

**LAND SUBDIVISION LAW TOWN OF ESSEX**

**ESSEX COUNTY**

**NEW YORK**

**Adopted: August 10, 2006**

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## **ARTICLE 1: TITLE, SCOPE, AND PURPOSES**

### **Section 1.1 Title**

This local law shall be known and may be cited as “Town of Essex Subdivision Law.”

### **Section 1.2 Applicability**

This local law shall apply to the subdivision of any lot, tract, or parcel of land and to any infrastructure or other facilities in connection with a subdivision. When a subdivision of land is proposed to be made within the boundaries of the Town of Essex 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 herein.

### **Section 1.3 Effective Date and Prior Regulations**

This law shall be effective immediately upon its adoption by the Town Board of the Town of Essex and filing with the Secretary of State of New York. This law repeals and replaces in its entirety the prior subdivision regulations of the Town of Essex, entitled Town of Essex Subdivision Regulation and adopted in October, 1971.

### **Section 1.4 Authority of Planning Board**

Pursuant to this local law and Article 16 of the Town Law, the Planning Board of the Town of Essex (“Planning Board”) continues to be authorized and empowered to review and approve, approve with modifications or conditions or deny, plats showing lots, blocks, or sites with or without roads within the municipal boundaries of the Town of Essex pursuant to the provisions of this law. The Planning Board is also hereby authorized and empowered, pursuant to the above-mentioned laws, to approve the development of plats already filed in the office of the County Clerk of the County of Essex in which such plat is located if such plats are entirely or partially undeveloped. In addition, the Planning Board is also authorized and empowered pursuant to section 278 of the Town law and Article 10 of the Zoning Law to review and/or require cluster developments (hereinafter referred to as “conservation subdivisions”) and vary dimensional requirements set forth in said Zoning Law simultaneously with the approval of any proposed residential development or subdivision plat within the Town of Essex.

### **Section 1.5 Authority, Purposes and Policies**

1.5-1 This local law is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, Section 10, et. seq. and Sections 271, 276, 277, and 278 of the Town Law to regulate the division of parcels or tracts of land located within the municipal boundaries of the Town of Essex in order to protect and promote public health, safety, comfort, convenience, economy, natural, agricultural, and cultural resources, aesthetics, open space and the general welfare, in conjunction with and in addition to the Town of Essex Zoning Law (hereinafter “Zoning Law”), the Town of Essex Comprehensive Plan and the Town of Essex Local Waterfront Revitalization Plan and the official Town zoning map. It is the intention of this local law that the policies and purposes set forth in the aforementioned plans and Zoning Law be adhered to the extent that they apply to the subdivision of land along with the policies set forth below.

1.5-2 It is the policy of the Town of Essex to consider land subdivision plats as part of a plan for the orderly, efficient, environmentally sound, and economical development of the Town of Essex, consistent with the aforementioned laws and plans of the Town of Essex Zoning Law, as well as the Adirondack Park Agency Act, and the requirements of the State Environmental Quality Review Act (SEQRA). In addition, the following policy objectives shall guide the Planning Board's decisions:

(a) Land shall be subdivided only in such a way that: it can be used safely or without danger to health or peril from fire, flood, or other menace; it will not adversely impact significant natural resources such as views and vistas, geological sites, historic resources, or the Town's rural character; there are adequate public facilities and improvements; and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities and transportation facilities.

(b) Existing and proposed roads shall be of such width, grade, and location as to appropriately accommodate present and anticipated future traffic and to facilitate fire protection, while minimizing disruption of the natural environment and being consistent with the rural character of the Town of Essex.

(c) Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate the adverse environmental impacts of subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources (including Lake Champlain), agricultural land, and viewsheds, and to implement the Town's policies of protection of its environmental, scenic, and cultural resources pursuant to the Zoning Law.

1.5-3 Nothing in these regulations shall prohibit the Subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the Plat and approved by the Planning Board.

#### **Section 1.6 Conflict with State Laws**

To the extent that any provisions of this local law are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, Sections 271 and 276 through 278, the Town Board of the Town of Essex hereby declares its intent to supersede those Sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, Section 10, *et. seq.* of the Consolidated Laws of the State of New York.

#### **Section 1.7 Separability Clause**

Should any portion of this local law be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the law as a whole or any other part of it.

## **ARTICLE 2: DEFINITIONS**

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings as found in generally accepted dictionaries. Terms defined in the Adirondack Park Agency Act shall carry the meanings defined therein, unless defined differently below. The word “shall” is mandatory; the word “may” is permissive. The word “lot” includes the word “plot” or “parcel.” The word “person” includes a corporation as well as an individual.

For the purposes of this local law, words and terms used herein are defined as follows.

**Adirondack Park.** Land lying within the area described in subdivision one of Section 9-0101 of the Environmental Conservation Law of the ‘State of New York including any future amendments thereto. Adirondack Park Agency or Agency. The Adirondack Park Agency created by Section 803 of Article 27 of the Executive Law of the State of New York.

**Adirondack Park Agency Act.** Article 27 of the Executive Law of the State of New York, including any future amendments thereto, and may be hereafter referred to as the “Act.”

**Agricultural Data Statement.** An identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which a Subdivision is proposed, as provided in Section 305-a of the Agriculture and Markets Law. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed Subdivision and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the Subdivision is proposed; and a tax map or other map showing the site of the proposed Subdivision relative to the location of farm operations identified in the agricultural data statement.

**Boundary Line Adjustment.** See Lot Line Adjustment.

**Building Envelope.** An area of land shown on a Subdivision Plat as a suitable location for the construction of buildings and other structures.

**Chairman of the Planning Board.** That person who shall be designated to perform the duties of the Chairman of the Planning Board for all purposes of this local law.

**Common Driveway.** A driveway serving no more than four lots, owned in common or created by reciprocal easements.

**Conservation Easement.** A perpetual restriction on the use of land, created in accordance with the provisions of Section 49, Title 3 of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

**Conservation Subdivision.** A subdivision that employs a flexible design and allows for variance of minimum Zoning Law requirements in order to achieve conservation of open space areas and is governed by Article 7 of this local law.

**Dead-end Road or Cul-de-sac.** A road with only one vehicular traffic outlet.

**Driveway.** A private way providing vehicular access from a public or private road to a residence or to a commercial or non-commercial establishment.

**Environmental Assessment Form (EAF).** An environmental assessment form that is required to be submitted as part of all subdivision applications.

**Easement.** Authorization by a property owner for the use of any designated part of his property by another for a specified purpose.

**Engineer or Licensed Professional Engineer.** A person licensed as a professional engineer by the State of New York.

**Farm Operation.** Land used in agricultural production, farm buildings, equipment, and farm residential buildings.

**Lot or Parcel.** An area of land with definite boundaries, all parts of which are owned by the same person(s) or entities, the boundaries of which were established either by the filing of an approved Subdivision Plat or by the recording of a deed prior to the adoption of Subdivision Regulations by the Town of Essex on October 28, 1971.

**Lot Line Adjustment.** A modification of lot boundaries in which a portion of one or more lots is added to an adjoining lot or lots without increasing the total number of build able lots.

**Major Subdivision.** Any Subdivision not classified as a Minor Subdivision or Boundary Line Adjustment.

**Master or Comprehensive Plan.** The comprehensive plan adopted by the Town Board pursuant to Section 272-a of the Town Law.

**Minor Subdivision.** Any Subdivision containing 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 now or hereafter adopted by the Town of Essex.

**Open Space.** An area or areas in a subdivision that is set aside and dedicated for conservation purposes and which will not be developed for residential or commercial purposes.

**Planning Board or Board.** The Planning Board of the Town whose members shall be appointed by the Town Board.

**Preliminary Plat.** A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed Subdivision, as specified in this local law, submitted to the Planning Board for purposes of consideration prior to submission of the Plat in final form and in sufficient detail to apprise the Planning Board of the layout of the proposed Subdivision.

**Private Road.** A privately owned road.

**Road.** A public or private way for pedestrian and vehicular traffic, including a street, avenue, lane, highway, or other way, excluding a driveway or common driveway.

**Road Surface.** The wearing or exposed surface of the roadway used by vehicular traffic.

**Road Width.** The width of the road surface, measured at right angles to the center line of the road.

**Sketch Plan.** A sketch of a proposed Subdivision showing the information specified in Section 4.3 of this local law to enable the Subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this local law.

**Subdivider.** A person, firm, corporation, partnership, or association who applies for approval of a Subdivision, including the landowner or his/her duly authorized agents. The term Subdivider may be used interchangeably with “applicant”.

**Subdivision.** The division of any parcel of into two or more lots, blocks, or sites with or without roads or highways for the purpose of sale, transfer of ownership, or development, including re-subdivision. A Lot (Boundary) Line Adjustment is not a Subdivision.

**Subdivision Plat or Final Plat.** A drawing or drawings in final form showing a proposed Subdivision containing all information or detail required by law and by this local law, and which, if approved by the Planning Board, may be duly filed by the applicant in the Office of the County Clerk.

**Surveyor.** A person licensed as a land surveyor by the State of New York.

**Town Attorney.** An attorney retained by the Town Board and/or the Planning Board in connection with any aspect of a Subdivision application.

**Town Engineer.** The duly licensed engineer retained by the Town Board and/or the Planning Board in connection with any aspect of a Subdivision application.

**Wetland.** Any land which is annually subject to periodic or continual inundation by water, commonly referred to as a bog, swamp, or marsh, which is either (a) one acre or more in size, or (b) located adjacent to a body of water, including a permanent stream with which there is free interchange of water at the surface (in which case there is no size limitation).

**Zoning Law.** The Zoning Law of the Town of Essex.



## **ARTICLE 3 WAIVERS AND VARIANCES**

### **Section 3.1 Waivers**

- 3.1-1. Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not necessary for protection or advancement of public health, safety, or general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed Subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not conflict with the Zoning Law.
- 3.1-2 The Planning Board may grant temporary waivers in the case of subdivisions where the Subdivider has no immediate plans to develop the parcels being subdivided. In granting such temporary waivers, the Planning Board shall attach a disclaimer to the subdivision permit and the final approved Plat, stating the restrictions or requirements that must be met before construction can commence on the site. No such lot shall be built upon with any structure unless the owner subsequently obtains Subdivision approval for such lot as a building lot from both the Planning Board (in strict compliance with this local law and the Zoning Law) and the New York State Department of Health with respect to on-site septic systems, if applicable. The Subdivider shall notify any subsequent buyer that the lot or lots have not been approved as building lots and of any other restrictions or requirements.
- 3.1-3 In granting waivers, the Planning Board shall require such conditions as will, in its judgment, substantially achieve the objectives of the standards or requirements waived.

### **Section 3.2 Area Variances**

If a proposed Plat contains one or more lots which do not comply with the Zoning Law dimensional regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to the Zoning Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Law. In reviewing such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

## **ARTICLE 4: PROCEDURES FOR SUBMITTING SUBDIVISION APPLICATIONS**

### **Section 4.1 Introduction**

Before any division of land or alteration of boundary lines is made, or before any re-subdivision of land, and before any clearing, construction, site preparation or sale offers/contracts are made in anticipation of a division of land or the re-subdivision of land, the procedures set forth in this law must be followed. The first step all owners of land must follow is the submission of a sketch plan and attendance at a Planning Board meeting. Generally, the type and nature of the division of land or boundary line alteration proposed will determine the extent of the review and the process that will be required. There are three types of procedures: (1) that for an exemption applicable to certain lot (boundary) line adjustment or annexation of land; (2) a minor subdivision process for a division of land into no more than four parcels or building lots; and (3) a major subdivision process for divisions of land resulting in more than four parcels or building lots or subdivisions that fail to qualify as a minor subdivision or boundary line adjustment. The Applicant(s) is fully responsible for meeting the information requirements and adherence to application deadlines of this Law.

### **Section 4.2 Exemption - Lot Line (Boundary) Line Adjustment**

Realignment or relocation of boundary lines between existing adjacent lots shall be considered a boundary line adjustment that is exempt from either the major or minor subdivision process. The purpose of this exemption is to encourage property owners to adjust common boundary lines and/or conform existing lots to the minimum area requirements set forth in the Zoning Law with minimal delay and expense.

- 4.2-1 Criteria: If the Planning Board determines that a proposed realignment, adjustment or relocation of a boundary line: (1) does not create any new lot, (2) will not impact access to any parcel, (3) will not adversely impact any significant natural resource, and (4) will not create a non conforming lot or reduce the size of any existing lot area, dimensions or building setbacks below the minimum requirements for the zoning district as provided in the Zoning Law, in which such land is located.
- 4.2-2 Procedure: If such division of land or alteration of lot lines falls within the exemption criteria described above, the adjacent property owners must submit a combined sketch plan to the Planning Board with the proposed deed or deeds effectuating the boundary line change or transfer of land between the parties and schedule a sketch plan conference with the Planning Board. The Planning Board will then review the proposal and issue a determination as to whether the exemption applies.
- 4.2-3 Submission of Deed and Survey: Before any deed is recorded, the Planning Board must determine that the exemption applies. The property owners in question must thereafter submit to the Planning Board a copy of the executed and recorded deed which evidences such transfer in compliance with the sketch plan relied upon by the Planning Board in making its determination. Any land thereby transferred by the boundary line adjustment parcel and the parcel to which it is transferred shall be considered one lot for purposes of all present and future uses. All boundary

### **Section 4.3 Sketch Plan - General Submission Requirements**

adjustments shall be recorded with adequate survey and deed description.

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the Chairman of the Planning Board at least ten (10) days prior to a regularly scheduled meeting of the Planning Board a sketch plan of the proposed subdivision. At a minimum, the following information shall be submitted to the Planning Board for sketch plan review:

- 4.3-1 Name and address of the owner of record and applicant.
- 4.3-2 A copy of the deed of record showing the current owner of the property.
- 4.3-3 Copy of the tax map showing the name of owners of record of contiguous properties.
- 4.3-4 A sketch or conceptual plan of the proposed subdivision with a date and north arrow showing the proposed lot layout, roads, easements, open space, drainage, and existing structures. Note that the sketch plan should be drawn as accurately as possible but approximations are permissible since at this stage it is not intended that a new survey be prepared.

- 4.3-5 Approximate delineation of significant natural resources, wetlands, shoreline management areas, water courses, rare, threatened or endangered plant and animal species, geological sites, historic sites, agricultural lands, open spaces, view sheds, streams and bodies of water, and woodlands.
- 4.3-6 Approximate delineation of future land use in the overall parcel including but not limited to areas for residences and other structures, roads, and other uses.
- 4.3-7 Location map, showing relation of proposed subdivision to adjacent properties and surrounding area as well as to existing roads and municipal boundaries, if nearby.
- 4.3-8 Any existing restrictions on the use of land, including easements, deed covenants and current zoning requirements and such other features or information that the applicant may deem pertinent

#### **Section 4.4 Attendance at Meeting**

The Subdivider, or a duly authorized representative, shall attend the review meeting of the sketch plan by the Planning Board and discuss the requirements of this local law for lot layout, building location, roads, improvements, drainage, sewage disposal, water supply, fire protection, open space, natural resource protection, and similar aspects, as well as the availability of existing services and other pertinent information.

#### **Section 4.5 Classification as Major or Minor Subdivision**

At the meeting at which the sketch plan is presented, the Planning Board shall classify the sketch plan as either a major subdivision, a minor subdivision, or a boundary line adjustment. The Planning Board may provide any recommendations or requirements for the next submission and determine whether a short or long form EAF will be required. The Planning Board may also require where necessary for the protection of the public health, safety, and welfare that a minor subdivision comply with all or some of the requirements specified in this local law for major subdivisions. For major subdivisions, the Planning Board may request that the applicant submit the proposed subdivision in the form of a conservation subdivision in addition to the conventional layout if it determines that the proposed conventional layout may impair the conservation of natural resources or rural character.

### **ARTICLE 5: MINOR SUBDIVISION**

#### **Section 5.1 Criteria for Minor Subdivision**

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 now or hereafter adopted by the Town of Essex.

#### **Section 5.2 Application**

An application for subdivision shall be submitted by the subdivider within six (6) months of classification by the Planning Board of the sketch plan as a minor subdivision. The application shall contain those items set forth in Section 4.3 above, plus any other items that may be required by the Planning Board. In the event that more than six months pass between the sketch plan review and the subdivision application, the applicant shall be required to re-submit a sketch plan before applying for the subdivision. All applications for Plat approval for Minor Subdivisions shall be accompanied by a completed application and Minor Subdivision application fee in the amount established by the Town Board.

### **Section 5.3 Submission Requirements**

5.3-1 Requirements for minor subdivision applications consist of submitting five (5) copies of a final subdivision plat. The final subdivision plat shall consist of drawings and submittals which show the following:

- (a) Proposed subdivision name or identifying title, the name of the municipality, the name and address of the owner of record and subdivider, the name, license number, seal and signature of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing roads or other landmarks and scale (1" to 100' is preferable, for large lots 1" to 200' is acceptable), date, and true north point.
- (b) A copy of the deed of record showing the current owner of the property.
- (a) Name and address of: all adjoining property owners including those located across a road from the property.
- (c) Existing and/or proposed road names and lines, pedestrian ways, lots, reservations, easements, water supplies, building envelopes, if any.
- (d) Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, building envelope, boundary line and to reproduce such lines upon the ground.
- (e) The location of all improvements proposed including but not limited to driveways, utilities, sewage disposal systems, water supply systems, drainage, grading, signs, site lighting, and landscaping within the subdivision.
- (f) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision.

5.3-2 There shall be submitted to the Planning Board with the final plat the following supporting documents:

- (a) Completed application form including names and addresses of adjacent property owners, together with the required fee.
- (b) Short form EAF form with Part I completed by applicant or a long form EAF with Part 1 completed by the Applicant.
- (c) 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, as applicable.
- (d) Agricultural data statement completed by applicant, if applicable.
- (e) 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.
- (f) Approximate delineation of significant natural resources, wetlands, shoreline management areas, water courses, rare, threatened or endangered plant and animal species, geological sites, historic sites, agricultural lands, open spaces, view sheds, streams and bodies of water, and woodlands.
- (g) Any other documents that are relevant to the proposed subdivision or that may be required by the Planning Board.

#### **Section 5.4 Agricultural Data Statement Notification**

Upon receipt of a Minor Subdivision Plat application containing an agricultural data statement, the Chairman of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the Subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the Subdivider.

#### **Section 5.5 Scheduling Public Hearing And Notice**

5.5-1 Prior to the scheduling of any public hearing, the application with appropriate supporting information, shall be reviewed by the Planning Board at the Board's first meeting following the submittal, provided the materials were timely submitted at least 10 days before the meeting. If the application materials are determined to be incomplete, the Planning Board shall advise the applicant of what information or documentation must be submitted in order for the application to be complete and no further action on the application will take place until the noted information or documentation is submitted by the applicant. If the application is determined to be complete, it shall be accepted as complete by the Planning Board by motion and a public hearing scheduled for a specific time and date by motion. The application shall be filed in the planning office and made available for inspection by the public.

5.5-2 The Planning Board shall hold a public hearing within 62 days from the date that the application is determined to be complete by the Planning Board. Such hearing shall be advertised in a newspaper of general circulation in the town at least five days before such hearing. In addition, the Applicant shall mail, via certified mail, return receipt requested, a written notice to all owners of property that is located within 500 feet of the proposed subdivision. If a property is separated from the Applicant's property only by a road, it is still "adjacent" to the proposed subdivision. Said notice shall briefly describe the location and nature of the subdivision and provide the date, time and place of the scheduled hearing. Said notice shall also contain a statement that all those interested in the proposed subdivision shall have an opportunity to comment and that the application materials and the plat are available at the Town planning office for inspection prior to the hearing. The applicant shall be required to submit the return receipts to the Planning Board as evidence that the notices were sent to the required property owners.

5.5-3 The hearing shall be held at the date and time scheduled and the applicant or his/her authorized representative shall attend and make a presentation as to the details of the proposed subdivision. The hearing shall be closed upon motion by the Planning Board when it determines that all pertinent information has been received and all interested parties have been afforded a fair opportunity to be heard, otherwise the hearing shall be continued.

#### **Section 5.6 Approvals by Other Agencies**

Provision shall be made by the Subdivider for on-site water supply and septic system facilities be in conformance with New York State Department of Health regulations. The final approval for such facilities shall be submitted with the final plat or made a condition of the final plat approval. The proposed location of all driveways shall be reviewed and approved by the appropriate agency (County, Town, or State Highway Department), and such approval shall be submitted with the final plat or made a condition of the final plat approval. If applicable, the approval or letter of non-jurisdiction by the Adirondack Park Agency must also be submitted with the final plat or as a condition of the final approval.

### **Section 5.7 Action on Minor Subdivision Plat**

5.7-1 The Planning Board shall, within 62 days from the date that the public hearing was closed, act by motion to conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the Subdivision Plat. This time may be extended by mutual consent of the Subdivider and the Planning Board.

5.7-2 The grounds for decision shall be stated in the minutes of the Planning Board or in a writing that is adopted by the Planning Board by motion and shall include a finding that the proposed Subdivision complies with all applicable requirements of this local law and the Zoning Law. The Planning Board shall also make a written determination for any Subdivision located within the Shoreline Overlay Protection District or affecting the Town of Essex Waterfront Area, pursuant to the Waterfront Consistency Review Law, regarding whether the Subdivision is consistent with the Town of Essex Local Waterfront Revitalization Program.

### **Section 5.8 Endorsement of Plat**

Within five business days of the decision granting conditional or final approval of the Plat, five paper originals of the Plat shall be endorsed by the Chairman of the Planning Board that it has been granted conditional or final approval, and a copy of the decision and Plat shall be filed in the Town Clerk's office. Three paper originals of the Plat with the Chairman's endorsement shall be provided to the Subdivider. In the case of a conditionally approved Plat, such resolution shall include a statement of the requirements which when completed will authorize the endorsement of the conditionally approved Plat. Upon completion of such requirements, the Plat shall be endorsed by the Chairman or other duly designated officer of the Planning Board. 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.

## **ARTICLE 6: MAJOR SUBDIVISION**

If an application for a proposed subdivision of land is classified as a Major Subdivision, pursuant to the sketch plan review or otherwise, such proposed subdivision is subject to two stages of review, the Preliminary Plat stage and Final Plat stage. A public hearing is required for the Preliminary Plat stage and is necessary for the Final Plat only if the Final Plat is not submitted in accordance with the Planning Board's decision on the Preliminary Plat.

### **Section 6.1 Application and Fees**

For all Major Subdivisions, the Subdivider shall file an application for approval of a Preliminary Plat. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Section 6.2 hereof. The Preliminary Plat shall comply with the requirements set forth in the provisions of Section 6.2 below, except where a waiver is specifically authorized by the Planning Board.

The Preliminary Plat application shall be accompanied by a Preliminary Plat application fee in the amount established by the Town Board.

The Subdivider shall also be responsible for all reasonable engineering, planning, legal, and other project review costs incurred by the Town in connection with the Major Subdivision application. The application for approval of the Preliminary Plat shall be accompanied by a deposit to a project review reserve fund in an amount established by the Planning Board. Said amount shall be a reasonable estimate based upon the nature, complexity and engineering and/or environmental issues that may be involved with the proposed subdivision and the fee schedule of the consultant(s) that will advise the Planning Board with respect to the application. Upon request, the Planning Board shall provide to the applicant a copy of the consultant's qualifications and fee schedule. Any project review funds not expended by the Town in the consideration and review of the Subdivider's application shall be returned to the Subdivider upon completion of the subdivision review process or the withdrawal of the subdivision application. Any costs incurred by the Town in excess of the funds deposited shall be paid by the Subdivider to the Town upon notice by the Town that an additional deposit is needed prior to final approval of the Subdivision Plat. The Town reserves the right to request additional deposits to the project review reserve fund during the review process if necessary to cover additional costs.

### **Section 6.2 Preliminary Plat Submission Requirements**

6.2-1 The Preliminary Plat shall consist of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch and not less than fifty (50) feet to the inch, showing or accompanied by the following information:

(b) The name of the town and the address where the subdivision is proposed and scale of map, north arrow, and date.

(c) A copy of the deed of record showing the current owner of the property.

(d) Name and address of: owner of record of the property and all adjoining properties within 500 feet including those located across a road from the property; person or firm preparing the map; the applicant if different from owner.

(e) A survey of the property prepared by a licensed land surveyor showing the number of acres within the proposed subdivision; location of property lines; existing easements, deed restrictions and existing features, including contour lines at intervals of at least five (5) feet; existing buildings; wetlands; wooded areas; roads; water courses; and other significant existing physical features, including large trees (in excess of 12" in diameter four feet above grade) and rock outcroppings in areas where clearing, grading or building is contemplated. In addition the map should indicate flood hazard areas, as shown on the town flood hazard area maps, and slopes of 25% grade or greater.

(f) All parcels immediately adjacent to the proposed subdivision, including those separated by a public right-of-way, or any off-site improvements required for the subdivision, and the names of owners of record of such adjacent acreage.

(g) The provisions of the Zoning Law and any zoning district boundaries applicable to the proposed subdivision. If the proposed subdivision is located within an Agricultural District, the Subdivider must submit an Agricultural Data Statement as defined in Article 2 above.

(h) The location and size, as applicable, of any existing sewers and water mains, individual or community sewage disposal systems, wells, culverts and drains on the property to be subdivided and on adjacent properties when appropriate.

(i) The proposed lot layout, prepared by a landscape architect, licensed land surveyor, registered civil engineer, or registered architect, showing the proposed lot lines with accurate dimensions, building envelopes, and an indication of the future probable lot lines and building envelopes of the remaining portion of the tract, if the preliminary plat submitted covers only part of the Subdivider's entire holding; the plat shall also show the

location of other proposed structures and their use; roads, driveways, traffic circulation and parking; pedestrian ways; a landscape plan, including site grading, landscape design, roads, trees, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land to be set aside for public use or open space.

(j) Contour lines of existing and proposed grades where required by the Planning Board.

(k) Typical cross sections of driveway entrances, proposed roadways, and sidewalks, if any. Profiles of roadways within the subdivision when requested by the Planning Board.

(l) Construction sequence and time schedule for completion of each phase of the subdivision if the subdivision is phased.

(m) Means of providing water supply to the proposed subdivision, including any fire ponds.

(n) Means of disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of seven (7) feet; location and results of percolation tests.

(o) Provisions for collecting and discharging storm drainage, in the form of drainage plan.

(p) Preliminary designs of any bridges or culverts which may be required.

(q) All parcels of land proposed to be preserved as open space or dedicated to public use and conditions of such dedication.

(r) List of waivers, if any, that the Subdivider will request from the requirements of this Local Law.

(s) Photographs of the subdivision site, optional.

(t) Approximate delineation of significant natural resources, wetlands, shoreline management areas, water courses, rare, threatened or endangered plant and animal species, geological sites, historic sites, agricultural lands, open spaces, view sheds, streams and bodies of water, and woodlands.

(u) A vicinity map insert showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.



### **Section 6.3 Agricultural Data Statement Notification**

Upon receipt of a Major Subdivision Plat application containing an agricultural data statement, the Chairman of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the Subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the Subdivider.

### **Section 6.4 Planning Board Meeting**

The Subdivider, or an Authorized Representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat. The Planning Board shall consider the proposed subdivision together with the applicable provisions of the Zoning Law and this law in reviewing the Preliminary Plat.

### **Section 6.5 Submission Date**

The Preliminary Plat shall be considered submitted on the date on which the complete application for approval of the Preliminary Plat, accompanied by the required fee and project review fund deposit and all data required by Section 6.2 of this local law has been submitted to the Planning Board. The Planning Board shall, by motion, make the determination of whether the Preliminary Plat application is complete and ready for the scheduling of a public hearing. The Planning Board shall also determine whether it is appropriate to table the SEQRA determination of significance until after the public hearing is held (but before a decision to approve, with or without modifications, or deny the Preliminary Plat) in order to obtain more information from the applicant, interested members of the public or governmental agencies. Otherwise, a Preliminary Plat shall not be considered complete until either a negative declaration has been filed or a notice of completion of a draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a Preliminary Plat shall begin upon the Planning Board's determination that the application is complete.

### **Section 6.6 Public Hearing**

6.6-1 Scheduling: The Planning Board shall hold a public hearing on the Preliminary Plat within 62 days of the date that the Planning Board has determined that the Preliminary Plat and application is complete.

6.6-2 Notice: The hearing on the Preliminary Plat application shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing that includes a draft environmental impact statement and the Preliminary Plat. In addition, the Applicant shall mail, via certified mail, return receipt requested, a written notice to all owners of property that is located within 500 feet of the proposed subdivision. If a property is separated from the Applicant's property only by a road, it is still "adjacent" to the proposed subdivision. Said notice shall briefly describe the location and nature of the subdivision and provide the date, time and place of the scheduled hearing. Said notice shall also contain a statement that all those interested in the proposed subdivision shall have an opportunity to comment and that the application materials and the plat are available at the Town planning office for inspection prior to the hearing. The applicant shall be required to submit the return receipts to the Planning Board as evidence that the notices were sent to the required property owners. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the Preliminary Plat.

6.6-3 Hearing. The hearing shall be held at the date and time scheduled and the applicant or his/her authorized representative shall attend and make a presentation as to the details of the proposed subdivision. The hearing shall be closed upon motion by the Planning Board when all pertinent information has been received and those interested have been afforded a fair opportunity to be heard, otherwise the hearing shall be continued.

### **Section 6.7 Decision**

The Planning Board shall approve, with or without modification, or disapprove the Preliminary Plat as follows:

- 6.7-1 If the Planning Board determines that the preparation of an environmental impact statement on the Preliminary Plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing; or
- 6.7-2 If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the Preliminary Plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the Preliminary Plat.
- 6.7-3 Grounds for Decision: The grounds for approval, modification, or disapproval shall be stated upon the records of the Planning Board and shall include detailed findings that the Preliminary Plat complies with all applicable provisions of this local law and the Zoning Law. The Planning Board shall also make a written determination for any subdivision located within the Shoreline Protection Overlay District or affecting the Town of Essex Waterfront Area, pursuant to the Waterfront Consistency Review Law, regarding whether the subdivision is consistent with the Town of Essex Local Waterfront Revitalization Program. When approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Final Plat.
- 6.7-4 When granting conditional approval to a Preliminary Plat, the Planning Board shall state the conditions of such approval, if any with respect to 1) the specific changes or modifications which it will require in the Final Plat; 2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; 3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat. The action of the Planning Board plus any conditions attached thereto shall be noted on the Preliminary Plat. Conditional approval of a subdivision plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

### **Section 6.8 Certification and Filing of Preliminary Plat**

Within five business days of the adoption of the resolution granting approval of a Preliminary Plat, the Plat shall be certified by the Chairman of the Planning Board as having been granted preliminary approval, and a copy of the Plat and decision shall be filed in the Town Clerk's office and provided to the Subdivider.

## **Section 6.9 Revocation of Approval of Preliminary Plat**

Within six months of the approval of the Preliminary Plat, the Subdivider shall submit the Plat in final form. If the Final Plat is not submitted within six months, approval of the Preliminary Plat may be revoked by the Planning Board. The Planning Board may provide the applicant with an additional six months in which to submit the Final Plat upon written request by the applicant that includes the basis for the additional time requested.

## **Section 6.10 Final Plat for Major Subdivision**

6.10-1 Application for Approval and Fees: The Subdivider shall file with the Planning Board an application for approval of the Final Plat. All applications for Final Plat approval shall be accompanied by an additional deposit to the project review reserve fund as required pursuant to section 6.1 above, if requested by the Planning Board and by a Final Plat application fee in the amount established by resolution of the Town Board.

6.10-2 Endorsement of State, County, and Town Agencies: Provision shall be made by the Subdivider for on-site water supply and septic system facilities that must be approved by the New York State Department of Health. The final approval for such facilities shall be submitted with the final plat or made a condition of the final plat approval. The proposed location of all driveways shall be reviewed and approved by the appropriate agency (County, Town, or State Highway Department), and such approval shall be submitted with the final plat or made a condition of the final plat approval. If applicable and if a non-jurisdiction letter from the Adirondack Park Agency had not been submitted with the Preliminary Plat, said letter or APA approval must also be submitted with the Final Plat or as a condition of the Final Plat approval.

## **Section 6.11 Final Plat Submission Requirements**

6.11-1 The final subdivision plat shall consist of one or more sheets of drawings which shall conform in all aspects to the Preliminary Plat as approved by the Planning Board and which shall show:

- (a) Proposed subdivision name or identifying title, the name of the municipality, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing roads or other landmarks and scale, date, and true north point.
- (b) Road or driveway names and lines, pedestrian ways, lots, reservations, easements, building envelopes, and area to be dedicated to public use.
- (c) Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road, or driveway line, lot line, building envelope, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
- (d) Final design of all roadways, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each road, cross sections of roadways, and road profiles.
- (e) By proper designation of such plat, all public open space or recreation land for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.
- (f) Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- (g) The location of all the improvements, and in addition thereto the location of all utilities, sewage disposal systems, water supply systems and rough grading and other devices and methods of draining the area within the subdivision.

(h) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision; monuments required by Town specifications for new roads, at all road intersections, angle points in road lines, points of curve and such intermediate points as shall be required by the engineer; and lot corner markers.

(i) Final design of all bridges and culverts that are a part of the subdivision.

6.11-2 The following supporting documents shall be submitted to the Planning Board with the final plat:

(a) Copies of proposed deeds, agreements or other documents showing the manner in which roads and open space, including park and recreational areas, are to be dedicated, reserved and maintained and in which significant natural resources are to be protected and maintained, as applicable.

(a) A performance bond or equivalent surety pursuant to section 7.6 below to secure completion of such improvements and their maintenance for a period of two years.

(b) Any other documents required by the Planning Board as a result of preliminary plat approval.

### **Section 6.12 Final Plats Which Are in Substantial Agreement with Approved Preliminary Plats**

When a Final Plat is submitted which the Planning Board deems to be in substantial agreement with a Preliminary Plat approved pursuant to this Section 6.7, the Planning Board shall by resolution conditionally approve, disapprove, or grant final approval and authorize the signing of such Plat, within 62 days of the date on which the application for approval of the Final Plat, complete and accompanied by the required fee and project review reserve fund deposit and all data required by Section 6.11 of this local law, has been filed with the Chairman of the Planning Board.

### **Section 6.13 Final Plats Which Are Not in Substantial Agreement with Approved Preliminary Plats**

6.13-1 When the Planning Board deems a Final Plat not to be in substantial agreement with a Preliminary Plat approved pursuant to Section 6.7, the following shall apply. If the Planning Board is lead agency, the following procedure shall be followed:

(a) SEQRA Determination. The Planning Board shall first analyze and determine whether the changes made to the Final Plat which are not in agreement with the Preliminary Plat and its approval require a modification of the SEQRA determination made in connection with the Preliminary Plat. The Planning Board shall either confirm that the prior SEQRA decision stands or modify said determination.

(b) Public Hearing on Final Plats. The time within which the Planning Board shall hold a public hearing on the Final Plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

(i) If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing shall be held within 62 days after the receipt of a complete Final Plat by the Chairman of the Planning Board; or

(ii) If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the Final Plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of the draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the Final Plat shall be held within 62 days of filing the notice of completion.

- (iii) Public Hearing: The notice and procedures for the public hearing on the final plat shall be those followed for the Preliminary Plat as set forth in section 5.6 above.
- (iv) If the Planning Board is not lead agency, the hearing on the Final Plat shall be coordinated with the lead agency to the extent practicable.

6.13-2 Decision: The Planning Board shall make its decision on the Final Plat as follows:

(a) If the Planning Board determines that the preparation of an environmental impact statement on the Final Plat is not required, the Planning Board shall by resolution approve with conditions, disapprove, or grant final approval without conditions and authorize the signing of the Final Plat within 62 days after the date of the public hearing; or

(b) If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the Final Plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the Final Plat.

6.13-3 Grounds for Decision: The grounds for approval, conditional approval or disapproval shall be stated upon the records of the Planning Board.

#### **Section 6.14 Approval and Endorsement of Final Plats**

6.14-1 Endorsement and Filing of Plat: Within five business days of the adoption of the resolution granting final approval of the Final Plat, such Plat shall be endorsed by the Chairman of the Planning Board as having been granted final approval, and a copy of the Planning Board's decision and Plat shall be filed in the Town Clerk's office and a copy provided to the Subdivider.

6.14-2 In the case of a conditionally approved Plat, such resolution shall include a statement of the requirements which when completed will authorize the signing of the conditionally approved Plat. The Plat shall not be signed by the Chairman until all the requirements and conditions are met. Upon completion of such requirements the Plat shall be signed by the Chairman or duly authorized officer of the Planning Board and a copy of the signed Plat shall be filed with the Town Clerk.

6.14-1 Approval of Plat in Sections: In granting conditional or final approval of a Final Plat, the Planning Board may permit the Plat to be subdivided and developed in two or more sections or phases and may in its resolution granting conditional or final approval specify such requirements as it deems necessary to insure the orderly development of the Plat be completed before the sections or phases may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a Final Plat may be granted concurrently with conditional or final approval of the entire Final Plat, subject to any requirement imposed by the Planning Board.

6.14-2 Duration of Conditional Approval of Final Plat: Conditional approval of the Final Plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in the resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each the time in which a Conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, the extension is warranted by the particular circumstances.

### **Section 6.15 Expiration of Approval**

The signature of the Chairman or other duly authorized officer of the Planning Board constituting final approval by the Planning Board of a Plat as herein provided, shall expire within 62 days unless the Plat or a section thereof has been duly filed or recorded by the owner in the office of the Essex County Clerk.

### **Section 6.16 Acceptance of Public Roads and Recreation Areas**

6.16-1 Public Acceptance of Roads: The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other open space on the Subdivision Plat.

6.16-2 Ownership and Maintenance of Recreation Areas: When a park, playground, or other recreational area is shown on a Plat, the approval of the Plat shall not constitute an acceptance by the Town of the area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the Subdivider and the Town Board covering future deed and title, dedication, and provision for the cost of grading, developments, equipment, and maintenance of any such recreation area.

## **ARTICLE 7 CONSERVATION (CLUSTER ) SUBDIVISIONS**

### **Section 7.1 Authority.**

Pursuant to Article 10 of the Town of Essex Zoning Law, the Planning Board is authorized to vary the area or dimensional requirements set forth in the Town of Essex Zoning Law simultaneously with the approval of any proposed subdivision Plat of land located within the Town of Essex subject to the purposes, standards and procedures set forth in Article 10 of the Zoning Law and the provisions of this law. The option of conservation subdivisions is available in all zoning districts.



## **Section 7.2 Purposes, Standards, Open Space Requirements.**

The purpose of the cluster or conservation subdivision option is to provide flexibility of lot layout, lot size and design for purposes of protecting and preserving natural resource areas for open space, forest and agricultural lands. These purposes are set forth in section 10.2 of the Zoning Law and are incorporated herein by reference. Density and development standards and open space requirements as applied to conservation subdivisions are set forth in sections 10.4 and 10.5 of the Zoning Law (said sections are also hereby incorporated herein by reference).

## **Section 7.3 Procedures & Additional Submission Requirements.**

Upon the submission of an application for any proposed subdivision, the Subdivider may request or the Planning Board may require that the proposed subdivision be presented in a conservation design that varies minimum area zoning requirements for the purposes of conserving land areas within the tract of land proposed for subdivision. When the Planning Board determines that a conservation subdivision may be appropriate or if the Subdivider requests the Planning Board to vary zoning requirements pursuant to this Article, the Subdivider shall comply with the procedures and submission requirements for a Major Subdivision as set forth in Article 5 above and the following additional procedural and submission requirements as follows:

7.3-1 Sketch Plan - Additional Submission Requirements: In addition to the submission requirements set forth in section 6.2 above including a sketch plan as required in Section 4.3 showing a conventional subdivision design in compliance with minimum zoning requirements, the Subdivider shall submit the following:

- (a) A proposed conservation sketch plan or preliminary plat showing proposed lot layout, location of common area(s) to be conserved, and location of major features such as roads, driveways and house locations;
- (b) A written statement describing the purpose(s) to be accomplished by the conservation design and the proposed method of conservation and disposition of the open space lands;
- (c) A written statement or engineering report describing the proposed method regarding the provision of water supply and sewage disposal systems;
- (d) Such additional information that the Planning Board or Subdivider may deem necessary in order to evaluate the application.

7.3-2 Sketch Plan Determination. Either at the meeting at which the sketch plan is presented or within 31 days after said meeting (provided that the required submissions are presented along with the sketch plan); the Planning Board shall make a determination in writing or by motion recorded in the meeting minutes as to whether the proposed subdivision presents a viable option for a conservation design and conservation of land areas.

7.3-3 Preliminary Plat – Additional Submission Requirements: In addition to the submission requirements set forth in section 5.2 above; the Subdivider shall submit the following:

- (a) An engineering report or letter from the State Department of Health providing at least a preliminary determination that water supply and sewage disposal systems are viable for all lots proposed via either a community system or on-site systems.
- (b) Proposed method of holding the open space area(s) and any deed covenants, easements and restrictions pertaining to the management and use of the open space area(s).

7.3-4 Final Plat – Additional Submission Requirements: In addition to the submission requirements set forth in section 5.11 above; the Subdivider shall submit the following:

- (a) Final drafts of easements, deed covenants, restrictions and other conditions governing the ownership, management and use of the open space area(s);
- (b) Final approval of the water supply and sewage disposal systems by the State Department of Health;
- (c) If water supply and sewage disposal systems are to be community systems, final drafts of documents governing the ownership, financing and management of the community systems.

7.3-5 Preliminary and Final Plat Procedures: The Planning Board shall process and review the proposed conservation subdivision pursuant to the procedures set forth in Article 5 above.

#### **Section 7.4 Open Space Area Standards and Requirements**

7.4-1 Introduction: In addition to the standards and requirements set forth in section 10.5 of the Zoning Law, the establishment of open space areas in conservation subdivisions shall conform to the following standards and requirements.

7.4-2 Amount of open space required upon review of the Subdivision application: The size of the open space area shall be determined on a case by case basis with the final determination to be made by the Planning Board. The portion of the subdivision tract to be set aside for open space conservation shall be of such minimum dimensions and size as to be functional for its intended purpose taking into consideration environmental, density and other site specific factors. Areas unsuitable or of little or no value for open space preservation shall be excluded in the calculation of the size of the open space area.

7.4-3 Location: Open space areas shall be convenient to the dwelling units they are intended to serve and shall be sited with sensitivity to surrounding land features and development. Open space areas shall be integrated wherever possible into a connected open space system within the development as well as outside the development. Open space areas should form a contiguous system with other open space areas in the vicinity of the subdivision development to the maximum extent practicable.

7.4-4 Use of Open Space Areas: Open space areas may include features and improvements for active and/or passive recreation provided that such features do not materially detract from the purpose for preservation of the open space. As a general principal, open space areas should be left in their natural state. Accepted conservation management techniques may be employed to maintain its natural state and allow for passive recreational opportunities such as, but not limited to, hiking trails, cross-country skiing or snow shoeing trails, picnic areas, etc. Where appropriate, active recreational facilities may be included in the open space areas upon approval of the Planning Board taking into consideration the character of the open space land, the amount of area such recreational facilities would require; the nature of the recreational facilities and activities proposed; and the compatibility of such activities and facilities with the development and the intended purpose of the open space area.

7.4-5 Deed Restrictions: Any lands set aside for open space purposes shall contain appropriate easements, deed covenants, conditions and restrictions approved by the Planning Board and/or the Town attorney ensuring that:

- (a) The open space area or areas will not be further subdivided in the future;
- (b) The use of the open space will continue in perpetuity for the purposes specified;
- (c) Appropriate provisions are made for the continual maintenance of the open space;
- (d) The delegation of authority for management of the open space area is appropriately placed in an association of property owners or other established entity or governmental body that will exist in perpetuity;
- (e) The open space area will not be able to be converted or used for a for-profit commercial enterprise;
- (f) The covenants and restrictions are enforceable by the Town.

7.4-6 Open Space Ownership: The type of ownership of the land set aside for open space shall be selected by the Subdivider subject to the approval of the Planning Board. An acceptable type of ownership may include, but is not necessarily limited to, the following:

- (a) Land preservation or conservation organizations or trusts;
- (b) Public agencies or governmental bodies;
- (c) The Town, subject to acceptance by the Town Board;
- (d) Homeowner associations with the following requirements:
  - (i) The homeowners must be established prior to the conveyance of any lot or parcel within the proposed subdivision;
  - (ii) Membership must be mandatory for each lot owner and each lot owner must have an equal voting right within the association;
  - (iii) The association organizational documents must be submitted to, and approved by the Planning Board and/or its attorney, as part of the subdivision approval process and must also be approved by the Office of the Attorney General of New York State if required by applicable laws, rules or regulations.
  - (iv) An estimate of the association annual budget must take into account insurance, property taxes, and maintenance of the open space areas as well as other shared common areas or facilities such as access roads, recreational areas, and common water supply and septic system facilities.
  - (v) The association must be able to adjust the homeowners fees or assessments on an annual basis and be able to collect and enforce the payment of annual fees or assessments.
  - (vi) The association cannot be dissolved without a vote of the association membership and without the conveyance of the open space and common facilities to an entity acceptable by the Planning Board.

7.4-7 Exception to or waiver of requirements or standards: The Planning Board may permit minor deviations to, or waive, certain open space requirements or standards when it determines that:

- (a) The objectives underlying the open space standards and requirements can still be met with such deviations or waivers; and/or
- (b) Because of peculiarities in the tract of land proposed for subdivision or the development proposed, it would be unreasonable to require strict adherence to such requirements or standards.

## **ARTICLE 8 Planning and Design Standards for All Subdivisions**

**Section 8.1** In considering applications for Subdivision of land, the Planning Board shall be guided by the standards set forth below. These standards shall be minimum requirements and may be waived by the Planning Board only under circumstances set forth in Article 3.

(a) Character of Land: Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(b) Conformity to Zoning Law: Subdivisions shall conform to the Zoning Law. In case of a conflict between this local law and the Zoning Law, the Zoning Law shall prevail.

(c) Specifications for Required Improvements: All required improvements shall be constructed or installed to conform to applicable Town specifications established by the Town Board or obtained from the Town Engineer.

(d) Character of the Development: In making any determination regarding roads, parks, and other required improvements, the Planning Board shall take into consideration the character and intensity of the development as well as the lands surrounding the proposed subdivision.

(e) Reserve Strips: Reserve strips of land, preventing access from any portion of a subdivided property to roads or adjoining property shall not be permitted, unless the Planning Board finds such strips to be necessary for the protection of public health or safety.

(f) Preservation of Existing Features: The Planning Board shall, wherever practical, require preservation of all existing features which are important to the natural, scenic, rural and historic character of the Town or which add value to residential development, such as large trees or groves, watercourses, waterfalls, beaches, views, historic places, and similar irreplaceable assets. The Planning Board may impose restrictions designed to preserve such features, including the limitation of structures to designated building envelopes or the delineation of areas where building or site alteration is prohibited, as a condition of subdivision approval. Development shall be designed to minimize disturbance to the existing landscape.

(g) Open Space System: Existing natural features and open space resources shall be identified and connected in a coherent open space system that maintains to the maximum extent practical the integrity of ecosystems, watersheds, wildlife corridors, and other environmental resources.

### **8.1-2 Rural Development Guidelines**

The following guidelines should be followed by the Subdivider and required by the Planning Board wherever feasible:

(a) Existing stone walls, hedgerows and mature tree lines should be preserved and utilized for establishment of lot lines and considered in the lot layout.

(b) The placement of buildings should be located in such a manner as to avoid placement in the middle of open fields. Building locations should be encouraged at the edges of fields or in cleared areas next to fields wherever possible.

(c) Except in hamlet districts or in areas where homes are traditionally placed close to frontage roads, buildings should be located where existing vegetation and/or topography provides a natural buffer and screening from roads and neighboring properties. Clearing of vegetation and trees along roads should be minimized as much as possible so long as adequate site distances are maintained. The use of curves in driveways should be encouraged to screen buildings so long as right-angle intersections with roads are maintained for the last 50-100 feet of the driveway.

(d) Buildings should be sited so that existing vegetation and topography can be used as a background or integrated into the building design to reduce the prominence of the structure.

## **Section 8.2 Roads and Road Layout and Design**

8.2-1 Roads and roads shall be compatible in design with the existing character of the hamlet, or rural area in which they are located. They shall be constructed to accommodate anticipated traffic flows, to provide access for fire fighting, snow removal, and road maintenance equipment, and to allow safe and convenient use by pedestrians, bicyclists, and people with physical disabilities.

(a) Arrangement: The arrangement of roads and lots shall provide for continuation into adjoining land, in order to facilitate fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed roads, utilities, and public services such as sewer, water, and drainage channels. This requirement may be waived where the adjoining land is forest preserve or other permanently protected open space, or where, in the opinion of the Planning Board, topographic or other conditions make such continuance impractical.

(b) Relation to Topography: Roads shall be designed to minimize alteration of natural topography. They shall be arranged to obtain as many as possible of the building sites at or above the grades of the roads.

(c) Intersections: Intersections of major roads by other roads shall generally be at least 800 feet apart, and a distance of at least 150 feet shall be maintained between offset intersections.

(d) Visibility at Intersections: In order to provide visibility for traffic safety, that portion of any corner lot shall be cleared of vegetation or obstructions if visibility is affected.

(e) Design Standards: All new roads shall conform to road standards adopted by the Town Board to be amended from time to time.

(f) Submission Requirements: For all proposed new roads, an applicant shall submit to the Planning Board a professional engineer's drawings showing the location, dimensions, and grade of the road, as well as the specifications setting forth the proposed composition of the road and proposed measures to control erosion during construction. The Town engineer shall review these plans and specifications and make further recommendations for consideration by the Planning Board. The subdivision plat shall clearly mark whether the proposed road is intended to be a private road or to be offered for dedication as a Town road.

### **8.2-2 Restrictions on Future Subdivision and Dedication**

(a) The lots served by a private road shall be restricted by notes on the plat or such other restrictions enforceable by the Town so that they may not be subdivided beyond the number of lots for which the road was designed.

(b) The Town shall not be obligated to accept a private road for dedication, and no private road may be offered for dedication until it has been paved and brought up to Town specifications as a

public road.

8.2- Dead-End Roads – Cul De Sacs: The maximum length of a dead end road shall be determined by  
3 the Planning Board based on the number of lots which are proposed to be accessed by said road,  
the possibility of future development of adjacent lands and the layout of existing roads in the  
area. The Planning Board may require a 50-foot-wide easement to provide for the future  
continuation of a dead-end road and utilities to adjoining land. Generally, subdivisions  
containing ten or more lots shall have at least two road connections with existing public roads.  
All dead end roads shall terminate in a circular turn-around with a minimum right-of-way curve  
radius of 50 feet and a minimum forty foot curve radius of driving surface. The Planning Board  
may require the reservation of a 20-foot-wide easement to provide for continuation of pedestrian  
traffic and utilities.

8.2- Road Names: All roads shall be named, and such names shall be subject to the approval of the  
4 Town Board. Names shall be sufficiently different in sound and in spelling from other road  
names to avoid confusion. A road which is a continuation of an existing road shall bear the same  
name.

8.2- Improvements:  
5

(a) Roads and Road Signs: Road grading and improvements shall conform to Town of Essex  
Highway Standards and Specifications (except when specifically waived), and shall be approved  
as to design and specifications by the Highway Superintendent and Town Engineer.

(b) Other Improvements: The Planning Board may require the installation of pavement,  
sidewalks, road or road lighting standards, curbs, gutters, trees, water mains, sanitary sewers,  
storm drains, and fire hydrants, where the Planning Board finds such improvements to be  
necessary or desirable to promote the public health, safety, or general welfare. Such  
improvements shall generally not be required where they are not required for public health or  
safety and would detract from the rural and scenic character of the Town.

8.2- Underground Utilities: Where feasible, underground utilities shall be encouraged by the  
6 Planning Board and shall be placed between the road surface and property line to simplify  
location and repair of the lines, and the Subdivider shall install underground service connections  
to the property line of each lot before the road is paved. The requirement of underground utility  
lines may be waived where the Board finds that the topography, soils, or geology are unsuitable,  
or where the Subdivision protects open space resources by maintaining a low density of  
development.

8.2- Utility Easements: Where topography is such as to make impractical the inclusion of utilities  
7 within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be  
provided with satisfactory access to the road. Such easements shall be cleared and graded where

### **Section 8.3 Lots**

required.

8.3-1 General: The lot size, width, depth, shape and orientation, as well as the minimum building setback lines,  
shall be appropriate for the location of the subdivision, the type of development and use contemplated  
and shall be in compliance with the Zoning Law.

8.3-2 Arrangement: The arrangement of lots shall be such that there will be no foreseeable difficulties either in  
locating a building on each lot in compliance with the Zoning Law or in providing access to buildings on  
such lots from an existing public or approved private road. The lot layout or arrangement shall be such as  
to create a sound and attractive design for the location and type of subdivision. The arrangement of lots  
shall also take into account natural features of the land to be subdivided and shall be consistent with the  
rural development guidelines set forth in section 8.1-2 above.

8.3-3 Access Across a Watercourse: Where a watercourse separates the buildable area of a lot from the access road, provision shall be made for the installation of a culvert or other structure, of a design approved by the Highway Superintendent and/or Town engineer. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Planning Board may also require a storm-water easement or drainage right-of-way to be provided.

8.3-4 Driveways and Common Driveways

(a) The Planning Board shall assure that driveways are suitably laid out to provide safe access to improved roads, taking into consideration the rural character of the Town and the Town's policies of minimizing environmental disruption.

(b) Driveway grades between the road and the setback line shall not exceed 10%, and shall not exceed 3% within 25 feet of the driveway-road intersection and shall not interfere with snowplowing of the road. Driveway exits shall be at right angles to the road within 25 feet of the driveway-road intersection and must provide a sightline of at least 500 feet. Driveways (other than common driveways) on lots with 100 feet or more of road frontage shall have a minimum setback from the side property line of 20 feet. Clearance of vegetation and other obstructions affecting sight lines from driveways at the driveway intersection with roads shall balance visibility with maintenance of rural character to the extent that safe site lines are maintained.

(c) Driveways shall be designed so that storm water will not run onto any road surface or cause a safety hazard due to icing on private or public roads, driveways, or sidewalks. All driveway cuts must have a minimum of 20-foot long culvert sized appropriately to handle storm-water runoff from a minimum of a 20-year storm. All culverts and driveway cuts must be approved by the Highway Superintendent.

(d) The Planning Board shall encourage the use of common driveways, provided that safe access is feasible over the common driveway and that legally adequate recorded common driveway maintenance agreements are required as conditions of subdivision approval. The Planning Board may approve a subdivision in which lots served by a common driveway have road frontage that is not physically suitable for the placement of a driveway.

8.3-5 Health Department Approval: Where applicable, any lot which is subdivided for purposes of constructing a habitable structure and is not served by a public sewage disposal system shall be approved for its suitability for septic systems by the New York State Department of Health. Any lot not so approved shall be prominently marked on the Plat "*NOT APPROVED FOR HABITABLE BUILDING PURPOSES.*" No such lot shall be built upon with a habitable structure unless the owner subsequently obtains Subdivision approval for such lot as a building lot from both the Planning Board (in strict compliance with this local law and the Zoning Law) and the New York State Department of Health with respect to on-site septic systems.

8.3-6 Monuments and Lot Corner Markers: Permanent monuments meeting specifications approved by the Planning Board and/or Town Engineer as to size, type, and installation, shall be set at such block corners, angle points of curves in roads, and other points as the Planning Board and/or

Town Engineer may require, and their location shall be shown on the Subdivision Plat.

### **Section 8.4 Drainage Improvements**

8.4-1 Maintaining Drainage Patterns: Subdivisions shall be designed to minimize off-site stormwater runoff by minimizing grading, cutting, and filling; minimizing the use of impermeable surface materials on roads, driveways, and other improved areas; retaining existing vegetation; using gently sloped vegetated swales; and employing other non-structural or structural measures including retention or detention basins. The objective of such measures shall be to maintain or improve pre-development drainage conditions. At a minimum, the subdivision shall conform to stormwater management standards administered by the DEC.

8.4-2 Removal of Spring and Surface Water: Where storm water cannot be retained on-site through the design measures described in Subsection 8.4(1) above, the Subdivider may be required to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the Subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

8.4-3 Drainage Structure to Accommodate Potential Development Upstream: A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the Subdivision. The Town Engineer shall approve the design and size of the facility based on anticipated runoff from a 25-year storm under conditions of probable future development in the watershed.

8.4-4 Responsibility For Drainage Downstream: The Subdivider's engineer shall document the effect of any proposed Major Subdivision on existing downstream drainage facilities outside the Subdivision; this documentation shall be reviewed by the Town Engineer. Where it is anticipated that the additional runoff caused by the Subdivision will overload an existing downstream drainage facility during a 10-year storm, the Planning Board shall not approve the Subdivision until provision has been made for the improvement of such condition.

8.4-5 Land Subject to Flooding, Wetlands: Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for any other uses that may increase danger to health, life, or property, or aggravate the flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation. Such land may also be improved in a manner that reduces the threat of localized and downstream flooding. All Subdivisions involving wetlands shall comply with applicable wetland regulations of the New York State Department of Environmental Conservation, Adirondack Park Agency, and U.S.

Army Corps of Engineers.

### **Section 8.5 Reservation of Parkland on Residential Subdivision Plats**

8.5-1 Before the Planning Board may approve a Major Subdivision Plat containing more than twenty (20) residential units, such Subdivision Plat shall show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.

8.5-2 Land for park, playground, or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such finding shall include an evaluation of



the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular Subdivision will contribute.

8.5-3 In the event that the Planning Board makes a finding pursuant to Subsection 7.5(B) above that the proposed Subdivision presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the Subdivision Plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the Subdivision Plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood and whether the proposed Subdivision will be setting aside significant areas of open space for public or private recreational use. Any monies required by the Planning Board in lieu of land for park, playground, or other recreational purposes, pursuant to the provisions of this Section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground, or other recreational purposes, including the acquisition of property.

8.5-4 In the event that an area to be used for a park or playground is required to be shown, the Subdivider shall submit to the Planning Board a field survey at a suitable scale showing such area and the following features thereof:

- (a) The boundaries of the area.
- (b) Existing features such as brooks,, ponds, clusters of trees, rock outcrops, and structures.
- (c) Existing and, if applicable, proposed changes in grade and contours of the area, and of the area immediately adjacent to it.
- (d) All proposed park or playground facilities.

### **Section 8.6 Installation of Required Improvements**

8.6-1 Improvements and Security Agreement: Before the Planning Board grants final approval of any Subdivision Plat involving the installation of common infrastructure or improvements, such as roads, storm water drainage systems, or community water or sewer systems, the Subdivider shall comply with either Subsection (a) or (b) below.

(a) In an amount set by the Planning Board, the Subdivider shall file a performance bond or other security (hereinafter “security agreement”) with the Town Clerk to cover the full cost of the required improvements. Any such security agreement shall comply with the requirements of Section 277 of Town Law and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, and manner of execution. The period within which required improvements must be completed, not to exceed three years, shall be set forth in the security agreement; or

(b) the Subdivider shall complete all required improvements to the satisfaction of the Planning Board and/or the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the Subdivider shall file with the Town Clerk a security agreement (as set forth in Subsection (1) above) covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such security agreement shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, and manner of execution.

8.6-2 Completion of Improvements: The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Planning Board and/or the Town Engineer and an as-built survey satisfactory to the Planning Board has been submitted indicating the location of monuments and marking all underground utilities as actually installed. If the Subdivider completes all required improvements according to Subsection (b) above, the as-built survey shall be submitted prior to endorsement of the Plat by the appropriate Planning Board officer. However, if the Subdivider elects to provide a security agreement for some or all required improvements, the security agreement shall not be released until this as-built survey is submitted and approved.

8.6-3 Modification of Design of Improvements: If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Planning Board and/or the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The Town Engineer shall issue such authorization in writing, and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

8.6-4 Inspection of Improvements: At least five days prior to commencing construction of required improvements, the Subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when construction of the improvements is to commence so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements are met and to assure the satisfactory construction and completion of improvements and utilities required by the Planning Board.

8.6-5 Proper Installation of Improvements: If, upon inspection of the improvements performed before the expiration date of the performance guarantee, the Town Engineer finds that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, he shall so report to the Town Board, Building Inspector, and Planning Board. The Town Board shall notify the Subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond or other security. No Plat shall be approved by the Planning Board as long as the Subdivider is in default on a previously approved Plat.

#### 8.6-6 Failure to Complete Improvements

(a) Without a Security Agreement: If the improvements are not completed within the period specified by the Planning Board in the resolution approving the Subdivision Plat, the approval shall be deemed to have expired and the Plat shall not be signed. The applicant may reapply for approval of the proposed Subdivision in accordance with these regulations.

(b) Default of Security Agreement: In the event that any required improvements have not been installed within the term of a performance bond or other security agreement, the Town Board may thereupon declare the performance bond or security agreement to be in default and collect the sum remaining payable thereunder. Upon receipt of the proceeds, the Town shall install such improvements as are covered by the security, commensurate with the extent of building development that has taken place in the Subdivision, not exceeding in cost the amount of the proceeds. If none of the required improvements have

been installed within the time period specified in the security agreement, the approval of the Subdivision shall be deemed null and void, and the Planning Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

8.6-7 Extension of Period Specified in Security Agreement: The time period specified for the completion of all required improvements, as set forth in the security agreement, shall not be extended except upon approval of the Planning Board. Requests for an extension shall be addressed, in writing, to the Planning Board, and shall set forth the following:

- (a) Detailed reasons for failure or inability to complete the work within the time specified in the security agreement.
- (b) The amount of work which has been completed, as certified by the applicant's engineer.
- (c) The maximum estimated time required to complete the remainder of the work.
- (d) The period for which extension of the security agreement is requested.

Whether or not road improvements have been started by the Subdivider prior to granting extension to the specified time period, the Planning Board shall consider escalations in construction costs and may require the amount of the security/bond to be increased to reflect increased construction costs.

8.6-8 Reduction of Security: Upon approval of the Town Board and after due notice and public hearing, the Planning Board may reduce the required amount of a performance bond or other security during its term, if the Planning Board finds that sufficient improvements have been installed to warrant such reduction. Requests for a reduction shall be addressed in writing to the Planning Board and shall itemize the amount of required improvements already completed and the amount of reduction requested.

## **ARTICLE 9 ENFORCEMENT**

### **Section 9.1 Project Permits and Building Permits**

No project permit or building permit for the erection of a structure on a subdivided lot may be granted in violation of this local law.

### **Section 9.2 Penalties for Violation**

9.2-1 Any violation of this local law or failure to obtain Subdivision approval in accordance with this local law shall be subject to injunctive relief and punishable by a fine or imprisonment or both in accordance with the provisions of Section 268 of the Town Law and Section 2.6 of the Zoning Law.

9.2-2 In addition to the penalties in Subsection 9.2(1) above, any person who violates any provision of this local law shall, for every such violation, forfeit and pay a civil penalty of not more than \$100.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional civil penalty.

9.2-3 For the purposes of this Section 9.2, where a "person" is an entity other than an individual, the principal executive officer or partner or agent or manager of such entity may be considered to be such person.

**Section 9.3 Plat Void If Revised After Approval**

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the Plat is first re-submitted to the Planning Board and the Planning Board approves such modifications. In the event that any Subdivision Plat is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

**Section 9.4 Subdivision Abandonment**

The owner of an approved subdivision may abandon such subdivision only pursuant to the provisions of Section 560 of the New York State Real Property Tax Law.

END OF LAW