

Local Law Filing

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

(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.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Mayfield

Local Law No. 2 of the year 2014

A local law to amend Local Law No. 2 of the year 2005 (Zoning Law) as

(Insert Title)

regards Soil Mining and Special Use Permits in the Town of

Mayfield

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Mayfield

as follows:

The text of this Local Law is annexed hereto.

FILED
STATE RECORDS
AUG 26 2014
DEPARTMENT OF STATE

RECEIVED
STATE RECORDS

AUG 25 2014

DEPARTMENT OF STATE

Section 1. Amendment

Local Law No. 2 of the year 2005 is hereby amended so as to add thereto a new section (Section 506) to Article V thereof, and so as to add thereto a new article (Article IX-A), both of which are to read as follows:

Section 506: Excavations for Soil Mining

Notwithstanding the provisions of section 301 herein relating to allowed uses in zoning districts, excavation for the purpose of soil mining such as gravel pits, quarrying or any subsoil removal shall be allowed only by special use permit and shall be subject to any and all applicable New York State and/or federal regulations under the following requirements:

- A. Site map. Before a special use permit is issued, the applicant shall submit to Planning board 10 copies of a map with a scale of one inch equal to not more than 100 feet showing all land within 200 feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot numbers, if any, and names of the landowners. Such map shall also show the present topography at two-foot contour intervals. The map shall be signed by a licensed engineer or land surveyor for certification of its accuracy.
- B. Excavation plan. The applicant shall also submit to the Planning Board 10 copies of the proposed plan of excavation, at the same scale as above, showing the proposed finished elevations at one-foot contour intervals and the proposed drainage plan.
- C. Prohibited machinery. No cement, asphalt plant or chemical process for treating the product of such excavation shall be permitted.
- D. Finished grading. The proposed finished grading plan shall show the land to be smooth graded and topsoil re-spread to a minimum depth of four inches. Slope shall not exceed the normal angle of repose of the material removed.
- E. A berm as required and specified by DEC shall be installed around the perimeter of the site.
- F. Length of permit. The special permit for excavation operations or soil mining shall be granted for a period that matches the DEC permit duration in effect at the time of issuance.
- G. Fees. Upon approval, one copy of the approved excavation plan shall be returned to the applicant by the Planning board together with the special use permit, upon the payment of a fee in accordance with the schedule of fees as promulgated from time to time by the Town Board to cover all engineering and other costs directly attributable to the approval and to office and field checking of the proposed soil-mining operation.

Article IX-A. Special Use Permit Regulations

Section 908 Review agency:

The Planning Board is hereinafter authorized to review all applications for special use permits outlined in this Chapter.

Section 909-Review procedure:

The review of applications for special use permits is divided into two phases: pre-submission conference and application.

A. Pre-submission conference. The Code Enforcement Officer shall refer the applicant for a special use permit to the Planning Board, who shall schedule a pre-submission conference for the next regularly scheduled Planning Board meeting. The purpose of the pre-submission conference is to give the Planning Board and the applicant an opportunity to gain a perspective of the use's ramifications on the zoning district and neighborhood in which it is proposed.

- (1) This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent and the applicant will learn his/her responsibilities before either is committed to significant outlays of time or capital.
- (2) At the pre-submission conference, the applicant shall provide the Planning Board with basic data regarding the proposed special use. At a minimum the applicant shall provide a map showing the important existing natural and made features in and around the site and a sketch plan showing the major features of the proposals.

B. Application for a special use permit.

- (1) Following the pre-submission conference, an application for a special use permit may be presented at the next regularly scheduled Planning Board meeting or sooner if deemed appropriate by the Planning Board. The application shall not be accepted for review unless all requirements outlined at the pre-submission conference have been met.
- (2) The application shall be submitted on forms prescribed by the Planning Board and be accompanied by 10 copies of a site plan. The site plan shall include information drawn from the following checklist and as determined necessary by the Planning Board at the pre-submission conference. The site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless the requirement is waived by the Planning Board.

(3) Application checklist:

- (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- (b) North arrow, scale and date;
- (c) Boundaries of the property plotted to scale;
- (d) Existing watercourses, wetlands and floodplains;
- (e) Grading and drainage plan, showing existing and proposed contours;
- (f) Location, proposed use and height of all buildings;
- (g) Locations, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
- (h) Provision for pedestrian access;
- (i) Location of outdoor storage, if any;
- (j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- (k) Description of the method of sewage disposal and location of design and construction materials of such facilities;
- (l) Description of the method of securing public water and location, design and construction materials of such locations;
- (m) Location of fire and other emergency zones, including the location of fire hydrants;
- (n) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- (o) Location, size and design and construction materials of all proposed signage;

- (p) Location and proposed development of all buffer areas, including indication of existing vegetative cover;
 - (q) Location and design of outdoor lighting facilities;
 - (r) Designation of the amount of building area proposed for retail sales or similar commercial activity;
 - (s) General landscaping plan and planting schedule; and
 - (t) Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.
- (4) Planning Board review of application for a special use permit. The Planning Board's review of the application for a special use permit shall include, but not be limited to, the following:
- (a) Determination of whether the proposal is subject to the State Environmental Quality Review Act.
 - (b) Adjacent land uses. The Planning Board shall not approve the special permitted use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.
 - (c) Zoning regulations. The Planning Board shall not approve the special permitted use unless all requirements of this chapter are met.
 - (d) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
 - (e) Adequacy and arrangement of pedestrian traffic access and circulation walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
 - (f) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (g) Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
 - (h) Adequacy of stormwater and drainage facilities.
 - (i) Adequacy of water supply and sewage disposal facilities.
 - (j) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - (k) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 - (l) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - (m) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (5) Consultant review. The Planning Board may consult with the Code Enforcement Officer, Fire Commissioners, Town Highway Superintendent, Town Engineer, and other local and county officials, the New York State Health Department, Department of Environmental Conservation and Department of Transportation.
- (6) Referral to the County Planning Board. Prior to taking action on the site plan application, the Planning Board shall refer a copy of the application to the Fulton County Planning Board for its review in accordance with §239-m of the General Municipal Law.

- (7) Public hearing and notice. Prior to taking action on the application for a special use permit, the Planning Board shall conduct a public hearing. Notice of the public hearing shall be published at least 10 days prior to the date of the hearing in a newspaper with general circulation within the Town. The public hearing may be conducted at the same time the application is being reviewed. Additionally, the applicant shall be required to give notice, by certified mail, return receipt requested, of said public hearing, to every real property owner of record within 500 feet of the area for the proposed special permitted use, and to file proof of such notice at or before the public hearing.
- (8) Planning Board action on application for a special use permit. Within 60 days of the completion of the public hearing for a special use permit, the Planning Board shall act on it. The Planning Board shall approve, disapprove or approve with modifications and/or conditions the application. The Planning Board's action shall be in the form of a written statement to the applicant.
- (a) Upon approval of the application, the Planning Board shall endorse its approval on copies of the approved site plan and provide one copy to the applicant.
 - (b) Upon disapproval of the application, the Planning Board shall notify the applicant in writing of its decision and its reasons for disapproval.
 - (c) Upon approval of the application with modifications and/or conditions, the Planning Board shall notify the applicant of said modifications and/or conditions and its reasons for requiring such. The applicant shall be advised that a revised site plan which incorporates the modifications and/or conditions must be submitted to and approved by the Planning Board. The Planning Board shall endorse its approval on the copies of the modified site plan and provide one copy to the applicant.
- C. Performance guarantee. No certificate of occupancy shall be issued for the approved special permitted use until all improvements shown on the approved site plan are installed.
- D. The fee as set by Town Board resolution for special use permit applications shall accompany such application. The Planning Board may require the applicant to pay for engineering costs incurred by the Town for review, consultation and inspections on behalf of the Town.

Section 2. Repealer

All Local Laws, Ordinances and parts thereof which are inconsistent with this Local Law are hereby repealed.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the office of 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 2014 of the ~~(County)(City)(Town)(Village)~~ of Mayfield was duly passed by the Mayfield Town Board on July 17, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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 _____ 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 _____, 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 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 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 _____, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: July 17, 2014

(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 Fulton

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.

Carmel J. Greco
Signature

Town Attorney
Title

~~County~~
~~City~~ of Mayfield
~~Town~~
~~Village~~

Date: July 17, 2014

(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 2014 of the ~~(County)(City)~~(Town)(Village) of Mayfield was duly passed by the Mayfield Town Board on August 21, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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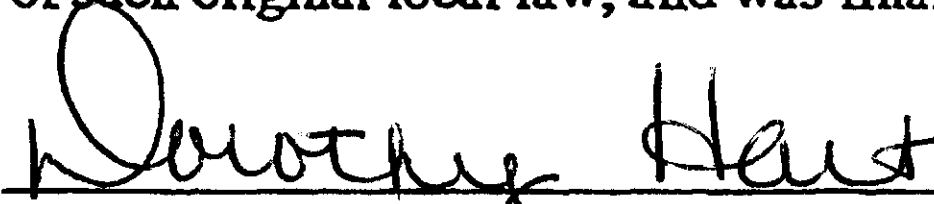
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Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

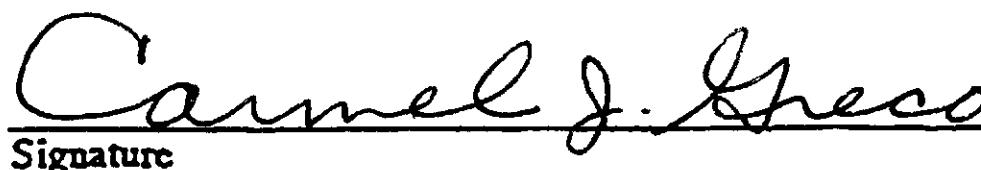
(Seal)

Date: August 21, 2014

(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 Fulton

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

Town Attorney

Title

~~CITY~~

~~CITY~~

Town

~~VILLAGE~~

of Mayfield

Date: August 21, 2014