

TOWN OF SCHUYLER FALLS LAND SUBDIVISION ORDINANCE

SECTION I. LEGISLATIVE INTENT

By adoption of this ordinance, the Town Board declares its intent in so doing is to regulate and control the division of lands of the owner(s) for the purpose of locating or constructing residential, commercial, or industrial buildings, mobile homes, or manufactured homes thereon. Said Town Board hereby declares that such division of land can, if not properly controlled, constitute a serious hazard to property and persons who shall occupy said subdivided lands and those who occupy land in the vicinity thereof. Without the proper control and regulation thereof, property lines become difficult to define, roads cannot with reasonable certainty be located and defined, constructed and maintained, and fire and emergency equipment cannot gain prompt and easy access to the areas.

In addition, consideration must be given to the effects on school systems, harmonious development of the region, coordination of proposed roads with existing roads, avoidance of excessive congestion, and the avoidance of such scattered or premature subdivision as would involve danger to health, safety, or prosperity, by reason of lack of water supply, drainage, transportation, or other services, or would necessitate the expenditure of public funds.

SECTION 2. DEFINITIONS

As used in this ordinance:

SUBDIVISION means the division of any parcel into two or more parcels, either for sale, rental, or separate use, for residential, commercial, or industrial purposes, whether by deed, contract, or by practical allocation. Any division is considered a subdivision--the part retained by the owner constitutes one lot.

The term "**subdivision**" does not include the following divisions of land:

A. The establishment of a "**Mobile Home Park**" in compliance with the Town of Schuyler Falls' Mobile Home Park Ordinance.

B. Any parcel of land that is divided by a public road; the land on either side of the road will be considered a separate parcel.

C. The conveyance of a portion of a lot to the owner of an adjacent lot provided the lot reduced in size remains conforming and the lot increased in size is made more conforming.

D. Even though existing division by rental or practical allocation is considered to be a subdivision, such division shall not preclude approval being required prior to any future subdivision by deed.

E. Multi-party use of a single building shall not be considered a subdivision.

ROAD means a dedicated public thoroughfare for vehicular use.

SETBACK means the distance for the placement of structures on the property in relation to the front, side, or rear property lines of the parcel. Where a lot adjoins a road, the property line adjoining the road is measured from the edge of the road right of way.

LOT WIDTH means the distance between the side property lines as measured at the front setback line.

PRACTICAL ALLOCATION means improvement of a parcel, with a detached structure intended for separate use or occupancy by a person or persons other than the owner(s).

SECTION 3. TYPE OF SUBDIVISION

For the purpose of this ordinance, subdivisions shall be considered to be in two categories, further described as follows:

Minor subdivisions are those subdivisions consisting of two to four parcels set out of a tract of land, but excluding subdivisions requiring acceptance of land by the town for one or more public roads.

Major subdivisions are those subdivisions where, either at one time or during a period of time, five or more parcels are set out of a tract of land, or those subdivisions requiring acceptance of land by the town for one or more public roads. However, in determining whether a subdivision is a major subdivision, all previous subdivisions of a particular parcel by any subsequent owner after the date of the enactment of this ordinance, or by the current owner, since August 7, 1972, at which time the Town's first subdivision ordinance became effective, will be considered to be subdivisions of that parcel.

The Board of Appeals may, for good cause shown, relegate a technically major subdivision to "minor subdivision" status.

SECTION 4. REVIEW/VALIDITY

A. No land shall hereafter be subdivided and no road or other public space shall hereafter be laid out within the town until the plat or plan of such subdivision has been submitted to and approved by the Planning Board, in accordance with Sec. 5 or Sec. 6 below.

B. No lot within any subdivision shall be offered for sale, or rent nor shall any sale, contract for sale, or option be made or given until such division has been approved.

C. No plat shall be valid or shall be recorded at the County Clerk's office until so approved and no lot within any major subdivision shall be sold until the plat has been recorded at the County Clerk's office.

SECTION 5. REQUIREMENTS FOR MAJOR SUBDIVISIONS

In general, the minimum requirements for the subdivision of land and the laying out of roads and other public space shall be as follows:

A. PLATS. Plats shall be submitted in triplicate to the Planning Board for preliminary review and approval, drawn by a licensed civil engineer, and accompanied by pertinent tax map. Scale shall be no more than 100' to the inch, unless such scale would preclude use of a 20"X36" plat. Plat shall show name of the subdivision, petitioner, and certification by the engineer, all property or sub-division bounds, and in accordance with an accurate survey, the controlling points and lines around and within the subdivision; also, by distance, bearings, and angles, the relation of such controlling points and lines to other points and lines within or near the town.

B. SURVEY. All survey monuments shall be indicated and there shall be at least one permanent monument shown at each corner of the subdivision and at each road intersection. Such monuments shall be specified to consist of 1" iron pipe or of 5/8" rebar, driven at least 3' in the ground and imbedded in at least one cubic - foot of concrete. These monuments shall be physically placed prior to any sales, rentals, or improvements which might be affected by such placement.

C. IMPROVEMENTS The plat shall show all proposed roads, sidewalks, rights way, sewers, water systems, culverts, and drainage systems. The Plat shall also specify who will be responsible for providing electrical service and whether it

will be above or below ground. No such improvements shall be made until the plat has been approved by the Planning Board and the cost of such improvements shall be borne by the subdivider. Provision shall be made for proper drainage of surface water. All improvements shall conform to the best engineering standards and due consideration shall be given through-out to the appearance of the subdivision and its environmental impact on the Town.

D. TOPOGRAPHY Sufficient topography shall be shown to indicate natural drainage and probable grades of roads.

E. LOT DETAIL Proposed lot lines for subdivided area shall be shown, as well as the proposed location of wells, septic systems, private or public water and sewage systems.

F. USE. The proposed use of all lots shall be stated on plat; in addition, and property restrictions shall either be stated or referenced to recorded restrictive covenants.

G. ROADS. The plat shall show a road cross-section indicating a minimum of 50' including a travelled portion of 22', 5' shoulders and 9' ditches on each side, and a base of at least 12" gravel. Grades shall be the lowest feasible and not in excess of 10%. Acceptance of roads by the Town Board will be subject to inspection and approval by the Town Supt. of Highways. Before acceptance by the Town, the Town Board may at its discretion require the subdivider to post a bond sufficient to ensure the adequacy of the road(s). All dead end roads or rights of way shall terminate in a cul-de-sac with a minimum diameter of 100' or some other similar arrangement acceptable to the Planning Board.

H. LOT SIZE. All lots shall be at least 150' and lot width and shall contain at least 22,500 sq. feet. Frontage on the road or right of way shall be at least 65'.

I. SETBACKS. The minimum setbacks for all structures, except well housings, shall be as follows:

Front yard--40' from any road right of way, but in any event, sufficient to meet the 150' width requirement in H. above;

Side and back yards-15', side, 20' rear, but at least 40' from any road right of way. Setback requirement: shall be stated on the plat.

J. **COMPLIANCE**. The subdivider must show ability to comply with the Dept. of Environmental Conservation, State Sanitary Code, Board of Health, State Dept. of Transportation, and all other regulations applicable as of the time of application.

K. **FURTHER SUBDIVISION**. Plat shall specify, unless specifically noted otherwise, that lots cannot be further subdivided; in any event, and further divisions will be at the discretion of the Planning Board.

L. **FINAL APPROVAL**. Upon preliminary approval of plat by the Planning Board, a public hearing will be scheduled in accordance with requirements of Sec. 276 of the Town Law. After or during such hearing, the Planning Board will approve or disapprove the subdivision. If disapproved, subdivider may either revise the plat to satisfy the Planning Board or seek redress from the Board of Appeals. If approved, subdivider shall provide the Planning Board with 4 copies of the plat, stamped with approval of the Board of Health, and including at least 3 cloth copies, for the stamping and signature of the Chair of the Planning Board.

SECTION 6. REQUIREMENTS OF MINOR SUBDIVISIONS

A. **PLATS** Plats shall be submitted in triplicate to the Planning Board, along with 3 copies of an 8 1/2"X 11" copy of applicable tax map, a copy of the deed and a completed application form showing the name, address, and phone number of the subdivider. Plats shall be sketched on a 8 1/2"X 11" sheet of paper and need not be prepared by a surveyor, but should be reasonable to scale. Sketch shall show the entire original property involved and the following: Name of existing roads; North direction; existing buildings, proposed division, property dimensions, and rights of way; location of any proposed improvements; names of surrounding owners; subdivider's signature. Subdivider may be required to show ability to comply with regulations of the Dept. of Environmental Conservation, Board of Health, State Dept. of Transportation, and all other applicable regulations as of the time of application.

B. **LOT SIZE** All lots shall contain at least 22,500 sq. ft. and shall be of sufficient width and size to allow for setbacks as detailed in C. below. Any additional new lots created on an existing town road shall be at least 150' in width. In the case of subdivisions by rental *or* practical allocation, imaginary lines shall be drawn on the plat as lot boundaries, in order to show compliance with this requirement.

C. **SETBACKS** Setbacks shall be shown on plat and shall be a minimum of 40' from any road border or any right of way and 15' sides, and 20' at the rear

D. **ACCESS** Any lots not fronting on a road shall be provided with access which is adequate for fire protection and satisfactory to the Planning Board. In the case of lots to be deeded, access shall be provided by a deeded right of way. Rights of way shall be improved, and same shall be specified on sketch, prior to sale, rental, or allocation so as to be easily and safely passable. In the case of lots to be deeded, access shall be by a right of way to be deeded simultaneously with lots.

E. **VERIFICATION** The Planning Board may request proof that the subdivision is not a major subdivision. (See Sec. 7 below).

F. **APPROVAL** No public hearing will be required. Upon approval of the Planning Board, Chair will stamp and sign plat.

SECTION 7. REPEAL OF PREVIOUS ORDINANCES

Upon this ordinance becoming effective, all previous subdivision ordinances of the Town of Schuyler Falls will become void as to future application, except as to present and past violations.

SECTION 8. GRANDFATHER CLAUSE

Any subdivision legally existing prior to the effective date of this ordinance, or any structure existing prior to the effective date of the ordinance which is subsequently leased, is not subject to the above requirements. However, if an existing, non-conforming structure is removed or destroyed and is not replaced within one (1) year thereafter, it will no longer be grandfathered. If a mobile home site is vacated for over one (1) year it will no longer be covered under the grandfather clause.

SECTION 9. DEDICATION

A. The subdivider shall furnish the Town with an effective dedication of all roads and other public spaces to be dedicated, and of all easements provided by the subdivision plan or plans prior to the acceptance by the Town.

B. The approval of a plat shall not be deemed to constitute or effect an acceptance by the Town Board or the public of the dedication on any street or other ground shown upon the plat.

SECTION 10. PENALTIES

Whoever, subdivides any tract of land without having submitted a plat of such subdivision to the Town Planning Board and obtained its approval as required by this act, and does so before such plat is filed in the office of the Clinton County Clerk, if so required, shall be guilty of a violation, punishable as other violations as provided by the Penal law of the State of New York; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties.

A separate violation shall be deemed committed in each week (7 days) during or in which a violation occurs to continue.

In addition to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of such Ordinance.

SECTION 11. SAVING CLAUSE

If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect ten days after publication and posting or immediately upon personal service as provided by Section 133 of the Town Law. I hereby certify, that the foregoing is a true copy of the Ordinance adopted by Resolution of the Town Board of the Town of Schuyler Falls at the regular meeting held, a quorum being present and a majority voting thereof.

NOTE: Effective 6-5-90