

# Subdivision Local Law

## Article 2 - Overview of Process

### Section 201 Classification of Subdivisions (=Applicability)

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 which is not an exempt subdivision.

## Article 3 - Review Criteria

### Section 301 Purpose

The review criteria in Section 302 were developed 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. 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 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 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 interfere with existing users of the same supply of water.

- (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 Subdivision 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 Subdivision 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.
- (6) In determining the need for studies by the subdivider and additional information, the Subdivision 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.

The goals for erosion and sediment control are to minimize the opportunity for the soil to be moved by wind, precipitation and runoff, and to prevent sediment from reaching a water body or other lands. These goals are achieved through careful design of improvements and the implementation of erosion and sediment control measures before, during, and after construction. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Board shall require the subdivider to design and execute the project so as to minimize the potential for erosion.

To this end, the subdivider shall prepare and implement an approved erosion control plan. An acceptable erosion and sediment control plan includes a map of the existing topography showing soil types and vegetation, a map of proposed grading, provisions for erosion and sediment control, and a time schedule of proposed construction activity and erosion and sediment control implementation and maintenance. The subdivider's erosion and sediment control plan shall comply with the requirements of the General SPDES Permit GP-93-06 for Storm Water Discharges from Construction Activities.

The erosion and sediment control plan shall be designed and executed according to the standards published in the latest edition of the New York Guidelines for Urban Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society). Generally, these guidelines establish that:

- (1) Proposed lot improvements shall be laid out so that disturbance of the existing grades are minimized.
- (2) Existing soils shall be evaluated for their potential for erosion.
- (3) Existing vegetation on a project site shall be retained and protected as much as possible to minimize soil loss from the project site.
- (4) Existing drainage patterns shall be retained as much as possible to minimize erosion caused by increases in runoff.
- (5) Erosion and sediment control measures shall be instituted prior to beginning any land disturbance and shall be maintained over the course of the project. All runoff from disturbed areas shall be directed to the sediment control devices. Temporary erosion and sediment control devices shall not be removed until the disturbed land areas are stabilized.
- (6) The off-site impacts of erosion and sedimentation from the subdivision site shall not be any greater during and following development than under pre-development conditions.
- (7) During and after construction, the water in streams on-site and downstream of construction areas shall not have substantial visible degradation of color, taste, odor, turbidity, or sediment deposits compared to surface water upstream of the construction area.
- (8) Sediment laden runoff shall not be allowed to enter any water body in such quantity that would result in its deposit on the bottom of the water body such as will degrade its natural biological functions.

The subdivider's approved erosion control plan shall be fully implemented or a performance guarantee acceptable to the Town Board must be in place before permits will be granted.

The Town Code Enforcement Officer, or other person designated by the Town Board, shall inspect the subdivider's implementation of the erosion control plan and shall inform the Town Board when erosion control implementation is complete or in violation of the approved plans.

**(D) Storm Water Runoff** - The proposed subdivision shall be designed to manage storm water runoff and mitigate the downstream effects of increased runoff from the property. The following standards are intended to ensure that storm water runoff is minimized and safely conveyed through the subdivision site and the watershed of which it is a part, streambank erosion is minimized, and flooding impacts related to the development are reduced. In order to achieve these goals, the Board shall require the subdivider to prepare and implement a storm water drainage plan. The subdivider's storm water drainage plan shall also comply with the requirements of the General SPDES Permit GP-93-06 for Storm Water Discharges from Construction Activities.

- (1) The release of storm water runoff from the developed area shall not exceed pre-development conditions. To accomplish this, the storm water drainage plan shall manage storm water runoff from a 25-year flood event so that during and after development, no greater peak flow will be discharged from the developed area than was discharged prior to the development.
  - (2) Any new or modified drainage channel or storm water facility shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed area upland of the development. Drainage facilities shall be designed such that flooding does not occur during a 100 year flood event.
  - (3) When a subdivision is within or adjacent to any area with a demonstrated history of flooding, outside of a Special Flood Hazard Area, the elevations of buildings shall be above the observed, anticipated or computed flood levels. The effect of such development on upstream, downstream, and adjacent properties shall be considered and adequate protective measures shall be implemented. The Board may consult with the Caroline Watershed Committee.
  - (4) Priority shall be given to maintaining existing and natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
  - (5) Any existing storm water management system, including swales, ditches, basins, ponds, drywells, catch basins, streams or other system components, shall be maintained in such manner as to be functional.
  - (6) No building or structure shall be erected, altered or moved within any drainage course, including a swale, ditch, or stream.
  - (7) All structures shall have a minimum setback of 40 feet from any streambank.
  - (8) If storm water management facilities are to be maintained by an owner or homeowner's association, a maintenance plan containing a description of activities and a schedule shall be prepared by the subdivider, and reviewed and approved by the Board.
- (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,
    - > 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 public transportation provider.

**(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.

**(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.

**(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 flood waters, when a subdivision is within or adjacent to a Special Flood Hazard Area, all development (including filling, paving, and storage of equipment and materials) shall be in compliance with the Town's Flood Damage Prevention Local Law.

**(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.

(3) The subdivision shall comply with the requirements of Local Law No. 1 of the year 1999 known as the Right To Farm Law, including, as appropriate, the statement required on the plat by such local law.

## **Appendix A - Design Guidelines**

### **Section A-1 General Principles**

The design of any subdivision should be appropriate to the site's physical, natural, agricultural, historic, and cultural features and resources. It is the intent of this section to provide guidelines for the design of sites, not specific rules for developments.

### **Section A-2 Guidelines**

In reviewing a proposed subdivision, the Board shall consider the answers to the following questions. The Board may visit the site of the proposed subdivision to consider alternative designs which may better address the following guidelines. The guidelines are presented in the form of questions to reflect the fact that they are intended to guide a discussion by the Board on the design of a proposed subdivision, not to provide a boilerplate standard for subdivision design. It is anticipated that most subdivisions will be able to comply, to some degree, with all these guidelines. It is also anticipated that the Board may be required to balance the degree to which the guidelines are met to find an optimum practical design, not a perfect design.

- (1) Will the proposed subdivision protect all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities)?
- (2) Will the proposed subdivision preserve and maintain mature woodlands, existing fields, pastures, and meadows and create sufficient buffer areas to minimize conflicts between residential and agricultural uses?
- (3) If development is located on open fields or pastures because of greater constraints in all other parts of the site, will dwellings be sited on the least prime agricultural soils, or in locations on the far edge of a field, as seen from existing public roads?
- (4) Will a vegetative buffer be maintained adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds? If not, will such a vegetative buffer of native species be created?
- (5) Does the design of the subdivision incorporate existing hedgerows and tree lines between fields or meadows, and minimize impacts on large woodlands (greater than five acres), especially those containing many mature trees or significant wildlife habitat?
- (6) Does the design leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roads? Does the design avoid siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features?
- (7) Does the design incorporate and preserve sites of historic, archeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature? Such features may include stone walls, spring houses, barn foundations, earthworks, and burial grounds.
- (8) Does the proposed subdivision affect a unique natural area as identified by the Tompkins County Environmental Management Council? If so, will the impact be mitigated?
- (9) Will the proposed subdivision protect rural roadside character and improve public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads?
- (10) Will the proposed subdivision provide for safe and convenient bicycle and pedestrian access between the subdivision and nearby points of interest?
- (11) Will landscaping be provided in common areas (such as community greens), in cul-de-sac islands, and along both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value?
- (12) Will the proposed subdivision maintain the rural character of the community by incorporating roads that follow the natural topography? Will the proposed subdivision maintain the character of hamlets by including traffic calming measures?