

MEMORANDUM

FOR: Ancram Town Board
FROM: Hugh Clark, Chair, Subdivision Regulations Review Committee (SRRC)
SUBJECT: Recommendations: Local Laws #2 and #3 of 2017
DATE: 20 April 2017

Background:

*On 19 February 2015, the Town Board adopted Local Law #1 of 2015, which contains two components: First are Land Subdivision Regulations (the updated version of Part I in the 1994 Subdivision Regulations).

The second component is Subdivision and Highway Construction Standards (which had been Part II, Part III, and Appendix A in the 1994 Subdivision Regulations).

The Town Board authorized the SRRC to seek professional review of the second component (Subdivision and Highway Construction Standards) and subsequently configure revisions into a separate local law or other publication for Town Board review and approval.

*Beginning in January 2016, professional engineer Pat Prendergast provided detailed recommendations about design and construction standards that should be thrown out, standards that should be kept intact, and standards that should be kept, but modified a bit. In addition, consultant Nan Stolzenburg reviewed the standards and resolved questions with Pat. The SRRC also considered the professional recommendations and identified text and questions requiring clarification. Subsequently, attorney John Lyons reviewed the draft revisions and identified features that needed adjustment to comply with NYS and other law. Coordinating with John, Nan reconfigured the proposals into their final form.

Proposed Local Laws:

Attached for Town Board action are two local laws.

Local Law #2 of 2017, Town of Ancram Highway Construction Standards, identifies and consolidates in one coherent document design and construction standards for all public and private roads and for all driveways and common driveways in the Town of Ancram.

Local Law #3 of 2017, Town of Ancram Land Subdivision Regulations, takes into account LL #2, and—to be consistent with LL #2—updates several provisions of Local Law #1 of 2015 and wholly supersedes that 2015 law.

Noteworthy Features of Local Law #2, Highway Construction Standards:

Currently, highway design and construction specifications are located at two widely separated parts of the subdivision regulations. LL #2 revises and consolidates into one coherent document all town standards affecting traffic ways, thereby aiding applicants, the Highway Superintendent, and the PB/ZBA.

The current document specifically mentions driveways in only two places, and does not mention private roads, thereby leaving applicants and the Planning Board unclear about what does and does not apply to such traffic ways. LL #2 defines and addresses both private roads and driveways (including common driveways), providing both clear guidance and reasonable flexibility.

The current document contains seven diagrams/illustrations. Most are illegible. Pat Prendergast considered them to be “old and tired.” LL #2 contains three diagrams. All are new, including one for cul-de-sacs and one for emergency vehicle turn-outs.

Unlike the current document, LL #2 specifically ties highway standards to the goals of the Town of Ancram Comprehensive Plan, Zoning Law, Subdivision Regulations, and to New York State Town Law.

Unlike the current document, LL #2 cites sediment and erosion control plans and stormwater pollution prevention plans that meet NYS DEC requirements.

Unlike the current document, LL #2 specifies grade and curve radius standards for all driveways.

Unlike the current document, LL #2 requires all driveways 500' or more in length and in specified circumstances to have pull-offs for emergency vehicles.

Unlike the current document, LL #2 requires all driveways to be maintained for unimpeded access by firefighting and other emergency vehicles in all seasons.

Also, LL #2 complies with Section 20(3) of the NYS Municipal Home Rule Law, which governs adoption of local laws and says that every local law shall embrace only one subject. The standards proposed in LL #2 apply to all traffic ways in the Town of Ancram, have only tangential connection to regulations governing the splitting of land, and belong as a stand-alone local law.

Noteworthy Features of Local Law #3, Land Subdivision Regulations:

The land subdivision regulations adopted in 2015 remain almost totally unchanged. However, for clarity and to ensure consistency with LL #2, a few additional passages have been inserted:

LL #3 incorporates into Article II updated definitions pertaining to access/traffic ways, erosion and sedimentation control plan, notice of intent, stormwater pollution prevention plan, and other definitions cited in LL #2.

Article IV, Section 2 D (Lots) of LL #3 contains updated, more specific text pertaining to monuments and lot corner markers. Recommended by Pat Prendergast, this text is clearer than the original 1994 text.

Article IV, Section 3 (Drainage Improvements) of LL #3 now contains updated text that more specifically and comprehensively includes reference to the New York State Stormwater Design Manual and includes drainage design criteria previously located elsewhere.

Because the original Article IV, Section 5 (Specifications for Water, Sewer, Road and Driveway Construction within the Town of Ancram) has now been wholly updated and properly relocated as separate local law, the superseded text has been deleted and replaced with a reference pointing readers to LL #2.

Article V, at Section 2 A 3 and at Section 4 B 8c, now contains updated, more specific text recommended by Pat Prendergast about the certification that surveyors and engineers must affix to plats and other documents.

Other Points of Interest:

Extensive Deletions:

The current 1994/2015 document contained approximately 22 pages dealing with general construction practices, pipeline construction, plain and reinforced concrete, cable and conduit, and approved materials for subdivision construction. As Nan Stolzenburg and the SRRC anticipated, Pat Prendergast strongly recommended that all of that text be deleted because the standards and practices those pages require are obsolete—and those obsolete requirements unnecessarily exposed the Town of Ancram to liability.

When he thought it necessary to retain a subject whose text was obsolete, Pat drafted new text to reflect current standards and practices. Surveying/mapping and storm drainage are examples of such updated text.

Pat's suggested deletions and revisions were then extensively reviewed by Nan and the SRRC; lingering questions were discussed with Pat until resolution, clarity, and agreement were reached.

Authoritative Sources:

The proposed local laws refer to many authoritative sources for standards and practices. In most cases, the updated text also states that the “latest edition” of the sources shall be used, thereby eliminating the need for frequent updates to the local laws as technology and professional standards and practices in those source documents evolve.

Lingering Issue:

Although water and wastewater standards are in the current subdivision and highway construction standards that LL #2 and LL #3 replace, they are not included in these proposals.

During his review, John Lyons noted that local municipalities can be prohibited from enacting their own laws applicable to a subject that is regulated by NYS law unless the local standards are stricter than those in NYS law. In his experience, water and wastewater disposal are regulated by the NYS Department of Health based on the NYS Sanitary Code, as administered by the County Health Departments. John is concerned that the water and wastewater standards that had been proposed for inclusion merely replicate the NYS Sanitary Code and other NYS and Columbia County DoH guidelines. If so, they are merely duplicative, do not comply with NYS Law, and are not needed.

At John’s request, coordination with CEO/BI Ed Ferratto is occurring to determine whether he concurs with John’s opinion. If so, there is no need for separate Town water and wastewater standards. If not, consultation will occur with the Columbia County DoH to obtain their opinion. If it is determined that John’s concerns are unfounded, a separate local law addressing water and wastewater standards will be recommended to the Town Board.

Recommended Action:

I recommend that the Town Board:

- *accept proposed Local Law #2 of 2017;
- *accept proposed Local Law #3 of 2017;
- *schedule a public hearing on both proposals;
- *seek Columbia County Planning Board review of both proposals;
- *complete SEQR on each proposal;
- *adopt Local Law #2;
- *adopt Local Law #3.