

TOWN OF ESSEX

Planning Board

MINOR SUBDIVISION - INSTRUCTIONS TO APPLICANTS



The following is provided for the convenience of applicants who propose a **Minor Subdivision**. This material reflects the requirements contained in the Town of Essex [Land Subdivision Law](#) (adopted August 10, 2006). For the sake of clarity in this document, this Law's provisions have been simplified or paraphrased. Excerpts from the law are enclosed in quotation marks and followed by citations in parentheses. This guide in no way negates any aspects of the actual law, and applicants are encouraged to review the law in its entirety. An applicant should refer questions to the Town Zoning Officer or the Secretary of the Planning Board.

The Land Subdivision Law states that "A minor subdivision is the division of land into four (4) or less lots, plots, sites or other divisions of land which have existing frontage on a dedicated street or roadway which does not involve or require the extension of municipal water or sewer facilities and which is not in conflict with the provisions of any Master Plan or zoning ordinance nor or hereafter adopted by the Town of Essex (Section 5.1)

The Town of Essex Planning Board "is authorized and empowered to review and approve..." all applications for land subdivision in the Town of Essex (Section 1.4).

“When a subdivision of land is proposed to be made within the boundaries of the Town and before a contract for the sale of any lots, or any offer to sell any lots in such subdivision or any part thereof is made, and before the commencement of clearing, grading, construction of roads, buildings or any other facilities in anticipation of a subdivision and before any zoning and/or building permit is issued, the owner of such land, or his/her duly authorized representative shall apply in writing to the Planning Board for subdivision approval in accordance with the procedures and standards set forth therein.” (Section 1.2)

The Subdivision Law requires an applicant to go through a two stage process of review and approval by the Planning Board: Sketch Plan review and Minor Subdivision Review. Sketch Plan review is designed to determine whether a proposed project is a “boundary line adjustment”, or a “minor” or “major” subdivision. Normally the Sketch Plan review process is waived as the Zoning Officer can determine that the proposal is for a Minor Subdivision. If a question arises as to whether it is, the Planning Board will make the final determination. The application for a Minor Subdivision can be downloaded from this website.

An applicant for a Minor Subdivision must submit the documents listed below to the Planning Board at least ten (10) days prior to a regularly scheduled meeting of the Planning Board. Applicants are urged to discuss their proposal with the Zoning Officer, who can assist them in preparing the application. The Planning Board meets the third Thursday of each month at 7pm. All Planning Board meetings are held in the Town offices. Applicants or their authorized representative(s) must be present at all Planning Board meetings at which their application is to be discussed.

Required Information

- A completed Minor Subdivision Application Form (attached).
- Photo Identification of the Applicant(s) (driver’s license, passport)
- If appropriate, a letter from the applicant(s) authorizing a third party to act on his/her behalf in the application process
- A copy of the deed to the property with the applicant(s) clearly shown as the current owner(s) - or a legal document showing the property will be owned by the applicant(s) prior to the commencement of the project.
- A copy of the tax map showing the name of the owners of record of contiguous properties.
- A sketch or conceptual plan of the proposed subdivision with a date and north arrow showing the proposed layout, roads, easements, open space, drainage, and existing structures.
- Approximate delineation of significant natural resources and delineation of future land use in the overall parcel.

- A Location map showing the relation of the proposed subdivision to adjacent properties and the surrounding area.
- Any existing restrictions on the use of land - i.e. easements, deed covenants, etc.
- Completed Environmental Assessment Form
- Names and addresses of all property owners within 500 feet of the subdivision, including those located across a road from the subdivision.
- Copies of proposed deeds, agreements, or other documents showing the manner in which driveways and preserved open space are to be reserved and maintained and in which significant natural resources are to be protected and maintained.
- An Agricultural data statement completed by applicant, if applicable.
- A soil analysis and percolation test for purposes of siting the septic systems certified by the applicant's engineer or a letter of non-jurisdiction from the NYS Dept of Health.
- For properties outside the Essex and Whallonsburg Hamlets, a letter from the Adirondack Park Agency (APA) indicating the project is non-jurisdictional, a letter from the APA indicating the project is approved; or a copy of the letter of application to the APA. (Note: in some instances the property in question may not have APA approval for a specific number of building rights - it is the applicant's responsibility to obtain this determination).
- The application fee plus the cost of mailing Agricultural Date Statement to the owners of land identified in that statement.

(See Sections 4.3 and 5.3)

Following receipt of all of the above, the completed application will be reviewed by the Planning Board. The applicant or his/her authorized representative MUST be present at this review. If the Board determines the application to be incomplete the Board will advise the applicant of what additional information must be submitted. No further action will be taken until that information is provided. Once the Planning Board has determined an application complete, within 62 days it shall hold a public hearing (the hearing is normally scheduled for the next meeting of the Board).

Ten days prior to that meeting, public notice will be given, including to all property owners within 500 feet of the subdivision. The Secretary to the Planning Board is responsible for making this happen.

The applicant or his/her authorized representative shall attend the public hearing and make a presentation as to the details of the proposed subdivision

Within 62 days of the public hearing the Planning Board will conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the Subdivision Plat. (This action is

normally taken at the Regular Meeting of the Planning Board that immediately follows the public hearing). The applicant will be informed in writing within 5 days of the decision. The approval will be filed with the Town Clerk at that time. (Section 5.7)

After the plat has been approved:

- The final approval for on-site water supply and septic system facilities must be granted by the NY Department of Health.
- The proposed location of all driveways shall be reviewed and approved by the appropriate agency (County, Town or State Highway Department).
- The written approval by the APA or letter of non-jurisdiction from it must also be submitted with the final plat or as a condition of approval.

(Section 5.6)

The subdivider must submit five paper originals of the final Plat, showing all lots contained in the subdivision, to the Chairman of the Planning Board for signature. Three signed originals will be provided to the Subdivider.

A conditionally approved Plat will be signed once the requirements have been completed and evidence of same has been received by the Planning Board. Note however that a “Conditional approval of a Plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may extend the time within which a conditionally approved Plat may be submitted for signature, if, in its opinion, such extension is warranted by the circumstances, for two additional periods of 90 days each.” (Section 5.8)

Revised 12/17/2015