

Public Hearing 6:45 pm – Proposed Local Law F of 2016 re: Notice to residents of pending applications for permits and approvals

**TOWN OF NEW SCOTLAND
TOWN BOARD MEETING
October 12, 2016 - 7:00 PM
AGENDA**

1. **Call to Order** *Mr. LaGrange*

2. **Pledge of Allegiance**

3. **Invitation to the General Public to Comment on Agenda Items: Please use the microphone available and state your name for the record** *Mr. LaGrange*

4. **Approval of the Minutes of the Following:** *Ms. Deschenes*
 - **September 14, 2016** **Regular Town Board Meeting**
 - **September 29, 2016** **Special Town Board Meeting**

- Announcement:**
 - **Fall Brush & Leaf Bag Clean-up October 11 – November 18**

5. **Discussion/Action re: Proposed Local Law F of 2016, regarding notice to residents of pending applications for permits and approvals** *Mr. LaGrange
Attachment #1*

6. **Discussion re: Intermunicipal Agreement with Town of Bethlehem and the Heldervale Water and Sewer Districts** *Mr. LaGrange
Attachment #2*

7. **Authorize Supervisor to execute “Addendum to June 25, 2007 Water Purchase Agreement” with the Village of Voorheesville regarding the Colonie Country Club Water District** *Mr. LaGrange
Attachment #3*

8. **Highway and Parks:** *Ken Guyer*
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9. **Liaison Reports** *Various Board
Members*

10. **Departmental Monthly Reports:**
 - **Town Clerk, September 2016** *Attachment #4*
 - **Registrar, September 2016** *Attachment #4a*
 - **Justice Adkins, July & September 2016** *Attachment #4b*

11. **Invitation to the Public to Discuss Non-Agenda Items** *Mr. LaGrange*

12. Pay the Bills

*Mr. LaGrange
Attachment #5*

13. Approve any Budget Modifications

*Mr. LaGrange
Attachment #6*

14. Adjourn

Mr. LaGrange

**Town of New Scotland
Proposed Local Law F of the year 2016**

A Local Law regarding notice to residents of pending applications for permits and approvals issued by Planning Board, Zoning Board of Appeals, and Town Board.

Be it enacted by the Town Board of the Town of New Scotland as follows:

SECTION I. PURPOSE AND FINDINGS

The Town has received comments from residents that the minimum notice requirements set forth in New York State law and the Town of New Scotland Code for applications for permits and approvals for real estate development projects is inadequate to provide notice to many residents and landowners that may be effected or interested in commenting on a proposal. In an effort to provide a supplemental means of notifying residents of pending applications for approvals, this Local Law is intended to increase the distribution of notices of public hearings that are mailed to landowners, and post a sign on the property so that residents who do not live nearby have another means of being notified that an application is pending regarding the subject property. The Town finds that additional notice to residents and landowners of pending applications will protect the public health, safety and welfare of residents of the Town, and will promote the convenience and general welfare of the Town and its residents.

SECTION II. AMENDMENT TO CHAPTER 190 OF THE TOWN CODE

Chapter 190 of the Town of New Scotland Code is hereby amended by adding the following:

§ 190-110 Supplemental Notice Requirements For Applications For Certain Permits and Approvals from the Planning Board, Zoning Board of Appeals, and Town Board.

- A. Approvals Requiring Supplemental Notice. An applicant for any permit or approval from the Planning Board, Zoning Board of Appeals, or Town Board which requires a public hearing shall comply with the provisions of this Section 190-110 regarding supplemental notice. This notice provision applies to applications seeking permits or approvals for:
1. Subdivision of land (minor or major subdivision);

2. Special use permit;
3. Site plan approval;
4. Variance (use and area variances);
5. Cluster development;
6. Rezoning and/or amending of Zoning Law for project;
7. Planned Unit Development.

The foregoing permits and approvals shall be referred to as an "Approval" or "Approvals" under this section of the Zoning Law.

- B. Notice To Neighboring Property Owners. Notwithstanding the provisions of Chapter 164, entitled "Subdivision of Land," and Chapter 190, entitled "Zoning," an applicant for an Approval requiring a public hearing shall: (i) post a sign in accordance with subsection D, and (ii) provide prior written notice of a hearing to all property owners within 1,000 feet of the lot subject to the application for an Approval. The written notice shall be mailed (post-marked) by regular mail and certified mail, return receipt requested not less than ten (10) days prior to the date of the scheduled hearing, and not more than forty-five (45) days prior to the hearing. The applicant shall be responsible for the cost of postage and mailing the notice, and shall provide proof of mailing (in a form approved by the Building Inspector ("Inspector"), or his duly authorized assistant) on or before the hearing date.
- C. Deposit. At the time the application is filed, the Inspector shall approximate the cost of mailing ("mailing deposit"), and the applicant shall pay: (i) the cost of mailing notices; plus (ii) a \$100.00 deposit for the sign deposit (the "Sign Deposit"). The Sign Deposit shall be refunded when the sign is returned.
- D. Sign. Within twenty (20) days of filing an application for an Approval, the applicant shall post a sign on the lot that is the subject of the application, which sign is intended to provide the public with notice that an application for an Approval is pending. The sign shall satisfy the following criteria and standards:
- (i) The sign shall be installed (by the applicant) in a location that is visible to the public; and not less than fifteen (15) feet, and not more than thirty (30) feet, from the edge of pavement of the nearest road providing access to the property that is the subject of the application. In the event the subject parcel does not have frontage on a public road, or is located in a densely populated area, the Inspector shall determine, after consultation with the applicant and landowner, a safe and appropriate location for the sign.

- (ii) The sign shall be in a standard format, color, font and style to be determined by the Inspector, which shall be provided to all applicants at the time the application is accepted for filing.
 - (iii) The sign shall state, in words or substance, that: (a) an application for a zoning approval has been filed with the Town of New Scotland; (b) the telephone number of the Building Department; and (c) the Town website for further information regarding the application/project.
 - (iv) The sign shall remain installed on the property until after the public hearing.
 - (v) The Building Department shall purchase and maintain a sufficient number of sign frames and signs.
- E. Sign Deposit/Consent/Authorization. At the time the application is filed for the Approval, the applicant (and the property owner, if the applicant is not the owner of the property) shall sign a Consent and Authorization (in a form approved by the Inspector) consenting to the posting of a sign on the private property, and authorizing the Building Department to install and/or remove the sign.
- F. Return of Sign/Deposit. When the Approval has been granted, or the application for the Approval is denied or withdrawn, the applicant shall remove the sign and sign frame and return it to the Town Building Department in good order and condition. When the sign frame is returned in good order and condition, the Sign Deposit shall be returned to the applicant within thirty (30) days of the return. If a sign frame has been materially damaged, the applicant can repair or replace the frame at the applicant's sole cost and expenses, or forfeit the sign deposit. If the application does not proceed to a hearing, or the application is withdrawn prior to hearing, the applicant may apply for a refund of the mailing deposit, and the deposit shall be refunded within thirty days of the application for a refund. If no application for a refund is made within 30 days, the mailing deposit shall be deemed forfeited.
- G. Compliance Required Prior to Hearing. No public hearing regarding an application for an Approval shall proceed unless the Inspector determines that the applicant has complied with the notice and sign posting requirements of this section; the application shall be deemed incomplete until compliance has been achieved. The Inspector shall have the discretion to waive any minor defect in compliance.
- H. Exemptions. The notice provisions do not apply to the following:
- (i) A zoning amendment introduced by the Town Board, which does not apply to a specific project;

(ii) Applications for building permits not requiring an Approval.

J. Non-Compliance (No Private Enforcement). An applicant's failure to comply with the notice provisions set forth in Section 190-110 may be grounds for denial of an application or rescheduling of a hearing, but failure to comply with the notice provision of this Section shall not be grounds for an Article 78 proceeding or other challenge by a private citizen seeking to annul or vacate an Approval.

K. Appeals. If an applicant or landowner objects to the sign posting provisions of this section, the applicant/landowner may appeal to the Zoning Board of Appeals and request a waiver/variance from the provisions of this section, and the Zoning Board of Appeals is hereby granted authority to grant a waiver or variance in the event of hardship or special circumstances.

SECTION III. SEVERABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION IV. REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded. This Local Law supersedes any inconsistent provisions in Chapter 164 and Chapter 190 of the Town of New Scotland Code, relating to subdivisions and zoning approval notifications.

SECTION V. EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the Secretary of State.

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

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the Town of New Scotland was duly passed by the New Scotland Town Board on _____ 20__, in accordance with the applicable provisions of law.

NOTICE

AN APPLICATION HAS BEEN FILED

FOR A

ZONING APPROVAL

FOR THIS PROPERTY/LOT

INFORMATION REGARDING THE APPLICATION
IS AVAILABLE AT THE BUILDING DEPARTMENT,
TOWN OF NEW SCOTLAND TOWN HALL
2029 NEW SCOTLAND ROAD
SLINGERLANDS, NEW YORK 12159
TELEPHONE: (518) 439-9153
www.townofnewscotland.com

A PUBLIC HEARING

WILL BE SCHEDULED

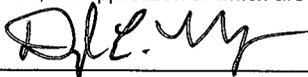
Account Description	Fee Description	Account#	Qty	Local Share
A1550 Dog Redemption	A1550 Dog Redemption	A1550	1	126.00
			Sub-Total:	\$126.00
A2001R Pavilion Deposits	A2001R Pavilion Deposits	A2001R	1	75.00
			Sub-Total:	\$75.00
A2130 Transfer Station	A2130 Transfer Station	A2130	7	2,255.00
			Sub-Total:	\$2,255.00
A2610 Justice Court Fees	A2610 Justice Court Fees	A2610	3	18,769.15
			Sub-Total:	\$18,769.15
A2705 Senior Van Rides	A2705 Senior Van Rides	A2705	26	1,861.55
			Sub-Total:	\$1,861.55
A2709 Retiree Ins. H Reilly	A2709 Retiree Ins. H Reilly	A2709	1	107.92
			Sub-Total:	\$107.92
A2770 NSHA Books	A2770 NSHA Books	A2770	2	35.00
			Sub-Total:	\$35.00
A3001 NYS Revenue Sharing	A3001 NYS Revenue Sharing	A3001	1	37,704.00
			Sub-Total:	\$37,704.00
Accounts Receivable	DB 0380 Accounts Receivable	DB0380	1	270.49
			Sub-Total:	\$270.49
B1560 Safety Inspection Fees	B1560 Building Permits	B1560	14	1,325.00
			Sub-Total:	\$1,325.00
B1601 Public Health Fees	B1601 Death Certificate Copies	B1601	2	60.00
			Sub-Total:	\$60.00
B2110 Zoning	B2110 Zoning	B2110	4	300.00
			Sub-Total:	\$300.00
B2709 Retiree Ins. Cantlin	B2709 Retiree Ins. Cantlin	B2709	1	107.92
			Sub-Total:	\$107.92
CC Usage 2016	A2590 CC Usage 2016	A2590	1	25.00
			Sub-Total:	\$25.00
Clarksville Water Tapping Fee	WC2144 Clarksville Tapping Fee	WC2144	1	35.00
			Sub-Total:	\$35.00
Clerk Fees	A1255 Marriage Transcript	A1255	2	20.00
			Sub-Total:	\$20.00
Conservation	Conservation	A1255	21	260.56
			Sub-Total:	\$260.56
Consolidated Highway Aid	DB3501 Consolidated Highway Aid	DB3501	2	226,109.85
			Sub-Total:	\$226,109.85
DB2560 Street Opening Permit	DB2560 Street Opening Permit	DB2560	1	150.00
			Sub-Total:	\$150.00

Account Description	Fee Description	Account#	Qty	Local Share
DB2590 911 Application Fee	DB2590 911 Application Fee	DB2590	1	25.00
			Sub-Total:	\$25.00
DB2709 Retiree Ins. D Kawczak	DB2709 Retiree Ins. D Kawczak	DB2709	1	326.25
			Sub-Total:	\$326.25
DB2709 Retiree Ins. M Kawczak	DB2709 Retiree Ins. M Kawczak	DB2709	1	326.24
			Sub-Total:	\$326.24
DB2801 Animal Fuel Reimb.	DB2801 Animal Fuel Reimb.	DB2801	1	580.67
			Sub-Total:	\$580.67
DB2801 Senior Veh Fuel Reimb.	DB2801 Senior Veh Fuel Reimb.	DB2801	1	166.19
			Sub-Total:	\$166.19
Dog Licensing	Female, Spayed	A2544	36	162.00
Dog Licensing	Female, Unspayed	A2544	4	50.00
Dog Licensing	Male, Neutered	A2544	28	126.00
Dog Licensing	Male, Unneutered	A2544	6	75.00
			Sub-Total:	\$413.00
HNS8397.4 New Salem Meters	HNS8397.4 New Salem Meters	HNS8397.4	3	800.00
			Sub-Total:	\$800.00
Marriage Lic.	MARRIAGE LICENSE FEE	A1255	5	87.50
			Sub-Total:	\$87.50
Other Revenue	Transfer Station Permit	A2130	4	40.00
			Sub-Total:	\$40.00
Retiree G. Klopfer	DB 2709 Retiree G. Klopfer	DB 2709	1	41.82
			Sub-Total:	\$41.82
SS0360 Usage	SS0360 Usage	SS0360	7	10,263.03
			Sub-Total:	\$10,263.03
TB0625 Engineering Trust	TB0625 Engineering Trust	TB0625	1	6,000.00
			Sub-Total:	\$6,000.00
TD2089 Park Land Reserves	TD2089 Park Land Reserves	TD2089	2	800.00
			Sub-Total:	\$800.00
WC0350 Water Usage	WC0350 Water Usage	WC0350	7	8,492.06
			Sub-Total:	\$8,492.06
WCC 0350 Estates Water Usage	WCC 0350 Estates Water Usage	WCC 0350	5	5,849.38
			Sub-Total:	\$5,849.38
WF Water Usage	WF0350 Water Usage	WF0350	7	13,173.65
			Sub-Total:	\$13,173.65
WG0350 Water Usage	WG0350 Water Usage	WG0350	7	3,783.92
			Sub-Total:	\$3,783.92
WG2144 Water Meter	WG2144 Water Meter	WG2144	1	610.00

Account Description	Fee Description	Account#	Qty	Local Share
			Sub-Total:	\$610.00
WH0350 Water Usage	WH0350 Water Usage	WH0350	6	18,067.15
			Sub-Total:	\$18,067.15
WH2144 Water Meter Purchase	WH2144 Water Meter Purchase	WH2144	4	880.00
			Sub-Total:	\$880.00
WN0350 Water Usage	WN0350 Water Usage	WN0350	7	6,779.59
			Sub-Total:	\$6,779.59
WNS Water Usage	WNS Water District Usage	WNS0350	7	6,778.14
			Sub-Total:	\$6,778.14
WS Water Usage	WS0350 Water Usage	WS0350	5	9,245.25
			Sub-Total:	\$9,245.25
Total Local Shares Remitted:				\$383,126.28
Amount paid to:	NYS Ag. & Markets for spay/neuter program			94.00
Amount paid to:	NYS Environmental Conservation			5,536.44
Amount paid to:	State Health Dept. For Marriage Licenses			112.50
Total State, County & Local Revenues:		\$388,869.22	Total Non-Local Revenues:	
			\$5,742.94	

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Diane R. Deschenes, Town Clerk, Town of New Scotland during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.



Supervisor

10-3-2016

Date



Town Clerk

Date

TO THE SUPERVISOR OF THE TOWN OF NEW SCOTLAND, N. Y.

Pursuant to Section 27, Subd. 1 of the Town Law, I hereby make the following statement of all Fees and Moneys received by me during the month of September 2016 in connection with my office, excepting only such Fees and Moneys the application and payment of which are otherwise provided for by law.

DATE	PAID BY	NATURE OF PAYMENT	AMOUNT
9/12	Richard Wiley	(1) death certificate	\$ 10.00
9/30	Reilly & Son F.H.	(5) death certitates	\$ 50.00
TOTAL			\$ 60.00

STATE OF NEW YORK

COUNTY OF Albany

TOWN OF New Scotland

Patricia Barber
The Registrar

, being duly sworn, says that she is of such Town; that the foregoing is a full and true Statement of all Fees and Moneys received by her during the period specified, excepting only such Fees and Moneys the application and payment of which are otherwise provided for by law.

Sworn before me this 3rd day of October 2016

Patricia Barber

RECEIPT OF SUPERVISOR

Total amount Fees Remitted to the Supervisor \$ 60.00

RECEIVED PAYMENT

Dated 10-3-2016

[Signature] Supervisor

ATTACHMENT #4a

TOWN OF NEW SCOTLAND

58 VERDA AVE.
P.O. BOX 318
CLARKSVILLE, N.Y. 12041
Phone: (518) 475-0493 • Fax: (518) 439-9135

MARGARET ADKINS
TOWN JUSTICE



August 9, 2016

New Scotland Town Board
2029 New Scotland Road
Slingerlands, NY 12159

Dear Town Board Members:

Per your request, the summary of started, closed cases and money collected for the month of July 2016 shows below:

Started Cases: 74
Closed Cases: 55

Money Collected: \$6006.00

Sincerely,

Margaret Adkins
Margaret Adkins
Town Justice

ATTACHMENT #4b

TOWN OF NEW SCOTLAND

58 VERDA AVE.
P.O. BOX 318
CLARKSVILLE, N.Y. 12041
Phone: (518) 475-0493 • Fax: (518) 439-9135

MARGARET ADKINS
TOWN JUSTICE



October 4, 2016

New Scotland Town Board
2029 New Scotland Road
Slingerlands, NY 12159

Dear Town Board Members:

Per your request, the summary of started, closed cases and money collected for the month of September 2016 shows below:

Started Cases: 43

Closed Cases: 72

Money Collected: \$6587.00

Sincerely,

Margaret Adkins
Town Justice



TOWN OF NEW SCOTLAND

Diane R. Deschenes, RMC
Town Clerk / Tax Collector
d-deschenes@townofnewscotland.com

Patricia A. Barber
Deputy Town Clerk
p-barber@townofnewscotland.com

www.townofnewscotland.com

October 12, 2016

Pay the Bills		
Abstract #	Vouchers	Amount
	20161152-20161245	\$137,498.01
Prepays or three signatures		
Abstract#	Vouchers	Amount
1331	20161129-20161130	\$731.34
1332	20161131	\$194.36
1333	20161132-20161133	\$673.03
1334	20161134	\$10,184.37
1335	20161135	\$1,017.65
1336	20161136	\$8.47
1337	20161137-20161139	\$34,249.16
1338	20161140	\$92.99
1339	20161141	\$83.09
1340	20161142	\$25.86
1341	20161143	\$195.97
1342	20161144	\$22.32
1343	20161145	\$21.02
1344	20161146	\$276.04
1345	20161147	\$25.29
1346	20161148	\$323.78
1347	20161149	\$19.91
1348	20161150	\$24.14
1349	20161151	\$386.03

ATTACHMENT #5

1

Town Hall
2029 New Scotland Road
Slingerlands, NY 12159

Phone: (518) 439-4865
Fax: (518) 478-0217
TDD 1-800-662-1220

The Town of New Scotland is an equal opportunity provider and employer. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with USDA, Director, Office of Civil rights Room 326-W, Whitten Building, 14th and Independence, Ave., SW, Washington, DC 20250-9410

TOWN OF NEW SCOTLAND
 October 12, 2016
 2016 BUDGET MODIFICATIONS

Whereas, there is a need to provide additional funding for amounts made or to be made in excess of the appropriation provided in the adopted budget, the Town Board resolves to provide funding as follows:

FROM	CODE	TO	CODE	AMOUNT
Fund Balance	WN0909	NE Water/Admin.	WN8310.4	\$210.00
To appropriate money from fund balance to NE Water/Admin. for amount over budget and estimate through year end.				

The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2016 budget as stated above.