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A Local Law entitled "Town of Caroline Subdivision **Review** Law"

Be it enacted by the Town Board of the Town of Caroline as follows:

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## Article 1 - General Provisions

### Section 101 Short Title

This local law shall be known and cited as the “Town of Caroline Subdivision Review Law.” The provisions of this local law are referred to as regulations.

### Section 102 Authority and Relationship of This Law to Other Laws and Regulations

This local law is enacted under the authority granted to the Town of Caroline in Town Law Sections 276; 277; 278 and 279 and Municipal Home Rule Law Sections 10(1)(ii)(a)(11) and (12); Section 10(1)(ii)(d)(3); and Section 22. To the extent Town Law Sections 276, 277, 278 and 279 do not authorize the enactment of the regulations contained herein, or to the extent that those sections conflict with the regulations contained herein, it is the expressed intent of the Town Board to change and supersede such sections.

Except as to such subdivision laws as may be expressly superseded herein, this local law is not intended to impair or supplant any other federal, state or local laws or regulations, or the implementation or requirements thereof. Thus, whenever this local law may be construed as being irreconcilably in conflict with any such other law or regulation, the more restrictive law or regulation as respects the subject matter of this local law shall be given precedence.

### Section 103 Jurisdiction

These regulations shall apply to all land within the Town of Caroline.

### Section 104 Purpose

These regulations are intended to guide and protect the Town’s physical development and to help the Town grow in an orderly, efficient, and economical manner which maintains and reflects the uniqueness of the Town and the character of the Town as a rural community and a beautiful and desirable place in which to live as set forth in the goals of the Comprehensive Plan.

These regulations are developed to ensure:

- > that the health, safety, and welfare of the Town’s inhabitants are promoted;
- > that land to be subdivided is suitable for building purposes without creating dangers to health or peril from fire, flood, or other menace;
- > that proper provision is made for drainage, water supply, sewerage, highways, open space, and other improvements;
- > that land, once subdivided and developed, will not place an undue burden on the Town to maintain Town-owned facilities;
- > that all proposed lots be so laid out as to be in harmony with the development pattern of neighboring properties and with the character of the land;
- > that all proposed highways compose a convenient system and be of such design and construction as to accommodate the prospective traffic and to provide access for emergency services, including fire-fighting equipment; and
- > that there is optimum overall conservation, protection, development, and use of the environmental resources of the Town.

## **Section 105 Subdivision Approval Required**

No subdivision or portion thereof shall be sold, offered for sale, leased or rented and no structure shall be erected thereon until the requirements that apply to subdivision activity subject to review, as defined in Article 2 of this Local Law, and compliance with other according Town laws, are satisfied and a plan or map of such subdivision has been approved by the Review Board and filed or recorded with the Tompkins County Clerk.

## **Section 106 Definitions**

(1) **Interpretation** - For the purposes of these regulations, the language set forth herein shall be interpreted by reference to certain terms and their meanings, as defined in this Section. If not specifically defined, words and terms shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

(2) **Construction** - For the purposes of these regulations, the language set forth herein shall be interpreted according to the following rules of construction:

The singular includes the plural.

The plural includes the singular.

The words "shall" and "will" mean the action is mandatory.

The words "may" or "should" mean the action is elective.

Any masculine words include feminine words.

### **(3) Definitions**

(a) Agricultural Data Statement - A statement identifying farm operations within an agricultural district located within five hundred feet of the boundary of property upon which a subdivision is proposed, as provided in Agriculture and Markets Law Section 305-a.

(b) Agricultural District – An agricultural district established by Tompkins County under the provisions of Agriculture and Markets Law Article 25-AA.

(c) Agricultural Operation – Shall mean and include: (i) any land or structures, whether upon contiguous parcels or otherwise, used in relation to the raising, production, storage, distribution, delivery, or sale of agricultural products, such as crops (grains, seed, fruits, vegetables, nuts, sod, and similar agricultural goods), livestock, poultry and dairy goods, ornamental and greenhouse products, woodland products, bee keeping and apiary products, forest management products and activities, and timber harvesting operations, in each case also including the management, preservation, preparation, or processing of such agricultural goods predominantly on Site; (ii) practices that allow land used for agricultural activity to lie fallow for a period not exceeding five consecutive years; and (iii) agricultural activities as defined and construed pursuant to New York State Agriculture and Markets Law § 301.

(d) Board – The Town of Caroline Review Board.

(e) Clerk of the Board –The clerk of the Town of Caroline Review Board.

(f) Community Water or Sewer System – A privately or publicly owned water or sewer system that

serves more than two residential units or more than one non-residential use.

- (g) Conditional Approval of Final Plat – Approval by the Board of a final plat subject to conditions set forth by the Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for filing or recording and does not authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Board and the filing or recording of the plat in the office of the Tompkins County Clerk.
- (h) Design Guidelines – Design Guidelines are statements and questions created by resolution of the Town Board, guided by principles in the Town’s Comprehensive Plan, and must be addressed by the Review Board and a project applicant during the subdivision review process.
- (i) EIS – An Environmental Impact Statement prepared in accordance with SEQRA.
- (j) Exempt Subdivision – A subdivision of land, defined in Section 201 of these regulations and which does not require any review by the Board.
- (k) Final Plat – Signed and dated drawings prepared in a manner prescribed in these regulations that shows a proposed subdivision, containing all information required to be shown on a preliminary plat and the modifications, if any, required by the Board at the time of approval of the preliminary plat.
- (l) Final Plat Approval – The signing of a plat in final form by a duly authorized member of the Board pursuant to a Board resolution granting final approval to the plat. Such final approval qualifies the plat for filing or recording in the office of the Tompkins County Clerk.
- (m) Flood Damage Prevention Local Law – Local Law No. 1 of the year 1987, entitled “A local law for Flood Damage Production as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.”
- (n) Floodplain – Any land located within a Regulatory Floodway defined in the Flood Damage Prevention Local Law.
- (o) Home Occupation – An occupation, profession, or trade carried out by the resident of a one-family or two-family residence as a secondary use which is clearly incidental and subordinate to the residential use of the property. Such secondary use shall be prima facie incidental and subordinate to the residential use of the property if less than 50% of the total gross floor area of the structure is devoted to such use. A home occupation may employ not more than the equivalent of two full-time employees (exclusive of the resident). For the purpose of this definition, a full-time employee shall mean employment of one or more persons for not more than 40 hours per week. A home occupation includes a Bed and Breakfast provided it is owner-managed by the owner-occupant of a one- or two-family home that provides one to four rooms for paying guests on an overnight basis.
- (p) Hydric Soil - a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. A list of New York State Hydric Soils and Soils that may have hydric inclusions is published as a Technical Guide by the Soil Conservation Ser-



vice.

- (q) Lot – Any tract, block or site of land separated from other parcels or tracts by description, as on a subdivision or record of survey, or by metes and bounds for the purpose of sale or lease or sale under a land contract.
- (r) NPDES – The National Pollution Discharge Elimination System under the Federal Clean Water Act.
- (s) Performance Guarantee – An alternative to the installation of infrastructure and improvements; an irrevocable letter of credit; cash deposit; performance bond or other security sufficient to cover the full cost of the installation of infrastructure and improvements, as estimated by the Town.
- (t) Plat – Signed and dated drawings of a subdivision.
- (u) Preliminary Plat – Signed and dated drawings prepared in a manner prescribed by these regulations showing the layout of a proposed subdivision including, but not restricted to, highway and lot layout with approximate dimensions, topography and drainage, all proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as required by these regulations.
- (v) Preliminary Plat Approval – The preliminary approval of the layout of a proposed subdivision set forth on a preliminary plat.
- (w) Residential Purposes - The use of land, buildings and structures for year-round housing of one or more persons in separate, independent housekeeping units, and containing independent cooking and sleeping facilities, including home occupations, but excluding lodging facilities such as motels and hotels.
- (x) Review Board – The Board appointed by and under this local law to review Subdivision activity and development.
- (y) Review Fee –A fee paid to the Town by a project applicant at the time of application is filed with the Town Clerk, who shall issue a receipt stating the purpose of the payment, and **required** before the Review Board can commence subdivision review of preliminary or final plat application.
- (z) SEQRA – The State Environmental Quality Review Act constituting Environmental Conservation Law Article 8 and the implementing regulations found at 6 NYCRR Part 617.
- (aa) Sketch Plan – A drawing of a proposed subdivision intended to be used to provide an opportunity for the subdivider and the Board to review a proposed subdivision early in the subdivision review process in order to save the subdivider time and expense in the planning and design of the project.

- (bb) SPDES – The State Pollutant Discharge Elimination System under the Environmental Conservation Law.
- (cc) Special Flood Hazard Area – Areas subject to inundation by a 100-year flood event as shown on the Flood Insurance Rate Maps for the Town of Caroline, prepared by the Federal Emergency Management Agency.
- (dd) Steep Slopes – Any land that exceeds a slope of 15%.
- (ee) Streambank – The land adjacent to both sides of the streambed that defines the watercourse under bank full conditions.
- (ff) Subdivider – Any person, firm, corporation, partnership or association, who shall propose and/or apply for any subdivision or part thereof, either for himself or others.
- (gg) Subdivision – The division of any parcel of land into a number of lots, blocks or sites for the purpose of sale, transfer of ownership, or development. For the purposes of this local law, the term subdivision shall also include the development on one lot of more than three separate, independent residential units whether or not a community water or sewer system is proposed.
- (hh) Town - The Town of Caroline, Tompkins County, New York.
- (ii) Town Board - The Town Board of the Town of Caroline.
- (jj) Wetlands – Any land identified on the New York State Wetlands maps published by the New York State Department of Environmental Conservation; any land identified in the National Wetlands Inventory published by the United States Department of the Interior, Fish and Wildlife Service; any land under the jurisdiction of the United States Army Corp of Engineers; or any land delineated as a wetland following a field investigation by a qualified professional.<sup>1</sup>

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<sup>1</sup> The U.S. Army Corps of Engineers is responsible for federal wetland regulation. The New York State Department of Environmental Conservation is responsible for state wetland regulation. Subdividers are encouraged to contact these agencies concerning potential federal or state regulation of wetlands on their property.

## Article 2 - Overview of Process

### Section 201 Classification of Subdivisions

All subdivisions shall be classified as either exempt or subject to review.

(1) **Exempt Subdivisions** – The following types of subdivisions shall be exempt from review under these regulations:

(a) Lot Line Adjustments - The transfer of title to land from its owner to an abutting owner for consolidation with an abutting lot, including boundary line agreements between adjoining owners.

(b) Rural Land Divisions - A subdivision of land provided that:

all lots are along an existing public highway and contain more than five acres, excluding land in a road right-of-way; and

does not involve the extension of an existing, or creation of a new, public road or community water or sewer system; and

each lot is designed, and intended to be used, for not more than four residential units or for agricultural operations.

(c) Small-Scale Residential Subdivisions – A subdivision or subdivisions of land resulting in the addition of up to five lots along an existing public highway of less than five acres in size within a three-year period; provided that

it does not involve the extension of an existing, or creation of a new, public road or community water or sewer system; and

all lots are designed, and intended to be used, for one single-family residence or one two-family residence.

(d) Multiple Residential Units on One Lot - Without actually subdividing a lot, the development of a single lot with not more than three separate, independent residential units.

(2) **Subdivisions Subject To Review** - Any subdivision or development of land that is not an exempt subdivision.

### Section 202 Subdivision Review Process:

- (1) Sketch Plan Review ([Article 4](#))
- (2) **Submission of Preliminary Plat Application ([Article 5](#)) and Preliminary Review Fee ([Section 203](#))**
  - a. **Review Board Review ([Section 503](#))**
  - b. **Town Board Review (as appropriate; [Section 504b](#) and [Article 6](#))**
  - c. **Tompkins County 239 Review (as appropriate; [Section 504b](#))**
  - d. **Public Hearing ([Section 505](#))**
  - e. **Decision ([Section 505](#))**
- (3) **Submission of Final Plat Application ([Article 7](#)) and Final Review Fee ([Section 203](#))**
  - a. **Public Hearing (if not in substantial agreement with Preliminary Plat; [Section 704](#))**
  - b. **Decision ([Sections 703; 704](#))**

### **Section 203 Submit Review Fee**

The Town Board shall by resolution periodically set a fee schedule for the review and processing of Subdivision applications (**Preliminary and Final Review Fees**) and for the inspection of subdivisions. The Code Enforcement Officer or other such agent as the Town Board may designate shall calculate the fee for each application. No application review will begin until the appropriate fee is paid to the Town Clerk, who shall issue a receipt stating the purpose of the payment. This receipt must be filed with the application as evidence of payment.

### **Section 204 Retention of Expert Assistance and Reimbursement by Applicant**

(1.) At any point in the subdivision review process the Review Board may elect to retain private consultants or refer to the county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters at the expense of the applicant.

(2.) An applicant shall deposit with the Town funds sufficient to reimburse the Town for the reasonable anticipated costs of engineering, legal, and other consultant and expert evaluations and consultation reviews, as incurred by the Town or by the Review Board in connection with the review of any subdivision application. The initial deposit shall be in an amount as reasonably assessed by the Town, set forth in a fee schedule, and adopted by Town Board resolution. These funds shall accompany the filing of an application and the Town will maintain a separate escrow account for all such funds. The Town may draw-down such account to reimburse for permissible, allowed costs of professional or consultant reviews and consultations, and if at any time during the review process the amount in the said escrow account drops below \$500.00, additional funds shall be submitted to the Town in an amount to be reasonably determined by the Town before any further action or consideration will be permitted on the application. In the event that any funds remain after final approval of the project or the issuance of any subdivision review determination, the balance of such funds shall be promptly refunded to the applicant.

(3.) The fee schedule set forth in this Section may vary with the scope and complexity of the proposed subdivision, the completeness of the application, and other information as may be needed by the Review Board or its consultant/expert to complete the necessary review and analysis.

(4.) The Review Board at the Sketch Plan meeting with the applicant, and at any other time, shall have the authority to review any amounts determined as required deposits for any applicant or subdivision application review process by the fee schedule and the Code Enforcement Officer. The Review Board may adjust or amend any amounts required downward at the request of the applicant or whenever the Review Board deems the amount required unnecessary or excessive, but in no case may the Review Board increase any amount of deposit(s) so required by the fee schedule and the Code Enforcement Officer.

### **Section 205 Review Board Use of Legal Counsel Not Included in Review Fee**

The Review Board shall seek legal counsel of the Town Attorney in the subdivision review process such as attendance at meetings with applicant and counsel regarding matters of meeting process and interpretation of these regulations.

## Article 3 - Review Criteria

### Section 301 Purpose

The review criteria in Section 302 were developed, accordingly with other Federal, State and Town laws, in order to provide for the future growth and development of the Town and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of the Town.

### Section 302 Criteria

**(A) Water Quality** - The proposed subdivision shall not adversely affect surface or ground water quality and ensure compliance with the Town of Caroline Local Law #2 of 2007- Stormwater Management and Erosion and Sediment Control. The following standards are intended to ensure that the quality of water in the Town is not adversely affected as a result of new subdivisions. Water quality is also addressed in these regulations, in part, through sections dealing with erosion and sediment control and storm water runoff. Ground water is the principal supply of drinking water in the Town. Its protection from contamination is of paramount importance.

- (1) All proposed subdivisions shall comply with the Tompkins County Sanitary Code, the Environmental Conservation Law and the Public Health Law and the regulations promulgated thereunder at 6 NYCRR and 10 NYCRR respectively, with regard to the design, construction and maintenance of sewerage systems. Plans shall be reviewed by the Tompkins County Department of Health. All Department of Health plan approvals are required prior to final subdivision approval.
- (2) The potential impact on water quality of the proposed land uses shall be identified and mitigation measures proposed. Examples of land uses that may raise concerns are: large parking or loading areas without any method of containing oil and sediment deposited on the pavement; storage of petroleum products, hazardous waste or chemicals on the site; and the use of fertilizers, pesticides, or other chemicals on large expanses of land or near wells, streams, or drainage ditches. To ensure the long-term water quality in the Town, appropriate management, response and maintenance plans shall be developed. Guarantees of implementation may be required by the Town. Final subdivision approval shall be subject to receipt of all required permits from local, state, and federal regulatory agencies and satisfactory completion of permit requirements.
- (3) Wetlands are a natural filter for water, removing sediments and pollutants. Wetlands within the area of the proposed subdivision shall be identified. Any proposed disturbance of a wetland, either during or after construction, shall be mitigated.
- (4) The following construction methods are recommended to protect water quality:
  - > Avoid construction on hydric soils.
  - > Avoid impervious surfaces in favor of pervious surfaces.
  - > Where appropriate, use bioengineering techniques rather than traditional construction methods to manage water on-site. For example, to stabilize a slope along a road, consider landscaping rather than a retaining wall.
  - > Avoid crossing streams and ditches with roads and driveways.
  - > Establish buffers along streams and other watercourses.

**(B) Water Supply** - The proposed subdivision shall have a supply of water adequate for the proposed uses without unreasonably adversely affecting the availability of ground water for other properties. Ground water is the principal source of drinking water in the Town of Caroline. In addition, ground water often serves as the sole supply of water to surface water systems. The following standards are intended to ensure that the supply of water is adequate for the proposed subdivision and will not unreasonably interfere with existing users of the same supply of water, including groundwater and surface waters:

- (1) A source of water for the proposed subdivision shall be identified.
- (2) All proposed subdivisions shall comply with the latest editions of Recommended Standards for Water Works, (Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers) and Rural Water Supply, (New York State Department of Health).
- (3) When the proposed source of water for a subdivision is ground water, the Review Board may require the subdivider to undertake well and pump tests to determine the adequacy of the supply of ground water to serve the subdivision.
- (4) When the proposed source of water for a subdivision is ground water, the Review Board may require the subdivider to undertake studies including a hydrogeologic study to determine the impact of the proposed withdrawal of ground water on surface water flows and on existing users of the same supply of water.
- (5) Wetlands are a natural recharge area for ground water resources. Wetlands within the area of the proposed subdivision shall be identified. Any proposed disturbance of a wetland, either during or after construction, shall be mitigated and any required permits obtained and provided to the Town.
- (6) In determining the need for studies by the subdivider and additional information, the Review Board shall be guided by the history, if any, of ground water supply problems in the vicinity of the proposed subdivision and by any available ground water or aquifer studies.

**(C) Erosion and Sediment Control** - The proposed subdivision shall not result in unreasonable soil erosion, either during construction or after the project is completed, and shall comply with Town of Caroline Local Law #2 of 2007, Stormwater Management and Erosion and Sediment Control.

**(D) Storm Water Runoff** - The proposed subdivision shall not result in any increased stormwater run-off and shall comply with Town of Caroline Local Law # 2 of 2007, Stormwater Management and Erosion and Sediment Control.

**(E) Transportation** - The proposed subdivision shall provide for safe pedestrian, bicycle and motorized traffic. The following standards are intended to ensure that transportation services for pedestrians, bicycles and motorized traffic are safe, efficient, and designed for proper future maintenance. In order to achieve these goals, the Board shall require the subdivider to prepare and implement a transportation plan.

- (1) Any highways to be dedicated to the Town of Caroline shall meet the Town of Caroline Highway Specifications and the provisions of Local Law No. 2 of the year 1996 (local road classification) except where the provisions of such local law shall conflict with the provisions herein, in which case the provisions herein shall govern.
- (2) Highways shall be constructed to serve the anticipated traffic without requiring resurfacing for a period of not less than twenty years.
- (3) The highway system shall be designed with due regard to the need for
  - > convenient traffic access and circulation,
  - > traffic control and safety,
  - > safe movement of emergency service vehicles on road system, and within driveways,
  - > adequate sight distances at all intersections, and
  - > storm water management.
- (4) Highways shall be designed to promote a coordinated highway system. When a proposed subdivision adjoins undeveloped land, its streets shall be laid out so as to promote suitable future street connections with the adjoining land.
- (5) In areas served by the local public transportation system, the subdivision shall be designed to provide for the efficient and safe operation of such services. Plans shall be reviewed by the local and/or re-

gional public transportation system provider(s).

**(F) Public Services** – All appropriate public service providers shall have an opportunity to review the proposed subdivision.

The subdivider shall provide a narrative describing how the following public service providers have been notified in writing of the proposed subdivision and shall provide to the Board copies of all written responses:

- (1) School Services. Plans should be reviewed by the appropriate school district.
- (2) Fire Protection and Emergency Medical Services. Plans should be reviewed by the appropriate fire department and emergency ambulance service provider.
- (3) Street Lighting. For subdivisions located within a lighting district, plans should be reviewed by the lighting district.
- (4) Public Transportation Services. Plans should be reviewed by the local and/or regional transportation system provider(s).

**(G) Utility Services** – All appropriate utility service providers shall have an opportunity to review the proposed subdivision.

The subdivider shall provide a narrative describing how the following utility service providers have been notified in writing of the proposed subdivision and shall provide to the Board copies of all written responses:

- (1) Electricity. Plans should be reviewed by the appropriate utility company.
- (2) Gas. Plans should be reviewed by the appropriate utility company.
- (3) Telephone. Plans should be reviewed by the appropriate telephone company.
- (4) Broadband. Plans should be reviewed by the appropriate Internet service company.

**(H) Flood Hazard Prevention** - The proposed subdivision shall not create new or increase existing flooding hazards in flood hazard zones. In order to prevent inundation by floodwaters, when a subdivision is within or adjacent to a Special Flood Hazard Area, all subdivision activity (including filling, paving, and storage of equipment and materials) shall be in compliance with the Local Law No. 2 of 2007, Stormwater Management and Erosion and Sediment Control.

**(I) Agriculture** – The proposed subdivision shall not result in unreasonable impacts on existing agricultural operations and potential residents of the subdivision shall be notified of the proximity of agricultural operations.

- (1) When a subdivision is located in, or within 500 feet of, an Agricultural District, the subdivider shall complete an Agricultural Data Statement and address the impact on agriculture and the impact agricultural operations (light, sound, smell, dust, etc.) will have on subdivision residents. Upon receipt of such an application, written notice shall be mailed, by the subdivider, to the owners of land identified in the agricultural data statement. Such notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by these regulations. The cost of mailing said notice shall be borne by the subdivider.
- (2) When a subdivision is located adjacent to any agricultural operation, the subdivider shall address its impact on agriculture and the impact agricultural operations (light, sound, smell, dust, etc.) will have on subdivision residents.

**(J) Energy Use and Greenhouse Gas (GHG) Emissions** – The proposed subdivision shall comply with the SEQRA process, including a discussion of energy use and GHG emissions. All applications will be reviewed with respect to the goals of the Town's Comprehensive Plan as well as County and State energy guidelines and plans. The Review Board, either as Lead Agency under SEQRA or in consultation with another body serving as Lead Agency will review all applications requiring a discussion of energy use and GHG emission under SEQRA, in accordance with the methods and procedures in the NYS DEC Guide for *Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement*, as referenced in the DEC's SEQRA Handbook, 3rd Ed., 2010.



## Article 4 – Sketch Plan Review

### Section 401 Purpose

The purpose of Sketch Plan Review is to provide an opportunity for the subdivider and the Board to review a proposed subdivision early in the planning stages in order to mutually review the planning and design of the project and reduce associated time and expense potentially incurred by the subdivider.

### Section 402 Sketch Plan Application

An application for Sketch Plan Review shall be submitted at least 15 days before the meeting at which it is to be considered by the Board. The subdivider shall submit via email a package that includes the date, signature of the applicant and/or representing party, and a cover page detailing the Sketch Plan Application contents, plus one hardcopy for each member of the Review Board (5 total), and one (1) hardcopy delivered to the Town Clerk.

### Section 403 Review Criteria

The Board shall informally review the Sketch Plan Application for the applicability of Review Criteria (Article 3) of these regulations for the purpose of assisting the subdivider in understanding how these criteria will be applied to the proposed subdivision plans.

### Section 404 Design Guidelines

The Board shall review the Sketch Plan application to determine the type of subdivision sought and principles in the Design Guidelines to determine if they are being substantially incorporated into the design of the proposed subdivision. With permission of the property owner, which shall not be unreasonably withheld, and with notification made to the applicant, the Board may make a site visit to the proposed subdivision.

### Section 405 Waiving Submission Requirements

As part of a Sketch Plan Application, the subdivider may request that the Board waive the requirement for the submission of particular information as part of the Preliminary Plat Application or the Final Plat Application. The Board, in making its determination, shall consider

- (1) whether the information required by these regulations is unrelated to the findings it is required to make under these regulations, or
- (2) whether the information required by these regulations is not relevant to the proposed subdivision.

### Section 406 SEQRA Classification

As part of the Sketch Plan Review, the Board shall make a preliminary determination as to whether the proposed subdivision is a Type I Action, a Type II Action, or an Unlisted Action under SEQRA.

## Article 5 - Preliminary Plat Review

### Section 501 Purpose

All subdivisions are subject to Preliminary Plat Review. The purpose of this article is to define the process for Preliminary Plat Review.

### Section 502 Preliminary Plat Application

An application for Preliminary Plat Review shall be submitted at least 45 days before the meeting at which it is to be considered by the Board. The subdivider shall submit via email a package that includes the date, signature of the applicant and/or representing party, and a cover page detailing the Preliminary Plat Application contents, plus one hardcopy for each member of the Review Board (5 total), and one (1) hardcopy delivered to the Town Clerk. The Review Board may, at its discretion, accept a preliminary plat for review less than 45 days before it is to be reviewed but no less than 15 days prior to a meeting to allow for adequate review.

The Board shall comply with and properly conclude all required SEQRA processes before issuing any subdivision approvals, with or without conditions. A Preliminary Plat Application shall not be considered complete until a negative declaration has been filed or until a notice of completion of a Draft EIS has been filed in accordance with the provisions of SEQRA. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

### Section 503 Review Board Review

- (1) **Review Criteria** - The Board shall review the Preliminary Plat Application for its compliance with the Review Criteria (Article 3) of these regulations.
- (2) **Design Guidelines** - The Board shall review the Preliminary Plat Application to determine the type of subdivision sought and principles in the Design Guidelines related to these regulations to determine if they are being substantially incorporated into the design of the proposed subdivision. With permission of the property owner which shall not be unreasonably withheld, the Board may make a site visit to the proposed subdivision, with notification made to the applicant.

### Section 504 Referral to Other Agencies and Town Board

- a. **Coordinated Review** - The Review Board may refer the Preliminary Plat for review and comment to local and county officials or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Dept. of Transportation, the State Dept. of Environmental Conservation, and the state or county Dept. of Health, whichever has jurisdiction.
- b. **Required Referral** - Prior to approval of the Preliminary Plat, and where applicable: (i) the Review Board shall refer the plan to the Tompkins County Planning Department for their review and approval pursuant to §§ 239-l, -m, and/or -n of the General Municipal Law; and (ii) the Review Board shall refer the matter to the Town Board in the event that permanent infrastructure is proposed to be dedicated to the Town.

### Section 505 Review Board as Lead Agency under SEQRA

- (1) **Public Hearing** - The time within which the Board shall hold a public hearing on the pre-

liminary plat shall be coordinated with any hearings the Board shall schedule pursuant to SEQRA, as follows:

- (A) If the Board determines that the preparation of an EIS on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two (62) days after the receipt by the clerk of the Board of a complete Preliminary Plat Application; or
- (B) If the Board determines that an EIS is required, and a public hearing on the Draft EIS is held, the public hearing on the preliminary plat and the Draft EIS shall be held jointly within sixty-two (62) days after the filing of the notice of completion of such Draft EIS in accordance with the provisions of SEQRA. If no public hearing is held on the Draft EIS, the public hearing on the preliminary plat shall be held within sixty-two (62) days of filing the notice of completion.
- (C) The hearing on the Preliminary Plat shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if no hearing is held on the Draft EIS, or fourteen (14) days before a hearing held jointly therewith. The hearing on the preliminary plat shall be closed upon motion of the Board within one hundred twenty (120) days after it has been opened.

**(2) Decision** - The Board, by resolution, shall approve, with or without modification, or disapprove such preliminary plat as follows:

- (A) If the Board determines that the preparation of an EIS on the preliminary plat is not required the Board shall make its decision within sixty-two (62) days after the close of the public hearing; or
- (B) If the Board determines that an EIS is required, and a public hearing is held on the Draft EIS, the Final EIS shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the Draft EIS, the Final EIS shall be filed within forty-five (45) days following the close of the public hearing on the preliminary plat. Within thirty (30) days of the filing of such Final EIS, the Board shall issue findings on the Final EIS and make its decision on the preliminary plat.

**(3) Grounds for Decision** - The grounds for a modification, if any, or the grounds for disapproval shall be stated on the record. When approving a preliminary plat, the Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

#### **Section 506 Review Board Not as Lead Agency under SEQRA**

**(1) Public Hearing** - The 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 EIS. Failing such agreement, or if no public hearing is held on the Draft EIS, the Board shall hold the public hearing on the preliminary plat within sixty-two (62) days after the receipt by the Clerk of the Board of a complete preliminary plat. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if held independently of the hearing on the Draft EIS, or fourteen (14) days before a hearing held jointly therewith. The hearing on the preliminary plat shall be closed upon motion of the Board within one hundred twenty (120) days after it has been opened.

**(2) Decision** - The Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

- (A) If the preparation of an EIS on the preliminary plat is not required, the Board shall

make its decision within sixty-two (62) days after the close of the public hearing on the preliminary plat.

(B) If an EIS is required, the Board shall make its own findings and its decision on the preliminary plat within sixty-two (62) days after the close of the public hearing on such preliminary plat or within thirty (30) days of the adoption of findings by the lead agency, whichever period is longer.

- (3) **Grounds for Decision** - The grounds for a modification, if any, or the grounds for disapproval shall be stated on the record. When approving a preliminary plat, the Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

#### **Section 507 Board Action**

- (1) **Certification and Filing of Preliminary Plat** – Within five (5) business days of the adoption of the resolution granting approval to a Preliminary Plat, such plat shall be certified by the clerk of the Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in the clerk's office. A copy of the resolution shall be mailed to the subdivider.
- (2) **Effect of Approval of Preliminary Plat** – Approval of a Preliminary Plat shall not constitute approval of the Final Plat. The Preliminary Plat shall be a guide to the preparation of the Final Plat. The act, in itself, of the Board granting Preliminary Plat approval shall not be interpreted to create a presumption, or in any way imply, that the Board will give final approval to the subdivision if all conditions contained the preliminary approval have not been met to the satisfaction of the Board or if the Board determines that the subdivider has not met all other requirements of any applicable rule, regulation, code or law or any other requirements which the Board may reasonably impose before any final approval is given
- (3) **Revocation of Approval** – Within six months of the approval of the Preliminary Plat, the subdivider must submit the plat in final form. If the Final Plat is not submitted within six months, the Board may revoke approval of the Preliminary Plat.

## Article 6 - Town Board Review

### Section 601 Purpose

The purpose of Town Board Review is for the Town Board to have an opportunity to review proposed subdivisions where the Town of Caroline will be asked to accept any offer of dedication of public highways or other public facilities or to accept financial guarantees for the completion of any required infrastructure in the subdivision. The Town Board Review, when required, shall occur after the Review Board has approved a Preliminary Plat, but before the filing of a Final Plat Application.

### Section 602 Offers of Dedication

When any public highways or other facilities are proposed to be offered by the subdivider for dedication to the Town of Caroline, the approved Preliminary Plat of the subdivision shall be reviewed by the Town Board. The Town Board shall notify the subdivider and the Review Board in writing whether the proposed highways or other facilities are eligible for acceptance. A finding by the Town Board that the proposed highways or other facilities are eligible for acceptance shall not obligate the Town to accept such facilities after they are constructed and formally offered to the Town Board. No application for Final Plat Review shall be considered complete until such review by the Town Board has been completed.

### Section 603 Performance Guarantees

When a subdivider wishes to file or record the Final Plat of a subdivision prior to completion of the proposed improvements, the Town Board may accept a performance guarantee for the completion of said work. In such cases:

Performance guarantee shall be furnished by the subdivider for all required public improvements and utilities, and for all earthwork, landscaping, and site restoration which are integral parts of the Final Plat.

No building permit shall be issued for a structure with an approved Final Plat until the subdivider has furnished a performance guarantee and has received approval for such letter of credit from the Town Board.

No final certificate of occupancy or certificate of compliance shall be issued until all improvements included in the subdivision are completed, or until a sufficient performance guarantee has been approved by the Town Board for improvements not completed.

The Town Board may waive the requirements of this Section or may accept other evidence or promise of completion of required improvements if, in its discretion, it determines that there is no need for the performance guarantee.

No application for Final Plat Review shall be considered complete until the Town Board has accepted, as to form, or waived such a performance guarantee.

## Article 7 - Final Plat Review

### Section 701 Purpose

All subdivisions are subject to Final Plat Review. The purpose of this article is to define the process for Final Plat Review.

### Section 702 Final Plat Application

An application for Final Plat Review shall be submitted at least 45 days before the meeting at which it is to be considered by the Review Board. The subdivider shall submit via email a package that includes the date, signature of the applicant and/or representing party, and a cover page detailing the Final Plat Application contents, plus one hardcopy for each member of the Review Board (5 total), and one (1) hardcopy delivered to the Town Clerk. The Review Board may, at its discretion, accept a final plat for review less than 45 days before it is to be reviewed but no less than 15 days prior to a meeting to allow for adequate review.

### Section 703 Final Plat Application in Substantial Agreement

When a Final Plat Application is submitted which the Board deems to be in substantial agreement with a Preliminary Plat approved pursuant to Article 5 of these regulations, the 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 (62) days of its receipt by the Clerk of the Board. In the case of a conditionally approved final plat, the Board's resolution shall include a statement of the requirements which, when completed, will authorize the signing of the plat.

### Section 704 Final Plat Application not in Substantial Agreement

When a final plat application is submitted which the Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, the following shall apply:

#### (1) Public Hearing

- (A) A public hearing on such plat shall be held within sixty-two (62) days after the receipt of a complete Final Plat Application by the Clerk of the Board.
- (B) The hearing on the Final Plat shall be advertised at least once in accordance with Section 905 of these regulations. The hearing on the final plat shall be closed upon motion of the Board within one hundred twenty (120) days after it has been opened.

#### (2) Decision - The Board shall make its decision on the final plat as follows:

- (A) The 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 (62) days after the date of the public hearing.

#### (3) Grounds for Decision - The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the record.

### Section 705 Reserved for Future Use

### Section 706 Board Action

- (1) **Findings under Review Criteria** - Based on its consideration of the entire application and public input, if any, the Board shall make its findings based upon the Review Criteria (Article 3) of these regulations.
- (2) **Certification and Filing of Final Plat** – Within five (5) business days of the adoption of the resolution

granting conditional or final approval to a Final Plat, such plat shall be certified by the Clerk of the Board as having been granted conditional or final approval and a copy of the plat and resolution shall be filed in the Clerk's office. A copy of the resolution shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which, when completed, will authorize the signing of the Final Plat.

### **Section 707 Additional Requirements**

No subdivision shall be deemed final until the subdivider has complied with the following, where applicable:

- (1) **Offers of Dedication** - The subdivider shall provide, in a form satisfactory to the Town Attorney, all instruments necessary to convey all land, including public improvements constituting highways or other required public improvements. However, approval of the plat by the Board shall not constitute acceptance by the Town Board of any highway or other public improvements.
- (2) **Health Department Approval** – The Tompkins County Health Department must have approved the subdivision and issued a certificate of approval, and the plan must be filed or recorded in the Tompkins County Clerk's office.

### **Section 708 Conditional Approval**

At the time of a resolution granting conditional approval to a Final Plat, the Board shall empower a duly authorized member of the Review Board to sign the plat subject to completion of the requirements stated in the resolution. Upon completion of the requirements, said duly authorized member shall sign the plat. The subdivider has 180 days to satisfy the requirements on which the approval has been conditioned and obtain the certification of the designated member. This period may be extended by the Board if, in its opinion, circumstances warrant an extension, for up to two 90-day periods beyond the initial 180 day period.

### **Section 709 Filing of Final Plat**

Upon completion of any requirements imposed by the Board as part of Final Plat Approval, and notation to that effect upon the Final Plat, the Plat shall be deemed to have final approval and shall be signed by the authorized member of the Board. The signed plat shall be filed or recorded in the office of the Tompkins County Clerk. Any Plat not so filed or recorded within sixty-two (62) days of the date upon which such Plat is approved, or considered approved by reasons of failure of the Board to act, shall become null and void. The Tompkins County Clerk shall not accept any Plat for filing or recording unless the Board has duly approved it in accordance with these regulations.

### **Section 710 Modifications of the Final Plat**

- (1) No changes, erasures, modifications, or revisions shall be made on any Final Plat after approval has been given by the Board and endorsed in writing on the Plat, unless said Plat is first resubmitted and the modifications are approved as provided for in this section. Six copies of the proposed modified plat shall be submitted to the Clerk of the Board.
- (2) If there are modifications to the final plat requested by the subdivider subsequent to its filing in the office of the County Clerk, such requests shall be made in writing to the Clerk of the Board. The Board may authorize by resolution a member of the Board to approve minor, practical modifications<sup>2</sup> on behalf of the Board. Any such modifications shall be noted on the amended plat and the amendment shall be filed or recorded in the office of the Tompkins County Clerk. The member so empowered shall report any modifications approved by such person to the Board at its next regular-

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<sup>2</sup> Such minor modifications may include, but not be limited to, lot line adjustments that do not result in the creation of lots less than one acre in size.

ly scheduled meeting.

- (3) When, in the opinion of the member so empowered, the requested modifications are substantial in nature, scope or extent, and materially affect the subdivision plat as approved by the Board<sup>3</sup>, the plat may not be modified without the approval of the Board. Such approval may be granted at any public meeting of the Board called for this purpose. If such modifications are approved, the authorized member of the Board shall so note on the modified plat before its filing or recording as a modified plat.

#### **Section 711 Filing of Plats in Section**

Prior to granting conditional or final approval of a plat in final form, the Board may permit the subdivision to be divided into two or more phases and may, in its resolution granting conditional or final approval, impose such conditions as it deems necessary to ensure that the orderly development of the subdivision be completed before a plat showing the phases may be signed by the duly authorized officer of the Board. Conditional or final approval of the phases of a subdivision, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

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<sup>3</sup> Such substantial modifications shall include, but not be limited to, the creation of additional building sites.



## Article 8 - Submission Requirements

### Section 801 Application Required

Whenever any subdivision of land is proposed, the subdivider shall apply in writing to the Review Board for the approval of the subdivision. This application shall conform to the specifications set forth in these regulations. The Review Board may, at its discretion, waive the requirements for the submission of particular information. The Board, in making its determination, shall consider

- (1) whether the information required by these regulations is unrelated to the findings it is required to make under these regulations, or
- (2) whether the information required by these regulations is not relevant to the proposed subdivision.

### Section 802 Sketch Plan

The following information is required as part of a Sketch Plan Application.

- (1) **Base Map** - A base map of the proposed site, to scale (preferably not more than 400 feet to the inch), that enables the entire parcel which includes the proposed subdivision to be shown on one sheet.
- (2) **Existing Conditions** - Existing conditions of the site, including, as appropriate,
  - (A) existing structures, adjacent roads;
  - (B) active agricultural land, agricultural districts;
  - (C) floodplains, wetlands, steep slopes (>15%);
  - (D) woodlands, existing fields, pastures, meadows, hedgerows, and tree lines;
  - (E) surface waters, including creeks, streams, springs, lakes and ponds;
  - (F) topographic features, such as hilltops or ridges;
  - (G) historic, archeological, or cultural sites; and
  - (H) unique natural areas.
- (3) **Proposed Subdivision** - The proposed type of subdivision, including, as appropriate,
  - (A) the portion of the parcel to be subdivided in relation to the entire parcel and other contiguous lands in the same ownership;
  - (B) tax parcels within 500 feet of the proposed subdivision, including all adjoining tax parcels;
  - (C) a general layout of the proposed subdivision, including lots, streets, recreational, or open spaces
  - (D) existing restrictions on the use of the land, including easements, rights-of-way, and covenants;
  - (E) a drawing or description of proposed drainage facilities, sewage disposal, water supply, vegetative buffers, and landscaping; and
  - (F) proposed future use of the land within the subdivision.

### Section 803 Preliminary Plat

The following information is required as part of a Preliminary Plat Application, except where such submissions have been specifically waived by the Board during Sketch Plan Review.

- (1) **Title Block** - All maps and drawings submitted as part of the Preliminary Plat Application shall include a title block including:
  - proposed subdivision name;
  - name of Town and County, (Town of Caroline, Tompkins County, New York), tax parcel number;
  - date, true north point, graphic scale;

- name and address of record owner and of subdivider;
- name of planner, architect, engineer, land surveyor, landscape architect, or other person(s) who prepared the plan; and
- name of owners of record and tax parcel numbers of adjoining property.

**(2) Vicinity Map** - A vicinity map showing the general location of the subdivision at a scale of one inch to 400, 1000, or 2000 feet, including all public lands within 1000 feet of the proposed subdivision and all structures within 200 feet of the proposed subdivision.

**(3) Site Map** - A map of the site, to scale (not more than 200 feet to the inch), that enables the entire parcel including the proposed subdivision to be shown on one sheet. If the application does not include the owner or subdivider's entire property, a map of the entire tract showing the area of the proposed subdivision and a general layout of any probable future development, open space reservations, or other land use on the remainder of the property.

**(4) Existing Conditions** - A preliminary plat, or plats, of the subdivision at a scale of not more than 100 feet to the inch shall be submitted showing existing site conditions, including, as appropriate:

- existing structures, adjacent roads;
- active agricultural land, agricultural districts;
- floodplains, wetlands, steep slopes (>15%);
- woodlands, existing fields, pastures, meadows, hedgerows, and tree lines;
- surface waters, including creeks, streams, springs, lakes and ponds;
- existing wells, springs and sewage systems on the property or within 200 feet of any boundary;
- topography with contours of no more than two (2) foot intervals where any construction will occur and no more than five (5) foot intervals otherwise;
- historic, archeological, or cultural sites;
- unique natural areas;
- streets and intersections, including name, location, width of right-of-way and pavement, centerline elevations at intersections and other critical points;
- rights-of-way and easements, including location, width, owner, any use restrictions;
- drainage facilities, including ditches, ponds, and culverts, and, as appropriate, location, invert elevations, sizes and gradients;
- utility systems, including water, sewage disposal, gas, electric, and, as appropriate, size, owner; and
- test hole data with date, location and graphic representation of findings.

**(5) Proposed Subdivision** - The proposed type of subdivision, including, as appropriate:

- streets, including proposed new highways and any improvements to existing highways, right-of-way and pavement width, and preliminary horizontal alignment;
- proposed highway names, which should conform with the setting of the subdivision (e.g., not "Ocean View");
- lot layout, including existing and proposed lots, lot lines with dimensions, lot areas, lot numbers;
- proposed future use of the land within the subdivision;
- drainage facilities, including location of proposed drainage facilities or improvements, with pipe sizes, grades, and directions of flow;
- location of utilities, including gas, electricity, telephone, cable, and street lights;
- erosion control plans, including description of grading plans if existing elevations or contours are to be changed more than four feet;
- proposed restrictions on the use of the land, including easements, rights-of-way, and covenants; and
- proposed vegetative buffers and landscaping.

**(6) Supporting Documentation** - Supporting documentation and reports, including, as appropriate:

- (A) An engineering study providing estimated storm water runoff under pre-development conditions and under post-development conditions for a 2-year, 10-year, 25-year, and 100-year 24-hour storm event;
- (B) Erosion control plans for any areas proposed for development;
- (C) A traffic access and impact study addressing the need for improvements to existing roads to maintain a satisfactory level of service and safety and appropriate access provisions for the proposed subdivision;
- (D) Fully completed Part I of the Full Environmental Assessment Form;
- (E) Engineering report addressing the review criteria (Section 302 of these regulations).

**(7) Proof of Payment of Review Fees** – A receipt for the payment of the preliminary plat application review fee must be filed with the application as evidence of payment. No application review will begin until the appropriate fee is paid to the Town Clerk, who shall issue a receipt stating the purpose of the payment. Proof of payment of all other fees or expenses required by this local law, or any other applicable local law shall also be filed with the application.

#### **Section 804 Construction Drawings**

The following information is required as part of a Preliminary Plat Application, except where such submittals have been specifically waived by the Board during Sketch Plan Review.

- (1) Street Improvements** - Plans, profiles, and other specifications, prepared by a licensed engineer, including:

- Any improvements proposed to existing highways.
- If any new highways are proposed, preliminary plans and profiles showing width, location, grades, horizontal and vertical alignments, cross-sections, and proposed highway names. Profiles shall show the profile and gradients of the highway along the centerline. Plans and profiles shall be drawn to a scale of one inch to 50 feet horizontal, and one inch to 5 feet vertical, on standard plan and profile sheets.
- Street centerlines, showing angles of deflection, angles of intersection, radii, lengths of tangents and arcs, and degree of curvature, with basis of curve data. Lengths and distances shall be to the nearest one-hundredth foot. Angles shall be to the nearest one-half minute.
- Paving plans and specifications.

- (2) Other Facilities.**

Detailed construction plans and specifications for drainage management systems.

Detailed erosion and sediment control plans.

- (3) Site Improvement Estimates** - The estimated cost of:

- Grading and filling.
- Culverts, swales and other drainage facilities.
- Street improvements, including paving, curbs, and gutters.
- Pedestrian and bicycle improvements.
- Any other improvements required by these regulations or by the Board.

#### **Section 805 Final Plat**

The following information is required as part of a Final Plat Application, except where such submittals

have been specifically waived by the Board during Sketch Plan Review or during Preliminary Plat Review.

- (1) **Title Block** – All maps and drawings submitted, as part of the Final Plat Application shall include a title block including:
  - proposed subdivision name;
  - name of Town and County, (Town of Caroline, Tompkins County, New York), tax parcel number;
  - date, true north point, graphic scale;
  - name and address of record owner and subdivider;
  - name of planner, architect, engineer, land surveyor, landscape architect, or other person(s) who prepared the final plan; and
  - name of owners of record and tax parcel numbers of adjoining property.
- (2) **Vicinity Map** – A vicinity map showing the general location of the subdivision at a scale of one inch to 400, 1000, or 2000 feet, including all public lands within 1000 feet of the proposed subdivision and all structures within 200 feet of the proposed subdivision.
- (3) **Site Map** – A map of the site, to scale (not more than 200 feet to the inch), that enables the entire parcel that includes the proposed subdivision to be shown on one sheet. If the application does not include the subdivider's entire property, a map of the entire tract showing the area of the proposed subdivision and a general layout of any probable future development, open space reservations, or other land use on the remainder of the property.
- (4) **Existing Conditions** - A final plat, or plats, of the subdivision at a scale of not more than 100 feet to the inch shall be submitted showing existing site conditions, including, as appropriate,
  - existing structures, adjacent roads;
  - active agricultural land, agricultural districts;
  - floodplains, wetlands, steep slopes (>15%);
  - woodlands, existing fields, pastures, meadows, hedgerows, and tree lines;
  - surface waters, including creeks, streams, springs, lakes and ponds;
  - existing wells, springs and sewage systems on the property or within 200 feet;
  - topography with contours of no more than two (2) foot intervals where any construction will occur and no more than five (5) foot intervals otherwise;
  - historic, archeological, or cultural sites;
  - unique natural areas;
  - streets and intersections, including name, location, width of right-of-way and pavement, centerline elevations at intersections and other critical points;
  - rights-of-way and easements, including location, width, owner, any use restrictions;
  - drainage facilities, including ditches, ponds, and culverts, and, as appropriate, location, invert elevations, sizes and gradients;
  - utility systems, including water, sewage disposal, gas, electric, and, as appropriate, size, owner; and
  - test hole data with date, location and graphic representation of findings.
- (5) **Proposed Subdivision** – The proposed type of subdivision, including, as appropriate,
  - lot layout, including existing and proposed lots, lot lines with dimensions, lot areas, lot numbers;
  - drainage facilities, including location of proposed drainage facilities or improvements, with pipe sizes, grades, and directions of flow;
  - proposed future use of the land within the subdivision;
  - location of utilities, including gas, electricity, telephone, cable, and street

- lights;
- erosion control plans, including description of grading plans if existing elevations or contours are to be changed more than four feet;
- proposed restrictions on the use of the land, including easements, rights-of-way, and covenants; and
- proposed vegetative buffers and landscaping.

**(6) Supporting Documentation** – Supporting documentation and reports, including, as appropriate,

- An engineering study providing estimated storm water runoff under pre-development conditions and under post-development conditions for a 2-year, 10-year, 25-year, and 100-year 24-hour storm.
- Erosion control plans for any areas proposed for development.
- A traffic access and impact study addressing the need for improvements to existing roads to maintain a satisfactory level of service and safety and appropriate access provisions for the proposed subdivision.
- A statement from a licensed engineer documenting the design criteria used for the structural design of the pavement(s).
- Fully completed Part I of the Full Environmental Assessment Form.
- Engineering report of energy use and greenhouse gas emissions as determined during an EIS, if completed, including an explanation of alternatives pursued, and a mitigation plan for construction and operation of the proposed subdivision.
- Engineering Report addressing the review criteria (Section 302 of these regulations).

**(7) Survey Data** – Land surveys and documentation including the following information:

- Name, license number, and seal of engineer or land surveyor who prepared the Final Plat.
- Location of the property by legal description, including areas in acres or square feet. Source of title, with deed record book and page numbers.
- Accurate traverse of subdivision boundaries with true bearings and distances giving dimensions to the nearest one-hundredth foot, angles to the nearest one-half minute, and at least one bearing; the traverse shall be balanced and closed with an error of closure not to exceed one to two thousand; the type of closure shall be noted.
- Location and description of all section line corners and government survey monuments in or near the subdivision, to at least one of which the subdivision shall be referenced by true courses and distances.
- Property lines of all lots with accurate dimensions, bearings, or angles, arcs and lengths of all curves.
- Locations of all monuments existing, proposed, or to be reset.

**(8) Proof of Payment of Review Fees** – A receipt for the payment of the final plat application fee must be filed with the application as evidence of payment. No application review will begin until the appropriate fee is paid to the Town Clerk, who shall issue a receipt stating the purpose of the payment. Proof of payment of all other fees or expenses required by this local law, or any other applicable local law shall also be filed with the application.

**(9) Certifications.**

Owner's Certificate.

A certificate signed by the owner(s) to the effect that he owns the land, has caused the land to be surveyed and divided, and makes the offers of dedication indicated on the plat.

Mortgagor's Certificate.

A certificate signed and sealed by the mortgagor, if any, consenting to the plat and the dedications and restrictions shown on or referred to on the plat.

Tax and Special Assessment Certificate.

A certificate signed by the Tompkins County Treasurer or other official as may be appropriate, stating that there are no unpaid taxes and no unpaid special assessments due on the land being subdivided and payable at the time of plat approval, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.

**(10) Additional Requirements** - Final Plat Applications shall also be accompanied by the following, as appropriate:

- (A) As-Built Drawings. As-built plans shall be provided by a licensed engineer who shall certify that the highways have been constructed in accordance with the approved design of said highways as designated on the final construction plans. As-built plans shall also be submitted showing the vertical and horizontal location, sizing, and gradient, where applicable, of drainage or other improvements. In addition, such plans shall also show the location of all lot lines, rights-of-way, and transmission utilities, including gas, electric, telephone, and cable television, both surface and subsurface.
- (B) Performance Guarantees. Final Plat Applications shall be accompanied by an acceptable performance guarantee, or other evidence or promise of completion of required improvements, in a form approved by the Town Board.
- (C) Offers of Dedication. Final Plat Applications shall be accompanied by offers of dedication for all land and facilities to be dedicated to the Town of Caroline.

## **Article 9 - Administration**

### **Section 901 Responsibility for Administration**

These regulations shall be administered by the Review Board in cooperation with the Town Board and other agencies, and shall be enforced by the Code Enforcement Officer or by any other person that the Town Board may designate.

### **Section 902 Fees**

The Town Board shall by resolution from time to time set a fee schedule for the review and processing of subdivision applications and for the inspection of subdivisions. The Code Enforcement Officer or other such agent as the Town Board may designate shall calculate the fee for each application. Each fee shall be paid to the Town Clerk, who shall issue a receipt stating the purpose of the payment. This receipt must be filed with the application as evidence of payment.

### **Section 903 Appeals from Administrative Decisions**

Any applicant for subdivision approval or other person who is aggrieved by a requirement or determination of the Code Enforcement Officer or other person affecting the interpretation, applicability, compliance with or enforcement of any of these regulations may appeal to the Review Board for a review of such requirement or determination.

The appeal for an aggrieved person shall be made in writing, shall set forth in a reasonably concise manner the determination from which an appeal is made, and a full statement of the particulars and reasons why the person believes the requirement or determination should be reviewed. Such appeal must be filed with the Clerk of the Board at least twenty (20) days prior to the meeting of the Board at which the appeal shall be heard. The Board, at its sole discretion, may waive the aforesaid requirement and permit an appeal to be reviewed in a shorter period of time. The Board shall render its decision in writing within 45 days of the meeting at which the appeal is reviewed.

### **Section 904 Appeals from Board Determinations**

An appeal from any determination of the Review Board shall be made in accordance with the requirements of Civil Practice Law and Rules Article 78, within thirty (30) days of the filing of any decision with the Clerk of the Board.

### **Section 905 Public Hearings**

Unless a different time is otherwise provided herein, a notice of public hearing shall be published in the official newspaper of the Town at least five (5) days before the Board meeting at which the application is to be considered. Such published notice of public hearing is the only notice legally required.

However, in order to promote public information and participation in the subdivision review process, a similar notice of such hearing shall either be mailed or delivered by the subdivider to all owners of property within 500 feet of the boundaries of the subdivision. The Board may, in its discretion, require that property owners within a distance of more than 500 feet of such boundaries be notified, and/or may direct the Code Enforcement Officer to conduct the notification. Such mailing and delivery shall occur no less than five (5) days prior to the date of the public hearing. The subdivider shall file proof of such mailing or delivery with the Town no later than the date of the hearing. The expense of such mailing to be paid by the subdivider.

Failure to notify property owners near a proposed subdivision site of a public hearing shall not be a jurisdictional defect and shall not affect any action taken by any board, employee, or agent of the Town in connection with such public hearing. However, the failure to provide such notification may be grounds,

should the Board in its discretion so determine, to decline to conduct a scheduled public hearing. The Board may, on good cause shown, waive the above described requirement of property owner notification.

#### **Section 906 Building Permit Issuance**

The Code Enforcement Officer shall not issue a building permit or Certificate of Occupancy for any structure on any lot in any subdivision requiring a permit or approval hereunder, unless the approved Final Plat is filed or recorded in the office of the Tompkins County Clerk and in the office of the Town of Caroline Town Clerk, and until any other applicable requirements have been met.

#### **Section 907 Effect of Failure to Receive Approvals**

Until the Review Board has given final approval to a subdivision and the final subdivision plat has been filed or recorded in the offices of the Tompkins County Clerk and the Town of Caroline Town Clerk, no building permit for construction or other work on the property shall be issued nor shall such permit be valid if erroneously issued. Any action taken or work done on or with respect to the lands in the subdivision or any expenses incurred prior to final approval shall be at the risk of the owner of the land or the subdivider and shall not give rise to any claim for damages against the Town or the Board by the landowner or subdivider.

#### **Section 908 Enforcement and Penalties**

- (1) A violation of this local law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed five days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period of not to exceed ten days, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed fifteen days, or both. Each week's continued violation shall constitute a separate additional violation.
- (2) In addition to the penalties provided by statute, the Town Board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of buildings, structures, or land or to prevent any illegal act, conduct, business or use in or about such premises. Upon the failure or refusal of the proper local officer, board or body of the town to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the Town, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do.

#### **Section 909 Default Approval**

The time periods within which the Board must take action on a Preliminary Plat or a Final Plat are specifically intended to provide the 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 subdivider and the Board. In the event the Board fails to take action on a Preliminary Plat or a Final Plat within the time prescribed in these regulations, or within such extended period as may have been established by the mutual consent of the subdivider and the Board, such Preliminary Plat or Final Plat shall be deemed granted approval.

The certificate of the Town Clerk as to the date of submission of the completed Preliminary Plat Application or the completed Final Plat Application and the failure of the Board to take action within the time required by these regulations shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval otherwise required.



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## Article 10 - Review Board

### Section 1001 Establishment

There is hereby created a Review Board consisting of five (5) members, each of whom shall be appointed by the Town Board. No person who is a member of the Town Board shall be eligible for membership on the Review Board, and no public officer or employees of the Town, or of any other governmental agency, who are ineligible for appointment due to conflicts of interest or compatibility of offices rules may be so appointed or remain upon such Review Board. Review Board members shall be residents of the Town of Caroline.

### Section 1002 Appointment of Members; Chairperson

The Town Board shall appoint members of the Review Board to staggered full five-year terms. The Town Board shall, by resolution, annually, designate the chairperson thereof.

### Section 1003 Powers and Duties

The Review Board shall have the following powers and duties:

- (1) Administering the Subdivision Regulations of the Town as provided herein.
- (2) Recommending to the Town Board amendments to said Subdivision Regulations.
- (3) Responding to any other matters referred to it by the Town Board.

### Section 1004 Responsibilities of Review Board Members

- (1) Review Board members shall, per each year of service on the Review Board, participate in four (4) hours of training or continuing education courses related to their duties as required by law. The Town Board shall grant prior authorization for such training. Failure to attend training or continuing education courses shall be grounds for removal from the Review Board. Tracking member(s) completion of training requirements shall be done by the Town Clerk, and a report shall be presented to the Town Board in November of each year.
- (2) Review Board members are expected to attend all meetings. Failure to attend any three regularly scheduled meetings of the Review Board within any twelve-month period shall be grounds for removal from the Review Board.

### Section 1005 Vacancy in Office

If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.

### Section 1006 Removal of Members

The Town Board shall have the power to remove, after public hearing, any member of the Review Board for cause as governed by the requirements of New York State Public Officers Law, including failure to comply with the minimum requirements for annual training and attendance at meetings.

### Section 1007 Chairperson Duties

All meetings of the Review Board shall be held at the call of the chairperson and at such other times as the Review Board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

### **Section 1008 Alternate Members**

The Town Board may appoint an alternate member to the Review Board for such term as designated by the Town Board for the purpose of substituting for a Review Board member when, in the reasonable determination of the Chairperson, the regular member is unable to act, is not present, is recused, or is deemed to have a conflict of interest. When so designated, the alternate member shall possess all the powers and responsibilities of a Review Board Member. Such designation shall be entered into the minutes of the Review Board meeting at which the substitution is made. All provisions of this local law applying to Review Board members shall also apply to alternate members.

## **Article 11 - Legal Provisions**

### **Section 1101 Separability**

A final determination by a court of competent jurisdiction that any one or more of the provisions of these regulations are illegal, unconstitutional or otherwise void shall not affect the validity of all other provisions and such other provisions shall continue to be enforceable and in full force and effect.

### **Section 1102 Effective Date**

This local law shall take effect immediately.