



TOWN OF ULYSSES

DEPARTMENT OF PLANNING AND ZONING

STAFF MEMO

TO: Planning Board
FROM: Niels Tygesen, Planner
DATE: February 22, 2023
MEETING DATE: March 7, 2023
SUBJECT: Sketch Plat Review Magnus-Sharpe 2 Lot Land Division

INTRODUCTION

The applicant and property owner, Marc and Sharon Magnus-Sharpe, applied for a minor subdivision for the subject site located at 5221 Cold Springs 21.-1-4.22. The applicant proposes to subdivide the existing 31.27 acre lot into two lots; one parcel approximately 12.52 acres in area will retain the existing house and site improvements, and the second parcel approximately 18.75 acres in area will be vacant. The subject site is zoned A/R: Agricultural/Rural Zone. The A/R zone requires a minimum lot area of 2 acres, 200 feet of lot depth, and 400 feet of lot width at the front property line per Ulysses Town Code ([UTC 212-29](#)). Flag lots are permitted in the A/R zone per [UTC 212-29.M](#) subject to the standards listed in [UTC 212-130](#). The second proposed parcel comprising 12.52 acres, may be considered non-conforming as delineated, and may need an area variance from the Board of Zoning Appeals. Under the Consolidated Laws of New York ([CLNY 62.16.277.6](#)), if the applicant requests an area variance, the BZA shall request the Planning Board provide a written recommendation concerning the proposed variance. The proposal is considered an unlisted action under SEQR for which the Board will act as the lead agency.

PROCESS

Per [UTC 212-142.B.1](#), the initial step in a land division process is to determine the classification type of the proposal through sketch plat review. During this review, the Board should review the proposal in respect to state and local laws and regulations, and provide comments and general recommendations as to any adjustment needed to satisfy the objectives of the regulations. To comply with [CLNY 62.16.276.6.d.i](#), the Board should schedule a public hearing to consider the proposal. If the applicant will request an area variance from the BZA, the Planning Board may want to consider holding its hearing after the BZA has held its hearing and issued its decision.

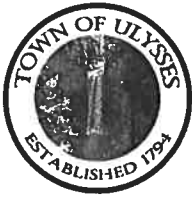
REQUEST TO THE PLANNING BOARD

Review the information in this memo and the proposed sketch plat; review the land division general requirements listed in [UTC 212-140.A.2](#), [212-140.A.5](#), and [212-142.10](#); review [CLNY 62.16.277](#) as applicable, assess the SEQR Short Environmental Assessment Form; review the regulations pertaining the A/R zone listed in [UTC 212 Article V](#); review the Subdivision Review Checklist; create a checklist of additional items the Board will require if any from the applicant in order to facilitate its deliberations; and provide a recommendation to the BZA if applicable.

EXHIBITS

Exhibit A: Application Submission
Exhibit B: Town of Ulysses Zoning Code Sections

Exhibit C: Consolidated Laws of New York Sections
Exhibit D: Subdivision Review Checklist



Town of Ulysses
Planning Department
10 Elm Street
Trumansburg, NY 14886
(607) 387-9778 ext. 222

Minor Subdivision

Fee: \$150

Project #:

Business/Project Name: MINOR SUBDIVISION OF 31 ACRE PLOT INTO (2) TWO PLOTS
Address/Location: 5221 COLD SPRINGS ROAD, TRUMANSBURG, NY 14886

Applicant:

Name: MARC & SARAH MAGNUS-SHARPE Address: 5221 COLD SPRINGS ROAD, T-BURG 14886
Telephone #: 646-265-7898 Fax #: N/A Email: MSMAGNUS@YAHOO.COM

**** Owner Authorization must be provided if you do not own the property.**

Property Owner (if different):

Name: MARC & SARAH MAGNUS-SHARPE Address: 5221 COLD SPRINGS ROAD, T-BURG 14886
Telephone #: 646-265-7898 Fax #: N/A Email: MSMAGNUS@YAHOO.COM

Business Representative: SELF Address: _____

Telephone #: 646-265-7898 Fax #: N/A Email: MSMAGNUS@YAHOO.COM

Site:
Parcel identification # (SBL#) of lots included: TOWN OF ULYSSES TAX MAP PARCEL NO. 21-1-4-22

Zone: A/R AGRICULTURAL RURAL ZONE Size of

existing lot(s): 31.268 ac acres

Existing Frontage 485.26' feet

Number of lots proposed: TWO Area of proposed disturbance N/A Acres

Size of proposed buildings: N/A

Proposed Use: Residential Single Family ☒ Residential Multi-Family ☐ Agricultural ☐ Commercial ☐ Other _____

Area of State Wetlands 0 acres Area of Federal Wetlands 0 acres

Area of Flood Plain 0 acres Area of Critical Slopes ($\geq 15\%$) 0 acres

Soil Classification B/D Stream Name NONE

Stream Classification C Stream Length (Ft) NONE

Date property was acquired by the applicant: JULY 1, 2014

Name(s) of Previous Owner(s): TOSTANOSKI

Has applicant subdivided any portion of the above-described property prior to the date of this application? Yes ☐ No ☒

If yes, indicate number of parcels _____ Conveyed to: _____ Date: _____

Describe any easements or other restrictions on this property: N/A

By submitting this application, the applicant consents to the Town, through its officers or employees, entering upon the subject premises to conduct relevant site inspections in connection with this application.

Applicant/Business Representative: Signature: MSM Sharpe Date: 1/25/23

Office use only

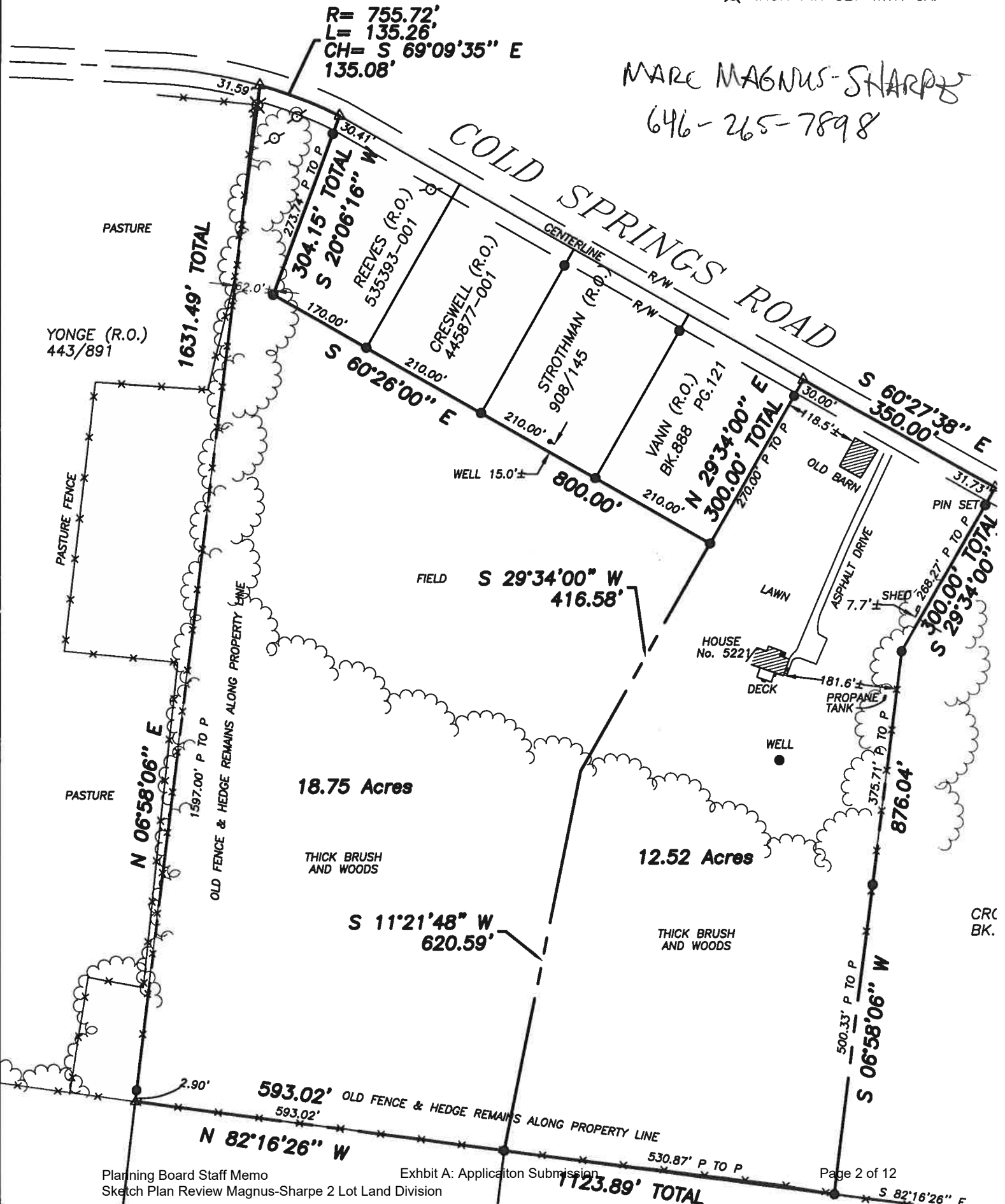
Fee \$ _____ Paid: Yes No Escrow Amount \$ _____

Application Status: Complete ☐ Incomplete ☐ Reason: _____ Reviewer's initials _____

LEGEND

- △ COMPUTED POINT, NOTHING SE
- IRON PIN FOUND, UNLESS NOT
- ⊗ IRON PIN SET WITH CAP

MARE MAGNUS-SHARPE
646-265-7898



617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information																		
Name of Action or Project: MINOR SUBDIVISION OF ONE 31 ACRE PLOT INTO TWO PLOTS																		
Project Location (describe, and attach a location map): 5221 COLD SPRINGS ROAD, TRUMANSBURG, NY 14886																		
Brief Description of Proposed Action: PROPERTY CONSISTS OF 31.27 ACRES CURRENTLY. PROPERTY OWNERS WISH TO DIVIDE THE PROPERTY INTO TWO (2) PLOTS OF 18.75 ACRES AND 12.52 ACRES.																		
Name of Applicant or Sponsor: MARC & SARAH MAGNUS-SHARPE		Telephone: 646-265-7898 E-Mail: MSMAGNUS@YAHOO.COM																
Address: 5221 COLD SPRINGS ROAD																		
City/PO: TRUMANSBURG		State: NY	Zip Code: 14886															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center;">NO</td><td style="text-align: center;">YES</td></tr><tr><td style="text-align: center;">✓</td><td></td></tr></table>	NO	YES	✓												
NO	YES																	
✓																		
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center;">NO</td><td style="text-align: center;">YES</td></tr><tr><td style="text-align: center;">✓</td><td></td></tr></table>	NO	YES	✓												
NO	YES																	
✓																		
3.a. Total acreage of the site of the proposed action?		<u>31.27</u> acres																
b. Total acreage to be physically disturbed?		<u>N/A</u> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>31.27</u> acres																
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td>☐ Urban</td><td>☐ Rural (non-agriculture)</td><td>☐ Industrial</td><td>☐ Commercial</td><td>☒ Residential (suburban)</td></tr><tr><td>☒ Forest</td><td>☒ Agriculture</td><td>☐ Aquatic</td><td colspan="2">☐ Other (specify): _____</td></tr><tr><td>☐ Parkland</td><td colspan="4"></td></tr></table>				☐ Urban	☐ Rural (non-agriculture)	☐ Industrial	☐ Commercial	☒ Residential (suburban)	☒ Forest	☒ Agriculture	☐ Aquatic	☐ Other (specify): _____		☐ Parkland				
☐ Urban	☐ Rural (non-agriculture)	☐ Industrial	☐ Commercial	☒ Residential (suburban)														
☒ Forest	☒ Agriculture	☐ Aquatic	☐ Other (specify): _____															
☐ Parkland																		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?		✓	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?		✓	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		✓	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES] If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	✓	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

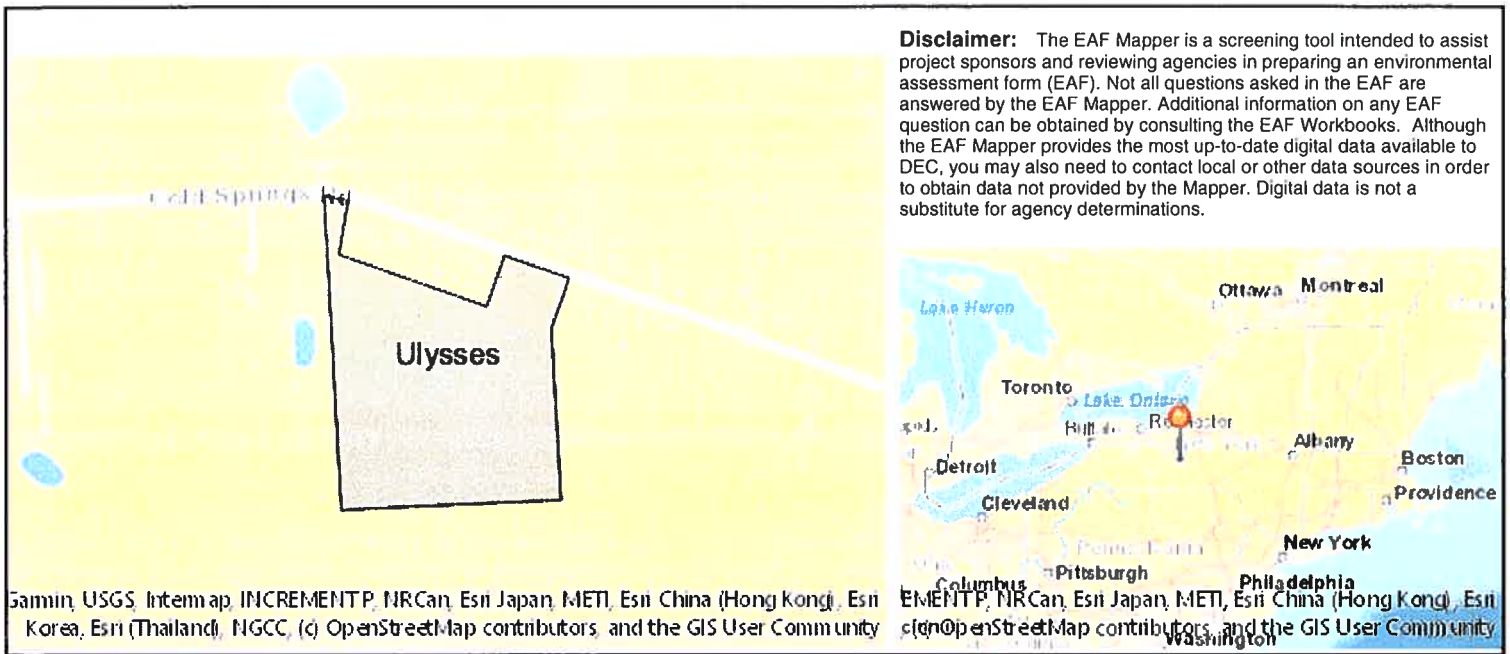
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

N/A

- 9 Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- 9 Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Hydrologic Soil Group—Tompkins County, New York



MAP LEGEND**Area of Interest (AOI)**
 Area of Interest (AOI)
Soils**Soil Rating Polygons**

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Lines

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Points

 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available

Water Features
 Streams and Canals
Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background
 Aerial Photography
MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tompkins County, New York

Survey Area Data: Version 18, Sep 10, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CfB	Conesus gravelly silt loam, 3 to 8 percent slopes	B/D	14.3	43.6%
KnA	Kendaia and Lyons soils, 0 to 3 percent slopes	B/D	13.6	41.3%
Ws	Wayland soils complex, 0 to 3 percent slopes, frequently flooded	B/D	5.0	15.1%
Totals for Area of Interest			32.9	100.0%



Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



Map Title



Legend

Trails 2020



Open Water



Parcels



Hydrology



Intermittent Streams



Perennial Streams

Water



50' Intermittent Stream Buffers



100' Perennial Stream Buffer



National Wetlands Inventory



NYSDEC Regulated Wetlands



Flood Zones

0 500 1000
ft

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

Chapter 212. Zoning

Article V. AR — Agricultural/Rural Zone

§ 212-23. Purpose.

The A/R — Agricultural/Rural Zone is primarily intended to preserve farming and agricultural lands in the Town and also to maintain open space and the quality of life enjoyed by residents of the Town. Agriculture is an important part of the Town's economy, providing both direct and indirect employment benefits, and it also provides the visual benefits of open space. This zone prioritizes and preserves viable agriculture in the Town by providing an area where agricultural operations and agricultural-based enterprises are the predominant active land uses in the zone. The creation of the Agricultural/Rural Zone illustrates the Town's commitment to farming and agricultural uses as preferred uses in this zone. The Agricultural/Rural Zone protects existing agricultural areas by limiting suburban and urban development; encourages the continuation of agriculture as a viable economic activity and way of life; reduces land use conflicts; protects ecological and natural resources; and preserves open space. Furthermore, this zoning is designed to preserve the existing agricultural operations that flourish on the excellent soils and to promote the establishment of new agricultural enterprises to assure the continuation of the rural nature of the Town.

§ 212-24. Right to farm.

In the A/R — Agricultural/Rural Zone, agriculture shall be the primary land use. Within the zone any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, § 308, including, but not limited to, practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance.

§ 212-25. Permitted uses.

In the A/R — Agricultural/Rural Zone the following buildings or uses are permitted:

- A. Farm operation, and agricultural buildings including nurseries, greenhouses, orchards and vineyards.
- B. Agricultural events, subject to the standards set forth in Chapter **142**, Special Events.
- C. Commercial stables, subject to the standards set forth in Article **XX**, § **212-138**.
- D. Silviculture.
- E. Roadside stands, subject to the standards set forth in Article **XX**, § **212-135**.

- F. Single-family residences, two-family residences, and their accessory buildings are allowed subject to limitations in Article **XXIV**, § **212-167**, Accessory buildings.
- G. Farm labor housing as regulated by the New York State Uniform Code. These residences shall be located on the same land where other structures of the farm operation are located. Each dwelling must be a minimum of 560 square feet. A streamlined site plan for siting considerations is required for more than two units. The Town may require a notarized statement from the property owner to certify that the occupants in the on-farm labor housing are employed on the farm.
- H. Temporary buildings as defined in Article **IV**.

§ 212-26. Permitted accessory uses.

The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § **212-25**:

- A. Accessory dwelling units, subject to the provisions of Article **XX**, § **212-128**.
- B. Farm operation, accessory commerce when no new building is constructed. (See also § **212-27H**.)
- C. Bed-and-breakfast establishments, subject to the standards for parking, outdoor lighting and signs set forth in Article **XX**, Design Standards.
- D. Customary home occupations, conducted solely by residents of the dwelling.
- E. Elder cottages, subject to the provisions of Article **XX**, § **212-139.5**.
- F. Family adult care.
- G. Family child care.
- H. Adult care groups.
- I. Fences and walls, subject to the provisions of Article **XX**, § **212-162**.
- J. Home occupations.
- K. Minor solar collection system subject to the provisions of Article **XX**, § **212-139.1**.
- L. Playgrounds.
- M. Professional offices where such office is part of the residence building and no more than three persons not residing on the premises are employed.
- N. Signs as regulated under Article **XX**, § **212-122**; also note Article **XX**, § **212-122E**, **F**, **G**, and **H**.

§ 212-27. Uses allowed by site plan approval.

The following uses are allowed upon approval of a site plan by the Planning Board, pursuant to Article **III**, § **212-19**, subject to the design standards set forth in relevant sections of Article **XX**.

- A. Airstrips, private.
- B. Animal processing structures, limited to a maximum building footprint of 2,000 square feet.
- C. Cemeteries as regulated by New York State, and the buildings and structures incidental to cemetery operations.
- D. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.

- E. Communication transmission towers and telecommunications facilities, subject to the provisions of Article **XXII**.
- F. Cottage industries.
- G. Facilities for agricultural education and recreation events.
- H. Farm breweries, farm cideries, farm distilleries, farm wineries.
- I. Farm operation, accessory commerce when constructing a new building or adding an addition to an existing building, subject to the provisions of Article **XX**, § **212-139**.
- J. Lawn/landscaping services.
- K. Lodges.
- L. Major solar collection systems subject to the provisions of Article **XX**, § **212-139.2**.
- M. Small-scale sawmills subject to the provisions of Article **XX**, § **212-136**.
- N. Wineries.

§ 212-28. Uses allowed by special permit.

The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212-18**, subject to the standards set forth in relevant sections of Article **XX**, Design Standards:

- A. Airports.
- B. Animal confinement regulated by confined or concentrated animal feeding operation (CAFO), subject to the provisions of Article **XX**, § **212-139.4**.
- C. Animal waste storage facility, subject to the standards set forth in Article **XX**, § **212-139.3**.
- D. Group campgrounds subject to the provisions of Article **XX**, § **212-127**.
- E. Campgrounds, overnight subject to the provisions of Article **XX**, § **212-127**.
- F. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.
- G. Hunting clubs.
- H. Kennels.
- I. Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations.
- J. Regional parks and preserves.
- K. Golf courses,
- L. Residential care/assisted living/rehabilitation facilities.

§ 212-29. Lot area and yard requirements.

- A. There shall be no more than one principal building on any lot in the AR – Agricultural/Rural Zone.
- B. Accessory buildings are subject to provisions in Article **XXIV**, § **212-167**, Accessory buildings.
- C. Minimum lot area shall be two acres.
- D. Minimum lot width at front lot line shall be 400 feet.

- E. Minimum lot depth shall be 200 feet.
- F. Minimum front yard setback shall be 50 feet.
- G. Minimum side yard setbacks shall be 30 feet.
- H. Minimum rear yard setback shall be 75 feet.
- I. Maximum building height for any nonagricultural building or structure shall be 32 feet.
- J. Maximum lot coverage shall be 5% of the lot area.
- K. Maximum floor area of a new agricultural building shall be 20,000 square feet. Farm operation, accessory commerce building floor area shall be limited to 5,000 square feet.
- L. Maximum floor area of a new nonagricultural building shall be 5,000 square feet except an accessory dwelling unit shall be no more than 1,200 square feet (see § **212-128**).
- M. Flag lots, subject to the standards set forth in Article **XX**, § **212-130**.
- N. Streams and wetlands are required to have a protective setback as defined in § **212-124**.

Chapter 212. Zoning

Article XXI. Land Subdivision Regulations

§ 212-140. Authority; policy; applicability; legal effects; review procedures.

A. Authority and declaration of policy.

- (1) By the authority of Town Law §§ 276, 277, 278, and 279 and Chapter 10 of the Municipal Home Rule Law of the State of New York, the Planning Board of the Town of Ulysses is authorized and empowered to:
 - (a) Approve plats showing lots, blocks, or sites, with or without roads or highways.
 - (b) Approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County.
 - (c) Conditionally approve preliminary plats.
 - (d) Require an applicant to provide a clustered subdivision layout.
- (2) The policy of the Planning Board is to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the Town and in a manner that is reasonable and in the best interests of the community. This policy is articulated to ensure that the highest standards of site, building and landscape design are met conscientiously, through the use of qualified technical and aesthetic judgment and principles of sustainability consistent with the Comprehensive Plan. The Planning Board will be guided in its consideration of an application for the subdivision of land by the following general requirements:
 - (a) Physical characteristics. Land must be buildable and free of hazard. The physical characteristics of the land to be subdivided shall be such that it can be used for natural resource conservation or building purposes without danger to health and safety or peril from fire, flood, or other menace. Proper provision must be made for stormwater management, water supply, sewage and other needed improvements and consideration be given to the future development of adjoining lands. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement and the future development, and, natural and cultural resources of adjoining lands. All parcel developments shall meet Town, county, state, and federal regulations and requirements.
 - (b) Natural and historic features. Land is to be subdivided in a way that protects the natural, cultural and scenic resources of the Town for the benefit of all residents. To the extent practicable, all existing features of the landscape, such as trees greater than twenty-four-inch diameter-at-breast-height (DBH) caliber, vegetative communities, rock outcrops, important ecological communities, surface and groundwater resources, unusual glacial formations, flood courses, cultural and historic sites, viewsheds, and other such irreplaceable assets shall be preserved thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially

altered to serve development purposes only. Provision shall be made for maintaining undeveloped natural areas and wildlife corridors to mitigate any adverse environmental impacts of a proposed subdivision, and to sustain biodiversity in order to implement the Town's policies of protecting environmental and cultural resources pursuant to the Town Comprehensive Plan and other applicable local laws.

- (c) Conformity. Subdivision plans shall be properly related to and conform to the Town Comprehensive Plan. Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Town of Ulysses. Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
 - (d) Parks and open space. Park areas of suitable location, size and character for playground and other recreational or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board. Provision shall be made for adequate permanent reservations of open space, pedestrian trails, viewing areas, and parks, and such areas shall be shown on the plat.
 - (e) Protection of agricultural infrastructure and significant agricultural lands. Consideration will be given to maintaining agricultural viability and protecting significant agricultural lands by minimizing adverse impacts on agricultural land remaining from the subdivision, prime and unique agricultural soils, adjoining or nearby agricultural land and operations, existing natural buffers, and agricultural infrastructure including but not limited to surface and subsurface agricultural drainage systems, farm equipment access points, and equipment lanes.
- (3) Failure to notify the Zoning Officer of any conveyance by subdivision shall be a violation of this law and will be enforced by both civil action and financial penalties.
- (4) Applicants for major subdivisions may submit a plan for a cluster subdivision as provided for in Section 278 of New York State Town Law and § **212-140** of this article.
- (5) Standards. Subdivisions are subject to the following standards. Subdivision standards are mandatory rules subject to modification by the Planning Board.
- (a) In determining whether to modify a standard for a proposed project, the Planning Board may take into consideration the following:
 - [1] The practicable difficulties of applying the standard to the particular project;
 - [2] The potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; and
 - [3] Whether alternate means or measures attain the same goal as the standard.
 - (b) Where an applicant objects to the application of a standard to his or her project and the Planning Board requires compliance, in its resolution of approval or disapproval the Planning Board must state its findings and the reasons for its decision with reference to the considerations set forth in the preceding paragraph.
- (6) Supersedence. It is the express intent of the Town Board that this article shall supersede §§ 261-b, 274-a, 274-b, 276, 277, 278, 279 and any other provision of Article 16 of the Town Law inconsistent with the provisions herein, pursuant to Section 10 of the Municipal Home Rule Law.
- (7) Fees. The amount of fees required under this chapter shall be established from time to time by resolution of the Town Board, except that the amount of professional review fees held in escrow for each particular application may be established by the reviewing agency. The administrative fees established by the Town Board shall approximate the actual cost to the Town of providing the related administrative services.

- (8) Subdivisions straddling municipal boundaries. Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Ulysses Town Attorney and the Highway Superintendent of the adjoining municipality, that the access road is adequately improved or that a performance security has been duly executed and is sufficient security to ensure access has been constructed. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
- (9) Resubdivision. Whenever any resubdivision of land in the Town of Ulysses is proposed, the subdividing owner or their authorized agent shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this article.
- (10) State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (11) Route 96 Corridor Management Study. In its discretionary actions under this chapter with regard to land use adjacent to or affecting Route 96, the reviewing agency shall be guided by the goals, objectives, and recommendations set forth in the Route 96 Corridor Management Study, Volumes 1 through 4, a copy of which is available for review in the office of the Town Clerk.

Chapter 212. Zoning

Article XXI. Land Subdivision Regulations

§ 212-142. Subdivision procedures.

A. Pre-application meeting.

- (1) The pre-application meeting is an opportunity for the applicant to present and discuss a conceptual plan for the proposed subdivision prior to committing resources to the preparation of a sketch plan. The conceptual discussion shall guide the layout of the subdivision that will be shown in subsequent plan submission(s). All applicants are encouraged to attend a pre-application meeting prior to submitting the sketch plan and applicants for a major subdivision are required to do so. An applicant for a major subdivision is also required to submit a resource analysis.
- (2) In preparation for this meeting, the applicant should become familiar with this article and all other relevant provisions of this chapter, the Comprehensive Plan and SEQRA requirements in order to have a general understanding of the subdivision review process.
- (3) No statement, comment or other communication made during this informal review shall be binding upon any party. The pre-application process is required solely to assure that Town development goals are recognized as they may apply to the site in question. The purpose is to help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

B. Classification of subdivision.

- (1) The first stage of subdivision is classification. Classification requires that a subdivider submit a sketch plat of the proposed subdivision to the Zoning Officer that provides sufficient detail for the Zoning Officer to classify the action as to the type of review required. The Zoning Officer shall confer with the Chair of the Planning Board for comments and general recommendations as to any adjustment needed to satisfy the objectives of these regulations.
- (2) The sketch plat initially submitted to the Zoning Officer shall be based on Tax Map information or on some other similarly accurate base map at a scale (preferably not less than 1:2,400) that enables the entire tract to be shown on one sheet.
- (3) A submitted sketch plat shall show the following information:
 - (a) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.
 - (b) All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than two feet.
 - (c) The names of the owner and of all adjoining property owners as disclosed by the current tax roll.

- (d) The Tax Map, block and lot numbers of all lots shown on the plat.
- (e) All the utilities available and all roads as they appear on the Official Map.
- (f) The proposed pattern of lots (with dimensions), road layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
- (g) All existing restrictions on the use of land, including easements, covenants and zoning district boundary lines.
- (h) Minor and major subdivisions may require additional information as specified in this document.

Chapter 212. Zoning

Article XXI. Land Subdivision Regulations

§ 212-142.10. General requirements and road design standards.

In considering applications for subdivision of land, the Planning Board shall be guided by the following principles and the standards set forth in §§ 212-140(2)^[1] and 212-142.10 hereof. The standards shall be considered minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article XXI, § 212-142.10H hereof.

A. Preservation of open space.

- (1) If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private landowner(s), a utility company, a nonprofit organization, or the Town or other governmental entity, as long as it is permanently protected from development by a conservation easement held by a unit of government or qualified conservation organization
- (2) Permanent preservation by conservation easement.
 - (a) A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry and silviculture, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the New York State General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of final plat approval. The conservation easement shall be recorded in the Tompkins County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. The Town shall maintain a current map which displays all lands subject to conservation easements or deed restrictions.
 - (b) The conservation easement shall limit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry and silviculture shall be conducted in conformity with applicable New York State Department of Environmental Conservation best management practices.
- (3) Ownership of open space land.
 - (a) Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be held in private ownership, offered for dedication to town, county, or

state governments, transferred to a qualified not-for-profit conservation organization acceptable to the Planning Board, owned in common by a homeowner's association (HOA), or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

- (b) If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
- [1] The HOA must be established before the approved subdivision final plat is signed, and must comply with all applicable provisions of the General Business Law.
 - [2] Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
 - [3] The open space restrictions must be in perpetuity.
 - [4] The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
 - [5] Property owners must pay their pro rata share of the costs and the assessment levied by the HOA must be able to become a lien on the property.
 - [6] The HOA must be able to adjust the assessment to meet changed needs.
 - [7] The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the Town. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder, or to pay its real property taxes.
 - [8] Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
 - [9] The attorney for the board reviewing the application shall find that the HOA documents presented satisfy the conditions in Subsections **A(3)(b)[1]** through **[9]** above and such other conditions as the Planning Board shall deem necessary.

B. Road considerations.

- (1) Statement of acceptance. All roads that are to be dedicated as public roads must comply with the standards set forth in this document. All access roads that are not to be dedicated as public roads must comply with § 280-a of Town Law. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements and rights-of-way. A written statement of acceptance must be filed by the Highway Superintendent and the Town Attorney before any road shall be accepted by the Town Board.
- (2) Width, location, and construction. Roads shall be sufficiently wide, suitably located, and adequately constructed to conform to the Ulysses Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road-maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. Refer to Article **XXI**, § **212-142.10C**, hereof for roads that are to be turned over to and maintained by the Town.
- (3) Arrangement of roads.
 - (a) The arrangement of roads in a subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire

protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines and drainage facilities. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exist, or streets on an approved subdivision plat for which a bond has been filed.

- (b) Where, in the determination of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- (4) Minor roads. Minor roads shall be so laid out that their use by through traffic will be discouraged.
- (5) Special treatment along major arterial roads. When a subdivision abuts or contains an existing or proposed major arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary to afford adequate protection of residential properties and to afford separation of through and local traffic.
- (6) Loop roads and circle drives. The creation of loop residential roads will be encouraged wherever the Planning Board finds that such roads are needed or desirable. Circle drives create problems for snow plowing and are discouraged. The Planning Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street.
- (7) Dimensions of blocks. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved foot path be included.
- (8) Openings for minor roads. Minor or secondary road openings into such roads shall, in general, be at least 500 feet apart.
- (9) Road jogs. Road jogs with center-line offsets of less than 125 feet shall not normally be permitted.
- (10) Angles of intersection. The angle of intersection for all roads shall be such that for a distance of at least 100 feet a road is within 10° of a right angle to the road it joins.
- (11) Roads' relation to topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of roads shall conform as closely as possible to the original topography.
- (12) Borders with railroad or limited-access highway rights-of-way. Where a subdivision borders on or contains a railroad right-of-way or a limited-access highway right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential zones or for commercial or industrial purposes in appropriate zones). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

C. Road design.

- (1) Guidelines.
 - (a) Rights-of-way:

- [1] Major roads: sixty-six-foot right-of-way, forty-foot minimum pavement width (four travel lanes).
 - [2] Local roads: sixty-foot right-of-way, twenty-foot minimum pavement width (two travel lanes).
 - [3] Additional rights-of-way may be required where deep cuts or fills are needed.
- (b) Width of road: twenty-foot minimum pavement width, lanes ten-foot minimum width.
 - (c) Shoulder width: six-foot minimum width.
 - (d) Sight distance: Sight distance shall be at least 300 feet for intersections, horizontal curves and vertical curves.
 - (e) In all cases where lots of less than 200-foot frontage are shown on the highway, alignment shall accommodate a potential future five-foot-wide sidewalk on the side along the highway right-of-way.
- (2) Construction specifications (Refer to Figure 2).
- (a) Before any gravel is placed, the subgrade shall be crowned to a 5% grade and shall be well compacted.
 - (b) Adequate ditches shall be provided by the builder. The minimum ditch grade shall be 0.5%. The Town will maintain ditches after acceptance of road.
 - (c) Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required. The builder will furnish culverts and install head walls if requested by the Highway Superintendent. All culvert sizes and lengths shall be determined and culvert designs approved by the Highway Superintendent before installation.
 - (d) Under drains shall be placed in low, wet areas where side hill seepage is encountered or in other areas where required.
 - (e) Approved gravel base shall be placed six inches to 18 inches deep from ditch to ditch and well compacted. All depth measurements refer to compacted depths. The top lift shall be crushed gravel or crusher-run stone, 20 feet wide and six inches deep centered on base and compacted. The total compacted depth of gravel shall be 12 inches to 24 inches. Gravel base will be compacted at six-to eight-inch lifts, top grade compacted at the six-inch lift.
 - (f) All roads must be paved with either a liquid bituminous material or a plant-mixed bituminous concrete material, base course three inches minimum, top course two inches minimum.
 - (g) Crown on road: 2% grade.
 - (h) If considered necessary for road maintenance purposes, the Highway Superintendent may require greater road curve radii than the standards in the following sections.
- (3) Further road improvements, including fire hydrants and lighting. Roads shall be graded and improved with pavement. In addition, roads may require curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town's Engineer. Such grading and improvements shall be approved as to design and specifications by the Town's Engineer.
- (a) Fire hydrants shall conform to all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the

State of New York and the Town of Ulysses specifications or laws for public water service.

- (b) Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town Electrical Inspector.
- (4) Underground utilities. The Planning Board shall require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- (5) Grades. Grades of all roads shall conform in general to the terrain, and shall not be less than 0.5% nor more than 6% for major or collector roads, or 10% for minor roads in residential zones, but in no case more than 3% within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town's Engineer so that clear visibility shall be provided for a safe distance.
- (6) Curves at intersections. All road right-of-way lines at intersections shall be rounded by curves of at least a twenty-foot radius, and curbs shall be adjusted accordingly. (Refer to Figure 3.)
- (7) Visibility. Visibility at intersections shall be maintained. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown shaded on the figure below shall be cleared of all growth (except isolated trees) and obstructions above a level three feet higher than the center line of the road. If such is directed, ground shall be excavated to achieve visibility. (Refer to Figure 4.)
- (8) Circle drive requirements. Circle drive roads shall terminate in a circular turnaround having a minimum outside right-of-way diameter of 220 feet and a minimum right-of-way width of 60 feet. Circle drive roads are to be discouraged and a loop road used instead. At the end of a temporary dead-end road, the developer should put in a temporary hammerhead turnaround. (Refer to Figure 5.)
- (9) Loop roads. The two intersections of a loop road with the main road must be a minimum of two lot depths apart. (Refer to Figure 6.)
- (10) Watercourses. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent or the Town's Engineer. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Highway Superintendent or the Town's Engineer, which in no case shall be less than 20 feet in width.
- (11) Curves at deflecting roads. In general, road lines within a block deflecting from each other at any one point by more than 10° shall be connected with a curve, the radius of which from the center line of the street shall not be less than 400 feet on major roads, 200 feet on local roads, and 100 feet on minor roads. (Refer to Figure 7.)
- (12) Service roads. Paved rear service roads of not less than 20 feet in width, or in lieu thereof, adequate off-road loading space, surfaced with a suitable, dust-free material, shall be provided in connection with lots designed for commercial use.
- (13) Commercial Zones. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the road width shall be increased by such an amount on each side as may be deemed necessary by the

Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such a commercial or business zone.

D. Road names.

- (1) All road names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters.
- (2) Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names in this or nearby municipalities, except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change direction sharply or at a corner without a change in name.

E. Lots.

- (1) Lots shall be buildable. The lot arrangement shall be such that in constructing a building in compliance with the zoning regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots approved in a subdivision cannot be further divided.
- (2) Side lines. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot plan.
- (3) Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection. See Article **XXI**, § 212-142C(7).
- (4) Driveway access. Driveway access and grades shall conform to specifications of the Town Law. Driveway grades between the street and the setback line shall not exceed 10%. Property owners are encouraged, but not required, to minimize driveway impacts by creating shared driveway easements.
- (5) Access from private roads. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with these regulations.
- (6) Monuments and lot corner markers. Monuments and lot corner markers shall be permanent monuments meeting specifications approved by the Town Board as to size, type and installation; they shall be set at such block corners, angle points, points of curves in streets and other points as the Town's Engineer may require; and their location shall be shown on the subdivision plat.

F. Drainage improvements.

- (1) Stormwater runoff. All subdivisions are subject to all New York State and local laws governing stormwater runoff.
- (2) Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or watercourse any spring or surface water that may exist either previous to, or as a result of, a subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- (3) Drainage structure to accommodate potential development upstream. Any culvert or other drainage facility shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The Town's Engineer shall approve the design and size of the facility on the basis of anticipated runoff from a ten-year storm under conditions of total potential development permitted by the zoning regulations in the watershed.
- (4) Downstream drainage. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town's Engineer. Where it is anticipated that the additional

runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of such condition.

- (5) Land subject to flooding. Land subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or improved in a manner satisfactory to the Planning Board to remedy the hazardous conditions.

G. Parks, open spaces, and natural features.

- (1) Open space to be shown on plat. Where a proposed park, playground, or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in § 212-142G(2) hereof. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.
- (2) Parks and playgrounds not shown on Town Plan.
 - (a) The Planning Board shall require that a plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.
 - (b) The Board shall require that not less than three acres of recreation space be provided for 100 dwelling units shown on the plat. However, in no case shall the Board require more than 10% of the total area to be set aside in the subdivision. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.
- (3) Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall, prior to final approval, submit to the Board seven prints (one on Mylar if requested) drawn in ink showing, at a scale not smaller than 1:300, such area and the following features thereof:
 - (a) The boundaries of the area, giving metes and bounds of all straight lines, radii, lengths, central angles and tangent distances of all curves.
 - (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 areas immediately adjacent.
- (4) Waiver of plat designation of area for parks and playgrounds. In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for a park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the Town of Ulysses in an amount established by the Town Board. Payment shall be per gross acre of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in § 212-142F. Such amount shall be paid to the Town at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that:
 - (a) Is suitable for public park, playground or other recreational purposes.

- (b) Is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies.
 - (c) Shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, providing the Town Board finds there is a need for such improvements.
- (5) Reserve strips. Reserve strips of land which might be used to control access from a proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.
- (6) Preservation of natural features. The Planning Board shall, wherever possible, seek to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses, streams and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of 20 inches or more at breast height shall be removed unless the tree is within the right-of-way of a street as shown on the final subdivision plat or the tree is damaged or diseased. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 20 inches or more as measured at breast height above the base of the trunk be indicated to be removed without prior approval by the Planning Board. All trees 20 inches in diameter or greater at breast height shall be shown on the plat or survey map.

H. Waivers of certain required improvements.

- (1) Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Board may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Ulysses Comprehensive Plan or this chapter.
- (2) In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

[1] *Editor's Note: So in original.*

> [The Laws of New York \(/legislation/laws/all\)](/legislation/laws/all) > [Consolidated Laws of New York \(/legislation/laws/CONSOLIDATED\)](/legislation/laws/CONSOLIDATED)
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SECTION 276

Subdivision review; approval of plats; development of filed plats

Town (TWN) CHAPTER 62, ARTICLE 16

§ 276. Subdivision review; approval of plats; development of filed plats.

1. Purpose. For the purpose of providing for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population, the town board may, by resolution, authorize and empower the planning board to approve preliminary and

final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, within that part of the town outside the limits of any incorporated village.

2. Authorization for review of previously filed plats. For the same purposes and under the same conditions, the town board may, by resolution, authorize and empower the planning board to approve the development of plats, entirely or partially undeveloped, which were filed in the office of the clerk of the county in which such plat is located prior to the appointment of such planning board and grant to the board the power to approve such plats. The term "undeveloped" shall mean those plats where twenty percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

3. Filing of certificate. The clerk of every town which has authorized its planning board to approve plats as set forth herein shall immediately file a certificate of that fact with the clerk or register of the county in which such town is located.

4. Definitions. When used in this article the following terms shall have the respective meanings set forth herein except where the context shows otherwise:

(a) "Subdivision" means the division of any parcel of land into a number of lots, blocks or sites as specified in a local ordinance, law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located. Subdivisions may be defined and delineated by local regulation, as either "major" or "minor", with the review procedures and criteria for each set forth in such local regulations.

(b) "Preliminary plat" means a drawing prepared in a manner prescribed by local regulation showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

(c) "Preliminary plat approval" means the approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this section.

(d) "Final plat" means a drawing prepared in a manner prescribed by local regulation, that shows a proposed subdivision, containing in such additional detail as shall be provided by local regulation all information required to be shown on a preliminary plat and the modifications, if any, required by the planning board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

(e) "Conditional approval of a final plat" means approval by a planning board of a final plat subject to conditions set forth by the planning board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the planning board and recording of the plat in the office of the county clerk or register as herein provided.

(f) "Final plat approval" means the signing of a plat in final form by a duly authorized officer of a planning board pursuant to a planning board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are

completed. Such final approval qualifies the plat for recording in the office of the county clerk or register in the county in which such plat is located.

5. Approval of preliminary plats. (a) Submission of preliminary plats. All plats shall be submitted to the planning board for approval in final form provided, however, that where the planning board has been authorized to approve preliminary plats, the owner may submit or the planning board may require that the owner submit a preliminary plat for consideration. Such a preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition provided in this section.

(b) Coordination with the state environmental quality review act. The planning board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

(c) Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the 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 filing of such negative declaration or such notice of completion.

(d) Planning board as lead agency under the state environmental quality review act; public hearing; notice; decision.

(i) Public hearing on preliminary plats. The time within which the planning board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows:

(1) If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two days after the receipt of a complete preliminary plat by the clerk of the planning board; or

(2) If such 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 preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such 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 preliminary plat shall be held within sixty-two days of filing the notice of completion.

(ii) Public hearing; notice, length. The hearing on the preliminary plat 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 held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(iii) Decision. The planning board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(1) If the planning board determines that the preparation of an environmental impact statement on the preliminary plat is not required such board shall make its decision within sixty-two days after the close

of the public hearing; or

(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 forty-five days following the close of such 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 forty-five days following the close of the public hearing on the preliminary plat. Within thirty days of the filing of such final environmental impact statement, the planning board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(iv) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modifications it deems necessary for submission of the plat in final form.

(e) Planning board not as lead agency under the state environmental quality review act; public hearing; notice; decision.

(i) Public hearing on preliminary plats. The planning board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the planning board shall hold the public hearing on the preliminary plat within sixty-two days after the receipt of a complete preliminary plat by the clerk of the planning board.

(ii) Public hearing notice length. The hearing on the preliminary

plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(iii) Decision. The planning board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

(1) If the preparation of an environmental impact statement on the preliminary plat is not required, the planning board shall make its decision within sixty-two days after the close of the public hearing on the preliminary plat.

(2) If an environmental impact statement is required, the planning board shall make its own findings and its decision on the preliminary plat within sixty-two days after the close of the public hearing on such preliminary plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer.

(iv) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modifications it deems necessary for submission of the plat in final form.

(f) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the clerk of the planning board as having been granted preliminary approval and a copy of

the plat and resolution shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner.

(g) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution stating the decision of the board on the preliminary plat, the chairman or other duly authorized member of the planning board shall cause a copy of such resolution to be filed in the office of the town clerk.

(h) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat the owner must 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.

6. Approval of final plats. (a) Submission of final plats. Final plats shall conform to the definition provided by this section.

(b) 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, the planning board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days of its receipt by the clerk of the planning board.

(c) Final plats when no preliminary plat is required to be submitted; receipt of complete final plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the 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 such plat shall begin upon filing of such negative declaration or such notice of completion.

(d) Final plats; not in substantial agreement with approved preliminary plats, or when no preliminary plat is required to be submitted. When a final plat is submitted which the planning board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section the following shall apply:

(i) Planning board as lead agency; public hearing; notice; decision.

(1) Public hearing on final plats. The time within which the planning board shall hold a public hearing on such final plat shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows:

(a) if such board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within sixty-two days after the receipt of a complete final plat by the clerk of the planning board; or

(b) if such 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 sixty-two days after the filing of the notice of completion of such 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 sixty-two days following filing of the

(2) Public hearing; notice, length. The hearing on the final plat 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 held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(3) Decision. The planning board shall make its decision on the final plat as follows:

(a) if such board determines that the preparation of an environmental impact statement on the final plat is not required, the planning board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days after the date of the public hearing; or

(b) if such 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 forty-five days following the close of such 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 forty-five days following the close of the public hearing on the final plat. Within thirty days of the filing of the final environmental impact statement, the planning board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

(4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board.

(ii) Planning board not as lead agency; public hearing; notice; decision.

(1) Public hearing. The planning board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the planning board shall hold the public hearing on the final plat within sixty-two days after the receipt of a complete final plat by the clerk of the planning board.

(2) Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(3) Decision. The planning board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:

(a) If the preparation of an environmental impact statement on the final plat is not required, the planning board shall make its decision within sixty-two days after the close of the public hearing on the final plat.

(b) If an environmental impact statement is required, the planning board shall make its own findings and its decision on the final plat within sixty-two days after the close of the public hearing on such final plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board.

7. Approval and certification of final plats. (a) Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the clerk of the planning board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the planning board and a copy of such signed plat shall be filed in the office of the clerk of the planning board or filed with the town clerk as determined by the town board.

(b) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the planning board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections 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 plat, subject to any requirements imposed by the planning board.

approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The planning board may extend for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances.

8. Default approval of preliminary or final plat. The time periods prescribed herein within which a planning board must take action on a preliminary plat or a final plat are specifically intended to provide the planning board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the planning board. In the event a planning board fails to take action on a preliminary plat or a final plat within the time prescribed therefor after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the owner and the planning board, such preliminary or final plat shall be deemed granted approval. The certificate of the town clerk as to the date of submission of the preliminary or final plat and the failure of the planning board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

9. Filing of decision on final plat. Within five business days from the date of the adoption of the resolution stating the decision of the board on the final plat, the chairman or other duly authorized member of the planning board shall cause a copy of such resolution to be filed in the office of the town clerk.

10. Notice to county planning board or agency or regional planning council when a county planning board or agency or a regional planning

council has been authorized to review subdivision plats pursuant to section two hundred thirty-nine-n of the general municipal law, the clerk of the planning board shall refer all applicable preliminary and final plats to such county planning board or agency or regional planning council as provided in that section.

11. Filing of final plat; expiration of approval. The owner shall file in the office of the county clerk or register such approved final plat or a section of such plat within sixty-two days from the date of final approval or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the planning board constituting final approval by the planning board of a plat as herein provided; or the approval by such board of the development of a plat or plats already filed in the office of the county clerk or register of the county in which such plat or plats are located if such plats are entirely or partially undeveloped; or the certificate of the town clerk as to the date of the submission of the final plat and the failure of the planning board to take action within the time herein provided. In the event the owner shall file only a section of such approved plat in the office of the county clerk or register, the entire approved plat shall be filed within thirty days of the filing of such section with the town clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of subdivision two of section two hundred sixty-five-a of this article.

12. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of section five hundred sixty of the real property tax law.

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SECTION 277

Subdivision review; approval of plats; additional requisites

Town (TWN) CHAPTER 62, ARTICLE 16

§ 277. Subdivision review; approval of plats; additional requisites.

1. Purpose. Before the approval by the planning board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval of a plat already filed in the office of the clerk of the county wherein such plat is situated if the plat is entirely or partially undeveloped, the planning board shall require that the land

shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.

2. Additional requirements. The planning board shall also require that:

(a) the streets and highways be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings. If there be an official map, town comprehensive plan or functional/master plans, such streets and highways shall be coordinated so as to compose a convenient system conforming to the official map and properly related to the proposals shown in the comprehensive plan of the town;

(b) suitable monuments be placed at block corners and other necessary points as may be required by the board and the location thereof is shown on the map of such plat;

(c) all streets or other public places shown on such plats be suitably graded and paved; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate town departments except as hereinafter provided, or alternatively that a performance bond or other security be furnished to the town, as hereinafter provided.

3. Compliance with zoning regulations. Where a zoning ordinance or local law has been adopted by the town, the lots shown on said plat shall at least comply with the requirements thereof subject, however, to

the provisions of section two hundred seventy-eight of this article.

4. Reservation of parkland on subdivision plats containing residential units. (a) Before the planning board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes.

(b) 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 findings 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 plat will contribute.

(c) In the event the planning board makes a finding pursuant to paragraph (b) of this subdivision that the proposed subdivision plat 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 such 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 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. 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

5. Character of the development. In making such determination regarding streets, highways, parks and required improvements, the planning board shall take into consideration the prospective character of the development, whether dense residence, open residence, business or industrial.

6. Application for area variance. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to section two hundred sixty-seven-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the zoning board of appeals shall request the planning board to provide a written recommendation concerning the proposed variance.

7. Waiver of requirements. The planning board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

8. Installation of fire alarm devices. The installation of fire alarm signal devices including necessary connecting facilities shall be required or waived pursuant to this section only with the approval of: (a) the board of supervisors or legislative body of the county if the installation is to be made in an area included in a central fire alarm system established pursuant to paragraph (h) of subdivision one of section two hundred twenty-five of the county law or (b) the town board

in any other case unless the installation is to be made in a fire district in a town in which no central fire alarm system has been established pursuant to subdivision eleven-c of section sixty-four of this chapter, in which case only the approval of the board of fire commissioners of such fire district shall be necessary. Required installations of fire alarm signal devices including necessary connecting facilities shall be made in accordance with standards, specifications and procedures acceptable to the appropriate board.

9. Performance bond or other security. (a) Furnishing of performance bond or other security. As an alternative to the installation of infrastructure and improvements, as above provided, prior to planning board approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the planning board or a town department designated by the planning board to make such estimate, where such departmental estimate is deemed acceptable by the planning board, shall be furnished to the town by the owner.

(b) Security where plat approved in sections. In the event that the owner shall be authorized to file the approved plat in sections, as provided in subdivision ten of section two hundred seventy-six of this article, approval of the plat may be granted upon the installation of the required improvements in the section of the plat filed in the office of the county clerk or register or the furnishing of security covering the costs of such improvements. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the county clerk or register and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.

(c) Form of security. Any such security must be provided pursuant to a written security agreement with the town, approved by the town board and also approved by the town attorney as to form, sufficiency and manner of execution, and shall be limited to: (i) a performance bond issued by a

bonding or surety company; (ii) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state; (iii) an irrevocable letter of credit from a bank located and authorized to do business in this state; (iv) obligations of the United States of America; or (v) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the town, such security shall be held in a town account at a bank or trust company.

(d) Term of security agreement. Any such performance bond or security agreement shall run for a term to be fixed by the planning board, but in no case for a longer term than three years, provided, however, that the term of such performance bond or security agreement may be extended by the planning board with consent of the parties thereto. If the planning board shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided in this section and by the planning board in sufficient amount to warrant reduction in the amount of said security, and upon approval by the town board, the planning board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the planning board.

(e) Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the town board may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the town shall install such improvements as are covered by such security and as commensurate with the extent of building

development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

10. Provision of improvements by town. (a) Adoption of resolution. Notwithstanding the foregoing provisions of this section, with respect to plats approved by the planning board, the town board may adopt a resolution that sidewalks and/or water mains and/or sanitary sewers and/or storm drains required by the planning board pursuant to this section be constructed or installed at the expense of the town as authorized by articles three-A and twelve-C of this chapter or at the expense of an existing improvement district in which the plat is located. Such improvements may also be acquired without consideration by the town board on behalf of the town or an improvement district as authorized by article three-A, twelve, twelve-A or twelve-C of this chapter.

(b) Establishment of improvement district. If an improvement district has not been created for the area in which the plat is located, the town board may establish or extend an improvement district as provided in this chapter or in any applicable special law for the purpose of constructing or installing or acquiring without consideration such improvements shown on the map of any plat as the town board may determine.

(i) Execution of contracts. The town board resolution shall require that the owner or owners of real property execute such contracts with the town as the town board may deem necessary for the purpose of ensuring that the expense of such construction or installation, including the cost of issuing obligations to raise moneys to pay the expense thereof and interest on such obligations, shall not be an undue burden upon the property deemed benefitted by the agreements or of such improvement district or extension thereof as the case may be and may require a security agreement, including the filing of a surety bond, letter of credit or the deposit of cash or securities reasonably

acceptable to the town board as to assure the performance of such contracts.

(ii) Any such surety agreement shall be executed in accordance with this subdivision, and may contain such other provisions as the town board may reasonably determine to be necessary to ensure the performance of such contracts.

11. Suffolk county; disposal of sewage from plats. (a) In the county of Suffolk, when the health department shall have directed that disposal of sewage from the plat shall be provided for by a communal sewerage system, consisting of a treatment plant and collection system, then the Suffolk county sewer agency shall determine, specify and direct the means and method by which the aforesaid system shall be best provided by and at the expense of the developer. Among the alternative means and methods the Suffolk county sewer agency may direct, shall be: (i) that the developer, at its own cost and expense, install, build and construct such system according to such plans, specifications, conditions and guarantees as may be required by the Suffolk county sewer agency, and upon satisfactory completion thereof, the developer shall dedicate and donate same, without cost to the Suffolk county sewer agency, or its nominee, and the developer shall also petition to form a county district, but if the Suffolk county sewer agency shall determine that a suitable complete communal sewerage system of adequate size cannot be properly located in the plat or is otherwise not practical, then, (ii) the developer shall install, build and construct temporary cesspools or septic tanks together with a sewage collection system according to such plans, specifications, conditions and guarantees as may be required by the Suffolk county sewer agency, and upon satisfactory completion thereof, the developer shall dedicate and donate same, without cost, to the Suffolk county sewer agency or its nominee, and in addition thereto, the agency may also require the payment to the Suffolk county sewer agency of a sum of money in an amount to be determined by the Suffolk county sewer agency, and the developer shall also petition to form a

county district, or (iii) the developer shall install, build and construct temporary cesspools or septic tanks and, in addition thereto, shall pay to the Suffolk county sewer agency a sum of money in an amount to be determined by the Suffolk county sewer agency and the developer shall also petition to form a county district, or (iv) the developer shall provide such other means and methods or combination thereof as the Suffolk county sewer agency may determine, specify and direct.

(b) Any sums paid to the Suffolk county sewer agency pursuant to any provisions of this section, shall constitute a trust fund to be used exclusively for a future communal sewerage system which shall be owned and operated by a county sewer district, which district shall include the subject plat within its bounds. Such moneys and accrued interest, if any, when paid to such district, shall be credited over a period of time determined by the district, pro rata, against the sewer assessment of each tax parcel of the subject plat as may exist at the time of the payment of such moneys and accrued interest to such district. Provided, however, that if so directed by local law enacted by the Suffolk county legislature with approval of the county executive:

(i) the Suffolk county sewer agency may refund all moneys on deposit in said trust fund pursuant to agreements entered into before July first, nineteen hundred seventy-eight under the authority of subparagraphs (ii) and (iii) of paragraph (a) of this subdivision, and all accumulated interest, if any, earned thereon, to the owner as of July first, nineteen hundred eighty-eight of the subject plat from which moneys deposited into said trust fund were collected, or a predecessor in title if said predecessor establishes a superior right to the moneys and accumulated interest; and

(ii) the Suffolk county sewer agency may cease to accept money for deposit into the trust fund if said money is due and owing because of agreements entered into before July first, nineteen hundred
seventy-eight under the authority of subparagraphs (ii) and (iii) of

paragraph (a) of this subdivision.

(c) The useable value of any communal sewage collection system built under subparagraph (i), (ii) or (iv) of paragraph (a) of this subdivision shall be credited over a period of time determined by the district, pro rata, against the sewer assessment of each tax parcel of the plat as may exist at the time such system is incorporated into a county sewer district which shall include the subject plat within its bounds.

(d) While planning for and pending the formation or extension of a district contemplated hereunder which will incorporate a plat that has or is to have a dry lateral sewer collection system installed therein, the county legislature may contract in those instances where it feels an emergency exists, and the public health and welfare are in urgent need and will be best served, with any department, agency, subdivision, or political instrumentality of the state, county, town, or village, or an improvement district or a private entity having a treatment plant, to furnish sewerage disposal service to such plat on such terms and conditions and for such consideration as the Suffolk county sewer agency may recommend and the county legislature approves. The county legislature may finance, in whole or in part, pursuant to the local finance law, any expenditure made pursuant to this section. Upon the erection of the contemplated district, it shall reimburse the county for any funds the county may have expended to provide such interim disposal service to the plat.

Town of Ulysses, NY
Subdivision Review Checklist

Project Name _____ Location _____
X = Item Submitted; N/A = Not Applicable; W = Waive; COND = Condition of Approval

Subdivision Plan List

	Digital and nine (9) paper copies of the following materials:
	Completed and signed application form, including a narrative description of proposed project.
	The proposed subdivision name (if any), and the names of the town and county in which it is located
	Completed and signed Environmental Assessment Form. (<i>The NY DEC has an online application that greatly facilitates this process: http://www.dec.ny.gov/eafmapper/</i>)
	Completed and signed Agricultural Data Statement (for properties containing or within 500 feet of a farm operation located in a County-designated Agricultural District).
	If applicant is not the owner of the land under consideration, written approval from the owner to submit the sketch plan.
	A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.
	An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.
	The date, a true North arrow, the map scale, and the names, addresses and phone numbers of all owners of record and the subdivider.
	Topographic or contour map to adequate scale and detail to show site topography and natural features such as Unique Natural Areas, Critical Environmental Areas, and all streams and wetlands or evidence of these such as hydric soils or vegetation indicative of wetlands,
	All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Tompkins County Health Department; approval shall be stated on the plat and signed by an officer of the Health Department.
	Conceptual stormwater management plan consistent with local law that outlines the approach to manage runoff and its post construction treatment on the site. A Stormwater Pollution Prevention Plan does not have to be submitted for Sketch Plan Conference.
	Payment of all application fees.

**The Planning Board may request additional items as
may be required to complete its review**

*****Incomplete Applications Will Not Be Accepted For Review*****

(Applications submitted by deadline will be evaluated for completeness and placed on the agenda at the discretion of the Planning Dept.)