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Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

FILED
STATE RECORDS

JUL 02 2012

**Town of New Scotland
Local Law 4 of the year 2012**

DEPARTMENT OF STATE

A Local Law Providing Standards for Alternate, "Green Road" Design Specifications.

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

SECTION I. PURPOSE AND FINDINGS

The Town Board recognizes that there have been recent developments in storm water drainage design for roadways that provide alternatives to storm water detention/retention basins. New York State Department of Environmental Conservation (NYSDEC) has adopted NYSDEC GP-0-10-001 of the New York State Storm Water Management Design Manual, Chapter 5. The current design criteria of the Highway Specifications set forth in Chapter 110 of the Town of New Scotland Code do not permit a developer to use NYSDEC-approved road designs for managing storm water. The Town Board finds that the new NYSDEC standards are beneficial for the health, safety and welfare of the community. This Local Law is designed to provide: (A) the Planning Board of the Town of New Scotland, and (B) the Town Board, in the case of Planned District Development projects, the discretion, subject to the consent of the Town of New Scotland Superintendent of Highways, to approve site plan and/or subdivision applications incorporating the NYSDEC GP-0-10-001 Standards (www.dec.ny.gov/docs/water_pdf/swdm2010_entire.pdf), and any amendments thereto. The alternate specifications incorporate measures that are designed to be beneficial to the environment, minimize storm water run-off, and provide an alternative to storm water detention/retention basins, which are costly to maintain and present safety and visual impact issues.

SECTION II. AMENDMENTS

Section 110-3 of the Town of New Scotland Code is hereby amended by adding the following paragraph:

(E) Notwithstanding the Standard Highway Details and design criteria set forth in subsections (B)-(D) of Section 110-3 of the Town of New Scotland Code, the Planning Board of the Town of New Scotland, at its discretion, may, with the consent of the Town of New Scotland Superintendent of Highways, authorize the use of the alternative design criteria for roadways in accordance with (1) the New York State Storm Water Management Design Manual, Chapter 5,

NYSDEC GP-0-10-001, and (2) the specification and design criteria set forth on Diagram 110:A-4, which is annexed hereto (collectively, the "Alternate Road Design Standards"). The Town Board of the Town of New Scotland, may, with the consent of the Town of New Scotland Superintendent of Highways, authorize the use of the Alternate Road Design Standards in a Planned Unit Development (PUD).

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 110 and Chapter 190 of the Town of New Scotland Code, relating to highway specifications, zoning and permitted and special uses.

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.4 of 2012 of the Town of New Scotland was duly passed by the New Scotland Town Board on June 20, 2012, 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

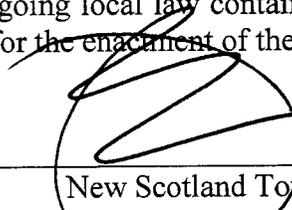
(Seal)

Date: 6/21/12

(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 
New Scotland Town Attorney

Date: June 26, 2012

