

STATE OF NEW YORK }
COUNTY OF ALBANY

**TOWN OF NEW SCOTLAND
NOTICE OF PUBLIC HEARING**

Please take notice that a public hearing will be held by the Town Board of the Town of New Scotland on February 11, 2009 at 6:45 p.m. at New Scotland Town Hall regarding the adoption of Proposed Local Law J of the Year 2008. The Proposed Local Law provides design criteria for very low volume town roads.

Copies of the Proposed Local Law are available for review at New Scotland Town Hall.

All members of the public wishing to be heard concerning Proposed Local Law J of the Year 2008 will be allowed to comment concerning the same at the Public Hearing.

By Order of the Town Board of the Town of New Scotland on January 14, 2009.

Diane R. Deschenes
New Scotland Town Clerk
The Town of New Scotland is an equal opportunity provider and employer.
(2-29)

JAMES E. GARDNER of the Town of Guilderland, being duly sworn, says that he is the publisher of THE ALTAMONT ENTERPRISE AND ALBANY COUNTY POST, a weekly newspaper printed and published in the Village of Altamont, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said ALTAMONT ENTERPRISE AND ALBANY COUNTY POST

once each week for one week

consecutively commencing on the 5th day of February 20 09

James E. Gardner
Altamont, New York

Sworn to before me this 5th day }
of February, 20 09

Notary Public in and for the State of New York
Qualified in Albany County
#011606-0213
Commission Expires
July 20, 09

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town of New Scotland
Local Law #2 of the Year 2009**

A local law Providing Standards for New Very Low Volume Roads.

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

Section 1. Purpose.

The Town Board recognizes that there may be occasions where it is in the public interest to allow for the creation of new town roadways that do not meet all of the design requirements set forth in the Town of New Scotland Highway Regulations (Local Law #8 of 2001). A recent accident at the Youmans Road crossing of the CSX rail lines has resulted in a study of the advisability of closing that crossing and constructing a new roadway to provide access for those properties on the westerly side of the CSX rail line to Greatview Terrace. Funding from New York State, the Federal government, and CSX would pay for construction of such a roadway to the standards hereinafter provided, but not to the standards set forth in Local Law 8 of 2001. The Town Board recognizes that other situations may arise where the public health, safety, and welfare is furthered by allowing the construction of new roadways to the standards hereinafter set forth.

Section 2. Certification by Highway Superintendent.

Upon certification by the Town of New Scotland Highway Superintendent that, in his opinion, the public health, safety, and welfare would be served by allowing construction of a new roadway to be built in accordance with the standards hereinafter set forth, the Town Board may, by resolution, authorize the same.

Section 3. Very Low Volume Roadway Design Criteria.

For roadways authorized to be constructed in accordance with the provisions of this law, as hereinabove set forth, the design criteria shall be those set forth in NYS

DOT's Highway Design Manual (HDM) Chapter 2 and AASHTO's 2004 "A Policy on Geometric Design of Highways and Streets" and AASHTO's 2001 "Design Guidelines for Very Low Volume Roadways."

Section 4. Stormwater Pollution Prevention Plan.

For disturbances of 1 acre or more, a Stormwater Pollution Prevention Plan must be in place which is consistent with the requirements and standards of the New York State Department of Environmental Conservation *Highway Standards for Low-Volume Roads in New York State*.

Section 5. Future Development/Road Improvements.

In the event of future development of properties on or accessed by a roadway constructed pursuant to the provisions hereof, the developer thereof shall be required to upgrade and improve such roadway to bring it into compliance with the standards set forth in Local Law #8 of 2001. The Town Board may, in its absolute discretion, waive or modify such improvement requirement where such new development does not exceed 15 new residential lots.

Effective Date

This Local Law will be effective upon filing with the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2009 of the Town of New Scotland was duly passed by the New Scotland Town Board on February 11, 2009, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the Town of New Scotland was duly passed by the New Scotland Town Board on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly

adopted on _____, 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

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____, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____, 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the Town of New Scotland was duly passed by the _____ on _____, 20____, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

* **Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

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

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


New Scotland Town Clerk

(Seal)

Date: 2/12/09

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature *L. Michael Drackey*
New Scotland Town Attorney

Date: *2/12/09*