

**Town Board Meeting  
July 10, 2023**

Supv. Crossen called the monthly meeting of the Alabama Town Board to order at 7:00 p.m. Roll Call was taken, Councilperson Fisher, LaGrou, Klotzbach and Supv. Crossen were present. Absent: Councilperson Veazey. Also present were Supt. Covell, Mark Masse, Dave Bencic, Craig Nale and Attorney Boylan.

**Privilege of the Floor** – none

**Highway** – Supt. Covell gave update:

Shared services with other Towns throughout the month.

\$800 bill from Freightliner has been taken care of, truck has been fixed.

Viking is waiting for room in their shop to pull truck in and put together, possibly have it by Aug.

**Alabama Cemetery** – disc. held on footers for headstones and complaints. Had a complaint that it is taking too long to pour the footer, Jeff explained how it is done.

**Water District #1**

Supv. Crossen studied the financials for Water District #1 for the past 20 years. Disc. on rate increase and possibility of Town of Batavia taking over O&M. The district is out of funds, needs a loan from the Town.

**Water District #1 Loan Resolution**

WHEREAS, Water District #1, due to the increasing cost of operation, the increasing cost and frequency of required testing, and the increasing cost of water purchased, has insufficient margins to pay its ongoing expenses, and

WHEREAS Water District #1 currently has inadequate funds to pay its current obligations, and

WHEREAS, it will take several months to raise the water rate so as to provide sufficient margin to fund the district.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Alabama duly convened as follows:

1. The Supervisor be and hereby is authorized to temporarily advance from surplus General Funds of the Town the sum of 4,000.00 to Water District #1 Fund pursuant to provisions of section 9-a of the General Municipal Law of the State of New York.
2. Such temporary advance shall be repaid with interest at two (2) percent by Water District #1 to the General Fund as soon as monies are available, but in any event not later than December 31, 2023.
3. This resolution shall take effect immediately.

Councilperson LaGrou offered the resolution, which was seconded by Councilperson and approved by roll call vote:

C. Fisher – yes    C. LaGrou – yes    C. Klotzbach – yes    C. Veazey – absent    Supv. Crossen – yes

**2024 Reassessment Project**

Councilperson Fisher offered the following **RESOLUTION**:

**RESOLVED**, that we the Town Board of the Town of Alabama support the Reassessment Project for the 2024 Assessment Roll, in accordance with guidelines established by the NYS Office of Real Property Services;

**BE IT FURTHER RESOLVED**, that we support the Town of Alabama Assessors’ efforts in the execution of the Reassessment Project for 2024 and will allocate sufficient funds to cover all costs associated with the process, and provide appropriate staff to support the necessary efforts.

Councilperson LaGrou seconded the **RESOLUTION**, which was approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

**Town of Pembroke WD#4 SEQR Lead Agency Form**

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to allow Supv. Crossen to sign the SEQRA Lead Agency Intent Consent Form for the Town of Pembroke to be lead agency for their Water District #4. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

**Northern Clearing Lease @ Maple Rd. Property**

Supv. Crossen received the lease from Northern Clearing for the property on Maple Rd.

AGREEMENT

AGREEMENT made this day of , 2023, between the **TOWN OF ALABAMA**, a New York municipal corporation with offices at 2218 Judge Road, Oakfield, New York 14125 (hereinafter referred to as First Party), and **NORTHERN CLEARING, INC.** a New York corporation with offices at 6870 Northern Boulevard East Syracuse, NY13057, (hereinafter referred to as Second Party).

**WITNESSETH:**

WHEREAS, the Second Party desires to lease approximately 2 acres of vacant land owned by the Town located at 7348 Maple Road in the Town of Alabama for the purpose of using it as a contractor’s yard operated by the Second Party; and

WHEREAS, the First Party desires to lease the above described premises to the Second party under certain terms and conditions set forth herein; and

NOW, THEREFORE in consideration of the above premises and the mutual agreements hereinafter set forth, the parties agree as follows:

1. The Second Party agrees to lease the property from the First Party for one (1) year from \_\_\_\_\_, 2023 until \_\_\_\_\_, 2024. The parties may extend the lease term by mutual written agreement no later than 30 days prior to the execution of the initial term.

2. The annual rent for the term shall be \$18,000.00 payable in monthly installments of \$1,500.00 on the first day of each month.

3. The Second Party shall be responsible for normal maintenance property.

4. The Second Party shall be responsible for any damage that it causes to the premises or surrounding area owned by the First Party.

5. No signs may be placed upon or around the leased premises by the Second Party without obtaining prior permission from the First Party, which permission will not be unreasonably withheld. Any permitted sign(s) must conform to the general appearance of the building.

6. The Second Party agrees to comply with and fulfill all federal, state, county and municipal laws, ordinances, rules and regulations affecting its use of the leased premises, together with the requirement of the Insurance Services Office (ISO) or any similar body as the same may apply to the leased premises and the use thereof

7. The Second Party agrees to obtain sufficient liability and fire insurance to cover its interest in and use of the premises, and the First Party shall be named as an additional insured on the Second Party's policy.

8. The Second Party agrees to return the premises to the First Party at the expiration of the Lease and in the same condition as at the beginning of said Lease, reasonable wear and tear expected.

9. If the second Party holds over after expiration of this Lease, the tenancy shall become a holdover month-to-month tenancy commencing on the first day after the expiration of the current Lease term. All conditions and terms of the expired Lease shall remain in full effect for the duration of such holdover tenancy and the Second Party shall pay rent on the first day of each holdover month in advance, at a monthly rate of one third of the final quarterly payment under the expired Lease, with an additional ten (10) percent surcharge per month until a new lease is executed. Upon execution of a new Lease, the terms shall be retroactive to the last day of the expiring Lease.

TOWN OF ALABAMA

By: \_\_\_\_\_  
Robert Crossen, Supervisor

NORTHERN CLEARING, INC.

By: \_\_\_\_\_

Disc. held, will need to hold a public hearing.

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to hold a public hearing at 7:00 p.m., Monday, August 14, 2023 at the Town Hall for the purpose of receiving public comment on the leasing of Town property at 7348 Maple Road to Northern Clearing. Approved by roll call vote: C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

**Tax Cap Override – Local Law 2-2023**

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to hold a public hearing at 7:00 p.m., Monday, August 14, 2023 for proposed Local Law 2-2023 Tax Cap Override. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

**Zoning Code – Grant to Update**

Supv. Crossen opened disc. on a 90% matching grant that is available to update our zoning code. Wendel will apply for the grant on the Town’s behalf, if approved. This was approved last year, need approval to apply again this year.

MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to allow Supv. Crossen and Wendel to apply for the 90% matching grant to update the Town’s Zoning Law. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

**MWBE Compliance Form**

**NYS DEPARTMENT OF STATE  
MWBE COMPLIANCE FORM**

**DEPARTMENT OF STATE (DOS) - MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE) PROGRAM**  
Article 15-A of the NYS Executive law was enacted on July 19, 1988, to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracting.

The contract’s specific MWBE goals can be identified in the RFP, RFA and/or the budget page in applicable contracts. All applicable contracts, including contracts supported with federal funding which do not have a DBE component, are assessed for MWBE goals.

**For grants, certain items are exempted from the goal calculation. These include:**

- ✓ Personal services (i.e. payments to staff for labor), staff benefits, training
- ✓ Utilities, postage, telephones
- ✓ Certain rentals and repairs
- ✓ Travel reimbursements
- ✓ Sole source contracts
- ✓ Unemployment insurance and tuition reimbursement
- ✓ Operating transfers

Note: The portion of matching fund/local share is not included in the goal calculation.

**Your responsibilities under Article 15-A are:**

<p><b>1. To Make Good Faith Efforts (GFE)</b> You will be required to make “GFE” to provide meaningful participation to MWBEs as subcontractors or suppliers in the performance of contracts. Documentation of GFE includes, but is not limited to (<b>5 NYCRR §142.8</b>):</p> <ul style="list-style-type: none"> <li>• Evidence of outreach to MWBEs: mail, email, phone calls and follow up;</li> <li>• Written responses by MWBEs to the grantee/vendor’s outreach;</li> <li>• Copies of search(es) of the directory and advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications;</li> <li>• Attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the grantee with MWBEs including dates and location;</li> <li>• Information describing specific steps undertaken to reasonably structure the contract scope of work to maximize opportunities for MWBE participation; and</li> <li>• Information describing non-MWBE subcontractors’ efforts to engage MWBEs to undertake part of the project’s work or to procure equipment/ materials/supplies.</li> </ul>	<p><b>2. Required MWBE Reporting for Contracts with Utilization Goals</b> Within ten days of receipt of the award notification from DOS, submit:</p> <ol style="list-style-type: none"> <li>1. Form A</li> <li>2. Form B (for contracts &gt; \$250,000)</li> <li>3. Form D or D-1.</li> </ol> <p>For non-federally funded contracts, once the contract is executed, set up an account in the New York State Contract System (system) to:</p> <ul style="list-style-type: none"> <li>- Submit MWBE utilization plan (if required)</li> <li>- Report MWBE utilization</li> <li>- Track and monitor transaction on the contract.</li> </ul> <p>Throughout the contract term:</p> <ul style="list-style-type: none"> <li>- Report MWBE utilization through the system OR submit Form F - Quarterly MWBE Utilization</li> </ul> <p><b>Waiver Request</b> – Form E can be submitted if there are no opportunities for MWBE participation, or to demonstrate the GFE to meet the contractual goals.</p>
--	--

Signature:

Date:

Printed Name

Title

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to allow Supv. Crossen to sign the MWBE Compliance Form. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

**STAMP** – Mark Masse gave update:

Waiting on title search for Edward. Possible mid-August closing on land, 50 acres at \$75,00 per acre, \$3.75 million. 5% to the Town would be \$187,500.

FASTNY – waiting to hear on application.

Plug Power – Crosby Road re-build soon.

There will be a public hearing on 7/27/23 regarding 3 easements for waste water discharge to Orleans County.

Plug Power Incentive Zoning for Signs -- Attorney Boylan is working with representatives regarding the signs at Plug Power. They would like to have 3 (three) signs on the property. Disc. held.

Water District 2

Received 2 (two) proposals from contractors. Disc. held.

Rebar & steel is in for the meter tower base @ highway dept.

### **PLUG POWER CONSTRUCTION UPDATE – June 2023**

The Town’s engineer, Wendel conducted 4 site visits in June.

-Plug Power began the process of sandblasting and painting the spheres.

-O’Connell Electric is working on the electrical substation.

-National Grid is working on their point of interconnection.

-There were deficiencies noted in the bio swale, (clay in filter material). This was discussed with the Construction Manager on site. Wendel will follow up.

### **Executive Session**

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to go into executive session at 7:35 p.m. to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and/or Negotiations and updates subject to NDAs regarding the IZA; and/or Negotiations regarding the Teamsters Contract with Attorney Boylan and Supt. Covell. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to come out of executive session at 7:45 p.m. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

**Court** – nothing

**Town Hall** – Issue with air conditioner has been fixed.

**Solar** – nothing new

**Solar Law Update** – Supv. Crossen is working on compiling the comments.

**Union Contract** – meeting on 7/12/23 at 6:30 p.m.

**Prospective Highway Employee**

Supt. Covell interviewed a candidate who has prior experience working for the County Highway Dept. and would like credit for time worked there to go towards their vacation. Disc. held.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher regarding a potential MEO hire that, upon confirmation of past Genesee County service, this person shall be credited with the County service time when awarding Vacation time. For this part year that time shall be prorated as defined in the Union Contract. Additionally, this applicant is to be granted 80 hours of sick leave not prorated. This motion is solely limited to Vacation and sick time. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – absent Supv. Crossen – yes

Councilperson Veazey arrived at 7:50 p.m.

**Approval of Minutes**

6/12/23 Public Hearing and Board Meeting – MOTION by Councilperson Fisher, seconded by Supv. Crossen to accept minutes as presented. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

**Supervisors Report**

7/3/23 -- MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

**Audit Bills**

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept Abstract #007-2023 and pay bills in the amount of \$19,912.22 vouchers 133 to 146 General Fund; \$12,425.91 vouchers 104 to 114 Highway Fund; \$2,310.00 voucher 8 Water District 2; \$1,837.23 vouchers 16 to 18 Water District 1. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

**Williamson Law Contract**

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to accept the contract from Williamson Law Books for the accounting software and have Supv. Crossen sign it. Approved by roll call vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – absent C. Veazey – yes Supv. Crossen – yes

**Town Clerk's Report**

June 2023 -- MOTION by Councilperson Klotzbach, seconded by Councilperson Veazey to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

**Assessor's Report** – no report submitted

**CEO/ZEO Report**

June 2023 -- MOTION by Councilperson Veazey, seconded by Councilperson Fisher to accept report as written. Approved by Roll Call Vote:

**Local Law 1-2023 – Zoning Law Amendment, Replacement Section 808, Site Plan Review**

***DRAFT Replacement for Zoning Law Section 808 – Revised July 7, 2023***

**Section 808: Site Plan Review**

**1. Purpose and Intent**

It is the intent of this article to provide for the efficient use of land, consideration of potential impacts on the environment, avoidance, wherever possible, of adverse effects, and the promotion of high standards in the design, layout, landscaping, and construction of development.

**2. Applicability**

In accordance with Section 274-a of New York State Town Law, no construction or site improvement work may commence until site plan approval, where required, has been granted. Site plan review and site plan approval shall be required for all uses, buildings and structures that require a building permit or certificate of occupancy and for which an application has been made to the Town of Alabama, with the following exceptions: site plan review is not required for the development of a single-family dwelling or a two-family dwelling, including the permitted accessory uses, buildings or structures associated with those uses and those agricultural uses that are restricted by NYS Agricultural and Markets law. All non-residential development, and residential development consisting of three or more units will be subject to site plan approval. The Planning Board is responsible to review and approve, approve with modifications, or disapprove site plans. No development shall occur within the Town of Alabama unless it is in accordance with the provisions of this article. No building permit shall be issued until all the requirements of this article have been met to the satisfaction of the Planning Board and the site plan has been approved by the Planning Board.

**3. Notice and Public Hearing**

The Planning Board may, in its sole discretion, hold a public hearing as part of the site plan review process. A public hearing is required for development requiring site plan approval within the TD1, TD2 or TD3 zoning districts. When a public hearing is held as part of the site plan review, the public hearing shall be held at a time fixed within sixty-two (62) calendar days from the date of when the application (determined as being complete) for site plan review is received by it and such public hearing shall be advertised in accordance with Section 813 of this Zoning Law. When necessary, under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to surrounding communities (if applicable) and to the Genesee County Planning Board for its review prior to taking any final action.

**4. Area Variances**

Notwithstanding any provisions of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, applications may be made to the Zoning Board of Appeals for an area variance pursuant to New York State Town Law Section 274-a, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

**5. Preliminary Procedure**

Prospective applicants seeking site plan review shall schedule a pre-submittal meeting with the Town Building Inspector and Town Engineer or Planner to review town requirements for development and identify potential issues associated with the proposed development unless the Planning Board waives this requirement. For projects within the TD-1, TD-2 and TD-3 districts, applications shall be coordinated with the Town Board through the Supervisor’s office and with the appointed Large Project Administrator.

Applicants may submit a sketch plan two weeks prior to the Planning Board meeting. The sketch plan shall include sufficient information for the Building Inspector/ Town Engineer to review to determine if the sketch plan application is sufficient for the Planning Board to review. The purpose of this sketch plan process is to review the proposed project for general conformance to Town regulations prior to preparation of a site plan. The Planning Board will review the proposed project and provide feedback on an informal basis to the applicant at the meeting. No approvals are given during this sketch plan review, and it is at the discretion of the applicant to proceed to full site plan application.

Information to be submitted for Sketch Plan review include the following elements:

- a. A boundary survey of the property, certified by a licensed land surveyor or engineer that includes overall dimensions, acreage, ownership information, and information on any rights-of-way and easements.
- b. A location map of the property.
- c. Identification of major landforms, streams, steep slopes, and other natural features.
- d. Approximate location of proposed structures, parking, and other proposed developments.
- e. Any other information as may be required by the Building Inspector or Town Engineer.

**6. Submission of Site Plan and Required Information**

The applicant shall submit to the Town Clerk, at least three weeks prior to the next scheduled Planning Board meeting, ten (10) copies of a site plan and supporting data in a form satisfactory to the Planning Board, including, but not limited to, the following information, where appropriate, presented in graphic form and accompanied by a written text (see also the requirements of the most current version of the “Site Plan Application Checklist” on file at the Town).

- a. A boundary survey of the property, plotted to scale, including acreage and legal description.
- b. Existing natural features, easements, utility lines, streams and drainageways, floodplain and wetland designations, large trees and other natural features.
- c. Information on utility easements, structures, streets, rights-of-way, zoning and ownership of surrounding property.
- d. Existing topography/ contours.
- e. Layout sketch showing proposed lots, blocks, building locations and land use areas.



- f. Traffic circulation, parking and loading spaces, and pedestrian walks.
- g. Landscaping plans including trees and natural vegetation to be retained, landscape design, open space, and buffer zones.
- h. Grading and drainage plan, including site grading, existing and proposed contours and site grading and provisions for stormwater management and erosion control.
- i. Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations, and sections. The Planning Board may also request visualizations.
- j. Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary sewer facilities and fire protection. Applicants shall refer to the Town's Engineering Checklist for current requirements.
- k. Engineering feasibility study of any anticipated problem which may arise from the proposed development, as required by the Planning Board.
- l. Elements required by any applicable special districts.
- m. Construction sequence and time schedule for completion of each phase for buildings, parking, and landscaped areas.
- n. Location, design and construction materials of all energy generation and distribution facilities, including electrical, gas, solar and other renewable energy.
- o. Description of proposed uses, anticipated hours of operation, expected number of employees and anticipated volume of traffic generated.
- p. Applicant shall identify and illustrate on the plan any activities which may cause noise and or odors.
- q. Other relevant information as required by the Planning Board.

**7. Site Review Criteria**

The Town Planning Board shall review the site plan and supporting data/information before approval, approval with modifications or conditions, or disapproval of such site plan, taking into consideration the following:

- a. Harmonious relationship between proposed uses and existing adjacent uses.
- b. Maximum safety of vehicular circulation between the site and street, including emergency vehicle access. This consideration will include input from the fire department.
- c. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety and emergency vehicle access.
- d. Adequacy of landscaping and setbacks to achieve compatibility with and protection of adjacent residential uses.
- e. Adequacy of municipal facilities to serve the proposed development, including streets, water supply and wastewater treatment systems, storm water control systems and fire protection.
- f. Types of lighting and its impacts (dark sky compliant issues).
- g. Adequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways.

- h. Conformance with design standards established within specified zoning districts, such as TD1, TD2 and TD3.
- i. Conformance with zoning and other Town regulations, or as established by the Planning Board.

## **8. Preservation of Site Features and Landscaping**

The existing natural vegetation cover shall be maintained wherever possible, during construction of the development and throughout the duration of the use.

Landscaping shall minimize erosion and stormwater runoff, provide necessary buffering, and generally seek to blend the proposed use with the character of the Town.

A landscape plan shall include plant selections suitable for the specific site. Native species of plants must be included in the plan where possible; invasive species are prohibited.

Any proposed pedestrian pathways shall be covered with a maintainable surface such as crushed stone, brick, or stone, or paved as appropriate, to allow drainage and prevent erosion.

Site design, where possible, should take advantage of opportunities to screen and buffer the proposed development from adjacent sites where appropriate. Adequate screening and buffering using plant materials or other means, such as earthen berms, walls or fences, may be required by the Planning Board to mitigate visual and noise impacts to adjacent sites and roadways. Screening may also be required to hide visual impacts of site features, such as dumpsters and loading docks.

## **9. Modifications and Conditions**

The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should changes or additional facilities be required by the Planning Board, final approval of site plan shall be conditional upon satisfactory compliance by the applicant in making changes or additions.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Town.

## **10. Waiver of Requirements**

The Planning Board is empowered, when reasonable, to waive any requirements of this section for the approval, approval with modifications, or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in this zoning law and may be exercised in the event any such requirements are found not to be requisite in the interests of public health, safety, or general welfare or inappropriate to a particular site plan.

## **11. Performance Bond or Letter of Credit and Road Use Agreements as a Condition of Site Plan Approval**

The Planning Board may require, as a condition of site plan approval, that the applicant file a performance bond or Letter of Credit in such amount as the Planning Board and Town Engineer determines to be in the public interest, to ensure that proposed development will be built in compliance with accepted plans. Any such bond must be in a form acceptable to the Town Attorney for an amount approved by the Town Board. The Planning Board may also require a Road Use Agreement for large scale construction projects. Any such Road Use Agreement must be in a form acceptable to the Town Attorney for an amount approved by the Town Board.

## **12. Performance Standards**

In all districts, uses which violate applicable county, state and/or federal codes and regulations pertaining to environmental issues are not permitted. The Planning Board, under its powers of site plan review and approval, may in its discretion reject any uses if it determines that insufficient evidence has been submitted to show compliance with these environmental standards. However, final responsibility for compliance with all environmental laws and regulations lies with the applicant. Future violation of these environmental standards or permits will result in enforcement proceedings and potential return to the Planning Board for mitigations through a new site plan approval.

## **13. Decisions**

The Planning Board shall decide any matter referred to it under this Subsection within sixty-two (62) days after the first regular monthly meeting of the Planning Board which occurs at least ten (10) days after the site plan and all supporting data required by this Article are submitted to the Town Clerk (this timeframe does not start until the SEQR process is complete, if required and the site plan application is deemed complete). Such time may also be extended by mutual consent of the Planning Board and the applicant. Prior to rendering its decision, the Planning Board shall first complete the SEQR process. In those instances where due to the location of the affected property, a site plan review is subject to review under General Municipal Law Section 239-m, a majority plus one vote of the entire Planning Board is necessary to override a County Planning Board recommendation of disapproval or approval with modification. All decisions shall be in writing stating the decision, the facts found and the reasons for the decision. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy mailed to the applicant by regular mail.

## **14. Changes and Revisions**

Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

## **15. Costs**

The Town, along with its application fee, may require the payment for extra work performed by the Town's consultants.

## **RESOLUTION ADOPTING LOCAL LAW No. 1 OF 2023**

**WHEREAS**, proposed Local Law No. 1 of 2023 of the Town of Alabama entitled "AMENDING THE TOWN OF ALABAMA ZONING LAW SECTION 808-SITE PLAN REVIEW" in its final form was

presented to the Town Board at the meeting held on May 8, 2023, 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 June 12, 2023, 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**, pursuant to part 617.4 (b)(2) of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law is a Type I in that the Town is undertaking an amendment to its Zoning Local Law and would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

**WHEREAS**, the Town Board of the Town of Alabama, New York is of the opinion that adoption of said proposed Local Law No. 1 of 2023 is in the best interest of the Town of Alabama, New York, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Alabama, New York that said proposed Local Law No. 1 of 2023 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law No. 1 of 2023 be filed with the New York State Secretary of State in accordance with Law.

Councilperson Fisher offered the resolution which was seconded by Councilperson LaGrou and adopted by roll call vote:

C. Fisher – yes    C. LaGrou – yes    C. Klotzbach – yes    C. Veazey – yes    Supv. Crossen – yes

**FEMA Storm Update – Supv. Crossen**

Receiving different information on what will be paid for. Disc. held. Still working on paperwork.

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to adjourn meeting at 8:01 p.m. Approved by roll call vote:

C. Fisher – yes    C. LaGrou – yes    C. Klotzbach – yes    C. Veazey – yes    Supv. Crossen – yes

Respectfully Submitted,

Rebecca L. Borkholder  
Town Clerk