

LOCAL LAW 3-2014

SUBDIVISION REGULATIONS OF THE TOWN OF SPAFFORD

Article I: Purposes

Section 1: Purposes

It is hereby declared to be the policy of the Town of Spafford that the subdivision and development of land shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth: Land to be subdivided or developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or smoke, or other menace. Proper provisions shall be made for drainage, water supply, sewage disposal, and other appropriate utility services. Proposed streets shall provide a safe, convenient, and functional system for vehicular circulation, and shall be properly related to master plans, if any, for the affected area of the Town. Streets shall be of such width, grade, and location as to accommodate prospective traffic as determined by existing and probable future land building uses. Buildings, lots, blocks and streets shall be so arranged as to afford adequate light, view, and air to facilitate fire protection and to provide ample access for firefighting equipment to buildings. Land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced.

Article II. Development Standards

Section 1: Streets-General Planning Standards

- A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Official Map and the Master Plan, if any, and shall be considered in relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The design and plans for streets shall be acceptable to and approved by the Town of Spafford Department of Public Works.
- B. No dead end streets shall be permitted without a suitable cul-de-sac or turnaround.

Section 2: Lots

A. Design Standards

- 1. Lot dimensions shall conform to the requirements of the Town of Spafford Zoning Code.
- 2. Excessive depth in relation to the width shall be avoided. A proportion of 2½ to 1 will normally be considered maximum.

Section 3: Trees and Natural Features

- A. Reasonable requirements for the preservation of outstanding natural features may be specified. These include large trees or groves, water courses and waterfalls, historic spots, exceptional and existing lake views, and similar irreplaceable assets in which there is general public interest.
- B. No trees or plantings other than grasses shall be planted within the right-of-way, or close thereto, as to interfere with visibility by vehicles entering or crossing a street or intersection.

Section 4: Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where they are anticipated.
- B. Permanent utility easements normally need not exceed 20 feet in width, although exceptional circumstances may require additional width.

Section 5: Storm Drainage

- A. All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development, and shall comply with the requirements of the Town engineer and highway superintendent, the City of Syracuse Water Authority, and/or the Onondaga County Water Authority, the Onondaga County Department of Water Environment Protection and, when applicable, the New York State Department of Environmental Conservation's (NYSDEC) current storm water regulations.
- B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water drainage easement or right-of-way conforming substantially with the lines of such water course, and as such width as to encompass the 25 year flood area of such water course, if such data are available, or to encompass the flood of record plus 3 feet in elevation. All structures built within such areas shall be required to maintain participation in the National Flood Insurance program.
- C. Easements or rights-of-way for storm water drainage must be sufficient for facilities to handle the current and anticipated discharge from the property being subdivided.

Section 6: Required Improvements

The following improvements shall be installed by the owner prior to the approval of the final plat, or alternatively, he shall post a performance bond as provided in Article V, Section 4 sufficient in amount to cover the estimated full cost of such construction as determined by the Planning Board. At the

discretion of the Town Board, the developer may secure the formation of a special district to install such utility and street improvements pursuant to the laws of the state.

A. Monuments:

For subdivisions with new streets, monuments shall be placed at all block corners, angle points, or curvature in streets, and points of tangency or horizontal curves, and at such intermediate points as shall be required by the town engineer. Monuments shall be of granite or concrete with an iron pin in the center.

B. Utility and Street Improvements

1. Utility and street improvements shall be provided in accordance with the following:

- a. Community water supply, if to be provided, and sanitary sewer system, where required, in accordance with procedures and standards of the Onondaga County Department of Health.
- b. All roads and streets shall comply with New York State Highway Department specifications.
- c. Storm sewer system and other drainage improvements in accordance with applicable standards of the County Departments of Health and Water Environment Protection.
- d. Street name signs at all intersections, the design of which shall be approved by the highway superintendent.

2. Street construction shall meet the specifications set forth in Highway Standards for Low-Volume Roads in New York State, published by the Cornell Local Roads Program in September 2009. When natural conditions of sub grades, slope, and drainage are other than favorable, the Planning Board, after consultation with the town highway superintendent, may require reasonable higher standards for gravel base and pavement and may specify special treatment of this sub grade.

3. Where any subdivision lies contiguous to existing public park lands, the developer shall, at the discretion of the Planning Board, be required to provide screening and/or fencing of a suitable nature, to be determined by the Board, between such subdivision and the parkland.

Article III: Sketch Plan

Section 1: Sketch Plan

Any owner of land may, prior to subdividing or re-subdividing land, must submit to the

Planning Board, two copies of a sketch plan of the proposed subdivision for the purposes of classification and preliminary discussion.

Following the submission of the sketch plan, the sub-divider, and/or his duly authorized representative, shall meet with the Planning Board and the Code Enforcement Officer to review the classification of the sketch plan. The requirements of the Subdivision Regulations shall be discussed among the Planning Board, Code Enforcement Officer, and the sub-divider and/or his duly authorized representative. Classification of the sketch plan as a lot/boundary line adjustment or as a subdivision, as defined in these regulations, is to be made at this time. The Planning Board may decide that a subdivision must comply with all or some other requirements specified when necessary to protect the public health, safety, and welfare.

- A. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate based map at a scale to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted showing the following information:
1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 2. All existing structures, wooded areas, streams, and other significant physical features within the portion to be subdivided, and within 100 feet thereof. If topographic conditions are significant, contours shall also be indicated at reasonable intervals.
 3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 4. The tax map sheet, block, and lot numbers, if available.
 5. All the utilities available, and all streets and driveways which are; proposed, mapped, or built.
 6. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewage, and water supply within the subdivided area.
 7. All existing restrictions on the use of land, including easements, covenants, or zoning district lines and agricultural restrictions.

Article IV: Lot/Boundary Line Adjustment

Section 1: Lot/Boundary Line Adjustment

Lot/Boundary line adjustments shall be exempt from the requirements of the Subdivision Regulations

provided that three copies (Mylar or Vellum) of a plan prepared by a New York State licensed land surveyor or professional engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine if the situation fits the criteria below. To qualify as a lot/boundary line adjustment, the parcels shall:

- A. Involve the addition of land to an existing parcel so as to:
 - 1. Improve the ability of that parcel to comply with setback or other building standards; or
 - 2. Increase the suitability of the parcel for building development; or
 - 3. Add to the availability of open space; or
 - 4. Resolve a boundary line dispute or allow for the filing of a corrective deed.
- B. Without reducing the donee parcel to a state that does not comply with the Zoning Code of The Town of Spafford.

The Town's Code Enforcement Officer and Planning Board shall, within ten days of the receipt of a final lot/boundary line adjustment plan and any other required information, determine whether it complies with the criteria in (A) and (B) above. Should the Code Enforcement Officer and Planning Board fail to act in the provided time, or find the plan does not meet the criteria, they shall forward it to the Planning Board for processing as a subdivision.

No person shall record plans for any lot/boundary line adjustment without so first obtaining the Code Enforcement Officer and Planning Board's approval and signatures.

Article V: Subdivision

Section 1: Subdivision Plat Procedure

- A. Submission of Application: The owner shall submit to the Planning Board a plat clearly marked "{Last Name/Organization} Subdivision Plat", together with supplementary materials as specified.
- B. Referral to the Onondaga County Planning Board: The Planning Board shall refer to the Onondaga County Planning Agency for review. Any application for preliminary and/or final approval of a subdivision plat or proposal to develop a plat and/or plats already filed in the Office of the County Clerk as required by Section 239-n of the General Municipal Law
- C. Public Hearing: Within 62 days after the receipt of a complete plat by the clerk of the Planning Board, the Planning Board shall hold a public hearing which shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing.
- D. Planning Board Decision: The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the clerk of the Planning Board if no such public hearing is held, or, in the event such hearing is held, within 62 days after the close of such hearing.

Notwithstanding the foregoing provisions, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning board. When approving a preliminary or final plat, the Planning Board shall state in writing modifications, if any, it deems necessary for the submission of the plat in filing form.

- E. Failure of Board to Take Action: In the event the Planning Board fails to take action on the plat within the time prescribed hereto, such plat shall be deemed granted a preliminary and/or final approval. The certificate of the clerk of the town as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.
- F. Expiration of Approvals: Within 180 days of the approval for the preliminary/conditional final plat, the owner must submit the plat in final form. If a plat, in final form, is not submitted, the Planning Board may revoke approval of the preliminary/conditional final plat. Notwithstanding the foregoing provisions, the Planning Board may extend the time in which a final plat must be submitted for signature, if in its opinion such intention is warranted by the particular circumstances thereof, for not to exceed two additional periods of 90 day each.

Section 2: Subdivision Plat

Three paper copies of the plat map and all required supplementary material, together with two copies of the application shall be submitted, together with a fee (decided by the Town Board) based upon the schedule provided with the application. The final plat shall conform substantially to the preliminary plat as approved (including such modifications as required by the Planning Board in its approval). Two Mylar or Vellum copies of the final plat and all required supplementary material as specified in this Article, together with two copies of the application for final approval shall be submitted. The application, copies of the final plat and supplementary material shall not be accepted if approval of the preliminary plat has been revoked. At the time of filing the final plat, the sub-divider shall also submit the following:

- A. Certification from a registered land title insurance company, licensed to do business in New York State, that the applicant is the owner in fee of the property which is subject of the applications.
- B. Drawings, certified by a New York State licensed land surveyor, showing the location of all improvements as may have been constructed prior to final plat submission.
- C. A certificate by a licensed professional engineer, retained by the Planning Board, that any required improvements constructed by the owner have been designed and inspected and meets the minimum standards in these regulations, or as otherwise required by law (if deemed necessary).
- D. A performance bond, approved by the Planning Board and the Town Board, as to form, sufficiency, manner of execution and surety for the completion of such required

improvements as have not been construction (if deemed necessary).

- E. Offers of cession, in a form certified as satisfactory by the town attorney, of all land to be dedicated for streets, highways, easements or other public facilities (if deemed necessary).
- F. A certified check in the amount to be determined by the Planning Board, to meet the costs of inspection by an engineer retained by the Planning Board, of required improvements, unless the improvements are to be provided by special districts (if deemed necessary).
- G. Plat map: Must include the following:
 - 1. Titles, scale, north arrow, and date.
 - 2. Minimum sheet size: At an appropriate scale.
 - 3. Topographic map shall depict the topography of the property to be subdivided and all adjacent properties at reasonable intervals.
 - 4. Please refer to Article III – Sketch Plan (Pg. 4), Section1, Sub-sections A (1-7) for more detailed information.
- H. Signing of the Plat: Upon resolution of conditional/final approval of such plat, the Planning Board shall empower the duly authorized officer to sign the plat subject to completion of such requirements as maybe stated in the resolution.
- I. Time by Which Plat or Section Must be Filed: The Planning Board must sign the final plat(s), constituting final approval of the Planning Board within 62 days from the date of such approval.
- J. Filing Sections: In the event the sub-divider shall file only a section of such approved plat in the Office of the County Clerk, the entire approved plat shall be filed with the town clerk within 30 days of the filing of such section.
- K. Legal data:
 - 1. Corrected an updated legal data from preliminary/conditional plat.
 - 2. Such other certificates, affidavits, endorsements, or agreements as may be required by the Planning Board in enforcement of these regulations.

Section 3: Requirements after Filing Final Plat

Within 30 days from the recording of the final plat or any improved section thereof, the sub-divider shall file with the Planning Board a copy of the plat certified by the Onondaga County Clerk to be a true copy of the recorded plat. Drawings showing the location of all required improvements as built shall be certified by a licensed land surveyor or licensed engineer and filed with the Planning Board within 30 days prior to the acceptance of the improvements by the Town. Until such time as built plans are filed, no performance bond guaranteeing the completion of such improvements shall be released. Performance bonds may be changed only under the provisions of Section 277 of the Town Law.

Section 4: Compliance with State Environmental Quality Review Act

The Planning Board shall comply with the applicable provisions of the State Environmental Quality Review Act when reviewing all applications pursuant to this local law.

Article VI: Section Waivers and Modifications

The Planning Board may waive, subject to appropriate conditions, the provision of any or all such improvements and requirements set forth in Article V of these regulations, as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or which in its judgment are inappropriate because of inadequacy for lack of connecting facilities adjacent or in proximity to the subdivision.

Article VII: Miscellaneous

Section 1: Conflict with Other Regulations

Wherever there may be a conflict between the standard specified in these regulations and those of other codes, ordinances, or regulations of the Town of Spafford, the most restrictive or highest standard shall apply.

Section 2: Separability

If any section, paragraph, clause, phrase, or provision of these regulations shall be adjudged to invalid or held unconstitutional, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part so held to be invalid or unconstitutional.

Section 3: Short Title

These regulations shall be known and may be cited as "Subdivision Regulations of the Town of Spafford".

Section 4: Effective Date

This Local Law shall take effect upon filing pursuant to the provisions of the New York Municipal Home Rule Law.

Section 5: Supersession

To the extent that any provisions of this law are in conflict with the provisions of Town Law Article 16, The Town Board hereby expresses its specific intent that the provision of this law shall control and shall supercede any such inconsistent provisions of said Article 16, all pursuant to the authority granted to The Town Board by The Municipal Home Rule Law.

Appendix I: Definitions

Section I: Definitions

For the purpose of these regulations certain words used herein are defined as follows:

- Applicant/Sub-Divider:** The owner of land or any person, firm, corporation, partnership or association, authorized by the owner, who shall layout for the purpose of sale or development, any subdivision or part thereof, as defined herein.
- Cul-de-sac Streets:** Minor streets with one end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround. The length of a cul-de-sac street shall be measured along the center line from its intersection with the centerline of the street from which it runs to the center of the cul-de-sac turnaround.
- Lot/Boundary Line Adjustments:** The transfer of land between two neighboring parcels so as to improve the quality of the receiving parcel, which do not create any additional lot, tract, parcel, site or division, while ensuring that such lot/boundary line adjustment satisfies public concerns of health, safety and welfare, without adversely affecting the offering parcel.
- Metes and Bounds:** A surveyor's description of a parcel of real property, using carefully measured distances, angles and directions, which results in what is call a "legal description" of the land, as distinguished from merely a street address or parcel number.
- Multiple Frontages:** A lot with frontage on two or more existing or proposed right-of-ways.
- Planning Board:** The planning board of the Town of Spafford.
- Re-subdivision:** Alteration of the size, shape, or orientation of lots, lot lines, parcels, right-of-way, or other elements which are contained within a subdivision or result from a previous subdivision process.
- Sketch Plan:** A sketch of a proposed lot/boundary line adjustment or subdivision showing the information specified in Article III, Section I of these regulations to enable the sub-divider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout, the objectives of these regulations, and the classification of this particular subdivision.
- Streets:** A public or private way used or intended to be used for passage or travel by vehicles.

Subdivision: The division of any parcel of land into multiple lots, blocks, or sites, with or without streets or highways, and includes re-subdivision for purposes of sale, lease, rental, or development for any use. The most current Onondaga County Tax Map will be the reference source for the division of land into subdivisions.

Subdivision Final Plat Approval: The signing of a final plat by a duly authorized officer of the Planning Board after a resolution granting final approval to the plat, or after conditions and or recommendations as 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.

Subdivision Final Plat Conditional Approval: The approval by the Planning Board of the 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.

Subdivision Plat: A drawing prepared by a New York State licensed professional engineer or land surveyor in a manner prescribed herein showing the layout of a proposed subdivision including, but not restricted to, lot layout, approximate dimensions, key plan, topography and drainage, all proposed facilities un-sized, including preliminary plans and profiles, at a suitable scale and in such detail as required herein (see Article V, Section 2).

Subdivision Preliminary Plat Approval: The approval by the Planning Board of the layout of the proposed subdivision as set forth in a preliminary plat, but subject to the Board's conditions and or recommendations and subject to approval of the plat in final form in accordance with the provisions of Subdivision 7, Article 16 and Section 276 of Town Law.