

TOWN OF CAMBRIA TOWN BOARD

JANUARY 10, 2008

The regular meeting of the Town of Cambria Town Board was held on the 10th day of January 2008 at 8:00 PM at the Town Hall, 4160 Upper Mountain Rd., Town of Cambria, NY

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Robert E. Blackman, Councilman
George J. Bush, Councilman
Debra L. Kroening, Councilwoman
Joseph Ohol, Councilman

ALSO PRESENT:

Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Edwin J. Shoemaker, Attorney
Twelve interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order.

Supervisor Ellis welcomed Joseph Ohol as a new member of the Cambria Town Board.

PUBLIC HEARING – LOCAL LAW NO. 1, 2008 FLOOD DAMAGE PREVENTION

The Clerk read the following public hearing notice:

**TOWN OF CAMBRIA
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will hold a Public Hearing at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, on the 10th day of January, 2008 at 8:00 p.m. to hear and consider adoption of a new and revised local law relating to minimizing loss due to flood conditions in specific areas in the Town of Cambria, Niagara County, New York.

A summary of the proposed Local Law is as follows:

SECTION 1.0 - STATUTORY AUTHORIZATION AND PURPOSE

SECTION 2.0 - DEFINITIONS

SECTION 3.0 - GENERAL PROVISIONS

SECTION 4.0 - ADMINISTRATION

SECTION 5.0 - CONSTRUCTION STANDARDS

SECTION 6.0 - VARIANCE PROCEDURE

A copy of the proposed local law is on file at the Town Clerk's Office located at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132 and may be viewed during regular business hours.

All parties in interest and citizens will be heard at the Public Hearing to be held as aforesaid.

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Supervisor Ellis opened the public hearing and explained that the Town is updating the Flood Damage Prevention local law which was originally adopted in 1987.

There was no one present desiring to be heard on said matter. The hearing was closed.

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved that the Minutes of the December 13, 2007 Town Board meeting be approved as amended.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

Cemetery Fund	Claims 1 – 2	\$ 1,560.00
Drainage Fund	Claim 1	\$ 2,002.88
General Fund	Claims 1 – 33	\$ 23,532.41
Highway Fund	Claims 1 – 16	\$ 29,390.78
Trust Agency Fund	Claim 1	\$ 35,927.60
Water Operating Fund	Claims 1 – 8	\$ 4,365.22

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved that the abstract of audited vouchers be approved for payment as presented.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

ADOPTION OF LOCAL LAW NO.1, 2008 – A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36

Upon a motion duly made by Councilman Ohol and seconded by Councilwoman Kroening, it was resolved that Local Law No. 1, 2008 be enacted by the Town Board.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town Board of the Town of Cambria finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Cambria and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

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The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**SECTION 2.0
DEFINITIONS**

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to

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impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

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- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the **Town of Cambria, Niagara County**.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map (multiple panels) Index No.360499 0001-0020, whose effective date is September 30, 1983,
- (2) Flood Boundary and Floodway Map (multiple panels) Index No. 360499 0001-0002, whose effective date is September 30, 1983,
- (3) A scientific and engineering report entitled "Flood Insurance Study, Town of Cambria, New York, Niagara County" dated March 30, 1983,
- (4) Letter of Map Revision, Case Number 96-02-13P, effective February 26, 1996, amending Flood Insurance Rate Map Panel 0005B.
- (5) Letter of Map Revision, Case Number 07-02-0919P, effective January 24, 2008, amending: Flood Insurance Rate Map Panel 0013B and Flood Insurance Study Flood Profile 03P.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

Town of Cambria Town Clerk's Office, 4160 Upper Mountain Road, Sanborn, NY 14132

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Cambria from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Cambria, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

**SECTION 4.0
ADMINISTRATION**

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Building Inspector is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$500.00. In addition, the applicant shall be responsible for reimbursing the Town of Cambria for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs. The Town Board may, by resolution, make any changes in fees as they may deem necessary without the necessity of a public hearing.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or

Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.

- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (3) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

**SECTION 5.0
CONSTRUCTION STANDARDS**

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Cambria agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Cambria for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Cambria for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Cambria agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Cambria for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Cambria for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

- (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

**SECTION 6.0
VARIANCE PROCEDURE**

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town of Cambria shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair

of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

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

**TOWN OF CAMBRIA TOWN BOARD
JANUARY 10, 2008 PAGE SIXTEEN**

RE-ORGANIZATIONAL APPOINTMENTS

The following re-organizational appointments, salary schedules, designations, contract authorizations numbered 1-31 were presented for the Board's consideration:

1. **Town Board Meeting** 2nd Thursday of each month at 8 PM at the Town Hall
2. **Planning Board Meeting** 3rd Monday of each month at 8 PM at the Town Hall
3. **Zoning Board Meeting** 4th Monday of each month at 8 PM at the Town Hall
4. **Official Newspaper** Union Sun & Journal
Niagara Gazette - notices placed for convenience of residents
5. **Official Banks** HSBC, Bank USA (Sanborn/Cambria) for Supervisor, Town Clerk, Building Inspector, Town Justices;
M & T Bank (Lockport) for Supervisor
First Niagara Commercial Bank (Ransomville) for Supervisor, Tax Collector
6. **Authorize Supervisor to invest money in accordance with the Investment Policy as reviewed and approved**

7. APPOINTMENTS:

- | | |
|-------------------------------------|--|
| Building Inspector | Clifford E. Burch, one year term |
| Building Inspector, Deputy | Donald P. Lane, one year term |
| Cambria Housing Authority | Marlene Horvath, five year term to expire 4/18/2013 |
| Computer Tech. Committee | Matthew P. Foe
Lynn J. Schlemmer |
| Constable | Richard M. Dalton, Sr., one year term |
| Drainage Committee | Robert E. Blackman, one year term
Joseph Ohol, one-year term
Steven M. Kroening, one-year term
Jon T. MacSwan, one-year term |
| Ethics Board | Paul Freatman, three year term to expire 12/31/2010 |
| Justice Clerks | Joy W. Caldwell, one-year term
M. Sandra Jowdy, one-year term |
| Planning Board | William J. Amacher, Chairman - one year term
Gerardo R. Buzzeo, five-year term to expire 12/31/2012
Douglas H. Mawhiney, Alternate – one-year term to expire 12/31/2008 |
| Planning Board Secretary | Marjorie E. Meahl – one year term |
| Records Mgt. Officer | Lou Ann Murawski, one year term |
| Recreation Program | James Schwab- five- year term to expire 12/31/2012
Pamela Fleming- four-year term to expire 12/31/2011 |
| Recreation Director | Sally J.Marotta-Reed, one-year term to expire 12/31/2008 |
| Baseball Director | David Austin, one-year term to expire 12/31/2008 |
| Registrar Vital Stats Deputy | Tamara J. Cooper, one -year term |
| Water Department Typists | Suzanne G. Pude, one-year term
Debra A. Littere, one-year term |
| Zoning Board of Appeals | John Reardon, Chairman – one-year term to expire 12/31/2008
Donald Robinson, five-year term to expire 12/31/2012
Norman Allen, one-year term to expire 12/31/2008
Michael P. Bechtel, Alternate, one-year term to expire 12/31/2008 |

8. Approve the 2008 Town of Cambria Volunteer Firemen’s Service Award point system for Cambria and Pekin Fire Companies

9. Approve the Town of Cambria Personnel Policy for 2008

10. Authorize Supervisor to sign and pay contracts/agreements as follows:

Cambria Housing Authority	10,000.00
Dale Association	4,500.00
Friendship Club	900.00
Niagara Community Action Program	2,500.00
Ransomville Library	3,200.00
Sanborn-Pekin Library	27,000.00
Sanborn Post 969 - American Legion	650.00
Sanbornites	3,200.00

11. Authorize Supervisor to pay all utilities, refuse, medical insurance, and charge card invoices as billed monthly

12. Designation of C. W. Baker Insurance Agency, Inc. as Agent for Town Insurance

13. Authorize Supervisor to hire Engineer and Attorney as needed

14. Authorize rate of pay (annual) for Town officials as follows:

Assessor	31,000.00	Historian	3,500.00
Assistant Cemetery Superintendent	1,545.00	Records Management Officer	1,600.00
Baseball Director	2,500.00	Recreation Director	3,000.00
Budget Officer	2,445.00	Registrar Vital Stats	618.00
Building Inspector	12,875.00	Registrar Vital Stats - Deputy	412.00
Building Inspector – Deputy	8,550.00	Sewer Foreman	515.00
Building/Grounds Manager	2,060.00	Water Foreman	2,575.00
Confidential Secretary	45,115.00	Sewer-Water Manager	1,545.00
Highway Foreman	1,133.00		

15. Authorize pay rates for Town Employees as follows:

Department	Position	Full Time per hour	Part Time per hour
Highway	Laborer	7.50 to 10.20	7.50 to 9.00
	Mechanic	19.59	-----
	Truck Driver	N/A	9.00 to 11.00
	Motor Equipment Operator	19.59	-----
Water – Sewer	Laborer	7.50 to 10.20	7.50 to 9.00
	Maintenance - Sewer	19.59	-----
	Maintenance -Water	19.59	-----

	Chairman	Member per meeting	Secretary per hour
16. Planning Board	80.00 per meeting	55.00	13.75
17. Zoning Board of Appeals	80.00 per meeting	55.00	13.75
18. Recreation Committee	35.00 per meeting	30.00	-----

19. **Elections** Voting Machine Inspectors \$10 per machine per occasion

**TOWN OF CAMBRIA TOWN BOARD
JANUARY 10, 2008 PAGE EIGHTEEN**

20. Assessment Review Board Members	\$65.00 first day; \$55.00 ea. additional day
21. Highway Clerk	\$11.60 per hour
22. Justice Clerk	14.55 per hour
23. Tax Collector - Deputy	1,200.00 annually
24. Town Clerk - Deputy I	13.65 per hour
25. Town Clerk - Deputy II	10.85 per hour
26. Building - Janitorial (part time)	11.10 per hour
27. Building - Groundsperson (part time)	7.75 per hour
28. Real Property Appraisal Technician Trainee	16.30 per hour
29. Water Typist I	12.90 per hour
30. Water Typist II	11.35 per hour

31. Payroll Schedule: Highway, Water, Sewer, Drainage and Summer Recreation are paid bi-weekly.

*Monthly positions are processed with the last bi-weekly pay of the month.
Note: Registrar of Vital Stats (General) position is paid annually.*

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the re-organizational appointments, designations, salary schedules and contract authorizations numbered 1 – 31.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

SUPERVISOR/TOWN CLERK/TAX COLLECTOR APPOINTMENTS ARE AS FOLLOWS:

- George J. Bush – Deputy Supervisor**
- Lynn Schlemmer, Confidential Secretary to Supervisor**
- Deborah Jagow-Wynes – Town Historian**
- Town Board Liaison – George Bush, Planning Board; Robert Blackman, Zoning Board of Appeals; Debra Kroening, Recreation Committee; Joseph Ohol, Highway, Water/Sewer Departments**
- Tamara J. Cooper – Deputy Town Clerk I**
- Paula N. Jones – Deputy Town Clerk II**
- Debra Littere, Deputy Tax Collector**

FORMER BUSINESS:

- **UPPER MOUNTAIN ROAD WATERLINE REPLACEMENT** –With regards to letters of intent which were sent by Ag/Mkts., one letter was submitted by a resident who expressed concern about the restoration work within the right of way. Supervisor Ellis indicated the construction contract will call for certain standards to ensure the area will be properly restored. National Fuel will be requested to conduct a survey of homes interested in natural gas installation prior to a determination as to installation of the gas line at the same time as construction of the water line. A draft of the bid documents will be submitted to the Niagara County Health Department for approval.
- **NATURE TRAIL** – All necessary reports have been completed. It is recommended that the Town request an extension for one year for completion of the signage for the interpretative center. The necessary documents will be submitted for reimbursement of \$150,000, for state’s share of the grant.
- **2008 FEE SCHEDULE** – The following fee schedule, which incorporates all fees charged by the Town, was presented for the Board’s approval:

**BUILDING FEE SCHEDULE
FROM ZONING ORDINANCE**

PERMIT FOR SELECTIVE CLEARING/ESCARPMENT DISTRICT (SECT. 803)	\$ 20.00
PERMIT REMOVAL OF MATERIAL FROM EXISTING DITCH (sect. 11113.2)	\$ 20.00

**TOWN OF CAMBRIA TOWN BOARD
 JANUARY 10, 2008 PAGE NINETEEN**

USE & AREA VARIANCE (SECT. 1207)	\$200.00
SPECIAL PERMIT OR EXCEPTIONS (SECT. 1207)	\$200.00
ANY OTHER CHANGE IN ZONING OR PERMIT FOR EXISTING ZONING (SECT 1207)	\$200.00
INSPECTION BY THE CODE ENFORCEMENT OFFICER (SECT 1207)	\$25.00/hr.
FOR BUSINESS, INDUSTRIAL OR INSTITUTIONAL STRUCTURES (SECT 1304)	
0 TO 1,000 SQ FT	\$250.00
1,000 TO 5,000 SQ FT	ADD \$0.25/SQFT
OVER 5,000 SQ FT	ADD \$0.05/SQFT
FOR BUSINESS, INDUSTRIAL OR INSTITUTIONAL ALTERATION, REPAIR, REMOVAL, ETC.	ADD \$0.10/SQFT
MINOR SUBDIVISION	\$150.00
MAJOR SUBDIVISION	\$400.00
BUILDING PERMIT FEES (ZONING ORDINANCE SECT. 1304)	
SINGLE FAMILY DWELLING	\$130.00
MULTI-FAMILY DWELLING	\$200.00
*ADDITIONAL FEE FOR EACH APARTMENT IN EXCESS OF TWO	\$65.00
BUSINESS BLDG. OR STRUCTURE	\$250.00
INDUSTRIAL BLDG. OR STRUCTURE	\$500.00
WITHIN A COMMERCIAL BLDG. COMPLEX FOR THE FIRST BLDG.	\$250.00
*EACH ADDITIONAL BLDG.	\$200.00
IN-GROUND POOL	\$65.00
ABOVE GROUND POOLS & ACCESSORY BLDGS. UNDER 125 SQ. FT.	\$25.00
ANY & ALL OTHER CONSTRUCTION	\$65.00
BUILDING PERMITS (OTHER THAN BUILDINGS, SUCH AS TOWERS AND/OR UTILITIES)	VARIES
GARAGES, BARNs & OTHER ACCESSORY BUILDINGS, 125 SQ.FT. OR LARGER	\$65.00
THE COST OF REQUIRED PERMITS FOR ALL CONSTRUCTION SHALL BE INCREASED BY 50% IF NOT OBTAINED IN ACCORDANCE WITH THIS ORDINANCE (ZONING ORDINANCE SECT. 1305)	
SITE PLAN REVIEW FEE (REQUIRED FOR NEW CONSTRUCTION OR EXPANSION SUBJECT TO SITE PLAN REVIEW)	
UP TO 2,000 SQFT	\$ 500.00
2,000 SQFT - 10,000 SQFT	\$ 800.00
10,000 SQFT - 20,000 SQFT	\$1,000.00
OVER 20,000 SQFT	\$1,000.00 PLUS \$0.25/SQFT
FLOOD PLAIN DEVELOPMENT (TOWN BOARD RESOLUTION 8/9/2007)	
BUILDING PERMIT APPLICATION FEE	\$500.00

FROM PUBLIC IMPROVEMENT PERMIT ORDINANCE AND REGULATIONS

FEE FOR APPROVAL OF PLANS AND SPECS BY ENGINEER AND ATTORNEY

RESIDENTIAL SUBDIVISIONS – PROJECTS:

20 OR FEWER LOTS \$50.00/LOT
MORE THAN 20 LOTS \$1,000.00 & \$35.00
PER LOT OVER 20 LOTS

**COMMERCIAL PROJECTS INCLUDING
CONDOMINIUM CONSTRUCTION**

RESIDENTIAL FEE OR
**\$2,000.00, WHICHEVER
IS GREATER**

**PIP INSPECTION FEES-ESTIMATED COST OF CONSTRUCTION PURSUANT TO PIP TOWN
REGULATIONS**

\$0.00 - \$10,000.00	\$1,000.00
\$10,000.00 - \$50,000.00	\$1,000.00 PLUS 8% OF COST OVER \$10,000.00
\$50,000.00 - \$90,000.00	\$4,200.00 & 7% OF COST OVER \$50,000.00
\$90,000.00 - \$130,000.00	\$7,000.00 & 6% OF COST OVER \$90,000.00
\$130,000.00 - \$170,000.00	\$9,400.00 & 5% OF COST OVER \$130,000.00
\$170,000.00 - \$210,000.00	\$11,400.00 & 4% OF COST OVER \$170,000.00
\$210,000.00 - \$400,000.00	\$13,000.00 & 3% OF COST OVER \$210,000.00
\$400,000.00 PLUS	\$18,700.00 & 2% OF COST OVER \$400,000.00

**RECREATION FEE PER TOWN OF CAMBRIA SUBDIVISION REGULATIONS (TOWN BOARD
RESOLUTION 4/12/2007)**

SINGLE FAMILY RESIDENCE	\$350.00/LOT
TWO-FAMILY RESIDENCE	\$350.00/UNIT OR TOTAL OF \$700.00

**OTHER MULTIPLE DWELLINGS WOULD BE CHARGED AT THE RATE OF \$350.00 PER
UNIT**

**LOCAL LAW NO. 2 OF THE YEAR 2002: REGULATING PERSONAL WIRELESS
TELECOMMUNICATIONS SERVICE AND TOWERS**

APPLICATION FEE	\$500.00
RENEWAL FEE	\$500.00

FROM MOBILE HOME ORDINANCE

APPLICATION FOR LICENSE	\$50.00
EACH PAD	\$8.00

ANNUAL LICENSE RENEWAL FEES ARE THE SAME AS ABOVE

FROM RECREATIONAL VEHICLE PARK AND CAMPING GROUNDS ORDINANCE

RECREATIONAL VEHICLE PARK OR CAMPGROUND PERMIT FEE	\$1.00 PER RECREATIONAL VEHICLE LOT
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**FEE SCHEDULE FOR REVIEWING STORMWATER POLLUTION PREVENTION PLANS AND
 SITE INSPECTIONS**

SINGLE PHASE RESIDENTIAL & COMMERCIAL DEVELOPMENT PROJECT
 *IF DESIGN IS IN CONFORMANCE WITH NEW YORK STATE DESIGN MANUALS

AREA	SWPPP DESIGN PLAN REVIEW	CONSTRUCTION INSPECTION	TOTAL
LESS THAN 5 ACRES	\$300.00	\$500	\$800
5 ACRES TO 10 ACRES	\$450.00	\$700	\$1,150
OVER 10 ACRES	\$450 + \$100 FOR EACH ADDITIONAL 5 ACRES OR PORTION THEREOF	\$700 + \$200 FOR EACH ADDITIONAL 5 ACRES OR PORTION THEREOF	

*IF DESIGN IS NOT IN CONFORMANCE WITH NEW YORK STATE DESIGN MANUALS

AREA	SWPPP DESIGN PLAN REVIEW	CONSTRUCTION INSPECTION	TOTAL
LESS THAN 5 ACRES	\$600.00	\$500	\$1,100
5 ACRES TO 10 ACRES	\$750.00	\$700	\$1,450
OVER 10 ACRES	\$750 + \$100 FOR EACH ADDITIONAL 5 ACRES OR PORTION THEREOF	\$700 + \$200 FOR EACH ADDITIONAL 5 ACRES OR PORTION THEREOF	

HIGHWAY FEE SCHEDULE

DRIVEWAY CULVERT PERMIT	\$250.00
LAWN CULVERT- FOR ONE 20' LENGTH OF PIPE	\$50.00
EACH ADDITIONAL	\$10.00

WHEN A DRIVEWAY CULVERT NEEDS TO BE REPLACED, THE TOWN OF CAMBRIA WILL SPLIT THE COST OF THE 20' CULVERT PIPE WITH THE HOMEOWNER AND WAIVE THE \$250.00 PERMIT FEE DUE TO THE FACT THAT IT HAS ALREADY BEEN PAID UPON ORIGINAL INSTALLATION. IF A LAWN CULVERT IS TO BE REPLACED, IT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO PURCHASE THE PIPE AND PAY THE TOWN ACCORDING TO PERMIT REGULATIONS.

MISCELLANEOUS FEE SCHEDULE

MILEAGE	50.5 cents/mile
RETURNED CHECK FEE	\$20.00

MT. VIEW CEMETERY FEE SCHEDULE

SALE OF LOTS:	
RESIDENT	\$500.00
NON-RESIDENT	\$600.00
CREMAINS GARDEN:	
RESIDENT	\$200.00
NON-RESIDENT	\$250.00
INTERMENT FEES:	
RESIDENT	\$500.00
CREMAINS	\$200.00

\$50.00 ADDITIONAL NOVEMBER 15 - MARCH 15

RECREATION FEE SCHEDULE

BASEBALL REGISTRATION:	
RESIDENT	\$15.00

**TOWN OF CAMBRIA TOWN BOARD
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NON-RESIDENT	\$20.00
RESIDENT FAMILY (3 OR MORE CHILDREN)	\$30.00
NON-RESIDENT FAMILY (3 OR MORE CHILDREN)	\$40.00

SEWER FEE SCHEDULE

SEWER RENT-PER MONTH (PER MONTH PER EDU FOR EACH MONTH SUCH UNIT IS NOT PAYING AN ASSESSED VALUATION CHARGE FOR SEWER SERVICE) (SECT. 11.7)
\$30.00

TAP AN EXISTING SEWER LINE (SECT. 11.8) \$1,600.00
*WHERE BORING IS REQUIRED, PROPERTY OWNER WILL PAY THE ACTUAL COST INCURRED BY TOWN FOR SUCH BORING PLUS TAP-IN FEE (SECT. 11.8)

GRINDER SEWER FEES (SECT. 11)	
TAP-IN CONNECTION FEE	\$1,000.00
GRINDER TANK/PUMP/CONTROL PANEL	\$4,500.00

2008 RATE SCHEDULE FOR SEWER DISTRICT #1

SD202-SEWER NO. 1
ALL PROPERTIES \$0.400 PER \$1000.00 ASSESSED VALUE

SD203-SEWER NO. 2
SEWERED FRONTAGE PROPERTY \$0.600 PER \$1000.00 ASSESSED VALUE

WATER CONSUMPTION \$135.00 PER EDU

SD204-SEWER RENT
SERVICED UNITS \$135.00 PER EDU

TOWN CLERK FEE SCHEDULE

BIRTH CERTIFICATE-COPIES	\$10.00
COMMUNITY ROOM	\$50.00
COMPREHENSIVE PLAN	\$11.00
DEATH CERTIFICATE-COPIES	\$10.00
DEVELOPERS STANDARD SPECIFICATIONS	\$35.00
DOG LICENSE	
SPAYED/NEUTERED	\$7.00
UNSPAYED/UNNEUTERED	\$15.00
REPLACEMENT TAG	\$2.00
DOG RELEASE	\$25.00 FIRST OFFENSE \$50.00 SECOND OFFENSE
GENEOLOGY RECORDS	\$22.00
MARRIAGE LICENSE	\$40.00
CERTIFICATE COPY	\$10.00
PUBLIC IMPROVEMENT PERMIT REGULATIONS	\$2.00
PUBLIC RECORDS PER COPY/PER PAGE	\$0.20
SUBDIVISION REGULATIONS	\$8.00
TOWN MAPS	\$3.00
ZONING MAPS	\$7.00
ZONING ORDINANCE	\$30.00

WATER FEE SCHEDULE

METER PITS RATES (SECT. III, B)

3/4 "	\$375.00
1"	\$450.00
LARGER THAN 1"	PRICE TO BE DETERMINED FOLLOWING FILING OF APPLICATION

CONNECTION FROM WATER MAIN & INCLUDING CURB STOP & BOX RATES (SECT. III, B)

3/4 "	\$700.00
3/4" WITH FULL 3/4" METER	\$700.00
1"	\$800.00
1 1/2"	\$900.00
2"	\$1,100.00

NEW WATER CUSTOMER WATER METER FEES (SECT. IV)

3/4"	\$175.00
1"	\$250.00
1 1/2"	\$450.00
2"	\$575.00

REPLACEMENT OR CONVERSION OF EXISTING METER FEE (SECT. IV)

3/4" WATER METER	\$50.00
LARGER THAN 3/4"	\$100.00

TEST & INSPECTION OF WATER METER (SECT. IV)

1" & SMALLER	\$5.00
LARGER THAN 1"	\$10.00

TERMINATION FEE (SECT. V)

\$1.00

SECTION XIII

RATES FOR WATER USE - SERVICE CLASSIFICATION #1

QUARTERLY (DOMESTIC & SMALL COMSUMER)			
MINIMUM CHARGE (1ST)	5,000	GALLON/QUARTER	\$10.75/QUARTER
NEXT	10,000	GALLON/QUARTER	\$1.70/1000 GAL.
NEXT	100,000	GALLON/QUARTER	\$1.35/1000 GAL.
ALL OVER	115,000	GALLON/QUARTER	\$1.15/1000GAL.

MONTHLY (INDUSTRIAL & LARGE CONSUMERS)			
MINIMUM CHARGE (1ST)	2,000	GALLON/QUARTER	\$4.10/MONTH
NEXT	4,000	GALLON/QUARTER	\$1.60/1000 GAL.
NEXT	34,000	GALLON/QUARTER	\$1.25/1000 GAL.
NEXT	960,000	GALLON/QUARTER	\$1.05/1000 GAL.
ALL OVER	1,000,000	GALLON/QUARTER	\$1.00/1000GAL.

RATES FOR WATER USE - SERVICE CLASSIFICATION #2

QUARTERLY (DOMESTIC & SMALL COMSUMER)			
MINIMUM CHARGE (1ST)	5,000	GALLON/QUARTER	\$18.25/QUARTER
NEXT	10,000	GALLON/QUARTER	\$2.65/1000 GAL.
NEXT	100,000	GALLON/QUARTER	\$2.15/1000 GAL.
NEXT	500,000	GALLON/QUARTER	\$1.30/1000 GAL.
ALL OVER	615,000	GALLON/QUARTER	\$1.20/1000 GAL.

MONTHLY (INDUSTRIAL & LARGE CONSUMERS)			
MINIMUM CHARGE (1ST)	2,000	GALLON/QUARTER	\$7.60/MONTH
NEXT	3,000	GALLON/QUARTER	\$2.65/MONTH
NEXT	33,000	GALLON/QUARTER	\$2.15/MONTH
NEXT	167,000	GALLON/QUARTER	\$1.30/MONTH
ALL OVER	205,000	GALLON/QUARTER	\$1.20/MONTH

PENALTY: 10% OF TOTAL BILL FOR NON-PAYMENT AFTER THIRTY (30) DAYS.

RATES FOR WATER USE - SERVICE CLASSIFICATION #3

QUARTERLY (FOR WATER USED BY TRAILER PARKS OR SERVICED THROUGH MASTER METER)			
MINIMUM CHARGE (1ST)	5,000	GALLON/QUARTER	\$10.25/QUARTER
	5,001 - 12,000	GALLON/QUARTER	\$1.60/1000 GAL.
	OVER 12,000	GALLON/QUARTER	\$1.25/1000 GAL.

SERVICE CHARGE PER APPROVED CAMPSITE & CABIN, \$2.00 PER QUARTER, PER UNIT.

RATES FOR SPECIAL SERVICES: AN ANNUAL RATE-TO-SERVE CHARGE BASED UPON THE SIZE OF SERVICE CONNECTION TO BE INSTALLED SHALL BE PAYABLE AS FOLLOWS: 2" - \$100.00. ANY OTHER SIZE PER REGULATION OF THE TOWN BOARD.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol, it was resolved to approve the 2008 Fee Schedule.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

2008 SNOW AND ICE CONTRACT

The following resolution was presented for the Board's consideration:

WHEREAS, under Section 135-a of the Highway Law, the Town Board is empowered to enter into written contracts with the Commissioner of Public Works acting as County Superintendent of Highways for the removal of snow and the sanding and treatment of pavement for ice control purposes, for three (3) years; and

WHEREAS, such contracts have been negotiated by the Town Superintendent of Highways at the actual cost incurred by the Town per mile for removal of snow from County roads, and the control of ice at the actual cost incurred by the Town; therefore, be it, and it hereby is

RESOLVED, that the Town Highway Superintendent of the Town of Cambria be empowered as an agent of the Town Board to enter into the attached Ice Control and Snow Removal Contracts with the Commissioner of Public Works acting as County Superintendent of Highways for a period of three (3) years.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to approve the resolution as presented.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

CONCERNS OF CITIZENS

Gary DiLaura, business owner, addressed the Town Board relative to matters involving the Town Assessor's office.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following communications:

- 2008 Membership Rosters for Cambria Volunteer Fire Company and Pekin Fire Company were filed with the Town Clerk's office.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to approve the 2008 membership rosters as submitted by the Cambria Volunteer Fire Company and Pekin Fire Company.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

- Building Inspector's Report- December 2007- Receipts: \$ 1975.00
 Total estimated value of construction cost: \$ 534,000.00

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- A letter was received from the Niagara County Board of Elections indicating that the Town will be consolidating polling sites for the Presidential Primary Election on February 5, 2008.

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- Request for authorization for placing the 1993 Rubber Tired Badger Excavator on bid through Auctions International.

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to authorize the Supervisor to enter into an agreement with Auctions International for the acceptance of bids for the sale of the 1993 Rubber Tired Badger Excavator.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Supervisor Ellis indicated they are looking into replacing the highway truck that was involved in a fire last month.

WATER/ SEWER DEPARTMENTS

Request for authorization for attendance of Randall Shoop, Daniel Shoop and James Huntz at the WNY Water Conference to be held in Batavia, NY on February 6th.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the attendance of Randall Shoop, James Huntz and Daniel Shoop at the WNY Water Conference to be held in Batavia, NY on February 6th.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

TOWN ATTORNEY – No reports presented.

BICENTENNIAL COMMITTEE

Councilman Bush reported there will be a celebration on Sunday, March 9, 2008 at the Cambria Fire Hall from 11am – 4pm with displays, food and appearance by “Benjamin Franklin”. Postcards will be sent to town residents to let them know about the event. Also, on January 16, 2008, Councilman Bush and Supervisor Ellis will be taping a segment for LCTV to air about the 200th Anniversary of the Town of Cambria.

PLANNING BOARD/ ZONING BOARD OF APPEALS TRAINING REQUIREMENTS

Supervisor Ellis indicated it has been suggested that the Town Board amend a resolution that was passed on March 8, 2007 to reduce the number of minimum training hours required for members of the Planning Board and Zoning Board of Appeals from five to four.

Upon a motion duly made by Councilman Ohol and seconded by Councilwoman Kroening, it was resolved to approve an amendment to the March 8, 2007 resolution to require the members of the Planning Board and the Zoning Board of Appeals to have four (4) hours of training per year, in accordance with New York State requirements.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

ASSESSOR APPOINTMENT

Supervisor Ellis reported the Town Board conducted six interviews and sent two names with qualifications to New York State for review. Janelle L. Kroening met the minimum requirements for appointment to the position of Sole Town Assessor.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the appointment of Janelle L. Kroening as Sole Town Assessor for the Town of Cambria effective February 1, 2008 at an annual salary of \$31,000.00.

Ayes: Blackman, Bush, Ellis Abstained: *Ohol, Kroening -Motion Carried-

(*Joseph Ohol abstained, indicating he was not part of the interview process)

ADMINISTRATIVE ASSISTANT POSITION

Supervisor Ellis indicated the duties of the Confidential Secretary to the Supervisor have increased and are more accurately reflected in the position of Administrative Assistant to the Supervisor. He requested authorization to establish the new position and to submit the necessary paperwork to Niagara County Civil Service.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to establish the position of Administrative Assistant to the Supervisor and to authorize the Supervisor to submit the necessary paperwork to Niagara County Civil Service for processing.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

PUBLIC HEARING – LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS IN THE TOWN OF CAMBRIA

Supervisor Ellis explained that a paragraph was omitted from Local Law No. 1, 2007 which was approved in November 2007. A public hearing on a proposed new local law will be scheduled for February 14, 2008 at 8:00 pm.

ADDITIONAL MATTERS

UNION CONTRACT – TEAMSTERS LOCAL 264

Supervisor Ellis reported receipt of the employees' Union contract. He requested Board authorization to execute the contract upon their review of same.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush it was resolved to authorize the Town Supervisor to execute the contract with Teamsters Union Local 264 upon receiving approval from each Town Board member after their review of contract.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

RECREATION CONTRACTS WITH FIRE COMPANIES

Supervisor Ellis requested authorization to execute the contracts with Pekin and Cambria Volunteer Fire Companies for use of the baseball diamonds. The contracts will be for a three year period with a clause which will allow the town to change the term of the contract upon ninety days notification to the Fire Companies.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol it was resolved to authorize the Supervisor to execute the contracts with Pekin Fire Company and Cambria Volunteer Fire Company for a three year period beginning April 1, 2008 through August 31, 2011.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

ADJOURNMENT

The meeting was adjourned by motion made by Councilwoman Kroening and seconded by Councilman Ohol. Time: 8:45PM

Respectfully submitted,

Lou Ann Murawski
Town Clerk

Paula N. Jones
Deputy Town Clerk