

Local Law Filing

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

Town of Farmington, Ontario County, New York

Local Law no. 5 of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled "Boards, Committees and Commissions," by adding Article III, "Environmental Conservation Board (ECB)"; amending Chapter 165 of the Town Code, Article II, Terminology, Section 9, entitled "administrative terms," and Section 10, entitled "Definitions;" and amending Chapter 165 of the Town Code, Article VIII, entitled "Administration and Enforcement," Section 96, entitled "Appointment of Environmental Conservation Board; powers and duties."

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 9, Article III, to be entitled "Environmental Conservation Board (ECB)," is hereby established and shall read in its' entirety as provided for within this Local Law as follows:

§9-17. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article III, Sections 9-1 through 9-11, and is entitled the "Town of Farmington Environmental Conservation Board (ECB), Duties and Responsibilities."

(1)

§9-18. Purpose.

The purpose of this article is to recognize the importance of the Town's natural environmental resources and providing for an advisory board for protecting them, to the extent practical from degradation, a specific goal contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and to provide technical assistance to the town's boards established for managing the built environment, another specific goal contained in the latest edition of the Town of Farmington Comprehensive Plan.

§9-19. Intent.

The intent of these regulations is to identify the Town of Farmington Environmental Conservation Board (ECB) as an advisory board established to provide information to the residents of the Town, the Town Board, Town Planning Board, Town Zoning Board of Appeals, the Ontario County Soil & Water District, and the New York State Department of Environmental Conservation on issues relating to sustaining and promoting natural resource protection and identify open areas within the Town. Establishment of the board for conservation of the environment is a necessary step in fostering unified action on environmental matters. In addition, this chapter is intended to:

- A. Encourage the wise use and management of the Town's natural resources through best management practices that support the most beneficial relationship between the use of land and buildings and the protection and sustainability of the natural and man-made environmental setting within the Town; and
- B. Provide the Town, County and State Departments, Boards and Agencies with an advisory body that is comprised of local volunteers who are focused upon the importance to, or which may impact the naturally occurring qualities of the Town of Farmington.

§9-20. Redesignation of the Town of Farmington Conservation Board.

The Town of Farmington Conservation Board, established by the Town Board Resolution on March 9, 1976, and identified in §165-96 of the Town Code is hereby

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redesignated as the Town of Farmington Environmental Conservation Board (ECB) having those duties and responsibilities set forth within Chapter 9, entitled "Boards, Committees and Commissions," Article III, entitled "Environmental Conservation Board (ECB) of the Town Code of the Town of Farmington."

§9-21. Membership.

- A. The ECB shall consist of seven (7) members, all of whom shall be residents of the Town of Farmington. The members shall be appointed by the Town Board in accordance with the provisions herein. The Town Board shall appoint members for a term of office so fixed that four (4) members terms shall expire at the end of their fourth calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that three (3) members terms shall expire at the end of the third calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to initial term of appointment.
- B. There may be one (1) Alternate Member appointed by the Town Board to serve the needs of the Town of Farmington Environmental Conservation Board (ECB).
- C. The Alternate Member shall substitute for a ZBA Member in the event such member is unable to participate because of a conflict of interest.
- D. The Alternate Member may not be substituted for a ZBA Member for purpose of constituting a quorum of the board.
- E. All members of the Town of Farmington Environmental Conservation Board and any Alternate Member shall be residents of the Town of Farmington and at least 21 years of age.
- F. One Town Board member shall serve as liaison to the ECB.

(3)

G. ECB Members and an Alternate ECB Member shall receive training and be reimbursed for their expenses incurred while attending such training but only when recommended by the ECB Chairperson and authorized by the Town Board.

H. Members of the ECB shall serve without salary.

§9-22. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

§9-23. Officers and Board Meeting Dates.

- A. The Town Board shall appoint the ECB Chairperson who shall serve a term that expires on December 31st of said calendar year.
- B. The ECB each year at its' Organizational Meeting shall designate the date, time and place of the ECB Meetings for said calendar year.
- C. All ECB Meeting shall be subject to the provisions of the State's Open Meeting Law. Meetings shall be posted on the Town's website calendar each month.
- D. Additional meetings may be called by the ECB Chairperson as needed.
- E. The Town Board shall appoint a Clerk of the ECB, who shall be paid an established hourly fee, for preparing and filing approved meeting minutes along with any correspondence for said Board.

§9-24. Duties and Responsibilities of the Environmental Conservation Board (ECB).

The powers and duties of the ECB shall include, but not be limited to:

- A. Those powers and duties set forth elsewhere within Section 239-y (3) of the New York State General Municipal Law, as may be amended from time to time by the State Legislature, except as modified below.
- B. The ECB shall maintain the adopted inventory or index of identified open spaces in public or private ownership within the Town, including but not limited to glacial and other geomorphic physiographic features, streams and their floodplains, mapped federal and state freshwater wetlands (including their buffer areas), swamps, unique biotic communities, scenic and other open areas, so as to provide a base of information for recommendations by the ECB for their preservation and/or use.
- C. The ECB shall review applications, including but not limited to, rezoning, subdivision approval, site plan approval, temporary use permits, and area variances received by the Town Board, Planning Board, Zoning Board of Appeals, or other administrative body, which seek approval for the use or development of any open area identified in the latest edition of the Town of Farmington Open Space Index and which application or project that is:
 - (1) A classified Type I Action under the New York State Environmental Quality Review Act (SEQRA) and related regulations; or
 - (2) Involves a classified Unlisted Action under SEQRA having five (5) or more acres of land; or
 - (3) Creates five (5) or more building lots.

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- D. The ECB shall review any other applications that involve land identified in the latest edition of the Town of Farmington Open Space Index upon:
 - (1) The request of the Town Director of Planning and Development, the Town Code Enforcement Officer, the Town Zoning Enforcement Officer, and the concurrence of the ECB Chairperson; or
 - (2) The concurrence of the ECB Chairperson and the Chairperson of the entity receiving the application.
- E. The ECB shall perform duties assigned to it by resolution of any Town Board.
- F. The ECB shall participate in the periodic updates to the Town of Farmington Comprehensive Plan, the Town of Farmington Parks and Recreation Master Plan Updates and the Town of Farmington Farmland Protection Plan Updates, and to ensure the town's open space index is maintained.
- G. The ECB shall update the town's open space index, at least once every ten (10) years, identifying and evaluating the open space planning objectives as stated in the most current edition of the above referenced Plans; providing recommendations as to the most appropriate use or development of open space areas; and recommending land uses that would be consistent with areas identified in the index and other plans.
- H. The ECB may conduct studies, surveys, and inventories of the natural and man-made features within the Town and such other studies and surveys as may be necessary to carry out the general intent of this chapter.
- I. The ECB may contribute articles for the periodic Town of Farmington Newsletters.

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- J. The ECB shall monitor the ECB TAB on the Town's Website and provide information to the Town Supervisor's Office Secretary for postings.
- K. The ECB shall maintain maps, reports, and other publications to support the necessary research of the ECB into local environmental conditions.
- L. The ECB may request the assistance of the New York State Department of Environmental Conservation in the preparation of any report.
- M. The ECB shall present an annual operating budget for the Town Board's review and approval not later than August first of each calendar year.
- N. The ECB shall provide assistance in maintaining the environmental setting along a defined portion of the State Route 332 Corridor in the manner envisioned within the New York State Department of Transportation's Adopt-A-Highway Program.

§9-25. Review Process.

Any matter referred to the ECB for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the ECB, the ECB Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board's meeting on the matter. With the advice and consent of a majority of the ECB members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the ECB to act on such referral.

§9-26. Quorum.

A quorum for meeting of the ECB shall be four (4) members. The ECB is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-27. Reports.

The ECB shall submit an annual report to the Town Board not later than the ECB's annual Organizational Meeting, concerning the activities and work of the ECB during the previous year and that planned for the coming year.

Section 2: Chapter 165, Article II, Section 9, Word usage; administrative terms, is hereby further amended by adding the following Administrative Terms that are to be inserted in alphabetical order:

ENVIRONMENTAL CONSERVATION BOARD - The Environmental Conservation Board, first established by the Town Board in October 1970 as the Town of Farmington Conservation Advisory Council under the provisions of §239-x of the New York State General Municipal Law, then in March 1976 redesignated as the Town of Farmington Conservation Board under the provisions of §239-y of the New York State General Municipal Law. Said Board is now identified as the Town of Farmington Environmental Conservation Board having duties and responsibilities identified in Chapter 9, Article III, of the Town Code of the Town of Farmington.

OPEN SPACE INDEX, TOWN OF FARMINGTON - The document prepared by the Town of Farmington Environmental Conservation Board and adopted by the Town of Farmington Town Board, in accordance with the provisions contained in Section 239-y of the New York State General Municipal Law, that contains descriptions and delineations of the natural resources and the areas where they are located within the Town, including federal, state and local regulations that are in effect for protecting these open areas.

Section 3: Chapter 165, Article II, Section 10, entitled Definitions is hereby further amended by adding the following definitions, that are to be inserted in alphabetical order:

CONSERVATION OPEN AREAS INVENTORY

An area containing environmentally sensitive features, including, but not necessarily limited to, open marshlands, swamps, ponds, wetlands, steep slopes, glacial features, mature woodlands, flood hazard zones, stream corridors or other hydrological features. The term may also be referred to as Natural Resource Area.

CONSERVATION OPEN AREAS MAP

A map or maps identifying open areas within the Town which are earmarked for protection, including but not limited to open areas that are required by federal or state legislation to be set aside from development out of subdivision plats or site plans, publicly owned open areas, open areas preserved by non-public organizations and open areas having conservation, historical or scenic significance.

OPEN AREA

Any area characterized by natural scenic beauty or, whose existing openness, natural condition, or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the Town's planning goals and objectives or would maintain or enhance the conservation of natural or scenic resources.

OPEN SPACE INDEX

The documented conservation open areas inventory maintained by the Environmental Conservation Board and conservation open areas map after acceptance by the Town Board. This term may also be known as Natural Resource Index.

Section 4: Chapter 165, Article VIII, Section 96, entitled Appointment of Conservation Board; powers and duties is hereby amended in its entirety to read as follows:

§165-96. In accordance with the provisions contained in Chapter 9, Article III, of the Town Code of the Town of Farmington, the Town of Farmington Environmental Conservation Board (ECB) is re-established with the Powers and duties, the procedures applicable to their review(s) of applications, membership, officers, other procedures, and reports.

Section 5: If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 6: This local law shall take effect immediately upon filing with the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law number 5 of 2023, of the Town of Farmington, was duly passed by the Town Board on _____, 2023, 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 number _____ of 2023 of the Town of Farmington was duly passed by the _____ on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2023, 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 number _____ of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by _____ on 2023. 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 _____ 2023, 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 number _____ of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by the _____ on 2023. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2023, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 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 _____ 2023, became operative.

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

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2023, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Clerk of the Town

(Seal)

Date: _____