the Town under the Town Law, or under any other laws of the State of New York, are waived or superseded by their inclusion or exclusion herein, including, but not limited to, the right of the Town to require the dedication of open spaces, recreational areas, or to require or accept payments in lieu thereof.

Section 1.4 DEFINITIONS – the following terms shall have the following meanings when set forth in this Local Law:

Agricultural Use: land used for production for sale of crops, livestock or livestock products as those terms are defined by the NYS Agriculture and Markets Law Section 25AA. “Crops, livestock or livestock products” include: field crops, fruits and vegetables; horticultural specialties (including nursery stock, ornamental shrubs, ornamental trees and flowers); livestock and livestock products (including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs); maple sap; Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump; aquaculture products (including fish, fish products, water plants and shellfish); woody biomass (short rotation woody crops raised for bioenergy); apiary products (including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens); and actively managed log-grown woodland mushrooms.

For purposes of this local law, agricultural use also includes the following:

- Agricultural tourism businesses (activities conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing,

November 9, 2017

production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life).

- Commercial equine operations (activities such as the boarding of horses, riding lessons, trail riding activities or training of horses).

The definition of agricultural use explicitly excludes CAFOs as defined below.

Applicant: any person or entity responsible for submitting a Site Plan application for review by the Planning Board, or otherwise responsible for compliance with the terms, conditions, and requirements of this Local Law.

Building: a structure wholly or partially enclosed within exterior walls, or within exterior party walls, and a whole or partial roof, affording shelter to persons, animals, or property.

Commercial Housing Development: Four or more residential units constructed for purposes other than as a primary residence of the owner.

Commercial Use: land used for the sale of goods and/or services (excluding businesses meeting the definition of “agricultural use”).

CAFO: Large or Medium Concentrated Animal Feeding Operations as defined at 6 NYCRR 750- 1.2(a) (21). This includes farms exceeding one or more of the following criteria:

- Greater than 300 dairy cows, calves, or other cattle
- Greater than 750 swine weighing 55 lbs. or more
- Greater than 3,000 swine weighing less than 55 lbs.
- Greater than 150 horses
- Greater than 3,000 sheep or lambs
- Greater than 16,500 turkeys
- Greater than 9,000 laying hens or broilers
- Greater than 1,500 ducks

CEO: the code enforcement officer of the Town.

DEC: the New York State Department of Environmental Conservation. **DOT:** the New York State Department of Transportation.

EAF: a SEQRA Environmental Assessment Form. **EIS:** a SEQRA Environmental Impact Statement.

November 9, 2017

Environmentally sensitive area: Land containing one or more of the following: wetlands, floodplains, riparian areas, steep slopes, unique natural areas, ridgelines, and historic architectural or archaeological resources listed or eligible for listing on the National Register of Historic Places. The Planning Board shall prepare and make available for public review a map of the general location of environmentally sensitive areas to assist applicants in determining whether such areas potentially affect a development proposal subject to site plan review.

Flood Plain: The 100-year floodplain as depicted on the Federal Emergency Management Agency's Flood Insurance Rate Maps effective at the time of the site plan application.

Industrial Use: land used for the production and fabrication of durable and nondurable man-made goods. For purposes of this local law, industrial use also includes mining and quarrying.

One family dwelling: A complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

Planning Board: the Planning Board of the Town.

Riparian buffer area: 50 feet from top of bank of intermittent streams and perennial streams, with the 50 feet closest the stream remaining in its natural state.

SEQRA: the New York State Environmental Quality Review Act, codified in the Environmental Conservation Law at Article 8, and including Title 6 of the New York Codes, Rules and Regulations, Part 617.

Site Plan: a rendering, drawing, sketch, written plan, map, survey, or similar documents, prepared to specifications as required by and under this Local Law, which shows the arrangement, layout, and design of the proposed uses of land as shown upon such plan, together with supporting data and information as required by this Local Law, or as is reasonably requested or necessary in the discretion of the CEO and/or Planning Board, to render such plan complete and ready for review by the Planning Board.

Steep slopes: means any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet. The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. As part of the application for site plan approval, the applicant shall calculate percent of slope for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a

November 9, 2017

1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

Stream: the full length and width, including the bed and banks, of any watercourse, that has a channel which periodically or continuously contains moving water. It further has a defined bed, and has banks that serve to confine water at low to moderate flows (and is represented as either a solid or dashed blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps). For the purpose of this ordinance, constructed drainage-ways, including water bars, swales, and roadside ditches, are not considered streams.

Structure: an assembly of materials located on or permanently affixed to the ground, directly or indirectly, usually including underground parts, such as a foundation, and above ground parts. A Building is one type of structure.

Town: the Town of Newfield, in Tompkins County, New York.

Town Board: the Town Board of the Town.

Two family dwelling: Two complete, but separate, self-contained residential units each intended for permanent habitation by one family only in a single structure having a common wall roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

Unique Natural Areas: Refers to sites with significant ecological, biological, geological, or aesthetic characteristics as formally delineated by the Tompkins County Environmental Management Council.

Wetland: areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, vernal pools and similar areas. For purposes of this site plan review law, wetlands include mapped wetlands based on NYSDEC Article 24 freshwater wetland maps, the USFWS National Wetlands Inventory maps, or Tompkins County wetland maps. All wetland maps have limitations and therefore the planning board may request or the applicant may volunteer to prepare a wetland delineation to verify the presence and/or boundaries of wetlands on a particular site if mapped wetland boundaries are judged inaccurate based on inspection of the site in the field and the development proposal has the potential to impact wetlands. Wetland delineations shall be conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and the Regional Supplement for the Northcentral and Northeast Region

ARTICLE II

APPLICABILITY, EXEMPTIONS AND REVIEW STANDARDS

November 9, 2017

Section 2.0 - GENERAL AUTHORIZATION – The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove of Site Plans in accordance with the provisions, standards and requirements of this Local Law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are related or incidental to a proposed Site Plan. Upon approval of the Site Plan, any conditions must be met before the issuance of any permits unless expressly stated otherwise upon the Site Plan. The Town Board may act as the Planning Board in connection with any application hereunder. It is the intent of this provision that the Planning Board will act in connection with all or most applications hereunder, but to provide the ability for the Town to process applications in a timely fashion. Only one of the Planning Board or the Town Board will act with respect to any one proposed Site Plan.

Section 2.1 – APPLICATION TO LAND AND PROJECTS –

A. This Local Law applies to the following development and land activities regardless of the location of the activity:

1. Construction or expansion of any nonresidential structure, 1,000 square feet or greater
2. Any project that includes the excavation, grading, or filling of one acre or more for non-agricultural purposes.
3. Project that will generate more than 25 auto trips or 10 heavy duty truck trips per day post construction use.
4. Non-agricultural structures over 50 feet in height.
5. Commercial housing developments.

B. This Local Law applies to the following development and land activities only if the activity is located in an environmentally sensitive area as defined in Section 1.4. When located outside of an environmentally sensitive area these activities are exempt from site plan review. :

1. Construction or expansion of a one-family or two-family residence including provision of necessary utility connections and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
2. Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving greater than 500, but less than 1,000 square feet of gross floor area.

C. The following development and land activities are exempt from the application of this Local Law regardless of the location of the activity:

1. Maintenance or repair involving no substantial changes in an existing structure or facility
2. Replacement, rehabilitation or reconstruction of an existing structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes

November 9, 2017

3. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with normal agricultural or timbering operations as pursuant to sections 305-A and 308 of the Agriculture and Markets Law.
4. Maintenance of existing landscaping or natural growth;
5. Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 500 square feet of gross floor area;
6. Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
7. Minor temporary uses of land having negligible or no permanent impact on the environment;

D. Prohibition of Segmentation

1. In applying the criteria in Section 2.1, applicants are prohibited from dividing proposed projects into smaller components for purposes of avoiding site plan review requirements. The “whole action” as contemplated by the applicant must be reviewed in a single site plan application.
2. This provision does not prevent an applicant from proposing future expansions not contemplated at the time of the original site plan application.

Section 2.2 - GENERAL CONSIDERATIONS –

A. The Planning Board’s review of the materials submitted shall include, as appropriate, the following considerations:

1. The design, layout, and adequacy of access for fire and emergency vehicles, equipment, and personnel.
2. The design, layout, and adequacy of traffic and pedestrian access, and egress, and related issues of safety and circulation, both on-site and off-site. This includes consideration of parking and loading areas, and the design and location of signs.
3. The impacts on neighboring properties, and the mitigation of the same through the imposition of reasonable conditions and/or the use of landscaping, screening, and/or buffering.
4. The design, layout, and adequacy of building materials, landscaping, necessary utilities and appurtenances, and storm water and drainage facilities.
5. The impacts to or upon sensitive environmental area(s), such as Wetlands, streams, ponds, and other water bodies.
6. The need for and/or provision of parks, recreational areas, and open spaces, including payments in lieu thereof.

November 9, 2017

7. The design and layout of any lighting for the proposed project.
8. The proposed hours of operation for any commercial or business facility.

Section 2.3 - GENERAL STANDARDS OF REVIEW – In reviewing an application for approval of a Site Plan, the Planning Board will be guided by the existing characteristics and conditions of the site, its surroundings, and the character of the surrounding neighborhood, by any particular design objectives of the Applicant, and by the quality of the proposal. Additionally, and for each Site Plan, the Planning Board shall weigh and consider the general standards listed in this section, as applicable, and other specific concerns related to a particular site as may be identified by the CEO or the Planning Board.

- A. Special attention shall be given to proper site drainage so the increased runoff of storm water resulting from the new construction will not drain onto neighboring properties or produce erosion, downstream flooding, or excessive turbidity in any nearby stream or body of water. Development on erodible soils, or on slopes of greater than 10%, shall be designed to minimize erosion both during and after construction.
- B. No commercial or industrial building or use shall be located less than 50 feet from the lot line of another property owner, except in the hamlet of Newfield
- C. A landscaped buffer strip planted along lot lines, or at other locations, or other screening or fencing, may be required by the Planning Board.
- D. To preserve visibility at road intersections and enhance safety, no structures or fences or plantings should be permitted or occur within 50' of any intersection of any roadways, whether public or private roads.
- E. An adequate amount of off-street parking shall be provided for the proposed use, and all off-street parking shall be at least 10' from the road right-of-way.
- F. All loading and unloading areas and outside storage areas, including areas for the storage of trash or dumpsters, that face or are visible from a public road or a neighboring property shall be screened from public view by vertical screening at least 6' in height. A landscape buffer, or a combination of landscaping and fencing, may be used to provide the required screening.
- G. Acceptable site distance must be provided and maintained at all entrance and exit locations. The location of the driveway, roadway, or ingress/egress cuts, and the design and layout of the same, shall be approved by the Planning Board only after review and comment thereupon by the Town Highway Superintendent, Fire Department Chief, and if applicable, the County Highway Department and/or the NYSDOT. Shared driveways or access ways shall be subject to appropriate easements for all lots and

November 9, 2017

owners, and, as appropriate, subject to the review and comments of the Town Highway Superintendent, and if applicable, the County Highway Department and/or the NYSDOT.

H. Access and circulation plans for vehicular traffic, pedestrian traffic and public right of ways, including roadway and intersection design, traffic controls, signage and lighting, shall be adequate to handle expected traffic volumes, and shall be approved by the Planning Board only after review and comment thereupon by the Town Highway Superintendent, Fire Department Chief and if applicable, the County Highway Department and/or NYSDOT.

I. Exterior lighting, direct light or unabated, shall be designed and located so that it does not produce glare on adjacent properties or surrounding vicinities- including side hills within sight- line of the facility, and does not impede the vision of traffic on any adjacent roadways or ingress/egress routes.

J. Approval of the type and design of any sewage disposal system shall be obtained from the Tompkins County Health Department.

K. The impact of noise, traffic, odor, smoke, dust, heat, glare or electrical disturbance, or any nuisance, shall be considered in relation to surroundings and adequately mitigated.

L. Any proposed roadways, public or private, shall be built to specifications as required by the Town Highway Superintendent and/or DOT, taking into account the volume and types of expected local and pass through traffic. Roadway layouts shall be designed to provide for the appropriate extension of existing utilities and shall take into consideration topography, drainage, and public safety, and the proposed uses of the land to be served by such roads. All road layouts and designs are subject to the approval of the Town Highway Superintendent, and all public roadways shall require permanent dedication by easement or in fee, each in a form as approved by the Town.

M. Roadways shall intersect as nearly at right angles as possible, and in no case shall they intersect at an angle of less than 60°. Road grades at intersections shall not exceed 5% for a distance of 80 feet from the center of the intersection unless otherwise approved by the Town Highway Superintendent. In all other respects roadways shall comply with applicable laws, rules, and regulations of the Town, Tompkins County, and the State of New York, including the requirements of the DOT.

N. All natural features, such as streams and hilltops, shall be preserved whenever possible in designing and laying out any Site Plan. The Planning Board may require changes in the layout to assure that natural features will be preserved, undisturbed, and/or incorporated into the Site Plan and/or its design. Topsoil moved during the course of construction shall be sequestered and redistributed so as to provide, when possible, at least 6 inches of topsoil to all areas disturbed.

November 9, 2017

O. Any soil disturbance of one acre or more may require Storm water Pollution Prevention Plan (“SWPPP”) and compliance with the DEC’s State Pollutant Discharge Elimination System (“SPDES”) permit requirements and conditions, in accordance with SPDES General Permit from Storm water Discharges from Construction Activity, Permit # GP-0-10-001.

Section 2.4 - EFFECT ON EXISTING USES –

A. This law does not apply to uses and Structures which are lawfully in existence at the date this Local Law becomes effective. Any use or Structure shall be considered to be “in existence” as of the effective date of this Local Law if: (i) a building permit has been issued; and (ii) the improvements are fully constructed and completed within one year from the effective date of this Local Law; and (iii) a certificate of compliance or a certificate of occupancy is duly issued within said one year.

B. Any use which would otherwise be subject to this Local Law that has been discontinued for a period equal to or in excess of one year shall be subject to review pursuant to the terms of this Local Law prior to and before any prior or new use is resumed or commenced.

Section 2.5 - RELATIONSHIP OF THIS LAW TO OTHER LAWS AND REGULATIONS – This Local Law in no way affects or impairs the provisions or requirements of other federal, state, or local laws and ordinances, or their applicable regulations. Whenever the circumstances of any proposed development require compliance with this or any other such law or regulation, the Planning Board shall attempt to integrate, as appropriate, Site Plan review with such other requirements, and/or this Local Law shall be considered an initial review procedure relative to other such laws and/or regulations. Where it is determined that there is a conflict with any other such law or regulation, the more restrictive requirements shall apply. All Site Plans, and reviews thereof, shall comply with any other applicable laws, regulations, and rules, including, but not limited to, the requirements of SEQRA.

ARTICLE III
APPLICATION AND REVIEW PROCEDURES

Section 3.0 - APPLICATION AND REVIEW PROCEDURES – Prior to undertaking any listed land use activity (or resuming such listed activity after the requisite period of discontinuance) a Site Plan review and approval by the Planning Board is required. Applicants for Site Plan review and approval should follow the recommended procedures related to the pre-application conference (sometimes known as a “sketch plan conference”), but all Applicants must comply with all other procedures and requirements of this Local Law.

A. Pre-application Conference: A pre-application conference will be held between the Planning Board and the Applicant to review the basic site design concept, to determine if site plan review applies to the

November 9, 2017

applicant's proposal and to generally determine the information to be required for the Site Plan and its review. Applicants are encouraged to arrange for a pre-application conference with the Planning Board and, as part of such conference, the Applicant may request a sketch plan review. Sketch plan reviews are an optional step and provide for a preliminary and non-binding review of a roughed-out sketch plan. Sketch plan review gives the Applicant the opportunity to informally present the project to the Planning Board, and allows the Planning Board and the Applicant to discuss any areas of concern involved with the proposed development, and/or to simplify issues in the later formal review stages. In order to accomplish these objectives, the Applicant shall provide the following if sketch plan review is requested:

1. A description and rough sketch showing the proposed plan.
2. A map of the area showing the parcels under consideration for development, all adjacent properties, roads and other pertinent features.
3. A map of site topography, such as a USGS quadrangle or equivalent showing the proposed site. The Planning Board may at its discretion accept photos in lieu of this requirement.

B. Filing a Site Plan Application: Applications for Site Plan review shall be filed with the Town Clerk and shall be in writing. All Town forms for the Site Plan review process shall be completed, a Site Plan survey drawn to scale shall be provided, together with the following documents, information, and details:

1. The name and address of the landowner of record and the Applicant, if not the same.
2. A surveyed identification map showing the location and orientation of the proposed development relative to the local road system, the scale of the drawing(s), a north arrow, the date of the survey or drawing, the gross acreage of the site or development area, an identification of existing buildings and land uses on the site and upon adjacent properties, and a depiction and layout of the proposed Structures, buildings, improvements, and land uses, including roads, ingress and egress ways, parking areas, landscaping, and buffer strips or screening.
3. The locations of any environmentally sensitive areas (as defined in Section 1.4) within 200 feet of site.
4. An indication of existing and proposed topography and drainage systems for the site, including the proposed storm water management and drainage upon and from the site. Natural drainage ways shall be maintained whenever possible.
5. The proposed water source and sewage disposal system(s).
6. The location, size and type of any proposed site lighting and signs.
7. A landscaping plan, if any.
8. A brief statement describing: the project and the type of exterior building material to be used; disclosure as to whether any structure in the project involves the storage or handling of hazardous materials or the use of any above or below ground storage tanks; whether or to what extent the proposal will create odors, smoke, noise, or dust and airborne particulates above ambient existing levels; whether the development or intended land use will have any potential impacts on the community including, but not limited to, physical, environmental, social and/or economic effects, or any other potential effects impacting the health, safety and/or general

November 9, 2017

welfare of the community; a statement as to whether there are any easements or deed restrictions affecting the project or Site Plan; and a statement as to whether the project is in keeping with the character of the surrounding neighborhood and the Town's Comprehensive Plan.

9. A proposed roadway, walkway, traffic, and signage plan for ingress to and egress from the development or parcel(s).

10. A completed SEQRA environmental assessment form upon the forms provided by the DEC.

11. And, if in or within 500' of an agricultural district, an agricultural data statement pursuant to Article 25, § 305-a, of the New York State Agriculture and Markets Law.

C. Preliminary Review of Application: The Planning Board shall review all applications submitted 14 days prior to the next duly scheduled meeting to determine whether it is complete. The Planning Board may require additional information to complete its review. If the Planning Board determines the application to be incomplete, they shall, within five business days of the review being completed, return the application to the Applicant and inform the Applicant of the deficiencies of the application.

D. Referral to County Planning Board: The Planning Board shall determine if the proposed action is subject to referral to the Tompkins County Planning Department in accord with Article 12-B, §§ 239-l, -m, and/or -n of the General Municipal Law, and the guidelines and agreements of or with the Tompkins County Planning Department. If referral is required or desired, the CEO shall submit the materials, together with any SEQRA documents, to the County Planning Department as soon as is practical.

E. State Environmental Quality Review: The Planning Board shall comply with SEQRA when considering Site Plan reviews and approvals.

F. Review and Decision:

1. Review and Decision Without Public Hearing: Within 62 days following the date that the Planning Board deems an application completed and Site Plan, the Planning Board shall render a decision to approve, approve with conditions, or deny the Site Plan or to conduct a public hearing. Any such application shall be deemed received and the 62-day time period shall commence at the time the completed application and Site Plan are first presented to the Planning Board at a duly called public meeting. The 62-day time period may be extended upon consent of both the Applicant and the Planning Board, and such 62-day time period shall be deemed extended to the extent reasonably necessary to comply with and complete any required SEQRA reviews. If the Planning Board fails to render a decision within said 62-day period, as may be herein extended, the Site Plan shall be considered approved.

2. Review and Decision with Public Hearing:

November 9, 2017

a. The Planning Board may conduct a public hearing regarding the Site Plan at its discretion. The Town Clerk will post notice of the public hearing in accordance with Town Policy.

b. For all public hearings, the Town Clerk shall mail notice of public hearing to the Applicant at least 15 days prior to the date of the hearing (or at least 14 days if the hearing is on the SEQRA review). The Applicant shall mail written notice of the hearing to all landowners within 600' of the proposed site at least 10 days before such hearing (or at least 14 days if the hearing is on the SEQRA review), and shall publish at least one notice of public hearing at least 5 days (or at least 14 days if the hearing is on the SEQRA review) before the hearing in the local newspaper of the Town or on the Town website.

c. The Planning Board shall render a decision on the Site Plan within 62 days of the close of the public hearing, unless such 62-day time period is extended upon consent of both the Applicant and the Planning Board; and such 62-day time period shall be deemed extended to the extent reasonably necessary to comply with and complete any required SEQRA reviews. If the Planning Board fails to render a decision within said 62-day period, as may be herein extended, the Site Plan shall be considered approved.

SECTION 3.1 - WAIVER OF SITE PLAN REQUIREMENTS –

A. The Planning Board may except or exempt an Applicant from any one or more of the requirements of this Local Law by waiver, except for the landowner and public notice requirements. All requests for a waiver from any requirements set forth in this Local Law shall be made by the Applicant in writing and shall contain a statement as to the grounds upon which the Applicant relies for requesting the waiver, including all allegations of any facts on which the Applicant will rely. Where the Planning Board finds that a waiver of certain requirements is justified then a waiver may be granted by the Planning Board, provided, however, that no waiver shall be granted unless the following conditions are met:

1. The Planning Board finds and records in its minutes that granting the waiver is justified and would be in accord with the intent and spirit of this Local Law, and is otherwise not adverse to the best interests of the community.
2. There are special circumstances involved in the particular case and denying the waiver would result in undue hardship to the Applicant, provided that such hardship has not been self-imposed.
3. The waiver requested and/or granted is the minimum degree of variation from the requirements of this Local Law as is necessary to accomplish the relief found appropriate in connection with such waiver application.

November 9, 2017

B. The Planning Board may condition the granting of any waiver upon any one or more reasonable conditions or requirements.

SECTION 3.2 – FILING AND WRITTEN DECISION OF THE PLANNING BOARD – All determinations made under, or in relation to, this Local Law shall be in writing and a full written record of the Planning Board minutes, resolutions, and/or decisions, together with all documents pertaining to the application and review, shall be filed in the office of the Town Clerk, and a copy shall be mailed to the Applicant.

ARTICLE IV SECURITY, BONDING, AND DEDICATION REQUIREMENTS

SECTION 4.0 – PERFORMANCE BONDS AND OTHER SECURITY – Whenever any permanent infrastructure and improvements are required by any Site Plan, a performance bond, irrevocable letter of credit, escrowed payment and escrow agreement, or other security sufficient to cover the full cost of the same, as estimated by the Planning Board, shall be furnished to the Town by the Applicant or owner whenever the Planning Board, in its sole discretion, without recourse, shall require the same. The requirements of Town Law shall apply to this requirement whenever so imposed.

SECTION 4.1 – DEDICATED INFRASTRUCTURE AND IMPROVEMENTS – Whenever any permanent or temporary infrastructure or improvements are proposed to be subject to dedication to the Town, whether in fee, by easement, right-of-way, or by or through an offer of cessation, or otherwise, including, but not limited to streets, highways, sidewalks, storm water facilities, parks, recreation areas or trails, etc., the approval of the Town Board as to the method and manner of construction shall be required, together with approval by the Town Board and the Town Attorney as to the method, means, terms, and form of dedication. In all cases, all filing or other fees incurred in such act(s) of dedication shall be a cost to the Applicant.

ARTICLE V MISCELLANEOUS PROVISIONS

SECTION 5.0 – CODE ENFORCEMENT OFFICER – The Town Board shall appoint a CEO to carry out the duties assigned by this Local Law, including those of review and enforcement. The CEO, or his or her designee, shall be responsible for the overall inspection of site improvements, including coordination with the Town Board, Planning Board and other officials and agencies, as appropriate. The CEO, or his or her designee, shall not issue building permits for construction or any certificates of occupancy or compliance unless the requirements of this Local Law have been met, including any conditions imposed upon any site or Site Plan. If the Planning Board has approved a Site Plan with conditions, all conditions must be met before the CEO issues a building permit, or any certificate of occupancy or compliance, unless the Planning Board condition or approval expressly states otherwise.

November 9, 2017

SECTION 5.1 – CONSULTANT REVIEW – The Planning Board and CEO may consult with and obtain assistance and advice from such agencies or experts as they deem necessary for any Site Plan review, including, without limitation, Fire Chief, the Town Highway Superintendent and the DOT, the Town Board, the Town Engineer, the Town Attorney, the County Planning Department, the County Health Department, other local county officials, representatives of federal and state agencies, and architects, engineers and attorneys. All consultant review costs shall be paid by the Applicant to the extent legally required or allowed.

SECTION 5.2 – FILING FEES & DEVELOPER’S AGREEMENTS – An application for Site Plan review and approval shall be accompanied by a non-refundable fee as periodically set or amended from time to time by resolution of the Town Board. An additional fee equal to the actual costs of Site Plan or SEQRA review shall also be charged to the Applicant whenever required or allowed by law, including the fees allowed by 6 NYCRR, Part 617, § 617.17. The Planning Board may require, prior to the commencement of review or preparation of an EIS, that a deposit be made to the Town in an amount reasonably estimated to cover the anticipated amount of costs, disbursements, and fees as may be incurred in relation to the EIS. All fees and charges payable by the Applicant or developer shall be reasonably determined in accord with law. In lieu of periodic fee calculations and payment requirements, an Applicant or developer may sign a developer’s agreement to provide for an escrow reserve account to fund and more efficiently proceed through the Site Plan review process.

SECTION 5.3 – ENFORCEMENT, VIOLATION AND PENALTIES – Each and all of the following provisions shall be applicable in relation to any violation of any of the terms, conditions, or requirements of this Local Law by any act, or by any failure to act:

A. When any term, provision, or requirement of this Local Law is violated, the CEO may issue a written notice of violation and Order To Remedy to the person or entity in violation hereof. Such notice of violation shall contain the name and address of the person or entity alleged to have violated this Local Law, the address, when available, or a description of the building, structure or parcel upon which the violation occurred or is occurring, a brief statement specifying the nature of the violation, a statement of the fine or penalty that may or could be assessed against any person or entity to whom the notice of violation is directed if they do not comply with the Order of Remedy, and a clear statement identifying when a civil or criminal proceeding will commence if they do not comply with the Order of Remedy. The election by the CEO to issue a notice of violation and Order of Remedy does not preclude the sooner, simultaneous, or later issuance of civil or criminal process alleging a violation of this Local Law.

B. The CEO or any New York State peace or police officers are hereby authorized to issue and serve civil papers and appearance tickets with respect to any violation of this Local Law.

November 9, 2017

C. The CEO may issue a stop work order for or in relation to any violation of this Local Law. Any person or entity receiving a stop work order shall be required to halt all clearing, grading, and construction until the CEO or a court of competent jurisdiction allows work to re-commence.

D. In addition to any other right or remedy allowed by law or in equity, the Town may also maintain actions or proceedings in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision or requirement of this Local Law.

E. All provisions of New York law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this Article. Each and any misdemeanor referenced hereunder shall be deemed an unclassified misdemeanor. The following civil and criminal fines and penalties shall apply to any violation of the terms, conditions, and requirements of this Local Law:

1. First Violation: Any person or entity that violates any of the provisions of this Local Law shall be (i) guilty of a violation and subject to a fine of three to five times the Building Permit Application Fee or (ii) subject to a civil penalty three to five times the Building Permit Application Fee to be recovered by the Town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and/or be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.

2. Second Violation: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any other violation of this Local Law shall be deemed a second violation. Any person or entity that commits any second violation shall be (i) guilty of a violation subject to a fine of eight to ten times the Building Permit Application Fee, or (ii) subject to a civil penalty of eight to ten times the Building Permit Application Fee to be recovered by the Town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Similarly, a separate civil penalty shall apply and/or be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

3. Third and Subsequent Violations: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any second violation of this Local Law shall be deemed a third or subsequent violation, as applicable. Any person or entity who commits a third or subsequent violation of this Local Law shall be (i) guilty of an unclassified misdemeanor and subject to a fine of thirteen to fifteen times the Building Permit Application Fee, and/or a period of incarceration not to exceed 120 days, or both, or (ii) subject to a civil penalty of thirteen to fifteen times the Building Permit Application Fee, to be recovered by the Town in a civil action. Every such person or entity shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience,

November 9, 2017

omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and/or be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

F. Upon any violation of this Local Law by any person or entity, the Town Board and the CEO shall decline and refuse to issue any approvals, endorsements, certifications, building permits, certificates of occupancy, certificates of compliance, and any similar or other document or approval in relation to the lands affected until the terms, conditions, and requirements of this Local Law have been met or such person or entity is otherwise in compliance with this Local Law.

G. Any person or entity that is in violation of this Local Law may be required to restore any land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may commence any one or more civil proceedings in the Town Court, or any other court of competent jurisdiction, to compel, permit, or recover the costs of such restoration.

H. Each and all remedies and rights provided to the Town under this Local Law are and shall be deemed cumulative. The Town's pursuit of any one right or remedy does not effect a waiver or an election of remedies relative to any other right, action, or remedy, and the Town may thereafter pursue or continue to pursue any other right or remedy it may have in law, equity, or in admiralty. The rights and remedies herein stated are not the exclusive rights and remedies of the Town. The Town reserves all rights to seek compliance or enforcement, including pursuant to and under Town Law.

SECTION 5.4– CONSTRUCTION – The term “shall” is mandatory, and the terms “may” or “should” are permissive.

SECTION 5.5 – PARTIAL INVALIDITY – If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application hereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provisions of this Local Law that are directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed, the remainder of this Local Law shall remain in force and effect, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder hereof, even if, as to particular provisions and persons or circumstances, such portion is severed or declared invalid or unenforceable.

SECTION 5.6 – LIMITATION OF TOWN LIABILITY AND INDEMNIFICATION – The Town, and its officers and agents, shall not be liable or responsible for any injuries to persons or damages to property or rights due to the Town's actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a

November 9, 2017

reasonable degree of certainty that such injury or damage was caused by a willful or intentional act of the Town or its officers or agents. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

SECTION 5.7 – ARTICLE 78 – Any person aggrieved by any decision or determination (except for an informal or advisory opinion) of the Planning Board, Town Board, the CEO, or any public official, officer, department, board, or bureau of the Town, may apply to the Supreme Court for review by proceeding under Article 78 of the Civil Practice Law and Rules. Such petition or request for review shall be made within 30 days of the decision or determination so appealed from, and this Local Law does not create any right or remedy under said Article 78 where none otherwise exists or is recognized in law, equity, or admiralty.

SECTION 5.8 – EFFECTIVE DATE – This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Discussion: Councilperson Laughlin asked if everyone had read the revisions and agreed.

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

New Business

Discussion and Action- Resolution 21- 2017 Town of Newfield to budget for professional services to assist with Emergency medical Services

RESOLUTION NO. 21 -2017

TO BUDGET FOR PROFESSIONAL SERVICES TO ASSIST WITH EMERGENCY MEDICAL SERVICES PLANNING IN 2018

Whereas the Tompkins County Council of Governments Emergency Medical Services Task Force (TCCOG EMS-TF) has identified that the current system of providing emergency medical response and transport is stressed 0 with declining numbers of volunteer and paid responders, and Lee Shurtleff, the Director of the Department of Emergency Response has warned that the system could “collapse” without intervention; and

Whereas timely, competent, affordable emergency medical and transport services are critical and necessary public services; and

Whereas the TCCOG EMS-RTF will be working for the next several months to identify possible solutions to stabilize provision of EMS services and anticipates having preliminary recommendations by March 2018; and

Whereas it is anticipated that the EMS-TF may require professional services to assist in refining and guiding implementation of proposed remedies; and

November 9, 2017

Whereas at this point the EMS-TF is unable to provide specific information as to scope of work or expertise required, but the EMS-TF and the Town of Newfield believes it is prudent to be financially prepared to engage such services as may be indicated so that the crucial work of the EMS-TF can continue uninterrupted;

NOW therefore be it

RESOLVED that the Town of Newfield will provide \$5000.00 in their 2018 budget to support professional services to assist with planning and/or implementation of EMS-TF recommendations; and further be it

RESOLVED that the commitment to spend some or all of these funds will be contingent upon presentation by the EMS-TF of preliminary recommendations to stabilize provision of EMS services as well as a description of the professional services, qualifications and scope of work to be provided by the expert, and approval of the Town of Newfield to support such proposed work.

Motion was made by Councilperson Laughlin to approve Resolution No. 21-2017, seconded by Councilperson James.

Discussion: Supervisor Hart asked if there could be assurances that the contributions be equitable from the other municipalities.

Vote	AYES	4	Hart, James, Laughlin and Powers
	NAY	0	
	ABESNT	1	Allinger

Carried

Approval of the Payment of the November Bills

Motion was made by Councilperson Laughlin to approve the payments, seconded by Councilperson Powers. The Board authorized the payments of the following amounts:

General Fund	\$29,168.70
Recreation Fund	\$53.01
Highway Fund	\$49,619.76
Street light Fund	\$1,331.14
Sewer Fund	\$540.67
Water District 1Fund	\$5,273.70
Water District 2 Fund	\$1,058.61
Trust and Agency	\$4,182.88
Capital Fund # 2	\$156,427.83

November 9, 2017

At 8:25 PM a motion was made to move into an Executive Session to discuss a collective bargaining issue and pending litigation.

At 8:55 PM, the Meeting was called back to the Regular Meeting of the Newfield Town Board. Councilperson James offered a motion to move to adjournment at 8:55 PM seconded by Councilperson Powers.

Respectfully Submitted,

November 22, 2017

Karen Miller Kenerson
Newfield Town Clerk