

**TOWN OF DANBY LOCAL LAW NO. 3 OF 2005**

**A LOCAL LAW AMENDING THE SUBDIVISION REGULATIONS OF THE TOWN OF DANBY REGARDING ADMINISTRATION, NOTIFICATION PROCEDURES, SUBDIVISION CLASSIFICATION, REVIEW AND APPROVAL PROCEDURES, CLUSTERED SUBDIVISIONS, OPEN SPACE STANDARDS, ENVIRONMENTAL CONSERVATION, STREET IMPROVEMENTS, CERTIFICATION OF IMPROVEMENTS, SUBMISSION REQUIREMENTS, AND DEFINITIONS.**

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

Section 1. The Subdivision Regulations of the Town of Danby, New York, as adopted by the Town of Danby Planning Board on December 5, 1991 and approved by the Town of Danby Town Board on December 11, 1991, and as subsequently amended from time to time, be and the same hereby is further amended to read as set forth in the following sections.

Section 2. The use of arabic numerals to denote subsections is changed throughout the entire regulations to the use of roman numerals.

Section 3. Article I, Section 101 entitled "Purpose" is deleted, and a new Section 101 is inserted to read as follows:

**"Section 101. Purpose.**

- I. The subdivision regulations are intended to guide and protect the community's physical, social, and aesthetic development in accordance with the Town of Danby Comprehensive Plan, and to help the Town of Danby grow in an orderly, efficient, and economical manner which maintains and reflects the individuality 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 also intended to protect the natural, agricultural, and historical resources of the Town, and to promote responsible use of these resources. In no way are the subdivision regulations designed or intended to create a hardship for any person or group. Rather, these regulations are considered part of an overall plan to protect all of the citizens of Danby and to aid all who wish to sell or develop a piece of land.
- II. The regulations, standards, and procedures contained herein are developed to ensure the following:
  - A. that the health, safety, and welfare of the Town's inhabitants are promoted;
  - B. that land to be subdivided is suitable for building purposes without creating dangers to health or peril from fire, flood, or other menace;
  - C. that all proposed lots be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties and with the character and contour of the land;

- D. that proper provision is made for drainage, water supply, sewerage, highways, open space, and other needed improvements;
- E. that all proposed streets compose a convenient system and shall be of such width, grade, and location as to accommodate the prospective traffic, and facilitate access for emergency services and fire fighting equipment;
- F. that proper provision is made for parks, playgrounds, and significant open space;
- G. that development is made in such a manner that it protects and conserves natural, agricultural, and historical resources;
- H. that there is optimum overall conservation, protection, and responsible use of the environmental resources of the Town of Danby.”

Section 4. Article I, Section 104 entitled “Administration” is amended by deleting subsection 1 and by inserting new subsections I and II to read as follows:

**“Section 104. Administration.**

- I. These regulations shall be administered by the Planning Board in cooperation with the Town Board and other agencies, and shall be enforced by the Code Enforcement Officer and by any other agent that the Town may designate.
- II. Any applicant for subdivision approval or other person who is aggrieved by a requirement or determination of the enforcing officer or agent affecting the interpretation, applicability, compliance with or enforcement of any of these regulations may appeal to the Planning Board for a review of the requirement or determination by said enforcing officer or agent in accordance with the provisions of Section 110 hereof entitled "Appeals and Waivers.””

The succeeding subsections 2 and 3 are renumbered as subsections III and IV respectively.

Section 5. Article I, Section 105 entitled “Public Hearings” is amended by deleting this section and by inserting a new Section 105 entitled “Public Notice and Hearings for Standard Subdivisions” to read as follows:

**“Section 105. Public Notice and Hearings for Standard Subdivisions.**

- I. By posting of signs. At least 10 days and not more than 20 days before the Sketch Plan conference with the Planning Board described in Section 207, the subdivider shall post a sign at the center of each of the property lines of the property to be subdivided which fronts on a public or private roadway to inform the public of the proposed subdivision. Such signs shall be continuously maintained and displayed facing the roadway until final action has been taken by the Board to approve or deny the subdivision. The required signs shall be obtained from the Code Enforcement Officer, and a nonrefundable fee shall be paid for each sign or replacement obtained. The subdivider or subdivider’s representative shall submit a

written affidavit to the Secretary of the Planning Board by no later than 9 days before such Sketch Plan conference with the Planning Board, indicating the initial date that the signs were erected.

- II. By newspaper. Notice of public hearing shall be published in the official newspaper of the Town of Danby at least seven (7) days before the Planning Board meeting at which the hearing is to be held, and shall otherwise comply with all requirements of Town Law.
- III. By mail or delivery. A similar notice of such hearing shall either be mailed or delivered by the applicant to all owners of property within 500 feet of the boundaries of the property under consideration. The subdivider is encouraged to hand-deliver the notice and discuss the project with property owners. The Planning Board may, at its discretion, require that property owners within a distance of more than 500 feet of such boundaries be notified, and/or may direct Town staff to conduct the notification. Such mailing or delivery shall occur no less than seven (7) days prior to the date of the public hearing. The applicant (or the Town staff conducting the notification) shall file proof by affidavit of such mailing or delivery with the Planning Board no later than the date of the hearing.
- IV. Failure to post signs prior to said Sketch Plan conference, or failure to notify property owners near a site for which a public hearing is scheduled shall not be a jurisdictional defect and any action taken by any board, employee, or agent of the Town in connection with such activities shall not be nullified or voidable by reason of the failure to post signs or notify property owners. However, such failure to post or notify may be grounds, should the Planning Board or Town Board in its discretion so determine, to decline to conduct a scheduled Sketch Plan conference or public hearing.
- V. Brief public presentation at meeting. As part of any Sketch Plan conference or public hearing for the proposed project, the developer shall give a brief presentation outlining the key points of the proposal at the beginning of the hearing to ensure adequate understanding of the project by all members of the public at the hearing.”

Section 6. Article I, Section 106 entitled “Minimum Requirements” is amended by deleting this section and by inserting a new Section 106 entitled “Minimum Requirements” to read as follows:

**“Section 106. Minimum Requirements.**

- I. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety, and general welfare.
- II. Nothing in these regulations shall prohibit the subdivider from placing additional restrictions, not in violation of these regulations, on lots within the subdivision. The Town may but is not obligated to enforce any such additional restrictions.”

Section 7. Article I, Section 107 entitled “Environmental Review” is amended by deleting this section and by inserting a new Section 107 entitled “Environmental Review” to read as follows:

**“Section 107. Environmental Review.**

- I. The subdivider may be required, at any stage of the application for subdivision approval, to furnish such information, data, maps, reports or other documents which the Planning Board, or its authorized agency, may require for environmental review procedures including all requirements of the State Environmental Quality Review Act ("SEQRA"), and any local law implementing SEQRA in Danby, as any of these may be amended from time to time, or any other applicable rule, regulation, code or law.
- II. The Planning Board will usually act as the lead agency for the environmental review of subdivisions within the Town of Danby, although the subdivider may also be required to obtain approvals or permits from other agencies, such as the Town of Danby Town Board or Board of Appeals, or from the Tompkins County Health Department, prior to final approval of the project.”

Section 8. Article I, Section 113 entitled “Effective Date” is amended by deleting this section and by inserting a new Section 113 entitled “Effective Date” to read as follows:

**“Section 113. Effective Date.**

- I. These regulations shall be effective upon approval by the Town Board, and as provided by law.”

Section 9. Article II, Sections 201, 202, 203, 204, 205, 206, 207, 208, and 209 are amended by deleting these sections and inserting the following corresponding section numbers to read as follows:

**“Section 201. Subdivisions -General Description**

- I. Subdivisions are classified as follows:
  - A. LAND ANNEXATION – The transfer of title of land from its owner to an abutting owner, for consolidation with an abutting lot, provided that in such transfer:
    1. The remainder of the parcel from which the transfer is made meets appropriate zoning requirements; and
    2. No extension or improvement of an existing, or creation of a new, public road or public water or sewer utility is involved.
  - B. MINISTERIAL LAND DIVISION – A division of land resulting in no more than one (1) new lot, in which:
    1. For all parcels located in the Low Density Residential Zone, as such Zone is designated in the Town of Danby Zoning Ordinance and on the Town of Danby Zoning Map: The Conservation Area for the parent parcel, as such parcel existed on the effective date of this amendment to these regulations(EFFECTIVE DATE TO BE INSERTED), has been identified and approved by the Planning Board through a Standard Subdivision review.
    2. For all parcels in the Town:
      - a. The lot and the parent lot meet all other pertinent zoning requirements;
      - b. No extension or improvement an existing, or creation of a new, public road, public utility, or other public facility or area is involved;
      - c. All of the frontage of the lot and the parent lot is on a road maintained year-round; and

- d. No other division(s) or subdivision(s) of the original parcel except for Land Annexation have taken place within the previous three (3) consecutive years.

C. STANDARD SUBDIVISION – Any subdivision other than a Land Annexation or Ministerial Land Division.

**Section 202. Subdivisions - General Provisions.**

- I. The following general provisions apply to various classes of subdivisions:
  - A. A Land Annexation is exempt from subdivision approval by the Town.
  - B. Ministerial Land Divisions require review and approval by the Code Enforcement Officer. An applicant may at her/his option have the Planning Board review and consider approval of the subdivision.
  - C. Standard Subdivisions require approval by the Planning Board. The extension or improvement of an existing, or the creation of a new, public road public utility or other public facility or area requires approval by the Town Board.

**Section 203. Clustered Subdivisions.**

- I. A subdivider may request, or the Planning Board may require, the use of a Clustered Subdivision design, in accordance with the provisions of Town Law Section 278, and Article III herein. The use of Clustered Subdivision design is encouraged.

**Section 204. Recreational Open Space Reservation.**

- I. The Planning Board may require the reservation of a portion of a subdivision for recreational open space, pursuant to the provisions of Article IV.

**Section 205. Tompkins County Department of Health.**

- I. Tompkins County Department of Health approval may be required for any subdivision. Early contact by the subdivider with this department is advised.

**Section 206. Ministerial Land Division – Permit Procedure.**

- I. Application. The application for a Ministerial Land Division shall be submitted to the Code Enforcement Officer for review. The application shall include a Sketch Plan conforming to the requirements of Article VII, and a written application on forms available from the Town Clerk.

- II. The Code Enforcement Officer shall review the application, determine its completeness, confirm the classification of the subdivision as a Ministerial Land Division, and render a decision either issuing or denying the permit within 30 days after receiving the completed application. Any person aggrieved by such a decision may appeal the decision to the Planning Board pursuant to the provisions of Section 104 and 110 of these regulations.
- III. If the subdivision is not classified as a Ministerial Land Division or Land Annexation, then the Code Enforcement Officer shall classify the subdivision as a Standard Subdivision and shall direct the applicant to file an application for consideration by the Planning Board.
- IV. The applicant may at her/his option have the Planning Board review and consider approval of an application for a Ministerial Land Division, instead of the Code Enforcement Officer. If the applicant wishes to have the application reviewed by the Planning Board, the applicant must file written notice with the Town Clerk and the Code Enforcement Officer along with, or after, submitting the completed application. The Planning Board shall meet to consider the application within sixty-two (62) days of the receipt of the written notice. Within sixty-two (62) days after meeting to consider the application, the Planning Board shall approve, with or without modifications, or disapprove the final plat, and state the reasons for modifications or disapproval in the Planning Board records. The time in which the Planning Board must take action may be extended for good cause, for compliance with other laws and regulations, or upon mutual consent of the subdivider and the Planning Board.
- V. The final plat shall be submitted to the Code Enforcement Officer, who, upon finding the final plat to be in conformance with applicable subdivision and zoning requirements, shall so certify the plat and grant a Ministerial Land Division Permit. The final plat so certified by the Code Enforcement Officer shall be filed by the applicant in the offices of the Town of Danby Clerk and the Tompkins County Clerk within one (1) year after the date of issuance of the Ministerial Land Division Permit. If the final plat is not so certified and filed within the one-year period, the Ministerial Land Division Permit shall expire.

**Section 207. Standard Subdivisions – Overview of Review and Approval Steps.**

- I. Standard Subdivisions shall be processed in the following steps:
  - A. Sketch Plan conference with the Code Enforcement Officer.
  - B. Public Notification. Sign(s) shall be posted in accordance with Section 105.
  - C. Sketch Plan conference with the Planning Board.
  - D. Sketch Plan conference with the Town Board if the extension or improvement of an existing, or the creation of a new, public road, public utility, or other public facility or area is proposed.
  - E. Application for Preliminary Plat Approval.
  - F. Planning Board review of Preliminary Plat.
  - G. Public Notification of hearing. Notice shall be posted in the official newspaper of the Town and mailed or delivered to nearby property owners in accordance with Section 105 of these regulations.

- H. Public Hearing for consideration of action on Preliminary Plat..
- I. Planning Board action on Preliminary Plat.
- J. Town Board consideration of acceptance of proposed location and maintenance of any public roads, infrastructure, or other public facilities or areas.
- K. Application for Final Plat approval.
- L. Public Notification of hearing. Notice shall be posted in the official newspaper of the Town and mailed or delivered to nearby property owners in accordance with Section 105 of these regulations.
- M. Public Hearing for consideration of action on Final Plat, unless waived.
- N. Planning Board review of Final Plat.
- O. Planning Board action on Final Plat.

**Section 208. Standard Subdivisions – Sketch Plan Review**

- I. The applicant shall present preliminary ideas in the form of a Sketch Plan to the Code Enforcement Officer prior to the scheduling of a Planning Board meeting.
- II. The applicant should inquire of the Code Enforcement Officer as to the overall requirements of these regulations. That Officer will be available to help the applicant understand the improvements and restrictions that the Planning Board could be expected to impose upon the development, as presented.
- III. After reviewing the Sketch Plan with the Code Enforcement Officer, the applicant shall present informally the Sketch Plan to the Planning Board, and if required, to the Town Board, at a Sketch Plan conference, for comments prior to the preparation of a Preliminary Plat. The posting requirements for public notification set forth in Section 105 of these regulations shall apply to any such meeting with the Planning Board. The Planning Board and Town Board will provide an opportunity for public comment at Sketch Plan conferences.

**Section 209 Standard Subdivisions – Application for Preliminary Plat Approval.**

- I. Applicability. All Standard Subdivisions shall be subject to the Preliminary Plat requirements specified herein and in accordance with Town Law, unless specifically exempted.
- II. Preliminary Plat Application. The subdivider shall file an application for the consideration of a Preliminary Plat on forms available from the Town Clerk accompanied by all documents specified in Article VIII herein. The application shall be filed at least twenty (20) days prior to the meeting at which it is to be considered by the Planning Board.

- III. Public Hearing for Consideration of Action on Preliminary Plat. Following the review of the Preliminary Plat and supplementary material submitted for conformity to this law, and following discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and following determination that the Preliminary Plat application is complete, the Planning Board shall hold a public hearing to consider action on the Preliminary Plat. This hearing shall be held within sixty-two (62) days of the receipt of the completed Preliminary Plat application by the Clerk of the Planning Board, except as such schedule may be modified for compliance with other laws and regulations, or with the consent of the applicant. The notification and public presentation requirements set forth in Section 105 of these regulations shall apply to any such hearing.
- IV. Action on Preliminary Plat. Within sixty-two (62) days after the public hearing to consider action on the Preliminary Plat, the Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat and state the reasons for modifications or disapproval in the Planning Board records. The time in which the Planning Board must take action may be extended for good cause, for compliance with other laws and regulations, or upon mutual consent of the subdivider and the Planning Board.
- V. Town Board Approval. If the Preliminary Plat includes any proposed improvements to or extension of an existing, or the creation of a new, public road, public utility, or other public facility or area, then no Preliminary Plat approval shall be complete until the subdivider has applied for and obtained preliminary acceptance, from the Town Board, of the proposed location, design, and maintenance of same.
- VI. Subdivider Actions Following Preliminary Plat Approval. Following Preliminary Plat approval, the subdivider may proceed to stake out roads and lots, to prepare final plans and engineering plans showing information and data required by these regulations and other applicable provisions of law. The subdivider shall also furnish such other information as may be lawfully and reasonably required by the Planning Board.
- VII. Requirements for Final Plat Approval. 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 Planning Board in granting Preliminary Plat Approval shall not be interpreted to create a presumption, or in any way imply, that the Planning 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 Planning Board or if the Planning 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 Planning Board may reasonably impose before any final approval is given.”

Section 10. Article II Section 210 entitled “Minor and Major Subdivisions – Application for Final Plat Approval” is amended by changing the title of Section 210 to “Standard Subdivisions – Application for Final Plat Approval”, and by deleting the present subsections 1, 2, 3, and 4 and by inserting new subsections I, II, III, and IV, with the amended Section 210 title and subsections I, II, III, and IV to read as follows:

**“Section 210. Standard Subdivisions – Application for Final Plat Approval**

- I. Applicability. All Standard Subdivisions shall be subject to the Final Plat requirements, as specified herein and in accordance with Town Law.



- II. Application. The subdivider shall file an application for the consideration of a Final Plat on forms available from the Town Clerk accompanied by all documents specified in Article VIII herein. The application shall be filed at least twenty (20) days prior to the meeting at which it is to be considered by the Planning Board.
- III. Time of Application. If the application for Final Plat approval is not submitted within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Plat and may require resubmission of the Preliminary Plat.
- IV. Public Hearing. Unless waived as set forth below, a public hearing shall be held by the Planning Board within sixty-two (62) days from the date that a completed Final Plat application is filed with the Town Clerk, except as such schedule may be modified for compliance with other laws and regulations, and with the consent of the applicant. The notification and public presentation procedures set forth in Section 105 of these regulations, entitled “Public Notice and Hearings”, shall apply to any such hearing.”

Section 11. Article III, Section 300 entitled “Introduction”, subsection 3 is amended to read as follows:

“III. A subdivider may request the use of Town Law Section 278, or the Planning Board may require a subdivider to use this procedure, if, in the Planning Board's judgment, such use would better comply with the Comprehensive Plan than a conventional subdivision.”

Section 12. Article III, Section 301 entitled “General Procedures”, subsection 3 is amended to read as follows:

“III. Subsequent to such conceptual approval, the Preliminary and Final Plat application requirements set forth in Article VIII shall apply, except that, in addition, a clustered site plan meeting the requirements of Town Law Section 278 shall accompany such application, along with a statement describing proposed modifications or supplementations of Zoning Ordinance requirements.”

Section 13. Article III, Section 302 entitled “General Criteria”, subsection 3 is amended to read as follows:

“III. **Open Space.**

The requirements of Article IV, pertaining to open space reservation, shall apply.”

Section 14. Article IV, entitled “RECREATIONAL OPEN SPACE RESERVATION REQUIREMENTS” is amended by deleting this article and replacing it with a new Article IV entitled “OPEN SPACE STANDARDS” to read as follows:

## “ARTICLE IV

### OPEN SPACE STANDARDS

#### **Section 400. Recreational Open Space Requirements.**

- I. **APPLICABILITY.** Recreational Open Space Reservation Requirements set forth in this Section shall apply to all Ministerial Land Divisions and Standard Subdivisions.
  
- II. **GENERAL REQUIREMENTS.**
  - A. The Planning Board may require that land containing usable public open space be reserved within subdivisions for parks, playgrounds, and other active or passive recreational purposes, subject to the finding, by the Planning Board, that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes, pursuant to Town Law 277. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision plat will contribute.
  
  - B. In the review of applications for Ministerial Land Divisions and Standard Subdivisions, consideration shall be given to the allocation of areas suitably located for recreational open space purposes to benefit the residents of the subdivision or the neighborhood, which areas shall be made available by one or a combination of the following methods:
    1. Dedication to the Town or an approved conservation agency.
      - a. The subdivider may transfer the deed of the open space area to the Town or to a conservation agency approved by the Planning Board and Town Board with provisions limiting the use of such area exclusively for recreational open space, or for preserved open space with accessory recreational use.
      - b. If the Town Board approves a dedication to the Town, it shall assume the responsibility of developing and maintaining the open space area, except that the Town Board may accept development of the open space area by the subdivider.
      - c. In the event of a proposed dedication to an approved conservation agency, and upon determination by the Planning Board and the Town Board that sufficient public benefit would accrue from such dedication, suitable agreements related to the responsibility of open space development and maintenance shall be subject to Town Board approval.
  
    2. Reservation of land for use by the subdivider or by other property owners in the subdivision, by deed or covenant.
      - a. The subdivider may develop and maintain the open space area, and may develop a deed or other suitable instrument which specifically limits the use of said area to recreational and other open space uses.
      - b. In such case the subdivider shall submit a written statement along with the Preliminary Plat Application, describing how the subdivider intends either
        - i. to retain the land reservation in the subdivider’s ownership, and describing how the subdivider will guarantee that appropriate maintenance is provided in perpetuity, or
        - ii. to establish a homeowners' association or other arrangement in the subdivision which will assume ownership of the land and the responsibility for its development, maintenance, and legal liability.

c. Such statement shall be subject to approval by the Planning Board and the Town Board.

C. Payment in Lieu of Land Reservation.

1. In the event the Planning Board makes a finding pursuant to Section II, Paragraph A that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood.
2. The amount of such payment shall be as set forth by the Town Board but shall not exceed the reasonable value of land that could have otherwise been required to be dedicated by the developer. If the formula used to determine the amount payable is based on the number of lots in the subdivision, a lot created to accommodate an existing dwelling shall be exempt from this requirement.
3. Unless the subdivider agrees otherwise, the amount of such payment shall not exceed the value of the land that the Town might otherwise require for recreational purposes.
4. Such payments shall be held by the Town Board in a special Town Open Space Trust Fund to be used for the acquisition of land suitable for permanent park, playground, or other recreational purposes, and so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies.
5. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the Plat is situated, providing the Planning Board and Town Board find a need for such improvements.
6. Such payment shall be made prior to the granting of Final Plat Approval by the Planning Board except as such condition may be modified by the Town Board. In general, such payments shall be cash deposits made payable to the Town of Danby by certified or bank check, or by money order.

**III. MINIMUM STANDARDS.**

- A. The amount of land to be reserved for Recreational Open Space (as defined in Appendix A) shall normally be in the amount of ten (10) percent of the gross area of the subdivision.
- B. The Planning Board may require that Recreational Open Space be located at a suitable place on the edge of the subdivision so that additional land may be added if adjacent land is subdivided.

**Section 401. Conservation Area Open Space Requirements.**

- I. **APPLICABILITY.** Conservation Area Open Space Requirements set forth in this Section shall apply to all Ministerial Land Divisions and Standard Subdivisions in the Low Density Residential Zone, as such Zone is designated in the Town of Danby Zoning Ordinance and on the Town of Danby Zoning Map.
- II. **REQUIREMENTS.**
- A. A minimum of sixty (60) percent of the total land area of the parent parcel, as it existed on the effective date of this amendment to these regulations (EFFECTIVE DATE TO BE INSERTED), shall be designated as a protected Conservation Area.
- B. If a parent parcel is increased in size by a Land Annexation, so that a previously-designated Conservation Area on the parent parcel or the land annexed to it has made the entire parcel nonconforming as to the size of the Conservation Area, then the Conservation Area shall be increased to meet the minimum sixty (60) percent required, prior to approval of any further subdivision of that entire parcel (other than a subsequent Land Annexation).
- C. The location of the Conservation Area shall be determined during the Preliminary Plat Application Review and approval process, based on materials submitted for the Preliminary Plat Application as defined in Article VIII, Submission Requirements for Standard Subdivisions, and in accordance with Article V, Environmental Conservation; and shall be subsequently documented and recorded as part of any approved Final Plat, as provided in Article VIII, and in Article VII, Submission Requirements for Ministerial Land Divisions, as applicable.
- D. The following areas shall not be disturbed or built on, and must be included in the Conservation Area:
1. Areas of 100-year flooding as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
  2. Wetlands, including New York State designated Freshwater Wetlands, and those shown on the National Wetlands Inventory.
  3. Intermittent and Perennial Streams, including a 50-foot buffer from the stream centerline.
  4. Slopes greater than 15%, except that slopes greater than 15% comprising areas of less than 10,000 square feet may be excluded from the Conservation Area when approved by the Planning Board.
- E. The following areas should be included in the Conservation Area to the greatest extent possible, and may only be excluded from the Conservation Area when approved by the Town Planning Board and when found to be in accordance with the environmental conservation standards set forth in Article V, Environmental Conservation. The Planning Board should work with the applicant to ensure that the development suitability is considered in determining which, if any, of these areas may be excluded from the Conservation Area.
1. Existing or potentially viable agricultural land.
  2. Unique Natural Areas, as identified by the Tompkins County Environmental Management Council.

3. Wetlands margin. For the purpose of these regulations, the wetlands margin shall extend 100 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of hydric soils shall be as mapped in the Soil Survey of Tompkins County, NY, July 1965, unless reclassified by a Certified Soil Scientist.
  4. Woodlands, and the location of other significant vegetation.
  5. Significant historical sites.
- F. The Conservation Area should be contiguous. Contiguous is defined as being connected. The conservation area will still be considered connected if it is separated by a roadway or driveway, or utility line, if determined by the Planning Board to be appropriate and consistent with the goals of these regulations. Conservation Areas that are non-contiguous may be permitted if they promote the goals of these regulations and/or protect identified open space.
  - G. Portions of front, side, and rear yard depths shall be permitted as part of the Conservation Area only when approved by the Planning Board and when found to be consistent with the goals of these regulations.
  - H. The Recreational Open Space Reservation Requirements of Section 400 shall count towards the 60% requirement for the Conservation Area.

**III. PERMITTED AND RESTRICTED USES.** The following use provisions and restrictions shall apply to all Conservation Areas:

- A. **Permitted Principal and Accessory Uses.** The Conservation Area may be used for the following, unless other laws and regulations restrict or prohibit such uses (such as those pertaining to areas of 100-year flooding, Wetlands, and Classified Streams):
  1. Wildlife habitat and conservation, historic preservation, outdoor education, recreation, park purposes, agriculture, equestrian facilities, horticulture, forestry, forest management, or other forest resource uses or a combination of the above uses. The Planning Board may permit a portion of the Conservation Area to be used for structures accessory to the dedicated use or uses of the Conservation Area, such as pedestrian walks and bike paths.
  2. Non-residential farm structures and structures used for equestrian facilities such as barns, silos, livestock enclosures, storage buildings and similar structures.
  3. Accessory structures and other work exempt from building permits, such as storage sheds with less than 160 square feet of gross floor area.
  4. Wells or water service lines.
  5. Utility lines providing service to the property.
  6. Driveways.
  7. Drainage swales and stormwater management facilities.

- B. **Prohibited Uses.** The following uses are prohibited within the Conservation Area:
1. Buildings and structures subject to building permit, except as allowed herein in III A; and site alterations, regrading, filling, and clearing related to same.
  2. Sewage systems, and site alterations, regrading, filling, and clearing related to same.

**IV. RECORDING REQUIREMENTS.**

- A. The Conservation Area(s) shall be subject to a recorded restriction enforceable by the Town, describing that such land shall be used exclusively for the purposes set forth herein, in a manner which will ensure its continued suitability for its intended purposes. These restrictions shall be recorded at the time of filing the Final Plat in the office of the County Clerk and with the Town. Reference to the recorded restrictions shall be noted on the Final Plat, and shall be referenced to the deed of each parcel which includes a portion of the Conservation Area.
- B. Modification of the location and boundaries of the Conservation Area may be permitted through a Standard Subdivision Review process, provided that the Planning Board finds that such modification is consistent with the intent of this legislation concerning designation of the Conservation Area.

**V. OWNERSHIP OPTIONS.**

- A. At the option of the subdivider, the Conservation Area may be conveyed to one or more of the following. Any Conservation Area so conveyed shall NOT be considered as a lot when calculating the total number of lots created for the subdivision.
1. The Town or any Conservation Commission that the Town may establish, if such conveyance is approved by the Town.
  2. New York State, or other governmental agency.
  3. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such Conservation Area set forth above.
  4. A corporation or trust owned jointly or in common by the owners of lots within the subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity.
  5. Private ownership as part of one or more lots in the subdivision.”

Section 15. Article V Section 501 entitled “General Guidelines” is amended by deleting this section and by inserting a new section 501 entitled “General Guidelines” to read as follows:

**“Section 501. General Guidelines.**

**I. Unbuildable Areas and Other Circumstances.**

As a safety measure for the protection of the health and welfare of the people of the Town, that portion of a proposed subdivision which is found to be unsuitable for development due to circumstances which may be harmful to the environment or potential residents, such as severe drainage problems or steep slopes, shall not be subdivided until adequate methods to alleviate the effects of such harmful circumstances are formulated by the subdivider and approved by the Planning Board.

**II. Preservation of Natural Features.**

- A. The Planning Board shall encourage the preservation of all natural features which add value to developments and to the community, such as significant vegetation, large trees and groves, water courses, historic sites, important views, viable agricultural land, and similar irreplaceable assets.
- B. Development should be laid out to avoid such features, and to avoid steep slopes, erosive soils, wetlands, or similar environmentally sensitive areas.

**III. Agricultural Land and Uses.**

- A. Development shall, as much as is practicable, be located on the least fertile soils for agriculture, in a manner which maximizes retention of viable agricultural uses and land.
- B. On parcels with viable agricultural lands, development should be located within woodlands contained on the parcel, or on the far edges of the open fields adjacent to woodlands, in order to reduce development impacts on such agricultural lands, as well as to provide summer shade and shelter from winter wind, and to enable the impact of new construction to be buffered or absorbed by natural landscape features.

**IV. Steep Slopes.**

- A. The Planning Board may limit the density or location of development on slopes of greater than 8 percent grade when the Board determines that such development would be harmful to the environment of such slopes or of adjacent areas, or would pose a hazard to the residents of the subdivision or neighborhood.
- B. Where a proposed subdivision contains both viable agricultural land and slopes of greater than 8 percent grade, due consideration of both features shall be made in laying out the subdivision.
- C. Notwithstanding the foregoing, in the Low Density Residential Zone, development on slopes of greater than 15 percent grade is prohibited, except that development on slopes greater than 15 percent comprising areas of less than 10,000 square feet may be permitted upon approval by the Planning Board.

**V. Important Natural Areas.**

- A. The Planning Board may limit the development of areas designated by the Town as Important Natural Areas, when, in its judgment, the proposed development would adversely impact the environmental quality of such areas.
- B. Such Important Natural Areas, if so designated by the Town Board, may include Critical Environmental Areas established pursuant to SEQRA, Unique Natural Areas designated by Tompkins County, and other similar areas.

**VI. Visual Environment.**

- A. The location of development shall be in areas least likely to block scenic views important to the community, as seen from public roadways and other public areas.
- B. The pattern of development shall minimize adverse impacts on the character of important open areas and of existing development in the neighborhood.”

Section 16. Article V Section 502 entitled “Erosion Control”, subsection 2 is amended to read as follows:

“II. Land grading, earth moving and vegetation removal shall be limited to that necessary for actual construction.”

Section 17. Article VI Section 604 entitled “Street Improvements”, subsection 10 is amended to read as follows:

“X. A cul-de-sac shall not exceed 1000 feet in length and shall be terminated in a turnaround or backaround of a design acceptable to the Town Highway Superintendent and the Town Board. Where that street is dedicated for the purpose of providing future access to adjacent property, its length as a cul-de-sac shall not exceed 1000 feet.”

Section 18. Article VI Section 609 entitled “Certification of Improvements” is amended by deleting this section and by replacing it with a new Section 609 entitled “Certification of Improvements” to read as follows:

**“Section 609. Certification of Improvements.**

- I. Prior to final acceptance of the construction of a new, or the improvement of an existing, street or other public facility, the subdivider shall provide a certification by a licensed engineer that the street or other public facility has been constructed in accordance with the approved design of said street as designated on the final construction plans.
- II. As-built plans shall be submitted showing the vertical and horizontal location, sizing, and gradient, where applicable, of improvements including streets, stormwater management facilities, water mains, and sanitary sewers. In addition, such plans shall also show the location of all transmission utilities including gas, electric, telephone, and cable television, both surface and subsurface.”

Section 19. Article VII entitled “DOCUMENTS TO BE SUBMITTED” is amended by deleting it in its entirety and by replacing it with a new Article VII entitled “ SUBMISSION REQUIREMENTS FOR MINISTERIAL LAND DIVISIONS” to read as follows:



## **“ARTICLE VII**

### **SUBMISSION REQUIREMENTS FOR MINISTERIAL LAND DIVISIONS**

#### **Section 700. Overview.**

- I. This Article describes the applicability, purpose, elements and specifications of sketch plans and final plats for all Ministerial Land Divisions.

#### **Section 701. Sketch Plan Review.**

- I. **APPLICABILITY.** Sketch Plan Review requirements set forth in this Section shall apply to all Ministerial Land Divisions, unless otherwise specified below.
- II. **PURPOSE.** The purpose of this step is to afford the subdivider an opportunity to consult early and informally with the Town. Sketch Plan submission is required as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features.
- III. **ELEMENTS.** The Sketch Plan consists of the following map:
  - A. **Sketch Map of Proposed Ministerial Land Division.**
    1. **SPECIFIC PURPOSE:** To show major features on and adjacent to the parcel, and the proposed division of the parcel; and to ensure that the requirements for a Ministerial Land Division are met.
    2. **SPECIFIC ELEMENTS:**
      - a. Location of the affected tax parcel showing roads, zoning district(s), N.Y. State Agricultural Districts, adjacent properties, twenty-foot (20') contours, and surface waters such as streams and ponds.
      - b. For parcels located in the Low Density Residential Zone, the location of the Conservation Area as previously identified and approved during a Standard Subdivision Review.
      - c. Location and dimensions of proposed lot lines, lot acreage, and minimum yard depths and setback lines.
      - d. Title of the sketch, including name and address of the applicant, and of the owner if different from the applicant, north point, scale, and date.
    3. **SCALE:**
      - a. For parcels under 100 acres in area, such maps shall be at a scale not less than 1"=200'.
      - b. For parcels of 100 acres or more, the scale shall be not less than 1"=400'.

#### **Section 702. Final Plat.**

- I. **APPLICABILITY.** Final Plat requirements set forth in this Section shall apply to all Ministerial Land Divisions.

II. **PURPOSE.** The Final Plat shall supply the detailed documentation on which construction decisions are based. The Final Plat shall, upon final approval, be filed in the Tompkins County Clerk's Office and with the Town.

III. **ELEMENTS.** The Final Plat shall consist of the following elements:

A. **Licensed Survey for Ministerial Land Divisions outside the Low Density Residential Zone.**

The following shall be shown on the Licensed Field Survey for Ministerial Land Divisions outside the Low Density Residential Zone:

1. The boundary lines of the proposed lots, giving complete descriptive data by bearings and distances, made, certified, and marked with monuments by a licensed land surveyor. Acreage shall be shown for each lot. The survey should also show:
  - a. Title of the subdivision, including the name and address of the subdivider and the owner of the parcel to be subdivided.
  - b. North point, scale, date and location map.
  - c. Building setback lines or required yard depths, dimensioned.
  - d. The location of all existing or proposed public facilities or areas.
  - e. The location of all easements, rights of way, municipal boundaries, special district boundaries, N.Y. State Agricultural Districts, zoning districts, areas of 100-year flooding, and similar features.
  - f. Reference on the plat to any separate instruments, including restrictive covenants, which directly affect the tract.

B. **Licensed Survey for Ministerial Land Divisions in the Low Density Residential Zone.**

1. The following shall be shown on the Licensed Survey for Ministerial Land Divisions in the Low Density Residential Zone:

- a. The boundary lines of the proposed lots, and all Conservation Area(s) on the proposed lots, giving complete descriptive data by bearings and distances, made, certified, and marked with monuments by a licensed land surveyor. Acreage shall be shown for each lot and Conservation Area. The survey should also show:
  - i. Title of the subdivision, including the name and address of the subdivider and the owner of the parcel to be subdivided.
  - ii. North point, scale, date and location map.
  - iii. Building setback lines or required yard depths, dimensioned.
  - iv. The location of all existing or proposed public facilities or areas.
  - v. The location of all easements, rights of way, municipal boundaries, special district boundaries, N.Y. State Agricultural Districts, zoning districts, areas of 100-year flooding, and similar features.
  - vi. Reference on the plat to any separate instruments, including restrictive covenants, which directly affect the tract.

2. Alternative Documentation for the Conservation Area.

- a. In lieu of the requirements specified in 1 of this subsection for the Conservation Area, alternative means of documenting the Conservation Area may be accepted by the Planning Board, as long as such alternative documentation is found to be consistent with the intent of this legislation concerning Conservation Area designation and documentation.

- i. In considering acceptance of such alternative documentation, the Planning Board, along with other facts it deems relevant, will consider the proportion of land being retained in the parent parcel, the size of new lots being created, and the location of the proposed Conservation Areas(s).
- ii. The review and consideration of such alternative documentation may occur either in the process of a Standard Subdivision Review prior to an application for a Ministerial Land Division, or through review and approval by the Planning Board at a regular meeting prior to issuance of a Ministerial Land Division Permit.

**C. Conservation Area Recording Requirements for Ministerial Land Divisions in the Low Density Residential Zone.**

- 1. The Conservation Area(s) shall be subject to a recorded restriction enforceable by the Town, describing that such land shall be used exclusively for the purposes set forth herein, in a manner which will ensure its continued suitability for its intended purposes. These restrictions shall be recorded at the time of filing the Final Plat in the office of the County Clerk and with the Town. Reference to the recorded restrictions shall be noted on the Final Plat, and shall be referenced to the deed of each parcel which contains a portion of the Conservation Area.
- 2. Modification of the location and boundaries of the Conservation Area may be permitted through a Standard Subdivision Review process, provided that the Planning Board finds that such modification is consistent with the intent of this legislation concerning designation of the Conservation Area.”

Section 20. These regulations are amended by inserting a new Article VIII entitled “SUBMISSION REQUIREMENTS FOR STANDARD SUBDIVISIONS” to read as follows:

**“ARTICLE VIII**

**SUBMISSION REQUIREMENTS FOR STANDARD SUBDIVISIONS**

**Section 800. Overview.**

- I. This Article describes the applicability, purpose, elements and specifications of sketch plans, preliminary plats and final plats for all Standard Subdivisions.

**Section 801. Sketch Plan Review for Standard Subdivisions.**

- I. **APPLICABILITY.** Sketch Plan Review requirements set forth in this Section shall apply to all Standard Subdivisions, unless otherwise specified below.
- II. **PURPOSE.** The purpose of this step is to afford the subdivider an opportunity to consult early and informally with the Town. Sketch Plan submission is required as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features.

III. **ELEMENTS.** The Sketch Plan is made up of the following elements, which are described in detail below.

A. **Site Context Map.**

1. **SPECIFIC PURPOSE:** To show the location of the proposed subdivision within its neighborhood context. To help defray the cost to subdividers, some data may be available through the Town of Danby.
2. **SPECIFIC ELEMENTS:**
  - a. Location and boundaries of the affected tax parcel showing roads, zoning districts, N.Y. State Agricultural Districts, adjacent properties, twenty-foot (20') contours, surface waters such as streams and ponds, and other appropriate orientation information on the parcel and within 1,000 feet of its boundaries.
  - b. For parcels located in the Low Density Residential Zone, as such Zone is designated in the Town of Danby Zoning Ordinance and on the Town of Danby Zoning Map, the location of any Conservation Area previously identified and approved during a Standard Subdivision Review.
  - c. Title of the sketch, including name and address of the subdivider and the owner of the parcel to be subdivided, north point, scale, and date.
3. **SCALE:**
  - a. For parcels under 100 acres in area, such maps shall be at a scale of not less than 1"=400'.
  - b. For parcels of 100 acres or more, the scale shall be not less than 1"=800'.

B. **Existing Resources Context Map.**

1. **SPECIFIC PURPOSE:** To provide the developer and the Town with a comprehensive analysis of existing conditions, both on and adjacent to the parcel being subdivided. Conditions beyond the parcel boundaries may be described on the basis of existing published data from governmental agencies, and aerial photographs. To help defray the cost to subdividers, some data and/or maps may be available through the Town of Danby.
2. **SPECIFIC ELEMENTS:**
  - a. A vertical aerial photograph with the site boundaries clearly marked.
  - b. Tax parcel boundaries.
  - c. Intermittent and Perennial Streams, and in the Low Density Residential Zone, a 50-foot buffer from the stream centerlines.
  - d. The location and name of Unique Natural Areas, as identified by the Tompkins County Environmental Management Council.
  - e. Slopes greater than 8% and 15% or less.
  - f. Slopes greater than 15%.
  - g. Wetlands including New York State designated wetlands, and those shown on the National Wetlands Inventory.
  - h. Wetlands margin, in the Low Density Residential Zone. For the purpose of these regulations, the wetlands margin shall extend 100 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of hydric soils shall be as

mapped in the Soil Survey of Tompkins County, NY, July 1965, unless reclassified by a Certified Soil Scientist.

- i. Location and type of woodlands, and the location of other significant vegetation.
- j. Location and type of Class I, II, and III agricultural soils.
- k. Existing or potentially viable agricultural land.
- l. 100-year flood plains, as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
- m. Title of the sketch, including name and address of the subdivider and the owner of the parcel to be subdivided, north point, scale, and date.

3. SCALE:

- a. For parcels under 100 acres in area, such maps shall be at a scale not less than 1"=400', and shall show the above resources within 1,000 feet of the site.
- b. For parcels of 100 acres or more, the scale shall be not less than 1"=800', and shall show the above resources within 1,000 feet of the site.

**C. Existing Resources Site Map.**

1. SPECIFIC PURPOSE: To provide the developer and the Town with a comprehensive analysis of existing conditions on the parcel being subdivided. To help defray the cost to subdividers, some data and/or maps may be available through the Town of Danby.

2. SPECIFIC ELEMENTS:

- a. A vertical aerial photograph with the site boundaries clearly marked.
- b. Tax parcel boundaries.
- c. Intermittent and Perennial Streams, and in the Low Density Residential Zone, a 50-foot buffer from the stream centerlines.
- d. The location and name of Unique Natural Areas, as identified by the Tompkins County Environmental Management Council.
- e. Slopes of greater than 8% and 15% or less.
- f. Slopes of greater than 15%.
- g. Wetlands including New York State designated wetlands, and those shown on the National Wetlands Inventory.
- h. Wetlands margin, in the Low Density Residential Zone. For the purpose of these regulations, the wetlands margin shall extend 100 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of hydric soils shall be as mapped in the Soil Survey of Tompkins County, NY, July 1965, unless reclassified by a Certified Soil Scientist.
- i. Location and type of woodlands, and the location of other significant vegetation.
- j. Location and type of Class I, II, and III agricultural soils.
- k. Existing or potentially viable agricultural land.
- l. 100-year flood plains, as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
- m. Title of the sketch, including name and address of the subdivider and the owner of the parcel to be subdivided, north point, scale, and date.

3. SCALE:

- a. For sites under 100 acres in area, such maps shall be at a scale not less than 1"=200'.
- b. For sites of 100 acres or more, the scale shall be not less than 1"=400'.

**D. Overlay Sketch for Subdivision.**

1. **SPECIFIC PURPOSE:** The Overlay Sketch shall be prepared as an overlay of the Existing Resources Site Map, described above.
2. **SPECIFIC ELEMENTS:**
  - a. Location of the proposed area(s) to be developed and the location of any proposed new roads or other proposed public facilities or areas.
  - b. Title of the sketch, including name and address of the subdivider and the owner of the parcel to be subdivided, north point, scale, and date.
3. **SCALE:**
  - a. For sites under 100 acres in area, such maps shall be at a scale not less than 1"=200'.
  - b. For sites of 100 acres or more, the scale shall be not less than 1"=400'.

**Section 802. Preliminary Plat.**

- I. **APPLICABILITY.** Preliminary Plat requirements set forth below shall apply to Standard Subdivisions, as specified below.
- II. **OVERALL PURPOSE.** A Preliminary Plat sets the direction for development of the parcel and is intended to provide enough information on which to undertake environmental review.
- III. **ELEMENTS.** The Preliminary Plat is made up of the following elements, which are described in detail below.
  - A. **Overlay Sketches for Subdivisions outside the Low Density Residential Zone.**
    1. **APPLICABILITY:** Overlay Sketches requirements set forth below shall apply to all Subdivisions outside the Low Density Residential Zone.
    2. **SPECIFIC PURPOSE:** To designate the specific location of lot lines, Construction Envelopes, proposed streets, driveways and trails as overlays to the Existing Resources Site Map, and to ensure compliance with these regulations and with the Town of Danby Zoning Ordinance.
    3. **SPECIFIC ELEMENTS:**
      - a. An overlay map to the Existing Resources Site Map designating the boundaries and approximate dimensions and areas of individual lots and Construction Envelopes, which Construction Envelopes are the general sites for buildings, sewage systems, and related land disturbance. The lots shall show yard depths and other setbacks and shall be numbered.
      - b. An overlay map to the Existing Resources Site Map designating the location, width and grade of streets, driveways and trails, in accordance with standards set forth in Article VI, Additional Regulations, and showing tentative rights-of-way and suggested street names.
    4. **SCALE:**
      - a. For parcels under 100 acres in area, such maps shall be at a scale not less than 1"=200'.
      - b. For parcels of 100 acres or more, the scale shall be not less than 1"=400'.

**B. Overlay Sketches for Subdivisions in the Low Density Residential Zone.**

1. **APPLICABILITY:** Overlay Sketches requirements set forth below shall apply to all Standard Subdivisions in the Low Density Residential Zone
2. **SPECIFIC PURPOSE:** To demonstrate to the Planning Board that the design process outlined below was performed in determining the layout of proposed streets, house lots, and open space.
3. **SPECIFIC ELEMENTS:** Applicants are required to provide an overlay map to the Existing Resources Site Map for each of the four (4) steps outlined below.
  - a. **Step One, Identify and Map Conservation Areas.**
    - i. Identify tentative location of areas that shall not be disturbed or built on, as set forth below. The Conservation Area(s) must include at least 60% of the parcel, in accordance with Article IV, Open Space Standards.
    - ii. The following areas shall not be disturbed or built on, and must be included in the Conservation Area:
      - Areas of 100-year flooding as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
      - Wetlands, including New York State designated wetlands, and those shown on the National Wetlands Inventory.
      - Intermittent and Perennial Streams, including a 50-foot buffer from the stream centerline.
      - Slopes of greater than 15%, except that slopes greater than 15% comprising areas of less than 10,000 square feet may be excluded from the Conservation Area when approved by the Planning Board.
    - iii. The following areas should be included in the Conservation Area to the greatest extent possible, and may only be excluded from the Conservation Area when approved by the Town Planning Board and in accordance with the standards in Article V, Environmental Conservation. The Planning Board should work with the applicant to ensure that the development suitability of the property is considered in determining which, if any, of these areas may be excluded from the Conservation Area.
      - Existing or potentially viable agricultural land.
      - Unique Natural Areas, as identified by the Tompkins County Environmental Management Council.
      - Wetlands margin. For the purpose of these regulations, the wetlands margin shall extend 100 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of hydric soils shall be as mapped in the Soil Survey of Tompkins County, NY, July 1965, unless reclassified by a Certified Soil Scientist.
      - Woodlands, and the location of other significant vegetation.
      - Significant historical sites.
  - b. **Step Two: Locate and Map Construction Envelopes.**
    - i. **LOCATION.** Identify the tentative location of Construction Envelope(s) for each lot. Construction Envelopes, being the general sites for buildings, sewage systems, and related land disturbance, shall be located outside of the Conservation Area(s)

identified in Step One above, in accordance with the provisions for Conservation Areas in Article IV, Open Space Standards.

- c. Step Three: Locate Streets, Driveways, and Trails.
    - i. ALIGNMENT. After Construction Envelopes have been designated, a preliminary street, driveway, and/or pedestrian pathway plan shall be designed to provide access to each house, in accordance with standards in Article VI, Additional Regulations, showing tentative rights-of-way and suggested street names.
    - ii. IMPACTS. Generally, the design of such access shall be encouraged to minimize impacts on Conservation Areas and other open space.
    - iii. TRAILS. A system of trails providing pedestrian/bike access should be designed to link to neighboring trails and to provide access to open space.
  - d. Step Four: Draw in the Lot Lines
    - i. After completion of the preceding three steps, lot lines, showing approximate dimensions, are to be drawn to delineate the boundaries of individual lots. The lots shall show approximate acreage, yard depths, and other setbacks and shall be numbered.
4. SCALE:
- a. For sites under 100 acres in area, such maps shall be at a scale not less than 1"=200'.
  - b. For sites of 100 acres or more, the scale shall be not less than 1"=400'.

**C. Preliminary Improvements Construction Plan.**

1. APPLICABILITY: Preliminary Improvements Construction Plan requirements set forth below shall apply to all Standard Subdivisions, unless waived.
2. PURPOSE: To identify and describe related site improvements and proposed public facilities or areas as an overlay to the preceding Preliminary Plat maps.
3. ELEMENTS:
  - a. Description and tentative location of proposed streets, sidewalks, or other public ways.
  - b. Preliminary grading plan.
  - c. Description and tentative location of existing and proposed wells or water lines and a description of the source of water.
  - d. Description and tentative location of existing and proposed sewage systems. Conceptual layout of proposed sewer lines, if applicable, where community sewage service is to be permitted.
  - e. Approximate location of existing and proposed drainage features and improvements, such as culverts, swales, drainage easements, and stormwater management facilities.
  - f. Approximate location and dimensions of proposed public open space, playgrounds, public buildings, and other public areas.
  - g. Description of generalized landscaping plan including any street trees required pursuant to Article V, and other plantings on dedicated and non-dedicated open space.
  - h. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information related to any plans for subdivisions, including proposed public improvements, on land subject to the applicant's control within the adjoining municipalities. Information related to the status of review or approval of such plans by the adjoining municipality also shall be submitted.



**D. Environmental Assessment Forms.**

1. The Preliminary Plat application must include fully completed Environmental Assessment Forms, with comments from the Code Enforcement Officer or other authorized agent indicating whether the proposed subdivision is a Type I, Type II, or Unlisted action, and indicating a recommendation by the Code Enforcement Officer or other authorized agent for a negative or positive determination of environmental significance.

**E. Preliminary Studies and Reports.**

1. **APPLICABILITY:** Preliminary Studies and Reports requirements set forth below shall apply to all Standard Subdivisions resulting in five (5) or more new lots.
2. **PURPOSE:** The Planning Board, in the course of review of the subdivision, may require, for subdivisions resulting in five (5) or more new lots that the Preliminary Plat include one or more of the following elements to assist the Board in determining potential impacts on the environment, community services, or infrastructure.
3. **ELEMENTS:**
  - a. Municipal or community sewer and water feasibility study.
  - b. Groundwater protection and recharge study.
  - c. Flood impact study.
  - d. Traffic impact study, including impact on road maintenance costs.
  - e. Fire protection impact study.

**Section 803. Final Plat.**

- I. **APPLICABILITY.** Final Plat requirements set forth in this Section shall apply to all Standard Subdivisions.
- II. **PURPOSE.** The Final Plat shall supply the detailed documentation on which construction decisions are based. It shall conform to the Preliminary Plat requirements set forth herein, including any conditions specified by the Town, and shall, upon final approval, be filed in the Tompkins County Clerk's Office and with the Town.
- III. **ELEMENTS.** The Final Plat shall consist of the following elements:
  - A. **Licensed Survey for Standard Subdivisions outside the Low Density Residential Zone.**
    1. The following shall be shown on the Licensed Survey for Standard Subdivisions outside the Low Density Residential Zone:
      - a. The boundary lines of the tract and proposed lots, giving complete descriptive data by bearings and distances, made, certified, and marked with monuments by a licensed land surveyor. Acreage shall be shown for each lot. The survey should also show:
        - i. Title of the subdivision, including the name and address of the subdivider and the owner of the parcel to be subdivided.
        - ii. North point, scale, date and location map.
        - iii. Building setback lines or required yard depths, dimensioned.
        - iv. The location of all existing or proposed public facilities or areas.

- v. The location of all easements, rights of way, municipal boundaries, special district boundaries, N.Y. State Agricultural Districts, zoning districts, areas of 100-year flooding, and similar features.
- vi. Reference on the plat to any separate instruments, including restrictive covenants, which directly affect the tract.

**B. Licensed Survey for Standard Subdivisions in the Low Density Residential Zone.**

1. The following shall be shown on the Licensed Survey for Standard Subdivisions in the Low Density Residential Zone:
  - a. The boundary lines of the tract and lots, and all Conservation Area(s) on the entire parent parcel where such tract, proposed lots, and Conservation Area(s) have not been previously surveyed, giving complete descriptive data by bearings and distances, made, certified, and marked with monuments by a licensed land surveyor. Acreage shall be shown for each lot and Conservation Area. The survey should also show:
    - i. Title of the subdivision, including the name and address of the subdivider and the owner of the parcel to be subdivided.
    - ii. North point, scale, date and location map.
    - iii. Building setback lines or required yard depths, dimensioned.
    - iv. The location of all existing or proposed public facilities or areas.
    - v. The location of all easements, rights of way, municipal boundaries, special district boundaries, N.Y. State Agricultural Districts, zoning districts, areas of 100-year flooding, and similar features.
    - vi. Reference on the plat to any separate instruments, including restrictive covenants, which directly affect the tract.
2. Alternative Documentation for the Conservation Area.
  - a. In lieu of the requirements specified in 1 of this subsection for the Conservation Area, alternative means of documenting the Conservation Area may be accepted by the Planning Board, as long as such alternative documentation is found to be consistent with the intent of this legislation concerning Conservation Area designation and documentation.
    - i. In considering acceptance of such alternative documentation, the Planning Board, along with other facts it deems relevant, will consider the proportion of land being retained in the parent parcel, the size of new lots being created, and the location of the proposed Conservation Area(s).
    - ii. In accepting such alternative documentation, the Planning Board may establish conditions and provisions for Conservation Area documentation related to possible future applications for Ministerial Land Divisions involving the parent parcel.

**C. Conservation Area Recording Requirements for Standard Subdivisions in the Low Density Residential Zone.**

1. The Conservation Area(s) shall be subject to a recorded restriction enforceable by the Town, describing that such land shall be used exclusively for the purposes set forth herein, in a manner which will ensure its continued suitability for its intended purposes. These restrictions shall be recorded at the time of filing the Final Plat in the office of the County Clerk and with the Town. Reference to the recorded restrictions shall be noted on the Final Plat, and shall be referenced to the deed of each parcel which contains a portion of the Conservation Area.

2. Modification of the location and boundaries of the Conservation Area may be permitted through a Standard Subdivision Review process, provided that the Planning Board finds that such modification is consistent with the intent of this legislation concerning designation of the Conservation Area.

**D. Final Improvements Construction Plan.**

1. **PURPOSE:** Where public or private improvements such as streets, sidewalks, or other public ways, public water supply or sewage systems, stormwater management areas, or similar improvements are proposed or required, a Final Improvements Construction Plan and related specifications shall be filed. They shall be prepared by a licensed professional engineer, setting forth the precise nature and exact location of the work and all engineering data necessary for the completion of the work. The Final Improvements Construction plan and related specifications shall be subject to the approval of the Town Planning Board as a condition for approval of the Final Plat. If the proposed improvements are proposed for public dedication, then they shall also be subject to approval by the Town Board.
2. **ELEMENTS:** The Final Improvements Construction Plan shall include the following elements, unless waived:
  - a. Improvement plans and specifications for streets, sidewalks, or other public ways, including the following:
    - i. Any improvements proposed to existing streets or other public ways.
    - ii. If any new streets, sidewalks, or other public ways are proposed, plans and profiles showing width, location, grades, horizontal and vertical alignments, cross-sections, and proposed street names. 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. Profiles shall show the profile and gradients of the street or other public way along the centerline.
    - iii. 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 half-minute.
    - iv. Paving plans and specifications.
    - v. Street traffic control signs.
  - b. Detailed construction plans and specifications for water supply and sewage systems if required by the Tompkins County Health Department, and approved by that agency when required.
  - c. Location of all existing buildings
  - d. Grading plan.
  - e. Erosion and sedimentation control plan.
  - f. Stormwater management plan, including design and location of facilities on private land, and any facilities proposed for public dedication, along with related maintenance agreements.
  - g. Detailed designs of all other improvements as required by these regulations.
  - h. Site Improvement Estimates. The estimated cost of proposed public improvements, including:
    - i. Grading and filling.
    - ii. Culverts, swales, and other drainage or stormwater management facilities.

- iii. Streets, sidewalks, or other public ways.
- iv. Public water supply or sewage disposal systems.
- v. Any other improvements required by these regulations.

**E. Additional Approvals, Certificates and Documents.**

1. **DEDICATION OF PROPERTY OR STRUCTURES.** Documents related to any proposed public dedication of property or structures.
2. **RESTRICTIONS.** Copies of deed restrictions, easements, covenants, and declarations, which are to be imposed upon the property to comply with the conditions established by the Town.
3. **OTHER INFORMATION**
  - a. Certification by the Chairperson or other authorized agent of the Planning Board to the effect that the proposed subdivision has complied with all environmental review requirements and was granted any necessary prior approvals by the Planning Board, Town Board, and other agencies.
  - b. Owner's certificate: a certificate signed by the owner to the effect that s/he owns the land, has caused the land to be surveyed and divided, and makes the dedications indicated on the plat.
  - c. Mortgagor's certificate: 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.”

Section 21. These regulations are amended by deleting Appendix A, entitled “DEFINITIONS” and by inserting a new Appendix A, entitled “DEFINITIONS” to read as follows:

**“APPENDIX A**

**DEFINITIONS**

For the purpose of these regulations, all words used in these regulations shall carry their customary meanings, except that words defined in the Town of Danby Zoning Ordinance shall be interpreted in accordance with such definitions, and words defined in this appendix shall be interpreted as set forth below.

**BLOCK** - A parcel of land partially or entirely surrounded by public streets, streams, railroad rights-of-way, parks or a combination thereof, which has been subdivided into lots.

**BUFFER AREA** - A designated area bordering the lot lines of a property within which there shall be no permanent structures. A parking space shall be considered a permanent structure for the purposes of these regulations.

**CONSERVATION AREA** - An area or areas kept open for the primary purpose of environmental protection or land-based uses nonresidential in nature. The requirements for Conservation Areas are set forth in Article IV herein.

The following areas shall be included in the Conservation Area:

- Areas of 100-year flooding as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
- Wetlands, including New York State designated wetlands, and those shown on the National Wetlands Inventory.
- Intermittent and Perennial Streams, including a 50-foot buffer from stream centerline.
- Slopes of greater than 15%, except that slopes greater than 15% comprising areas of less than 10,000 square feet may be excluded from the Conservation Area when approved by the Planning Board.

The following areas should be included in the Conservation Area to the greatest extent possible:

- Existing or potentially viable agricultural land, including any Class I, II, and III soils as defined in the Soil Survey of Tompkins County, N.Y., July, 1965.
- Unique Natural Areas, as identified by the Tompkins County Environmental Management Council.
- Wetlands margin. For the purpose of this ordinance, the wetlands margin shall extend 100 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of hydric soils shall be as mapped in the Soil Survey of Tompkins County, N.Y., July 1965, unless reclassified by a Certified Soil Scientist.
- Woodlands, and the location of other significant vegetation.
- Significant historical sites.

**CONSTRUCTION ENVELOPE** – That area, when a Construction Envelope is required by these regulations, within which shall be located any structures that require building permits or septic systems, and any site disturbance, such as land clearing, soil disturbance, or regrading, related to the construction of such structures or systems. In the Low Density Residential Zone, as such Zone is designated in the Town of Danby Zoning Ordinance and Zoning Map, no construction or site disturbance shall occur outside of the Construction Envelope, except for the following:

- Wells or water service lines.
- Utility lines providing service to the property.
- Driveways.
- Drainage swales, stormwater management facilities.
- Accessory structures and other work exempt from building permits, such as storage sheds with less than 160 square feet of gross floor area, and fences.
- Non-residential farm structures and equestrian facilities such as barns, silos, livestock enclosures, storage buildings, and similar structures, provided that such structures are solely used for agricultural or equestrian facility purposes.
- Other customary agricultural uses, and other customary uses that are part of equestrian facilities.
- Forest management and other forest resource uses.

**CUL-DE-SAC** - A street having one end open to traffic and the other end terminated by a vehicular turnaround.

**EQUESTRIAN FACILITY** - A facility providing one or more of the following services with or without compensation:

- (a) Horse-riding lessons.
- (b) Horse training.
- (c) Leasing of horses.
- (d) Boarding of horses.
- (e) Sale of horses other than the occasional sale of a horse owned and used solely for personal

purposes by the owner of a noncommercial facility.

**OPEN SPACE, RECREATIONAL** - Open space devoted to or reserved for active or passive recreational uses. Recreational open space may typically include parks, playgrounds, playfields, swimming areas, picnic areas, or trails for hiking, bicycling, horseback riding, or cross-country skiing.

**PARENT PARCEL** - A parcel of land that is proposed to be the subject of a subdivision or other development proposal, as such parcel existed on the effective date of this amendment to these regulations (EFFECTIVE DATE TO BE INSERTED).

**PLAT** - The map, plan, drawing or chart on which a subdivider's plan of subdivision is presented to the Planning Board for approval.

**RESUBDIVISION** - A change in the map of an approved or recorded subdivision if such change affects a street layout shown on such map, or areas reserved for public use, or any change of a lot line. "Resubdivision" is included in the term "subdivision" in these regulations.

**SET BACK LINE** - A line on a plat usually parallel to the center line of the street between which line and the street line no building or structure may be erected.

**SEWAGE SYSTEM** - All connected pipes, tanks, and other equipment and appurtenances necessary or useful in whole or in part in connection with the collection, holding, treatment and/or disposal of sewage and/or liquid waste.

**SKETCH PLAN** - A sketch of the proposed subdivision showing the proposed general layout of streets, lots, or other features that may be submitted to the appropriate Board by the subdivider for informal discussion and review, on which the Preliminary and Final Plats will be based.

**STREET, MAJOR** - A street intended to serve fast or heavy flows of traffic collected from minor streets and/or intended to serve as an interconnection between areas of land use concentration.

**STREET, MINOR** - A street intended to serve primarily as an access to abutting properties.

**SUBDIVIDER** - Any person, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, undertaking the dividing of land so as to constitute a subdivision as defined herein. This definition includes any agent of the subdivider.

**SUBDIVISION** - The division of any parcel of land into two or more lots, plots, parcels, sites or other divisions of land for immediate or future use, sale, or transfer. The term "subdivision" includes the creation of, and all changes in, highway and lot lines, whether or not new building or development is to occur. This term includes resubdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided.

- A. **CONVENTIONAL SUBDIVISION** - A subdivision which creates lots meeting all minimum lot size, yard, and dimensional requirements of the Zoning Ordinance.
- B. **CLUSTERED SUBDIVISION** - A subdivision of lots which, pursuant to Town Law Section 278 and these regulations, may have smaller lots, or have smaller yards, or otherwise have different dimensions than permitted by the Town Zoning

Ordinance, but where the density of occupancy in the entire subdivision shall in no case exceed the density which could be permitted in a Conventional Subdivision.

- C. **LAND ANNEXATION** –The transfer of title of land from its owner to an abutting owner, for consolidation with an abutting lot, provided that in such transfer:
- The remainder of the parcel from which the transfer is made meets appropriate zoning requirements; and
  - No extension or improvement of an existing, or creation of a new, public road or public water or sewer utility is involved.
- D. **MINISTERIAL LAND DIVISION** – A division of land resulting in no more than one (1) new lot, in which:
- For all parcels located in the Low Density Residential Zone, as such Zone is designated in the Town of Danby Zoning Ordinance and on the Town of Danby Zoning Map, the Conservation Area for the parent parcel, as such parcel existed on the effective date of this amendment to these regulations (EFFECTIVE DATE TO BE INSERTED) has been identified and approved by the Planning Board through a Standard Subdivision review.
  - For all parcels in the Town the lot and the parent lot meet all other pertinent zoning requirements; no extension or improvement an existing, or creation of a new, public road, public utility, or other public facility or area is involved; all of the frontage of the lot and the parent lot is on a road maintained year-round; and no other division(s) or subdivision(s) of the original parcel except for Land Annexation have taken place within the previous three (3) consecutive years.
- E. **STANDARD SUBDIVISION** – Any subdivision other than a Land Annexation, or Ministerial Land Division.

**USE, AGRICULTURAL** - Management of land for agriculture, raising of cows, horses, pigs, poultry, and other livestock, horticulture, aquaculture, silviculture, or orchards, including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems, and farm ponds.”

Section 22. If any provision of this local law is found to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other provisions of this local law.

Section 23. This local law shall take effect 10 (ten) days after its publication in the official newspaper of the Town or on the date it is filed in the Office of the Secretary of State of the State of New York, whichever is later.