

**OCTOBER 18, 2017
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco
Deputy Town Clerk Baubie

The Supervisor called the meeting to order at 7:06 P.M.

Public Hearing Local Law 5 of 2017- The Supervisor called the Public Hearing to Order for Local Law 5 of 2017 to Override the Tax Levy Limit Established in general Municipal Law § 3-c for Fiscal Year 2018 at 7:07 P.M. - Minutes for public hearing entered separately.

September 20, 2017 Public Hearing-Local Law No. 4 of 2017- Amend Zoning Map, September 20, 2017 Regular Town Board Meeting and October 4, 2017 Special Town Board Meeting: Motion

Councilwoman Michalak, second Councilman Zambito to approve the minutes as written.

Ayes: Michalak, Zambito, White, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 165:

Councilwoman White offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 5 of 2017

WHEREAS, proposed Local Law No. 5 of 2017 of the Town of Batavia entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2018”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on September 20, 2017, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on October 18, 2017, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law No. 5 of 2017 is in the best interest of the Town of Batavia, New York,

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NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 5 of 2017 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 5 of 2017 be filed with the New York State Secretary of State in accordance with Law.

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 166:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

RESOLVED, the Batavia Town Board hereby authorizes the following personnel to attend training workshops:

Steve Mountain and Joey Neth- Water System Technology (was) September 26, 2017. There was no cost for this training.

Greg Lang-WNY Water Works Conference Workshop October 11, 2017. There is no cost for this training.

Tom Lichtenthal and John Della Penna- Introduction to Watershed Management Plans. There is no cost for this training.

Joseph Neth and Keith Wilkinson- Cybersecurity Training and Cybersecurity Vulnerability Assessments November 2, 2017. There is no cost for this training.

Paul Marchese, Paul McCullough, John Della Penna, Kathy Jasinski, Donna Morrill, and Don Partridge - G/FLRPC Fall Training November 17, 2017 at a cost of \$75.00 each.

Hiedi Librock and Marcy Crandall- NYS Retirement Training (was) October 12, 2017. There was no cost for this training.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 167:

Supervisor Post offered the following:

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APPOINTMENT TO ASSESSMENT BOARD OF REVIEW

WHEREAS, Lynn E Eick's term on the Assessment Board of Review expires September 30, 2017 and wishes to be re-appointed to the Assessment Board of Review.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Lynn E Eick, 8880 Batavia-Stafford Townline Road, Batavia, New York, to the Town of Batavia Assessment Board of Review, commencing effective date October 1, 2017 and expiring September 30, 2022; and be it further

RESOLVED, said member appointed is subject to completing the required training within each calendar year; and be it further

RESOLVED, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

Second by: Councilwoman White

Ayes: Post, White, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 168:

Councilwoman Michalak offered the following:

**LEVYING UNPAID WATER AND SEWER
CHARGES AGAINST 2018 TAX WARRANT**

WHEREAS, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 13, 2017; and

WHEREAS, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$55,554.97 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2018 tax warrant.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 169:

Councilman Zambito offered the following:

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**ADOPTION OF THE
2018 PRELIMINARY TOWN BUDGET**

RESOLVED, the Batavia Town Board hereby adopts the Preliminary Town Budget for 2018; and be it further

RESOLVED, that the 2018 Preliminary Town budget hereby be filed in the Office of Batavia Town Clerk.

Second by: Councilwoman Michalak
Ayes: Zambito, Michalak, White, Underhill, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 170:

Councilwoman White offered the following:

**CALLING A PUBLIC HEARING
SEWER RENTS – MAY 2018 TO FEBRUARY 2019**

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines,

WHEREAS, the proposed sewer rents for May 2018 to February 2019 are Sewer District No. 1 - \$6.68/1,000 gallons, Sewer District No. 2 - \$6.68/1,000 gallons;

WHEREAS, a public hearing is required before the new sewer rents are imposed;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Proposed Sewer Rents-May 2018 to February 2019 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:00 P.M. on Wednesday, November 8, 2017, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

Second by: Deputy Supervisor Underhill
Ayes: White, Underhill, Michalak, Zambito, Post
APPROVED by unanimous vote (5-0)

NOTICE OF PUBLIC HEARING

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SEWER RENTS – MAY 2018– FEBRUARY 2019

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 8, 2017 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 7:00 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2018 to February 2019 are, Sewer District No. 1 at \$6.68/1,000 gallons and Sewer District No. 2 at \$6.68/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 18, 2017

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 171:

Deputy Supervisor Underhill offered the following:

**CALLING A PUBLIC HEARING
WATER RATE – MAY 2018 TO FEBRUARY 2019**

WHEREAS, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

WHEREAS, in addition to modifying the Town as part of Agricultural and Farmland Protection are proposing a reduced water rate for the benefit of both agricultural users and all users within the Town’s water service area, and

WHEREAS, the reduced water rate for this purpose shall be known as the “Agricultural Rate” and the normal user rate shall be known as the “Base Rate”, and

WHEREAS, the definition of the two rates are:

Base rate: applies to all meters that are not dedicated to use within farming operations as described in the Agricultural Rate.

Agricultural Rate: applies to all meters serving parcels in a Certified Agricultural District and dedicated to use in farming operations, including providing drinking water for livestock, irrigation of crops, and operations related directly to agriculture. This rate does not apply to meters that also serve domestic, commercial, or industrial uses.

WHEREAS, the formula for the Base Rate is

- 100% of the water purchase cost
- 100% of the Genesee County water surcharge cost
- 100% of the Town’s debt reserve cost
- 100% of the Town’s Operation and Maintenance cost

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WHEREAS, the formula for the Agricultural Rate is

- 100% of the water purchase cost
- 100% of the Genesee County water surcharge cost
- 100% of the Town's debt reserve cost
- 10% of the Town's Operation and Maintenance cost

WHEREAS, the proposed Base water rate for May 2018 to February 2019 is \$5.36 /1,000 gallons; and

WHEREAS, the proposed Agricultural water rate for May 2018 to February 2019 is \$3.87/1,000 gallons; and

WHEREAS, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate-May 2018 to February 2019 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:05 P.M. on Wednesday, November 8, 2017, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING
WATER RATE – MAY 2018 – FEBRUARY 2019**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 8, 2017 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 7:05 P.M. for the purpose of imposing water rates. The proposed base water rate for May 2018 to February 2019 is \$5.36/1,000 gallons and the proposed Agricultural water rate for May 2018 to February 2019 is \$3.87/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 18, 2017

Teresa M. Morasco
Batavia Town Clerk

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RESOLUTION NO. 172:

Supervisor Post offered the following:

**CALLING FOR PUBLIC HEARING
ON THE 2018 TOWN BUDGET**

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2018 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:10 P.M. on Wednesday, November 8, 2017 at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

Second by: Councilman Zambito

Ayes: Post, Zambito, White, Underhill, Michalak

APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING
ON THE 2018 TOWN BUDGET**

PUBLIC NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Batavia for fiscal year 2018 has been completed and filed in the Office of the Town Clerk of the Town of Batavia, where it is available for public inspection during regular business hours.

Notice is also given that the Town Board of the Town of Batavia will hold a Public Hearing on the Preliminary Budget at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York beginning at 7:10 P.M. on Wednesday, November 8, 2017 at which time and place any person will be heard in favor of or in opposition to any item or items contained therein.

Public Official Salaries are as follows:

Supervisor	\$30,000.00
Deputy Supervisor	\$15,000.00
Councilman (3)	\$10,000.00
Town Clerk/Tax Collector	\$68,216.00
Highway Superintendent	\$18,576.00
Town Justice (2)	\$25,992.00

The foregoing by order of the Batavia Town Board.

Dated: October 18, 2017

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 173:

Councilwoman Michalak offered the following:

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AUTOCAD SUBSCRIPTION RENEWAL

RESOLVED, the Batavia Town Board hereby authorizes the Autodesk AutoCAD LT 2018 and Infrastructure Design Suite Premium 2018 renewal subscriptions for the Engineering department at a cost of \$1,279.21 (quote attached).

Second by: Deputy Supervisor Underhill
Ayes: Michalak, Underhill, Zambito, White, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 174:

Councilman Zambito offered the following:

**RESOLUTION AUTHORIZING AND ENDORSING THE LOGO
FOR THE TOWN OF BATAVIA**

WHEREAS, The Town of Batavia was incorporated in 1802; and

WHEREAS, since its incorporation, our municipality has established a rich history and has made a significant impact on the Town of Batavia community; and

WHEREAS, a logo committee was established consisting of Town Staff, Town Board and Planning Board members to solicit and/or design a logo for the Town of Batavia; and

WHEREAS, in March, the logo committee reached out to the community for Town Logo designs; and

WHEREAS, several logo designs were submitted and no single one was selected for the Town logo; and

WHEREAS, the Committee designed a Town logo by incorporating some of the elements from the designs received from the community.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia does hereby endorse and accept the logo created by the Town of Batavia as the official municipal logo, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilwoman Michalak
Ayes: Zambito, Michalak, White, Underhill, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 175:

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Councilwoman White offered the following:

**8169 BANK STREET ROAD
7755 OAK ORCHARD ROAD
8053 OAK ORCHARD ROAD
SOLAR ENERGY SYSTEM DECOMMISSIONING AGREEMENTS
FOREFRONT POWER LLC
NY RNM PROJECT 2, LLC AND NY RNM PROJECT 3**

WHEREAS, Forefront Power, LLC submitted applications to the Town of Batavia for Site Plan Approval of certain solar farm installations to be erected on the following parcels:

8169 Bank Street Road
8053 Oak Orchard Road
7755 Oak Orchard Road; and

WHEREAS, the Town of Batavia Planning Board approved the applications on March 21, 2017, subject to the developer obtaining decommissioning bonds for such improvements in forms suitable to the Attorney for the Town, and

WHEREAS, the Attorney for the Town, in consultation with the Town Engineer, has presented separate Solar Energy System Decommissioning Agreements for each of the three (3) solar installations to be located in the Town for signature by the Town and the operator of each such installation, and

WHEREAS, the Town desires to approve the Decommissioning Agreements as presented.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is authorized to sign the following agreements, copies of which are annexed hereto and made a part of the Town Board Minutes:

Solar Energy System Decommissioning Agreement for 8169 Bank Street Road, Batavia, by and between the Town of Batavia and NY RNM Project2, LLC

Solar Energy System Decommissioning Agreement for 8053 Oak Orchard Road, Batavia, by and between the Town of Batavia and NY RNM Project2, LLC

Solar Energy System Decommissioning Agreement for 7755 Oak Orchard Road, Batavia, by and between the Town of Batavia and NY RNM Project3, LLC.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 176:

Deputy Supervisor Underhill offered the following:

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DEDICATION OF BARRETT DRIVE WATERMAIN

WHEREAS, the contractor for the East Pembroke Fire District’s new Fire Station has installed a new water main which is necessary for water service to the new Fire Station; and

WHEREAS, the contractor has constructed the water main as shown on the drawings labeled East Pembroke Fire District Fire Station dated June 9, 2016 and generally described as follows:

655 LF of 8” PVC water main within the road right of way on Barrett Drive
Total approximate value of water improvements \$ 49,000

WHEREAS, the above noted improvements were constructed under the supervision of the Town of Batavia, and in accordance with the rules, regulations and laws regarding such construction; and

WHEREAS, East Pembroke Fire District has requested the Town of Batavia to accept dedication of said water main; and

WHEREAS, the Town Engineer has made a recommendation to the Town Board for acceptance of the water main; and

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia accepts dedication of said water main on Barrett Drive from East Pembroke Fire District, and,

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 177:

Supervisor Post offered the following:

**ELLICOTT TRAIL PROJECT
APPROVAL OF RIGHT OF WAY PURCHASE AMOUNTS**

WHEREAS, the Town of Batavia received funding from the New York State Department of Transportation for the design of the Ellicott Trail Project through the City and Town of Batavia; and

WHEREAS, property appraisals were completed for the required property acquisitions on the project and a letter dated September 5, 2017, “Request for Determination of Just Compensation” submitted by R.K. Hite & Company, Incorporated must be approved by the Town Supervisor prior to negotiating with the property owners (letter attached); and

WHEREAS, the Assistant Town Engineer reviewed and recommends the Determination of the Just Compensation amounts for the Right of Way acquisitions on the project.

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NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby approves the Just Compensation amounts as follows for the right -of- way acquisitions on the Ellicott Trail Project:

Map No.	Tax Parcel ID	Property Owner	Approved Appraisal Amount	Recommended Just Compensation
08	84.020-1-4	Elmwood Cemetery Association	\$25,600.00	\$25,600.00
10	85.013-1-45.2	Time Warner Cable Northeast LLC	\$13,200.00	\$13,200.00
11	85.013-1-29	1515 Management Company, Inc.	\$19,000.00	\$19,000.00
12	85.013-1-31	Sikes Realty LLC	\$2,200.00	\$2,200.00
13	85.013-1-23.1	665 East Main St., LLC	\$15,800.00	\$15,800.00
14	85.013-1-74	Batavia Gardens Associates, L.P.	\$20,400.00	\$20,400.00
16	13.-1-107.1	Jeffery D. Freeman	\$5,700.00	\$5,700.00

and be it further

RESOLVED, the Supervisor is hereby authorized to accept and sign the Just Compensation letter, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilman Zambito

Ayes: Post, Zambito, White, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO.178:

Councilwoman Michalak offered the following:

RESOLUTION TO PURCHASE STANDARDIZED SOFTWARE AND MONITORING SERVICE FOR WATER AND SEWER SYSTEM

TRIMBLE/TELOG INSTRUMENTS INCORPORATED

WHEREAS, by resolution 241 of 2015 the Town of Batavia standardized water and sewer infrastructure equipment monitoring services with Trimble/ Telog Instruments Incorporated; and

WHEREAS, the Town of Batavia Town Engineer and Water and Sewer Department have utilized the Trimble Navigation Limited's Trimble Water and Telog equipment at several locations, and

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WHEREAS, additional software and monitoring services are necessary for mobile applications; and

WHEREAS, Telog Instruments, Incorporated provided a quote of \$16,526.00 for the additional software and the annual monitoring and hosting services for the active locations (quote attached).

NOW, THEREFORE, BE IT RESOLVED the Batavia Town Board hereby authorizes the purchase of additional software and the annual monitoring and hosting services from Trimble/Telog Instruments Incorporated at a cost of \$16,526.00, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 179:

Councilman Zambito offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 6 of 2017
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation, pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law, for new subdivision regulations and repealing existing Local Laws existing in Chapters 144, "Land Separation" and 204, "Subdivision of Land" of the Code of the Town Batavia. This law will serve to streamline administration of subdivision procedures, eliminate redundancies and inconsistent laws, and make Town law more user-friendly to landowners, builders and developers, also known as Town of Batavia Local Law No. 6 of 2017.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 6 of 2017 entitled "A Local Law to Adopt New Subdivision Regulations", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until November 15, 2017, and that a public hearing be held before this Town Board on the 15th day of November, 2017 at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days,

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exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office; and

BE IT FURTHER RESOLVED that this matter shall be referred to the Genesee County Planning Board and the Town of Batavia Planning Board for consideration.

Second by: Councilman Deputy Supervisor
Ayes: Zambito, Michalak, White, Underhill, Post
APPROVED by unanimous vote (5-0)

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~~ of Batavia, Genesee County, New York
~~Town~~
~~Village~~

Local Law No. 6 of the year 2017.

A local law known as Law to Adopt New Subdivision Regulations for the Town of Batavia
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of **Batavia, Genesee County, New York** as follows:
~~Town~~
~~Village~~

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 1: Enactment and Authorization

The Town Board and the Town of Batavia does hereby ordain and enact this Law to Adopt New Subdivision Regulations for the Town of Batavia, pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law.

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Section 2: Title

This local law shall be known as the Law to Adopt New Subdivision Regulations for the Town of Batavia.

Section 3: Purpose

The purpose of this Local Law is the enact modifications to the various laws presently existing in the Town of Batavia relative to division of land, and repeal inconsistent regulations, which together will serve to streamline administration of subdivision procedures, eliminate redundancies and inconsistent laws, and make Town laws more user-friendly to landowners, builders and developers.

ARTICLE II: TOWN OF BATAVIA SUBDIVISION REGULATIONS

I. General Provisions

§ 204-1. Planning Board authorized to approve plats; declaration of policy; title.

A.

By the authority of the resolution of the Town Board of the Town of Batavia adopted on _____ pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Batavia is authorized and empowered to approve plats showing lots, blocks, or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county and to conditionally approve preliminary plats within that part of the Town of Batavia outside the limits of any incorporated village.

B.

It is declared to be the policy of the Town Board to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace; that proper provision shall be made for drainage, water supply, sewerage, and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade, and location as to accommodate the prospective traffic, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

C.

In order that land subdivision may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Town of Batavia Land Subdivision Regulations," have been approved by the Town Board on _____.

§ 204-2. Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

CUL-DE-SAC

A short street having but one end open to traffic and the other end being permanently terminated by a

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vehicular turnaround.

DRAINAGE RIGHT-OF-WAY

The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

EASEMENT

The lands created through authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

LOT

A piece, parcel, or plot of land intended as a unit for transfer of ownership or for development.

OFFICIAL MAP

The map established by the Town Board under § 270 of the Town Law showing the streets, highways, and parks heretofore laid out, adopted, and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

OFFICIAL SUBMISSION DATE

The date when a subdivision plat shall be considered submitted to the Planning Board as provided in § 276 of the Town Law and is hereby defined to be the date of a meeting of the Planning Board at which all required surveys, plans, and data described in VII are submitted.

PERFORMANCE BOND OR GUARANTY

Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

PLANNING BOARD

The Town of Batavia Planning Board as established pursuant to the provisions of Article 16 of the Town Law.

PRELIMINARY PLAT

The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for its consideration and meeting the requirements of VII.

STREET

Any street, avenue, boulevard, road, lane, parkway, alley, or other way which is an existing state, county, or town roadway or way shown upon a plat theretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the County Clerk of Genesee County prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking area, and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

A.

ARTERIAL STREETS

Those which are used primarily by a heavy volume of traffic.

B.

COLLECTOR STREETS

Those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a

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development.

C.

MINOR STREETS or LOCAL RESIDENTIAL STREETS

Those which are used primarily for access to the abutting properties.

D.

MARGINAL SERVICE STREETS

Streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

E.

ALLEYS

Minor ways which are used primarily for vehicular service to the back or the side of properties otherwise abutting on a street.

STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

The distance between property lines or right-of-way lines.

SUBDIVIDER

Any person, firm, corporation, partnership, or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself, itself or others.

SUBDIVISION

The division of any lot into two or more lots for the purpose, whether immediate or future, of transfer of ownership or building development. The public acquisition of strips of land for extension of municipal infrastructure, including but not limited to the widening or opening of streets and installation of public utility infrastructure, and the transfer of agricultural parcels of at least 10 acres for the purpose of continued agriculture, shall not be included within this definition nor subject to these regulations.

A.

MAJOR SUBDIVISION

Any subdivision of a lot into five or more lots within a three-year period, or any size subdivision requiring any new street or extension of municipal facilities.

B.

MINOR SUBDIVISION

Any subdivision of a lot into two, three or four lots, not classified as a major subdivision, fronting on an existing street.

SUBDIVISION PLAT OR FINAL PLAT

A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the Genesee County Clerk.

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TOWN DEVELOPMENT PLAN, COMPREHENSIVE PLAN, TOWN PLAN OR MASTER PLAN

A composite of the mapped and written proposals recommending the physical development of the town prepared by the Planning Board pursuant to § 272-a of the Town Law which indicates the general locations recommended for various public works and reservations and for the general physical development of the town and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

TOWN ENGINEER

The duly designated engineer of the Town of Batavia.

ZONING ORDINANCE

The officially adopted Zoning Ordinance of the Town of Batavia, together with any and all amendments thereto.¹¹

II. Applicability

§ 204-3. Minor subdivision.

Whenever a minor subdivision of land as defined herein is proposed, before any conveyance of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted and before commencement of site preparation, the subdivider or his authorized agent shall apply to the Zoning Officer for a certificate of approval of said minor subdivision in accordance with III of this chapter.

§ 204-4 Major subdivision.

Whenever a major subdivision of land is proposed, before any conveyance of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted and before commencement of site preparation, the subdivider or his authorized agent shall apply for and secure preliminary and final plat approval of such proposed subdivision in accordance with IV of this chapter.

III. Procedure for Filing Minor Subdivision Applications

204-5. Approval required.

Whenever any Minor Subdivision is proposed, and before any transfer of title, the property owner shall submit a sketch plan and obtain written approval of such sketch plan in accordance with the procedures set forth in Subsections A, B and C of this section. Before any land is transferred or any permit for the erection of a structure is issued for such land, final authorization of said land separation shall be obtained as set forth in Subsection D of this Article.

204-6. Sketch Plan

A. A property owner shall submit to the Zoning Enforcement Officer a completed application and four copies of a sketch plan of the proposed Minor Subdivision. The sketch plan shall be prepared by a licensed surveyor, or by the owner, and shall show the entire parcel being divided and proposed lot lines, and any existing easements, deed restrictions or covenants affecting the property. At that time, the property owner shall also pay the fee established by separate resolution of the Town Board.

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B. Discussion of requirements and classification.

(1)

Classification of the sketch plan will be made at this time by the Zoning Enforcement Officer as to whether the proposal qualifies as a Minor Subdivision, or must be processed as a Major Subdivision.

C.

Preliminary review. The Zoning Enforcement Officer shall review the sketch plan to determine whether it meets the requirements of these regulations. The Zoning Officer may, where he or she deems necessary, make specific recommendations to be incorporated by the applicant into the proposal prior to submitting it for final authorization.

D.

Final authorization. Within 180 days after close of preliminary review, the property owner shall provide the Zoning Enforcement Officer a final sketch plan. This sketch plan shall meet all the recommendations made by the Zoning Enforcement Officer in the preliminary review. Upon determination that the sketch plan complies with this law and his or her recommendations, the Zoning Enforcement Officer may approve the sketch plan and issue a Certificate of Approval of Minor Subdivision to owner. The approval shall be filed at the Genesee County Clerk's Office. No further review by the Planning Board is required.

IV. Procedure for Filing Major Subdivision Applications

§ 204-7. Approval required.

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in this article.

§ 204-8. Preliminary plat.

A.

Discussion of requirements and classification.

(1)

Before preparing the preliminary plat, the applicant shall discuss with the Planning Board, or its representative, the requirements of land, street improvements, drainage, sewerage, water, fire protection, and similar aspects as well as the availability of existing services.

(2)

Classification of the proposed preliminary plat is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions in these regulations.

B.

Application procedure. Prior to filing an application for the approval of a subdivision plat, the applicant shall file an application for the approval of a preliminary plat.

(1)

The application shall:

(a)

Be made on forms available at the office of the Town Clerk.

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(b)

Include all land which the applicant proposes to subdivide as well as all lands owned by the applicant adjacent to the area proposed for subdivision.

(c)

Be accompanied by three copies of the preliminary plat, as described in VII, § 204-19 of these regulations.

(d)

Comply in all respects with V of these regulations and with the provisions of §§ 276 and 277 of the Town Law, except where a modification may be specifically authorized by the Planning Board.

(2)

Fees may be charged for processing applications for plat approval for minor subdivisions, preliminary plat approval for major subdivisions and final plat approval for major subdivisions, as well as for site plan reviews, public hearings, consulting fees, engineering expenses, inspection expenses, bad check charges, state environmental quality reviews, appeals, variances, special use permits and other administrative actions. The fees shall be set by the Town Board by resolution and may be changed from time to time in the same manner.

C.

Study of preliminary plat. The Planning Board will carefully study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan and the Official Map as they may be adopted.

D.

Applicant to attend Planning Board meeting. The applicant or his representative should be prepared to attend the next regular meeting of the Planning Board and any subsequent meetings deemed necessary by the Chairman of the Planning Board to discuss the preliminary plat.

E.

Required changes for conditional approval. Within 45 days after the time of submission of a preliminary plat, the Planning Board shall take action to conditionally approve, with or without modifications, or disapprove such preliminary plat, and the grounds of any modification required or the grounds for disapproval shall be stated upon the records of such Planning Board. Failure of the Planning Board to act within such forty-five-day period shall constitute a conditional approval of the preliminary plat.

§ 204-9. Subdivision plat.

A.

Application procedure. Within six months of the conditional approval of the preliminary plat, the applicant shall file with the Planning Board an application for approval of a subdivision plat. The application shall:

(1)

Be made on forms provided by the Planning Board at the time of conditional approval of the preliminary plat.

(2)

Include the entire subdivision.

(3)

Be accompanied, for a major subdivision, by three copies of the subdivision plat and construction detail sheets as described in VII, § **204-20** of these regulations.

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(4)

Comply in all respects with the preliminary plat as conditionally approved.

(5)

Be presented to the Chairman of the Planning Board at least two weeks prior to a regular meeting of the Board in order that a public hearing may be scheduled and the required notice given.

B.

Official submittal date. The subdivision plat shall be considered officially submitted only at the regular meeting of the Planning Board following completion of the application procedure outlined above.

C.

Endorsement of State Health Department. The proposed subdivision plat shall be properly endorsed by the State Health Department as meeting the standards of the State Sanitary Code, Public Health Law, or other applicable health code before any public hearing is scheduled. The plat should be in final form before State Health Department approval.

D.

County notification. The Planning Board will also, if the county has established a County Official Map, notify the Genesee County Planning Board and the County Superintendent of Highways or Commissioner of Public Works if the subdivision plat proposes structures or new streets having frontage on, access to, or otherwise directly related to any county road, existing or proposed, as shown on the County Official Map. The County Planning Board reports to the Planning Board within 30 days on its approval or disapproval or on its approval subject to stated conditions of the proposed subdivision plat. The plat may be approved by the town subject to stated conditions, notwithstanding such report, when the application of such report will act to deprive the owner of the reasonable use of his land.

E.

Public hearing. Before the Planning Board acts on any subdivision plat, it shall hold a public hearing thereon within 30 days after the time of official submittal date in accordance with § 276 of the Town Law. If any zoning changes are to be requested at the time of approval of the subdivision plat, a public hearing thereon must be held in accordance with Town Law. The two public hearings may be held at the same time.

F.

Action on proposed subdivision plat. After careful study, the Planning Board shall, within 45 days from the public hearing on the subdivision plat, approve, modify, or disapprove such plat. The grounds for disapproval of any plat shall be stated on the records of the Planning Board. A subdivision plat shall not be signed by the authorized officers of the Planning Board until the applicant has met all the conditions of the action granting approval of such plat.

G.

Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Board and endorsed, in writing, on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

H.

Signing of plat.

(1)

Every subdivision plat submitted to the Board for its approval shall carry the following endorsement:

Approved by resolution of the Planning Board of the Town of Batavia, New York, on the ____ day of _____, ____, subject to all requirements and conditions of said resolution. Any change, erasure,

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modification or revision of this plat, as approved, shall void this approval. Signed this ____ day of _____, _____, by

Chairman

Secretary

(2)

In the absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary, respectively, may sign in his place. If there is a County Official Map, such endorsement shall stipulate that the plat does not conflict with the County Official Map or, in cases where the plat does front on, or have access to, or is otherwise related to roads or drainage systems shown on the County Official Map, that such plat has been approved by the County Planning Board in the manner specified by General Municipal Law.

§ 204-10. Required improvements and agreements.

A.

Improvements and performance bond. Prior to an action by the Planning Board approving a subdivision plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate town departments, all the street, sanitary, and other improvements specified in the action approving said plat or, as an alternative, to file with the Town Board a performance bond in an amount estimated by the Planning Board to secure to the town the satisfactory construction and installation of the incomplete portion of the required improvements. A period of one year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed shall be specified by the Planning Board and expressed in the bond. Such performance bond shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency, and manner of execution. The bond shall provide that an amount determined adequate by the Planning Board shall be retained for a period of one year after the date of completion of the required improvements to assure their satisfactory condition. All required improvements shall be made by the applicant at his expense without reimbursement by the town or any district therein. Said improvements shall include the following:

(1)

Streets and streetlighting facilities.

(2)

Street signs.

(3)

Curbs and gutters.

(4)

Grass curb strips.

(5)

Sidewalks.

(6)

Street shade trees.

(7)

Monuments.

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(8)

Stormwater runoff system.

(9)

Sanitary sewage collection system.

(10)

Water supply system.

(11)

Park and recreation facilities.

(12)

Electrical, telephone, and utility lines.

(13)

Plantings and ground cover.

B.

Inspection of improvements. The town shall employ an inspector to act as agent of the Planning Board for the purpose of assuring the satisfactory completion of improvements required by the Planning Board and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the town costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with Planning Board recommendations or the approved construction detail sheets, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

C.

Offers of cession and release.

(1)

The plat shall be endorsed with the necessary agreements in connection with required easements or releases. Offers of cession to the town shall be presented prior to plat approval.

(2)

Formal offers of cession to the town of all streets and parks not marked on the plat with notation to the effect that such cession will not be offered shall be filed with the Planning Board prior to plat approval. If the owner of the land or his agent who files the plat does not add as part of the plat a notation to the effect that no offer of dedication of such streets, highways, or parks or any of them is made to the public, the filing of the plat in the office of the County Clerk or Register shall constitute a continuing offer of dedication of the streets, highways, or parks or any of them to the public, and said offer of dedication may be accepted by the Town Board at any time prior to revocation of said offer by the owner of the land or his agent.

(3)

Before final approval of the subdivision plat, the Planning Board will require a certificate of approval from the Town Attorney as to the legal sufficiency of the offers of cession by the subdivider of the areas for public use, such as parks, streets, playgrounds, and other areas.

§ 204-11. Filing of approved subdivision plat.

Upon completion of all requirements set forth in the action approving the subdivision plat and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate

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officer of the Planning Board and may be filed by the applicant in the office of the Genesee County Clerk. Any subdivision plat not so filed and recorded within 90 days of the date upon which said plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void unless the particular circumstances of said applicant warrant the Planning Board to grant an extension, which shall not exceed two additional periods of 90 days. The applicant shall provide the Town Clerk with a copy of the plat certified by the Genesee County Clerk as to being the true and certified copy of said plat on file in the county office.

§ 204-12. Public streets, parks and playground areas.

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the town of any street, park, playground, or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or are otherwise not practical, the Board may require, as a condition to approval of any such plat, a payment to the town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town Board exclusively for neighborhood park, playground, or recreation purposes, including the acquisition of property. The Planning Board may require the filing of a written agreement between the applicant and the Town Board covering future title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any park or playground area, as well as a written agreement covering the maintenance and plowing of all streets within the subdivision until such time as they are accepted for public maintenance by the Town Board.

§ 204-13. Initiation of land sales or construction.

Upon posting of the performance bond in accordance with IV § **204-10** and after approval and filing of the subdivision plat, the subdivider may initiate land sales or construction of the subdivision itself.

V. Development Standards for Major Subdivisions

§ 204-14. Consideration by Planning Board.

The Planning Board, in considering an application for the subdivision of land, shall be guided by the following considerations and standards.

§ 204-15. Character of land; conformity to Official Map and Comprehensive Plan.

A.

Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

B.

Conformity to Official Map and Comprehensive Plan. Subdivisions shall conform to the streets and parks shown on the Official Map of the town as may be adopted and shall be properly related to the Town Comprehensive Plan as it is developed and adopted by the Town Planning Board.

§ 204-16. Design standards.

A.

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Streets. The following regulations shall govern the layout of streets:

(1)

The design of the street pattern shall be based upon a local residential or minor street pattern connected to a residential collector street system.

(2)

The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, at the same or greater width insofar as such may be deemed necessary for public requirements.

(3)

Local residential streets shall be designed so as to discourage through traffic.

(4)

All right-of-way street widths and street pavements shall be measured at right angles or radial to the center line of the street and shall not be less than the following:

Type of Street	Right-of-way (Feet)
Collector Street	66
Marginal Service Street	60

(5)

Whenever possible, streets should intersect at right angles and not intersect at angles of less than 60° unless approved by the Planning Board.

(6)

The grades of streets shall be in accordance with specifications established by the Town Engineer, and such grades as submitted on subdivision plats shall be approved by him prior to final approval by the Planning Board.

(7)

All proposed subdivisions shall be designed to provide access to adjacent properties. When a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or stub streets of the existing subdivision.

(8)

The following standards shall apply to cul-de-sac streets:

(a)

A cul-de-sac should be located, if possible, so that it drains toward its entrance.

(b)

Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should not be brought to the property boundary line but should be placed so that the lots can back on the property line of the subdivision.

(c)

No cul-de-sac shall exceed 500 feet in length.

(d)

All culs-de-sac shall have a turnaround at the end of the street which shall have a right-of-way radius of 60 feet and

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pavement radius of 50 feet unless the Planning Board approves an alternate arrangement.

(9)

If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.

(10)

New half or partial streets shall not be permitted, except that wherever a proposed subdivision borders a half or partial street, the Planning Board shall require that the other part of the street be platted in the proposed tract if it is found that such a requirement would increase the effectiveness of the circulation system in the area.

(11)

Multiple intersections involving a junction of more than two streets shall be prohibited.

(12)

Local residential streets and residential collector streets shall not intersect with arterial streets less than 800 feet apart, measured from center line to center line.

(13)

The minimum distance between center-line offsets at street jogs shall be 150 feet.

(14)

No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

(15)

The minimum radius of horizontal curves, minimum length of vertical curves, and minimum length of tangents between reverse curves shall be in accordance with specifications established by the Town Engineer, and said items shall be approved by him prior to final approval of the subdivision plat by the Planning Board.

(16)

All street right-of-way lines at intersections shall be rounded by curves of at least twenty-foot radius and curbs shall be adjusted accordingly.

(17)

In general, street lines within a block deflecting from each other at any one point by more than 10° shall be connected with a curve, the radius of which for the center line of the street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

B.

Lots. The following regulations shall govern the layout of lots:

(1)

The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2)

All lots shown on the subdivision plat must conform to the minimum requirements of the Zoning Ordinance as to area and dimensions for the zone in which the subdivision is located. However, in the event of utilizing Town Law, the Planning Board may use its discretion in determining lot sizes.

(3)

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Each lot shall abut on a street built to the town's specifications.

(4)

Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the Zoning Ordinance.

(5)

Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.

(6)

Side lines of lots shall be at right angles to straight streets and radial to curved streets.

(7)

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Planning Board may, after adequate investigation, require modification of such lots.

(8)

Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.

(9)

Blocks intended for commercial or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

(10)

Double frontage lots will not, in general, be approved.

C.

Easements. An easement shall be provided for all natural drainageways and all utility lines when such utility line or lines do not fall within a dedicated right-of-way. All easements shall be plotted on the preliminary plat and subdivision plat. A clause shall be inserted in the deed of each lot affected by an easement indicating that the easement exists and its purpose. Except as further required in this section, easements shall have a minimum width of 10 feet. Where a subdivision is traversed by a drainageway, channel, or stream, a drainageway easement conforming substantially to the lines of such watercourse shall be provided. The easement shall be 20 feet wide or such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance. Where it is found that additional easement width is needed, such width shall be determined by the Planning Board in consultation with the Town Engineer. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines. All utility lines which are primarily intended to provide service to the lots within the subdivision shall be installed underground at a depth and at such locations as will minimize risk of interruption of services. A five-foot easement running parallel with and contiguous to all street and highway rights-of-way shall be provided to the town granting the town the right to protect, plant, prune, spray, remove, control, regulate and improve shrubbery and shade trees thereon.

D.

Landscaping and ground cover.

(1)

All lot areas which are not covered by structures or paving shall be properly seeded by the developer.

(2)

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The developer shall provide a liberal and functional landscaping scheme for the entire subdivision. Each lot shall be provided with a minimum of two trees which shall be in addition to the street shade trees. This requirement may be waived by the Planning Board in wooded areas where the subdivider intends to maintain existing trees.

(3)

Individual homeowners may, by written agreement with the subdivider and builder, seed and landscape their yards independently.

(4)

When a proposed subdivision borders upon an existing commercial or industrial establishment or any other use which, in the opinion of the Planning Board, may be detrimental to the tranquility of the future residents of the subdivision, the Planning Board may require a landscape screen to buffer the subdivision from the noncompatible use.

E.

Preservation of natural features.

(1)

Topsoil moved during the course of construction shall be redistributed so as to provide at least four inches to six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting. At no time shall topsoil be removed from the site without written permission from the Planning Board.

(2)

To the fullest extent possible, all existing trees and shrubbery shall be conserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads. Where there is a question as to the desirability of removing a group of trees which serve to add interest and variety to the proposed subdivision in order to allow for use of the land for a lot or lots, the Planning Board may, after proper investigation, require modification of such lots. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the developer shall not remove any trees from the site without written permission from the Planning Board.

(3)

Where a subdivision is traversed by a natural lake, pond, or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in watercourse alignment shall be in accordance with the revised New York State Stream Conservation Law.

(4)

Unique physical features, such as historic landmarks and sites, rock outcroppings, hilltop lookouts, desirable natural contours, and similar features, shall be preserved if possible.

(5)

The subdivider shall not be permitted to leave any surface depressions which will collect pools of water.

(6)

The subdivider shall not be permitted to leave any hills or mounds of dirt around the tract. All surfaces shall be restored within six months of the time of the completion of the section of the subdivision.

F.

Floodplain.

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(1)

Mapping. If any portion of the land within the subdivision is subject to inundation or flood hazard by stormwater, such fact and portion shall be clearly indicated on the preliminary plat and the prominent note on each sheet of such map whereon any such portion shall be shown.

(2)

Use. Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life, or property or aggravate the flood hazard.

G.

Self-imposed restrictions. The owner may place restrictions on the development greater than those required by the Zoning Ordinance. Such restrictions, if any, shall be indicated on the final subdivision plat.

H.

Modification of standards. The Planning Board may modify the specified requirements in any individual case where, in the Board's judgment, such modification is in the public interest or will avoid the imposition of unnecessary individual hardship.

I.

Parks, playgrounds or open space.

(1)

Land shall be reserved for park, playground, open space, or other recreational purposes in locations designated on the Comprehensive Plan or elsewhere where the Planning Board deems that such reservations would be appropriate. For a major subdivision, each reservation shall be of an area equal to 5% of the total land within the subdivision, but in no case shall a reservation be less than two acres. The area to be preserved shall possess the suitable topography, general character, and adequate road access necessary for its recreational purposes.

(2)

Where a major subdivision is too small to establish an adequate recreation area site; where the land in a subdivision is unsuitable in character; or where the Town Comprehensive Plan or good planning judgment would not locate a recreation area; or in the case of a minor subdivision, the applicant will be required to provide a cash equivalent of \$50 per lot, deposited with the Town Clerk for the account of the Town of Batavia Park, Playground and Open Space Trust Fund, to be used for acquisition of such areas in suitable locations.

(3)

Where the Planning Board requires land to be set aside for parks, playgrounds, or other recreational purposes, the Board shall require that the site be graded, loamed, and seeded and may require it to be fenced.

(4)

When area for park, playground, recreational purposes or open space shall have been required on the subdivision plat, the approval of said subdivision plat shall not constitute an acceptance by the town of such an area.

VI. Improvements Within Major Subdivisions.

§ 204-17. General regulations.

The developer, before the approval of the subdivision plat, shall complete all improvements to the satisfaction of the Town Engineer or post a performance bond sufficient to insure the satisfactory completion of the following required improvements, except where waivers may be requested, and the Planning Board may waive, subject to

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appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety, and general welfare. Whenever this chapter references that improvements be made in accordance with standards and/or specifications on file in the Town Clerk's office, said standards and/or specifications shall include, but not be limited to, Chapter **183**, Road Specifications, of this Code, which chapter details general design standards for town roads, streets and related construction matters, as well as material and construction specification details for roadway construction, concrete gutters and curbs, concrete sidewalks, drainage structures and general grading, trimming and related work.

A.

Streets. All streets shall be constructed, graded, and paved in accordance with the standards and specifications on file in the Town Clerk's office.

B.

Storm drains, culverts, catch basins and other drainage structures shall be installed in accordance with the standards and specifications on file in the Town Clerk's office and in accord with the final map approved by the Planning Board. All pipe shall comply with the requirements of the current New York State Highway Department specifications governing construction of these facilities. The location, length, depth, size, grade, and type of pipe shall be designated in the plans. If unusual conditions are discovered at the time of construction which are not provided for on the plans, the Town Engineer shall determine the type and extent of construction required to overcome such conditions.

C.

Curbing or gutters shall be constructed on both sides of all streets shown on all proposed subdivision plats and in accord with the construction standards on file in the Town Clerk's office.

D.

Sidewalks shall be required on both sides of the street and constructed in accord with the standards on file in the Town Clerk's office.

E.

Driveway aprons shall be required between the curbing and the sidewalk and shall be of six-inch concrete meeting the same specifications established for curbing.

F.

Street signs shall be of metal and shall be installed at the intersection of all streets in conformity with town specifications at the locations approved by the Planning Board.

G.

Grass strips shall be provided within the portion of the street right-of-way beyond the curb or gutter line and shall be properly graded and seeded.

H.

Street trees shall be planted in every subdivision at intervals from 40 feet to 60 feet along both sides of the street. Existing trees may be taken into consideration when determining the above. Trees shall be at least three feet from any sidewalk and located on the building side of the walk rather than the street side. Where dwelling structures are oriented with their rear on the street, street trees shall be at least six feet from the curbline. Trees should also be at least 10 feet from any line which is directly under utility wires. The average trunk diameter shall be at least two inches, and an average height of six feet above finished grade level is required. Such trees shall be of a species and at locations approved by the Planning Board. No tree shall be planted within 25 feet from an existing or proposed streetlight or street intersection.

I.

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Shade trees, other than within the right-of-way, may be required when, taking into consideration the existing trees on the lots, the Planning Board shall deem it necessary. Such trees shall be in conformance with the standards of size, kind, and locational limitations prescribed for trees along the street line.

J.

Streetlighting facilities shall be provided along all streets in the subdivision and along all streets upon which the subdivision abuts. Such lighting facilities shall be in accordance with the town standards and shall be installed as approved and directed by the Town Engineer.

K.

Sanitary sewers and treatment disposal facilities shall be required. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the town and health official(s) and be in accordance with other requirements of law. The construction is subject to the supervision of the Town Engineer.

L.

Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with town standards, procedures, and supervision. Fire hydrants shall be required and shall be installed in the locations approved by the Town Engineer and in accord with the New York State Board of Fire Underwriters.

M.

Permanent monuments shall be set at block corners and at intervals of approximately 500 feet, or such other distance as the Planning Board may determine appropriate, and their location shall be shown on the subdivision plat. Iron pipes shall not be considered permanent monuments for the purpose of these regulations. Standards for monuments are on file in the Town Clerk's office.

§ 204-18. Permitted modifications.

A.

Concrete curbing may be omitted and, in lieu thereof, concrete gutters, rolled gutters or other means for controlling stormwater may be constructed as may be approved by the Town Engineer and Planning Board.

B.

Sidewalks may be omitted on one or both sides of the street to the extent deemed appropriate by the Planning Board.

C.

Where curbing and/or sidewalks are not provided, adequate provision for the protection of the edge of the road pavement, and graded shoulders, at all driveway openings and other accessways shall be provided in a manner approved by the Town Engineer.

D.

Where sidewalks and curbing are not provided, grass curb strips shall not be required. However, grading and seeding of the area between the pavement edge, shoulder, or approved drainage structure and the front property line of the lot shall be provided.

E.

Individual sewage disposal systems (septic tanks) may be provided in lieu of facilities connected to a public sanitary sewage disposal system. Where such system is not reasonably available, such on-site disposal systems shall not be subject to the provisions of these regulations regarding subdivision control but shall be subject to all other applicable

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laws and regulations of the town, county, and state. Sewage lagoons shall be prohibited.

F.

Individual on-site water supply systems may be provided in lieu of providing a water supply connected to a public utility system. Where such a system is not reasonably available, such on-site water supply systems shall not be subject to the provisions of these regulations regarding subdivision approval but shall be subject to all other applicable laws and regulations of the town, county and state.

G.

Fire hydrants may be omitted where adequate water mains which are a part of a public utility water system are not either existing or proposed to be available to the subdivision.

VII. Specifications for Plats

§ 204-19. Preliminary plat.

Preliminary plats submitted to the Planning Board shall be drawn to a scale of not more than one inch equals 100 feet and shall show the following information:

A.

The location of the property with respect to surrounding property and streets. There shall also be included a key map at a scale of one inch equals 500 feet showing all streets, streams, and property within 1,500 feet of the applicant's property. All property held by the applicant in the area should be identified.

B.

The location and approximate dimensions of all existing property lines (include the entire area proposed to be subdivided and the remainder of the tract owned by the subdividing owner).

C.

All pertinent features, such as existing structures, streets, railroads, water bodies, streams, swamps, and large trees, that may influence the design of the subdivision and topography at a contour interval of one foot or two feet, depending on the steepness of the land, unless waived by the Planning Board.

D.

The location, width, and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.

E.

The approximate location, dimensions, and area of all proposed or existing lots.

F.

The approximate location and dimensions of all property proposed to be set aside for playground or park use.

G.

The names of all property owners of record, or the names of developments within 500 feet.

H.

The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor.

I.

The date, source of the North point, and scale.

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J.

Acreage of tract to be subdivided to the nearest tenth of an acre.

K.

Proposed provision of water supply, fire protection, disposal of sanitary waste, stormwater drainage, street trees, streetlighting fixtures, street signs, and sidewalks, data on which must be available for consideration at this stage.

L.

Each block shall be numbered and the lots within each block shall be numbered consecutively in accordance with the procedure established by the town. The total number of residential lots shall be noted on the plat.

§ 204-20. Major subdivision plat.

Major subdivision plats shall be accompanied by separate construction detail sheets, and both shall be submitted to the Planning Board for approval, as follows:

A.

Drawing, scale, and size of plat and construction detail sheets. The subdivision plat and construction detail sheets shall be clearly and legibly drawn on a stable, transparent, reproducible base. In areas zoned for lots of minimum size of 20,000 square feet or more, maps and profiles shall be at a scale of one inch equals 100 feet. In areas zoned for lots less than 20,000 square feet, maps and profiles shall be at a scale of one inch equals 50 feet. Maps shall be on uniform size sheets in accordance with the New York State statutes. Whenever any project is of such size that more than one sheet is required, then an index map on the same size sheet shall accompany these sheets. The construction detail sheets shall show all items included in Subsection D and as actually constructed.

B.

Information to be shown on plat. Plats shall show the following information:

(1)

Proposed subdivision name or identifying title which shall not duplicate or too closely approximate that of any other development in the town.

(2)

Date, source of the North point, and scale.

(3)

Name, address, and signature of the owner, subdivider, and licensed engineer or land surveyor.

(4)

Names of owners of record of abutting properties or developments.

(5)

Locations, names, and widths of existing streets, highways and easements, building lines, parks, and other public properties.

(6)

Locations and widths of all streets and sidewalks, together with names of streets, and location, dimensions, and status of all easements proposed by the subdivider.

(7)

Lot areas in square feet.

(8)

Lot lanes with accurate dimensions and bearings of angles.

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(9)

Sufficient data to determine readily the location, bearing, and length of all lines and to reproduce such lines upon the ground.

(10)

Radii of all curves and lengths of arcs.

(11)

Location, material, and approximate size of all monuments.

(12)

The accurate outline of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.

(13)

Acreage of tract to be subdivided to nearest tenth of an acre.

(14)

Each block shall be numbered and the lots within such block shall be numbered consecutively in accordance with the procedure established by the town. The total number of residential lots shall be noted on the plat.

C.

In addition to the subdivision plat as described above, the following shall also be presented to the Planning Board:

(1)

A certificate that there are no tax liens on the property being subdivided.

(2)

A performance bond in such amount as is necessary to complete street and utility improvements.

D.

Construction detail sheets. Construction detail sheets shall show the following information, except that where requirements have been waived, applicable specifications may be omitted:

(1)

Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection, in both directions, shall be shown. All elevations must be referred to established United States government or approved local benchmarks where they exist within 1/2 mile of the boundary of the subdivision.

(2)

The Planning Board may require, where steep slopes exist, that present elevations of all proposed streets shall be shown every 100 feet at five points on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points 30 feet inside each property line.

(3)

Plans and profiles showing the location and a typical section of street pavements, including curbs and gutters, sidewalks, manholes, and catch basins; the locations of street trees, streetlighting standards and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants; and the exact location and size of all water, gas, electric, or other underground utilities or structures.

E.

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All plans shall conform to the town minimum road specifications and shall be subject to the approval of the Town Engineer.

VIII. Variances, Waivers and Violations

§ 204-21. Variances.

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, if such exists.

§ 204-22. Waivers.

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.

§ 204-23. Conditions.

In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

§ 204-24. Violations; enforcement; penalties for offenses.

A.

It shall be unlawful for any person, firm or corporation to divide or otherwise alter existing property lines of lots or parcels of property without first complying with this law.

B.

Where the Zoning Enforcement Officer finds a violation of these provisions, he/she shall serve a written order-notice upon the owner by registered mail to remedy such condition. Such written notice shall include the provisions of law violated, the corrective action to be taken, the penalties and remedies which may be involved by the Town for noncompliance and time for compliance.

C.

Any violation of this chapter shall be deemed an offense punishable by a fine and/or imprisonment as set forth in § 268 of NYS Town Law. Each and every week such violation continues shall be deemed a separate and distinct violation.

D.

The Zoning Enforcement Officer may, with permission of the Town Board, institute court action to enforce any violation of the provisions of this chapter.

E.

In addition to the remedies described in this section, the Town of Batavia may seek an injunction to restrain, correct or abate any violation of this chapter and/or maintain an action at law for damages sustained as a result of any

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violation of this chapter. Damages may include but not be limited to legal fees and court costs expended or incurred by the Town as a result of legal proceedings brought hereunder.

F.

The Town Zoning Enforcement Officer is authorized herein to issue and serve appearance tickets with respect to violation(s) of this chapter which he/she is required to enforce.

§ 204-25. Supersession of state law.

All applicable statutes, laws and local ordinances in conflict with the provisions of this chapter, including §§ 276 and 277 of New York State Town Law, are hereby superseded to the extent necessary to give this chapter full force and effect.

ARTICLE III: REPEAL OF INCONSISTENT REGULATIONS

Section 1: Subdivision Regulations

Existing Chapter 204 of the Code of the Town of Batavia, entitled Subdivision of Land, is hereby repealed in its entirety.

Section 2: Land Separation Regulations

Existing Chapter 144 of the Code of the Town of Batavia, entitled Land Separation, is hereby repealed in its entirety.

ARTICLE IV: EFFECTIVE DATE

Section 1: Effective Date

This local law shall take effect immediately upon filing with the Department of State.

ARTICLE V: SEVERABILITY

Section 1: Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

(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.)

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I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2017, of the (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) of Batavia, New York was duly passed by the Town Board on _____, 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 (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2006, 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 (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) of _____ was duly passed by the _____ on _____ 20__, and was (approved) (not disapproved) (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 (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) of _____ was duly passed by the _____ on _____ 20__, and was (approved) (~~not disapproved~~) (~~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 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 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.)

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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 of 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.

(SEAL)

Teresa Morasco
Town Clerk, Town of Batavia

Date: _____, 2017

(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 GENESEE

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.

Andrew W. Meier
Town Attorney
~~County~~
~~City~~ of Batavia
Town
~~Village~~
Date: _____

SUSPEND THE RULES-Motion Councilman Zambito, second Councilwoman Michalak to suspend the rules to introduce additional resolutions.

Ayes: Zambito, Michalak, White, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 180:

Councilwoman White offered the following:

RESOLUTION TO DECLARE LEAD AGENCY

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WHEREAS, the Town Board has introduced Local Law No. 6 of 2017,

WHEREAS, the Town Board is the only agency that will be either approving, funding or directly undertaking an action.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that it shall be declared the Lead Agency with regard to an environmental review pursuant to the State Environmental Quality Review Act, and it shall prepare a Short Form for this Unlisted action, and

BE IT FURTHER RESOLVED that the Town Board shall take all other steps necessary to complete the environmental review assessment.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Zambito, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 181:

Deputy Supervisor Underhill offered the following:

**AUTHORIZATION TO PARTICIPATE IN THE
CITY OF BATAVIA BUSINESS IMPROVEMENT DISTRICT
"CHRISTMAS IN THE CITY" PARADE**

WHEREAS, the City of Batavia Business Improvement District is hosting "Christmas in the City" and parade on Friday, December 1, 2017; and

WHEREAS, Town of Batavia Employees may wish to participate in the parade.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Town of Batavia Employees to participate in the "Christmas in the City" parade; and be it further

RESOLVED, the Supervisor is hereby authorized to execute the parade application and agreement, a copy of which is annexed to and made a part of the minutes.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White, Post

APPROVED by unanimous vote (5-0)

Abstract No. 10-2017: Motion Deputy Supervisor Underhill, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

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General	\$64,096.82
Highway	30,140.20
Sewer No. 1	10,836.51
Sewer No. 2	14,956.26
Water	280,405.03
Saile Sewer	2,237.00
Sewer Cap	217.05
Southwest Water	13,200.00
Highway Equip	637.00
Ellicott Trail	1,132.80
Total	\$417,958.67

Check numbers 20650 thru 20718, ACH: \$33,748.90, Online: \$7,261.18

Ayes: Underhill, White, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Supervisor reported for the following departments:

Highway Department- Finishing up summer operations. Gearing up for winter, with snow fences to be set up soon.

Water/Wastewater Department- Process of reading meters, leak detection and adapting to the new service applications.

Building Department- The Supervisor read the attached Building Inspectors report.

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review.

GAM- meeting is tomorrow evening at 7:00 p.m. hosted by the Town of LeRoy at the Masonic Community Center in LeRoy

COMMUNICATIONS:

The Town Clerk reported on the following:

September Town Clerk monthly report collected a total of \$11,875.06, remitted \$4,937.94 to the Supervisor for the Local Share.

Trainings- WNY Region-Farmland Protection Forum November 6 at CCE, NYS Department of Financial Services is having a session on vacant and abandoned property in Rochester on October 25, and Black Creek and Oatka Creek Watershed Coalition is having a session on Introduction to the Watershed Management Plan on October 30 in Stafford. Town personal have been notified of these trainings.

Letter of Recognition – Received a letter from David Sprung commending the Highway Superintendent and Highway Employees for the work done on Stringham Drive

Explosive Magazine- Received notice from NYS Department of labor of Hunters Landing LLC receipt of an Explosives Magazine Certificate.

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ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:40 P.M.

Ayes: Underhill, Michalak, Zambito, White, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk