

A Local Law entitled "Town of Caroline Subdivision Law"

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

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1Article 1 - General Provisions

Section 101 Short Title

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

Section 102 Authority

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.

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.

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 of this Local Law are satisfied and a plan or map of such subdivision has been approved by the Subdivision 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 – Production keeping or maintaining for sale or lease of farm products, including, but not limited to, forage and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, ornamental and greenhouse products, forest management, and timber harvesting provided the total annual gross sales of all of these farm products does not exceed \$250,000; the use of farm structures; the storage of agricultural products raised or acquired for use on the premises; and direct sales of farm products raised on the premises.
- (d) Board – The Town of Caroline Subdivision Review Board.
- (e) Clerk of the Board –The clerk of the Town of Caroline Subdivision 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) EIS – An Environmental Impact Statement prepared in accordance with SEQR.
- (i) Exempt Subdivision – A subdivision of land, defined in Section 201 of these regulations and which does not require any review by the Board.
- (j) Final Plat – A drawing 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.
- (k) 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.
- (l) 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.”
- (m) Floodplain – Any land located within a Regulatory Floodway defined in the Flood Damage Prevention Local Law.
- (n) 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.
- (o) 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 Service.
- (p) 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.
- (q) NPDES – The National Pollution Discharge Elimination System under the Federal Clean Water Act.
- (r) 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.

- (s) Plat – A drawing of a subdivision.
- (t) Preliminary Plat – A drawing 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.
- (u) Preliminary Plat Approval – The preliminary approval of the layout of a proposed subdivision set forth on a preliminary plat.
- (v) 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.
- (w) SEQR – The State Environmental Quality Review Act constituting Environmental Conservation Law Article 8 and the implementing regulations found at 6 NYCRR Part 617.
- (x) 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.
- (y) SPDES – The State Pollutant Discharge Elimination System under the Environmental Conservation Law.
- (z) 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.
- (aa) Steep Slopes – Any land which exceeds a slope of 15%.
- (bb) Streambank – The land adjacent to both sides of the stream bed that defines the watercourse under bank full conditions.
- (cc) Subdivider – Any person, firm, corporation, partnership or association, who shall propose any subdivision or part thereof, either for himself or others.
- (dd) 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.
- (ee) Subdivision Review Board – The Town of Caroline Subdivision Review Board.

(ff) Town - The Town of Caroline, Tompkins County, New York.

(gg) Town Board - The Town Board of the Town.

(hh) 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.¹

Section 107 Maps

The maps on the following pages are intended to assist in the interpretation of these regulations. Decisions regarding subdivisions should always be based on the latest edition of the maps.

¹ 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.

Insert Map of DEC Regulated Wetlands and National Wetland Inventory

Insert Map of Agricultural Districts

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 which is not an exempt subdivision.

Section 202 Subdivisions Subject To Review

Subdivisions subject to review shall follow this process:

- (1) Sketch Plan Review (Optional, Highly Recommended)
- (2) Preliminary Plat Review
- (3) Town Board Review (as appropriate)
- (4) Final Plat Review

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.

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 save the subdivider time and expense in the planning and design of the project. Although Sketch Plan Review is at the option of the subdivider, it is strongly recommended.

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 eight copies of the Sketch Plan Application.

Section 403 Design Guidelines

The Board shall review the Sketch Plan Application to determine whether the principles of the Design Guidelines (Appendix A) of these regulations are being substantially incorporated into the design of the proposed subdivision. The Board may make a site visit to the proposed subdivision.

Section 404 Review Criteria

The Board shall informally review the Sketch Plan Application for its compliance with the 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 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 SEQR 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 SEQR.

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 eight copies of the Preliminary Plat Application. The Subdivision Review Board may, at its discretion, accept a preliminary plat for review less than 45 days before it is to be reviewed.

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 SEQR. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

Section 503 Subdivision Review Board Review

- (1) Design Guidelines** - The Board shall review the Preliminary Plat Application to determine whether the principles of the Design Guidelines (Appendix A) of these regulations are substantially incorporated into the design of the proposed subdivision. The Board may make a site visit to the proposed subdivision. If the proposed subdivision has been reviewed under the Design Guidelines as part of a Sketch Plan Review, the Board shall review the Preliminary Plat Application for its compliance with the results of that review.
- (2) Review Criteria** - The Board shall review the Preliminary Plat Application for its compliance with the Review Criteria (Article 3) of these regulations.
Section 504 Coordination with SEQR
The Board shall comply with the provisions of SEQR.

Section 505 Subdivision Review Board as Lead Agency under SEQR

- (1) Public Hearing** - The time within which the Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Board shall schedule pursuant to SEQR, 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 SEQR. 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 SEQR. 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 Subdivision Review Board Not as Lead Agency under SEQR

(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 in 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 Subdivision 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 Subdivision 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 Board. The subdivider shall submit eight copies of the Final Plat Application. The Subdivision Review Board may, at its discretion, accept a final plat for review less than 45 days before it is to be reviewed.

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 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. Eight 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 modifications² 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 regularly 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 Board³, 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 insure 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.

² 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.

³ 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 Subdivision Review Board for the approval of the subdivision. This application shall conform to the specifications set forth in these regulations. The Subdivision 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 requested as part of a Sketch Plan Application. However, given the purpose of Sketch Plan Review, the subdivider may submit less information.

(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 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.

4 Proof of Payment of Fees – A receipt for the payment of the sketch plan application fee must be filed with the application as evidence of payment.

Section 803 Preliminary Plat

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) 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 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: 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. 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. Fully completed Part I of the Full Environmental Assessment Form.

Engineering report addressing the review criteria (Section 302 of these regulations).

(7) Proof of Payment of Fees – A receipt for the payment of the preliminary plat application fee must be filed with the application as evidence of 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 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 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 Fees** – A receipt for the payment of the final plat application fee must be filed with the application as evidence of 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 Subdivision 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 Subdivision 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 Subdivision 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 Previously Filed Plats

Any subdivision validly filed or recorded in the Tompkins County Clerk's Office prior to March 14, 2000 shall be exempt from complying with these regulations.

Section 907 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 908 Effect of Failure to Receive Approvals

Until the Subdivision 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 909 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 910 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.

Article 10 - Subdivision Review Board

Section 1001 Establishment

There is hereby created a Subdivision 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 Subdivision Review Board.

Section 1002 Appointment of Members; Chairperson

Within thirty (30) days of the effective date of this local law, the Town Board shall appoint the first members of the Subdivision Review Board. One member's term shall expire December 31, 2000; one member's term shall expire December 31, 2001; one member's term shall expire December 31, 2002; one member's term shall expire December 31, 2003 and one member's term shall expire December 31, 2004. Subsequent appointments to the Subdivision Review Board shall be for full five year terms. The Town Board shall, by resolution, annually, designate the chairperson thereof.

Section 1003 Powers and Duties

The Subdivision 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 Subdivision Review Board Members

- (1) Subdivision Review Board members shall, within one (1) year of their initial appointment, and at least once every three (3) years thereafter, participate in a training or continuing education course related to their service on the Subdivision Review Board. 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 Subdivision Review Board.
- (2) Subdivision Review Board members are expected to attend all meetings. Failure to attend any three regularly scheduled meetings of the Subdivision Review Board within any twelve-month period shall be grounds for removal from the Subdivision 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 Subdivision Review Board for cause, including failure to comply with the minimum requirements relating to meeting attendance and training.

Section 1007 Chairperson Duties

All meetings of the Subdivision Review Board shall be held at the call of the chairperson and at such other times as the Subdivision 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 Subdivision Review Board for the purpose of substituting for a member in the event such member is unable to participate because of a conflict of interest. The alternate member shall be appointed by resolution of the Town Board, for terms established by the Town Board. The chairperson of the Subdivision Review Board may designate the alternate member so appointed by the Town Board to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member. Such designation shall be entered into the minutes of the initial Subdivision Review Board meeting at which the substitution is made. All provisions of this local law applying to 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 and regulations shall be effective upon approval by the Town Board and the filing of this local law with the Secretary of State. They shall be applied retroactively to March 14, 2000, the effective date of a moratorium on subdivisions in the Town of Caroline pursuant to Local Law No. 2 of the year 2000 entitled, "A local law of the Town of Caroline, State of New York, providing for a Temporary Moratorium on Subdivisions in the Town of Caroline."

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?