

SUBDIVISION AND LAND DIVISION REGULATIONS

OF THE

TOWN OF DANBY, NEW YORK

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SUBDIVISION AND LAND DIVISION REGULATIONS
OF THE TOWN OF DANBY, NEW YORK

ARTICLE I – Introduction and Administration

Section 100 -- Authorization

These regulations shall be known and cited as the "Subdivision and Land Division Regulations of the Town of Danby, New York".

The power to approve, approve with conditions, or deny subdivision plat applications is vested in the Planning Board as provided by these regulations. Land annexations are not subject to Subdivision Review, as defined herein, but rather are subject to a more limited land division review process, as set forth in these regulations. The Code Enforcement Officer shall be responsible for enforcement of the regulations related to land annexations.

The Planning Board is authorized to develop, subject to Town Board approval, and enforce standards for the control of land subdivision and to approve plats for subdivisions and for new streets within the Town of Danby, and to exercise all other powers delegated to it by the Town Board.

The Planning Board is empowered at the time of the approval of a plat either to confirm the zoning regulations of the land so platted as shown on the official zoning map of the Town or, in the case of Clustered Subdivisions, to approve modified compliance with zoning regulations, as provided for in Section 278 of Town Law and Article III of these regulations.

The Planning Board is authorized to require developers to submit a Clustered Subdivision plan whenever the Planning Board believes that the application of such procedure would benefit the Town. The authority of the Planning Board to require clustered layouts of subdivision is limited by the conditions of Article III of these regulations, and by the provisions of Section 278 of the Town Law.

Whenever any division of land is proposed to be made, the property owner or his duly authorized agent shall obtain such approval as may be required by these regulations prior to undertaking any of the following activities related to the land to be divided or any portion thereof:

- A. offering to sell without a condition therein for subdivision approval by the Town, or
- B. executing a contract for sale without a condition therein for subdivision approval by the Town,
or
- C. applying for a building permit.

Section 101 -- Purpose

I. These 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. These regulations seek to optimize the benefits sought for the community as a whole and are considered part of an overall plan to benefit all of the citizens of Danby and to aid all who wish to sell or develop a piece of land.

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 divided 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 firefighting 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 102 -- References and Interpretation

- I. References herein to articles, sections, subsections, and paragraphs are to those parts of these regulations, unless context indicates otherwise.
- II. For the purposes of these regulations, the language set forth shall be interpreted through reference to certain terms and their meanings in Appendix A, "Definitions". If not specifically defined in that Appendix, words and phrases shall be interpreted as set forth in the Town of Danby Zoning Ordinance, and otherwise so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.
- III. Construction. For the purposes of these regulations, the language set forth shall be interpreted according to the following rules of construction:
 - A. The singular includes the plural.
 - B. The plural includes the singular.
 - C. The word "shall" means the action is mandatory.
 - D. The words "may" or "should" mean the action is elective.
 - E. Any masculine words include feminine words.
- IV. The requirements of Town of Danby Local Law Number 1 of 2010, entitled "Town of Danby Stormwater Management, Erosion and Sediment Control Law" (herein the "Stormwater Local Law") be and hereby are incorporated into this Subdivision and Land Division Regulations Local Law of the Town of Danby (herein, the "Subdivision Local Law") to the extent required by such Stormwater Local Law relative to Land Development Activities and subdivisions and land divisions, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are defined and used within such Stormwater Local Law. Regardless of the language of this Subdivision Local Law, no waivers pertaining to stormwater requirements may be granted by any person, body, board, or other entity unless such waiver is granted pursuant to the authority of Article 16 of such Stormwater Local Law.

Section 103 -- Applicability

- I. These regulations shall apply to any person, partnership, association, joint venture, corporation or other entity that wishes to divide any parcel of land within the Town of Danby after the effective date of these regulations.
- II. Any land division validly existing in the Town of Danby prior to the adoption of these regulations but which does not meet the standards for land divisions as described in these regulations and which is not, as yet, developed shall be exempt from complying with such regulations.

Section 104 -- Administration

- I. These regulations shall be administered by the Planning Board under authority delegated to it by the Town Board as provided by statute, and shall be enforced by the Code Enforcement Officer and by any other agent that the Town may designate.
- II. Any applicant hereunder 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."
- III. Whenever any division of land is proposed to be made, the property owner or his duly authorized agent shall comply with all the procedures and requirements set forth in these regulations.
- IV. With respect to Standard Subdivisions, as hereinafter defined, until (i) the Planning Board has given final approval of such Standard Subdivision, and (ii) the Subdivision Map has been filed in the offices of the Tompkins County Clerk and the Town of Danby Town Clerk bearing the approval of the Town Planning Board and all other required endorsements in compliance with these regulations and all requirements of New York State law, and (iii) compliance with the Stormwater Local Law has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are defined and used within such Stormwater Local Law, no building permit for construction or other work on the property shall be issued, nor shall such permit be valid if erroneously issued, and no lot in the subdivision shall be sold, except as this condition may be modified as further provided in these regulations. Any such action or any work done on or with respect to the lands in the subdivision or any expenses incurred prior to final approval shall be at the peril of the owner of the land or the applicant and shall not give rise to any claim for damages by the landowner or applicant.

Section 105 -- Public Notice Requirements for Standard Subdivisions

- I. The requirements for public notification related to Standard Subdivisions, as hereinafter defined, including posting, publication and notification of neighboring property owners, are set forth in Section 211 of these regulations.

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.

Nothing in these regulations shall prohibit the a property owner from placing additional restrictions, not in violation of these regulations, on lots created by division of his land. The Town may but is not obligated to enforce any such additional restrictions.

Section 107 -- Environmental Review

- I. In accordance with the terms of these regulations, Subdividers shall be required, at any stage of the application for subdivision approval, to furnish all such information, data, maps, reports or other documents which the Planning Board, or its authorized agent, may require for environmental review procedures, including all requirements of the Title 6 of the New York Code of Rules and Regulations, Part 617, also known as the State Environmental Quality Review Act ("SEQRA"), and any local law implementing SEQRA in the Town , as any of these may be amended from time to time, or any other applicable rule, regulation, code or law.

The Planning Board will usually act as the lead agency for the environmental review of Standard 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 108 -- Fees

- I. The Town Board shall by resolution from time to time set a fee schedule for the review and processing of land division applications (including preparation, filing and review of such environmental review forms as are necessary under SEQRA, these regulations or any other applicable rule, regulation code or law) and for the inspections related to such land division applications.
- II. The Code Enforcement Officer or such other agent as the Town Board may designate shall calculate the fee for each application. Each fee shall be paid to the Town Clerk, or other authorized agent who shall issue a receipt stating the purpose of the payment. This receipt must be filed with the application as evidence of payment.

Section 109 -- Violation and Penalty

- I. Any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of the Subdivision and Land Division Regulations of the Town of Danby, New York shall, upon conviction, be deemed guilty of a violation. A violation of these regulations is an offense and shall be punished by fine, or by imprisonment, or both. Each week an offense is continued shall be deemed a separate violation of this law.

In addition to the penalties provided by statute, 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 to restrain by injunction the violation of this law.

Section 110 -- Appeals and Waivers

- I. An appeal by an aggrieved person for a review of a determination made by the Code Enforcement Officer or other enforcement agent as provided for in Section 104 of these regulations shall be made in writing, shall set forth in a reasonably concise manner the determination from which the appeal is made and a full statement of the particulars and reasons why the aggrieved person believes the appeal should be reviewed in such detail and on such forms as may be required by the Planning Board. Such appeal must be filed with the Clerk of the Planning Board at least twenty (20) days prior to the meeting of the Planning Board at which the appeal shall be heard. The Planning Board at its sole discretion may waive the aforesaid requirement and permit the appeal to be reviewed in a shorter period of time. The Planning Board shall render its decision in writing within forty-five (45) days of the meeting at which the appeal is reviewed.

When the strict application of any of the specifications and provisions of these regulations will cause unnecessary or significant hardship or practical difficulties, the Planning Board may waive any such specification or other provision so that substantial justice may be done and the public interest secured, provided that such waiver does not constitute a violation of Town Law and the Planning Board determines that neither a significant alteration of the purpose of subdivision control is made, nor the policy enunciated or implied by the Town Board in approving these regulations is impaired. In granting waivers, the Planning Board shall also require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived. Whenever any such waiver is granted, a copy thereof must be filed with the Town Clerk who shall then distribute copies to the members of the Town Board.

An appeal from any determination of the Planning Board shall be made in accordance with the requirements of Article 78 of the New York Civil Practice Law and Rules, and within the time limits set forth therein or in Town Law, whichever are shorter.

Section 111 -- Amendments and Rules

- I. These regulations may be amended from time to time as provided by law.

Section 112 -- Separability

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

Section 113 -- Effective Date

- I. These regulations shall be effective upon approval by the Town Board, and subsequent to filing in the New York State Department of State, as provided by New York State law.

ARTICLE II – Review and Approval Procedures

Section 200 -- General Procedures

- I. The procedures for review of land divisions shall be as provided for in these regulations and, where applicable, Sections 276 through 279 of Town Law, as they may from time to time be amended. All application materials and other necessary information shall be in full compliance with the provisions of Town Law and these regulations, except where variations therefrom may be specifically authorized by the Planning Board in accordance with Section 110 of these regulations.

Any action or determination of the Planning Board or Code Enforcement Officer, in whole or in part, whether final or preliminary, shall be revocable, in whole or in part, if the action or determination

was made in reliance on any misrepresentation, concealment, or fraudulent act or statement by the applicant or was based on a mistake as to a material matter.

Section 201 -- Classification of Land Divisions

- I. Land divisions within the Town of Danby shall be 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 (sometimes referred to as a “lot line adjustment”), 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.
 - 3. If a land annexation purports to transfer more than ¼ acre, it may be referred to the Planning Board for subdivision classification; and
 - 4. If any discretionary review is required, including environmental quality review, the matter shall be referred to the Planning Board for subdivision classification and review.
 - B. MINOR SUBDIVISION – A division of land in which all criteria are met for one of the following options:
 - 1. Option #1 – A large-lot land division is permitted, provided the following criteria are met:
 - a. All lots resulting from the land division are (8) acres or more, each with frontage on a public road maintained year-round;
 - b. All lots resulting from the land division meet all other pertinent zoning requirements; and
 - c. No extension or improvement of an existing, or creation of a new public road, public utility, or other public facility or area is involved.
 - d. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are defined within such Stormwater Local Law.
 - 2. Option #2 – A small-lot land division is permitted, where the division results in a lot or lots of less than 8 acres, provided that the following criteria are met:
 - a. No other division(s) or subdivision(s) involving the parcel being divided except for Land Annexation have taken place within the previous three (3) consecutive years;
 - b. The division results in no more than two lots, including the parcel being divided;
 - c. All lots resulting from the land division have frontage on a public road maintained year-round;
 - d. All lots resulting from the land division meet all other pertinent zoning requirements; and
 - e. No extension or improvement of an existing, or creation of a new public road, public utility, or public facility or area is involved.
 - f. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining

of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are used within such Stormwater Local Law.

- C. STANDARD SUBDIVISION – Any division of land resulting in three or more lots, of any size, at one time. Also referred to herein as simply a “Subdivision.” This term includes resubdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided.
 - 1. Any division of land resulting in three or more lots, of any size, at one time, which such division of land is and remains at all times subject to the requirements and terms of the Stormwater Local Law, if and as applicable.
 - 2. Any Minor Subdivision that does not meet the standards of Article II, Section 201 (B).

Section 202 -- Applicability of Subdivision Review

- I. Subdivision Review, as the term is used herein, is intended to refer to the review process set forth in Sections 206 through 211 of these regulations, the basis and legislative authority for which are found in Town Law Sections 276 through 279.
- II. The following general provisions apply to various classes of land division:
 - A. Land Annexations are exempt from Subdivision Review by the Town. However, prior to finalizing any such Land Annexation, the land owner(s) wishing to undertake a Land Annexation must receive written confirmation from the Planning Administrator that the proposed Land Annexation complies with the requirements of these regulations. In issuing this written confirmation the Planning Administrator may request such documentation, including a plat map prepared by a licensed engineer or licensed land surveyor, as is necessary to confirm compliance with these regulations.
 - B. Minor Subdivisions require application to and approval by the Planning Board pursuant to the Subdivision Review process set forth in New York State Town Law 276 through 279.
 - 1. The Planning Board may determine that a Minor Subdivision, due to particular environmental, topographic, engineering, or other unique circumstances should be reviewed by the criteria of a Standard Subdivision. In that event, the proposed subdivision shall be subject to the requirements and standards of a Standard Subdivision as detailed in Sections 207-211, but shall remain a Minor Subdivision for the determination of subdivision fees.
 - 2. The Planning Board reserves the right to amend its classification if planning, environmental, engineering or other new data warrants the re-review of the project.
 - C. Standard Subdivisions require application to and approval by the Planning Board pursuant to the Subdivision Review process set forth in New York State Town Law 276 through 279. 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, and all Clustered Subdivisions are and remain at all times subject to the requirements and terms of the Stormwater Local Law, if and as applicable.

Section 204 -- Recreational Open Space Reservation

- I. The Planning Board may require the reservation of a portion of a Standard Subdivision for recreational open space, pursuant to the provisions of Article IV. In no circumstances may Stormwater Management Practices be or be deemed open spaces or recreational spaces under the terms and requirements of this Subdivision Local Law.

Section 205 -- Tompkins County Department of Health

- I. Tompkins County Department of Health approval of water and sewerage facilities shall be required for certain land divisions. Early contact with this department by the project sponsor is advised. No final approval as provided for herein shall be granted until all necessary Tompkins County Health Department approvals are obtained by project sponsor, according to the laws and regulations of that Department in effect at the time of the approval by the Town.

Section 206 -- Minor Subdivision Procedure

- I. Minor Subdivisions shall be processed in the following steps:
 - A. Meeting with the Planning Administrator.
 - B. Public Notification. Sign(s) shall be posted in accordance with Section 211 of these regulations.
 - C. Application for Final Plat approval.
 - D. Planning Board review of Final Plat.
 - E. Notice of Public Hearing on Final Plat and Notification of Neighboring Property Owners.
 - F. Public Hearing for consideration of action on Final Plat.
 - G. Planning Board action on Final Plat.

Section 207 -- Standard Subdivisions -- Overview of Subdivision Review

- I. Standard Subdivisions shall be processed in the following steps:
 - A. Meeting with the Planning Administrator.
 - B. Public Notification. Sign(s) shall be posted in accordance with Section 211 of these regulations.
 - C. Sketch Plan Conference with the Planning Board.
 - D. Sketch Plan Conference with the Town Board if an 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. Notice of Public Hearing on Preliminary Plat and Notification of Neighboring Property Owners. Notice shall be published in the official newspaper of the Town and mailed or delivered to nearby property owners in accordance with Section 211 of these regulations.
 - H. Public Hearing for SEQRA and 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. Planning Board review of Final Plat.
 - M. Notice of Public Hearing on Final Plat and Notification of Neighboring Property Owners. Unless the public hearing requirement for the Final Plat is waived by the Planning Board in accordance with Section 210 of these regulations, notice shall be published in the official

newspaper of the Town and mailed or delivered to nearby property owners in accordance with Section 211 of these regulations

- N. Public Hearing for consideration of action on Final Plat (unless waived).
- O. Planning Board action on Final Plat.

Section 208 -- Standard Subdivisions – Sketch Plan Review

- I. The Subdivider shall first meet with and present preliminary ideas to the Code Enforcement Officer in the form of a Sketch Plan, which conforms to the requirements set forth in Section 901 of these regulations.
- II. The Subdivider should consult with 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 Subdivider shall submit the Sketch Plan and a written application (on form(s) available from the Town Clerk) to the Planning Board Clerk. These application materials shall comply with the requirements set forth in Section 901 of these regulations. The Planning Board Clerk will upon receipt of such materials schedule a Sketch Plan Conference with the Planning Board and distribute the Sketch Plan application materials to the Planning Board members in advance of such Sketch Plan Conference. The Subdivider is required to comply with the posting requirements set forth in Section 211 of these regulations in advance of such Sketch Plan Conference. If the Planning Board Clerk determines that review by the Town Board will be necessary, the Planning Board Clerk shall direct the Subdivider to submit the Sketch Plan application materials to the Town Clerk for review by the Town Board at a Town Board Conference. Any such Town Board Conference shall not take place until after the Planning Board Conference is complete. An opportunity for public comment shall be provided at the Planning Board Conference and Town Board Conference, if any.

Section 209 -- Standard Subdivisions – Preliminary Plat Review

- I. Applicability. All Standard Subdivisions shall be subject to the Preliminary Plat requirements specified herein and in accordance with Town Law unless specifically exempted pursuant to Section 110 of these regulations.
- II. Preliminary Plat Application. The Subdivider shall submit the Preliminary Plat and a written application (on form(s) available from the Town Clerk) to the Planning Board Clerk. These application materials shall comply with the requirements set forth in Section 902 of these regulations. 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. Planning Board Review of Preliminary Plat Application. The Planning Board shall review the Preliminary Plat Application and discuss such application at a Planning Board meeting. At this meeting, the Planning Board shall review the Environmental Assessment Form submitted by the Applicant and shall make a determination as to the environmental impact of the proposed project.
 - A. If the Planning Board determines that the project may have at least one significant adverse environmental impact, it shall advise the Subdivider to prepare a Draft Environmental Impact Statement (“D/EIS”) (on form(s) available from the Town Clerk). The Subdivider shall then submit the D/EIS to the Planning Board and the Planning Board shall make a determination, in accordance with the requirements set forth in SEQRA, as to whether the D/EIS is complete. If the D/EIS is complete the Planning Board shall prepare a Notice of Completion and file it with the Planning Board Clerk and Town Clerk and mail a copy to the Subdivider, and any other

parties as set forth in SEQRA. Thereafter, all public hearings and notice requirements required under SEQRA shall be coordinated and combined with the Subdivision Review process.

- B. If the Planning Board determines that the project will have no significant adverse environmental impact, it shall prepare a Negative Declaration, which it shall file with the Planning Board Clerk and Town Clerk and mail a copy to the Subdivider, and any other parties as set forth in SEQRA. Thereafter, unless further review is required under the provisions of Section 210(V) of these regulations, the SEQRA review process shall be complete.
 - C. A Preliminary Plat shall not be complete until a Negative Declaration or a Notice of Completion is filed with the Planning Board Clerk.
- IV. Public Hearing for SEQRA and Consideration of Action on Preliminary Plat. Following the review by the Planning Board of the Preliminary Plat and all supplementary material requested by the Planning Board and submitted by the Subdivider in conformity with Sections 276 to 279 of Town Law, SEQRA and these regulations, 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 in accordance with the provisions of Section 209(VI)(C) above, the Planning Board shall hold a public hearing to consider action on the Preliminary Plat and the D/EIS (prepared as part of the SEQRA process), if applicable. This hearing shall be held within sixty-two (62) days of the receipt of the completed Preliminary Plat application by the Planning Board Clerk, except as such schedule may be modified for compliance with other laws or with the consent of the applicant. The public hearing shall be closed on motion of the Planning Board within one hundred and twenty (120) days of its commencement. The public notification requirements set forth in Section 211 of these regulations shall apply to such hearing.
- V. Review by the Tompkins County Planning Department. In accordance with Section 239-n of the General Municipal Law, if the proposed subdivision is subject to review by the Tompkins County Planning Department, then immediately following the public hearing on the Preliminary Plat, the Planning Board shall refer such Preliminary Plat to the County Planning Department for review and report. Within thirty (30) days of receipt of such Preliminary Plat, the County Planning Department shall report to the Town the findings of its review. If the County Planning Department disapproves or recommends modification to the Preliminary Plat, the Planning Board in approving the Final Plat, shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all members of the Planning Board and the resolution adopting such measure shall fully setting forth the reasons for such contrary action.
- VI. Action on Preliminary Plat.
- A. If no D/EIS is required, then within sixty-two (62) days after the close of 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.
 - B. If a D/EIS is required, then the public hearing on the Preliminary Plat shall be held jointly with the public hearing on the D/EIS; thereafter and in accordance with Section 276 of Town Law and SEQRA, either the Town or the Subdivider shall prepare and file the Final Environmental Impact Statement (“F/EIS”) with the Planning Board Clerk within forty-five days of the close of the joint public hearing on the D/EIS and Preliminary Plat. Within thirty (30) days after the F/EIS is filed with the Planning Board Clerk, the Planning Board shall issue findings on the F/EIS and shall approve, with or without modifications, or disapprove the Preliminary Plat and state the reasons for modifications or disapproval in the Planning Board meeting record. If the Planning Board prepares the F/EIS, a reasonable fee may be charged as set forth in SEQRA and Section 108 of these regulations.

- C. The time in which the Planning Board must take action may be extended only upon mutual consent of the Subdivider and the Planning Board.
- VII. 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, including any Stormwater Management Practices or facilities, 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, and, as applicable, appropriate Maintenance Agreements and/or Dedications by the Subdivider have been approved by the Town Board and executed by the Subdivider in relation to any Stormwater Management Practices or facilities.
- VIII. Planning Board Action Following Preliminary Plat Approval. Within five (5) business days after adoption of a resolution granting approval of a Preliminary Plat, the Preliminary Subdivision Map shall be signed and certified by the Planning Board Clerk as having been granted preliminary approval and the Planning Board Clerk shall take the following actions:
- A. File a copy of the certified Preliminary Subdivision Map and resolution in the Planning Board Clerk's office;
 - B. Mail a copy of the resolution to the property owner; and
 - C. File a copy of the resolution with the Town Clerk.
- IX. Subdivider Action 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, including the Stormwater Local Law and the identification and staking out of the locations of temporary or permanent Stormwater Management Practices. The Subdivider shall also furnish such other information as may be lawfully and reasonably required by the Planning Board.
- X. 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 210 -- Standard Subdivisions – Final Plat Review.

- I. Applicability. All Standard Subdivisions shall be subject to the Final Plat requirements, as specified herein and in accordance with Town Law, unless specifically exempted pursuant to Section 110 of these regulations.
- II. Final Plat Application. The Subdivider shall submit the Preliminary Plat and a written application (on form(s) available from the Town Clerk) to the Planning Board Clerk. These application materials shall comply with the requirements set forth in Section 903 of these regulations. 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.

Planning Board Review of Final Plat Application. The Planning Board shall review the Final Plat Application and discuss such application at a Planning Board meeting. If the Planning Board determines that the Final Plat is in substantial compliance with the Preliminary Plat, the Planning Board may waive the public hearing requirement for such Final Plat and by resolution passed within sixty-two (62) days from the date that the completed Final Plat application is filed with the Planning Board Clerk, approve, conditionally approve with or without modification, or disapprove such Final Plat. If the Final Plat is granted conditional approval, the resolution must contain a statement of the requirements which, when completed, will authorize final approval and certification of such plat. If the Final Plat is disapproved the resolution must contain a clear statement of the reasons for such disapproval. If the Planning Board determines that the Final Plat is not in substantial compliance with the Preliminary Plat, then the Subdivider is required to comply with the requirements set forth in the following paragraph.

IV. Requirements when Final Plat is Not in Substantial Compliance with Preliminary Plat.

- A. Public Hearing for Consideration of Action on Final Plat. Following the review by the Planning Board of the Final Plat Application the Planning Board shall hold a public hearing to consider action on the Final Plat. The Planning Board shall hold this hearing within sixty-two (62) days from the date that the completed Final Plat application is filed with the Planning Board Clerk, except as such schedule may be modified for compliance with other laws and regulations, or with the consent of the applicant. The public hearing shall be closed on motion of the Planning Board within one hundred and twenty (120) days of its commencement. The public notification requirements set forth in Section 211 of these regulations shall apply to any such hearing.
- B. Action on Final Plat. Within sixty-two (62) days after the close of the public hearing, the Planning Board shall by resolution approve, conditionally approve with or without modification, or disapprove the Final Plat, unless this time frame is extended for compliance with other laws and regulations, or with the consent of the applicant. If the Final Plat is granted conditional approval, the resolution must contain a statement of the requirements which, when completed, will authorize final approval and certification of such plat. If the Final Plat is disapproved the resolution must contain a clear statement of the reasons for such disapproval.
- C. If the Final Plat is not in substantial compliance with the Preliminary Plat, and such changes are determined by the Planning Board to have a potentially significant impact on the environment, then the Planning Board may require the Subdivider to complete a new, or amend the previously completed, Environmental Assessment Form in conjunction with submission of the Final Plat. Thereafter, a new environmental review will be conducted, the requirements and timing of which will be governed by Section 276 of Town Law.

V. Additional Requirements for Approval of Final Plat. Such approval shall, however, not be deemed final until the Subdivider has complied, where applicable, with the provisions of the following paragraphs:

- A. The Subdivider shall tender "offers of cession", in a form certified as satisfactory by the Town Attorney, of all land included in streets, highways or other public improvements. However, approval of the plat by the Planning Board shall not constitute acceptance by the Town Board of any street, highway, or other public improvements.
- B. The Subdivider shall obtain and file with the Planning Board a letter from the Tompkins County Department of Health indicating satisfactory design compliance with any applicable provisions of the Tompkins County Sanitary Code and other State or local laws or regulations that may apply to the project.

VI. Planning Board Action Following Approval of Final Plat. Within five (5) business days of adoption

of a resolution approving a Final Plat, the Subdivision Map shall be signed and certified by the Planning Board Chair as having been granted final approval and the Planning Board Clerk shall take the following actions:

- A. File a copy of the certified Subdivision Map and resolution in the Planning Board Clerk's office;
- B. Mail a copy of the resolution to the property owner; and
- C. File a copy of the resolution with the Town Clerk.

VII. **Planning Board Action Following Conditional Approval of Final Plat.**

- A. Within five (5) business days of adoption of a resolution granting conditional approval of a Final Plat, the Planning Board Clerk shall take the following actions:
 - 1. File a copy of the resolution in the Planning Board Clerk's office;
 - 2. Mail a copy of the resolution to the property owner; and
 - 3. File a copy of the resolution with the Town Clerk.
- B. At the time of adopting a resolution granting conditional approval to a Final Plat, the Planning Board shall empower a duly authorized officer of the Planning Board (Chairperson or Acting Chairperson) to sign the Subdivision Map subject to completion of the requirements stated in the resolution. Upon completion of the requirements, the Subdivision Map shall be signed by said duly authorized officer. The Subdivider shall have 180 days to satisfy the requirements on which the approval has been conditioned and obtain the certification of the designated officer. This period may be extended by the Planning Board for up to two additional 90-day periods beyond the initial 180 days, if in the Planning Board's opinion circumstances warrant such extension(s).

VIII. **Subdivider Filing Requirement following Certification of Final Plat.** Once signed and certified by the Planning Board, the Subdivider shall arrange to have the Subdivision Map filed in the Office of the Tompkins County Clerk, and shall submit proof of filing to the Planning Board Clerk's office. Any Subdivision Map not so filed or recorded with the Tompkins County Clerk by the Subdivider within sixty-two (62) days from the date upon which the Final Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void. No Subdivision Map shall be accepted for filing by the Tompkins County Clerk unless the Final Plat has been duly approved by the Planning Board in accordance with these regulations.

IX. If the Preliminary Plat was subject to review by the Tompkins County Planning Department pursuant to Part VIII of Section 209 of these regulations, then within thirty (30) days after final action by the Planning Board, a copy of such Final Plat and resolution to approve said Plat shall be submitted to the County Planning Department. If the Planning Board has acted contrary to the recommendations or disapproval of such County Planning Department, then the resolution to approve the Final Plat must be by a vote of a majority plus one of all members of the Planning Board and must fully set forth the reason for such contrary action.

X. **Modifications of the Final Plat.** If there are modifications of the Final Plat requested by the Subdivider subsequent to its filing in the office of the County Clerk, such requests shall be made in writing to the Chairperson of the Planning Board (or such other person such as the Code Enforcement Officer duly authorized by resolutions of the Planning Board and Town Board), who is hereby empowered to approve minor, practical modifications on behalf of the Planning Board. The Chairperson (or other person so authorized to make changes) shall report any modifications approved by such person to the Planning Board at its next regularly scheduled meeting. Approval of said

modifications shall be noted by that Chairperson on the amended plat and the amendment should be filed in the office of the Tompkins County Clerk.

- A. When, in the opinion of the Chairperson of the Town Planning Board, the requested modifications are substantial in nature, scope or extent, and materially affect the subdivision plat as approved by the Planning Board, the Subdivider shall not proceed without the approval of the Planning Board. Such approval may be granted at any public meeting of the Board called for this purpose. Upon approval of such modifications, the authorized officer of the Planning Board (Chairperson or Acting Chairperson) shall so note on the resubmitted plat before filing it as an amended plat.
- B. No changes, erasures, modifications, or revisions shall be made on any Final Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless said Plat is first resubmitted and modifications are approved as provided for in this section.

Section 211 -- Public Notice Requirements for Minor and Standard Subdivisions

- I. By posting of signs. At least ten (10) days and not more than twenty (20) days before the Sketch Plan Conference with the Planning Board described in Section 208, the Subdivider shall post a sign at the center of each property line of the property to be subdivided which fronts on a public or private roadway to inform the public of the proposed subdivision. Such sign(s) shall be continuously maintained and displayed facing the roadway until final action has been taken by the Planning Board to approve or deny the subdivision. The required sign(s) 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 nine (9) days before such Sketch Plan Conference with the Planning Board, indicating the initial date that the sign(s) were erected.
- II. By newspaper. Notice of public hearing related to the Preliminary or Final Plat 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. However, if pursuant to the procedures set forth in Section 209, the Planning Board determines that the Subdivider must prepare and environmental impact statement, then notice of public hearing shall be published at least fourteen (14) days prior to such public hearing.
- III. By mail or delivery. A similar notice of such public hearing related to the Preliminary or Final Plat 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 neighboring 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 and such mailing shall be deemed to have occurred on the postmark date. 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 pursuant to Part I of this Section, or failure to notify neighboring property owners of a public hearing pursuant to Part III of this Section 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 neighboring 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. Failure to publish notification of public hearing

pursuant to Part II of this Section shall be considered a jurisdictional defect and shall require postponement of such public hearing until such time as notice is properly published.

- V. Brief public presentation at meeting. As part of any Sketch Plan Conference or public hearing for the proposed project, the Subdivider shall give a brief presentation outlining the key points of the proposal at the beginning of the conference or hearing to ensure adequate understanding of the project by all members of the public in attendance.

Section 212 -- Filing of Plats in Sections

- I. Prior to granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be divided into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to insure that the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a plat, subject to any conditions imposed by the Planning Board, shall be granted concurrently with conditional or final approval of the plat, subject to any requirements imposed by the Planning Board.
- II. In the event the Subdivider shall file only a section of such approved plat in the office of the Tompkins County Clerk, such section shall be filed with the Town Clerk within thirty (30) days of the filing of such section with the Tompkins County Clerk. Such section shall encompass at least ten (10) percent of the total number of lots contained in the approved plat and the approval of remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265-a of Town Law.

Section 213 -- Building Permit Issuance

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

Section 214 – Land Annexation – Procedure

- I. Application. The application for a Land Annexation shall be submitted to the Planning Administrator for review. The application shall include a Sketch Plan conforming to the requirements of Article VI, and a Development Review application on form(s) available from the Town Clerk.
- II. The Land Annexation Final Plat shall be submitted to the Planning Administrator, who, upon finding the Land Annexation Final Plat to be in conformance with these regulations and the applicable zoning requirements as set forth in the Town of Danby Zoning Ordinance, shall so certify the Land Division Final Plat. The certified Land Division Final Plat shall be filed by the applicant in the offices of the Town of Danby Clerk with proof of filing of same with the Tompkins County Clerk within six (6) months after the date certified. If the Land Division Final Plat is not filed within the six-month period, the Land Division shall expire.
- III. If the land division does not meet the requirements of a Land Annexation, then the Planning Administrator shall classify the division as a Subdivision and shall direct the applicant to file an application for consideration by the Planning Board.

ARTICLE III – Supplemental Rules and Regulations for Clustered Subdivisions

Section 300 -- Introduction

- I. The Town Board has empowered the Planning Board to modify applicable provisions of the Zoning Ordinance in the review and approval of Clustered Subdivision plats, as provided in Town Law Section 278 and as supplemented by the procedures and standards herein.

- II. The purpose of such authorization is to enable and encourage flexibility of design and development of land in a manner that promotes the most appropriate use of land, facilitates the adequate and economical provision of streets and utilities, and preserves the environment and the natural and scenic qualities of open lands.
- 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.
- IV. The provisions of this article shall not be deemed to authorize a change in the permissible use of such lands as provided in the Town Zoning Ordinance.
- V. No subdivision shall be approved by the Planning Board pursuant to this article which shall not reasonably safeguard the appropriate use of adjoining land or which shall not be consistent with the purpose and intent of the Zoning Ordinance or the purpose of these regulations.

Section 301 -- General Procedures

- I. At the option of the Subdivider, two (2) alternative Sketch Plans, one showing a conventional layout and one showing a clustered layout, may be submitted for Sketch Plan review by the Planning Board.
- II. Following review of the alternative Sketch Plans for conventional and clustered layout, the Planning Board shall determine whether such information is adequate to determine the maximum permissible density pursuant to the procedures of Town Law Section 278. Upon a determination that such information is adequate the Planning Board may grant conceptual approval to one of said alternative plans, and may condition that approval on plan modifications and the Subdivider shall be permitted to proceed with an application for Preliminary or Final Plat approval.
- III. Subsequent to such conceptual approval, the Preliminary and Final Plat application requirements set forth in Articles II and IX 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, and further along with a proposed or approved SWPPP or SPDES Permit, if required, under the Stormwater Local Law.
- IV. Such Clustered Site Plan shall show areas within which structures may be located, maximum height and minimum spacing of buildings, proposed open spaces and their landscaping, off street open and enclosed parking spaces, streets, driveways, and other physical features as may be required by the Planning Board, including the location, size and function of all Stormwater Management Practices.
- V. The Planning Board may require that a clustered development plan be made simultaneously, or subsequent to, presentation or approval of a Preliminary Plat. In such case, the Planning Board may require a Clustered Subdivision Plat and Clustered Site Plan to be prepared and presented alone or in conjunction with a conventional plat as part of the Preliminary Plat application.
- VI. Determination on voluntary or required applications under this part shall be made by the Planning Board based on the Sketch Plan, the Preliminary Plat, the Clustered Site Plan, Final Plat and on other information required by these regulations, Town Law Section 278, SEQR, and other applicable regulations.
- VII. When the Subdivider presents to the Planning Board a conventional Preliminary Plat, the Planning Board may grant Preliminary Plat approval for a given number of units, contingent upon all or part of those units being clustered in a Final Plat acceptable to the Planning Board.
- VIII. In the event the Planning Board grants Preliminary Plat approval to a conventional subdivision plan, the Subdivider shall have the option of submitting a Clustered Subdivision Plat prior to Final Plat approval. This shall constitute a substantial change from the Preliminary Plat and the Planning

Board shall schedule a public hearing prior to Final Plat approval in order to consider the Clustered Subdivision proposal.

- IX. When the Subdivider proposes to develop a portion of the property as a conventional subdivision and a portion as a Clustered Subdivision, the Planning Board may approve, modify and approve, or disapprove the proportions of the project and locations which shall be developed conventionally or be clustered.
- X. Both the Final Plat and the Clustered Site Plan as finally approved by the Planning Board shall be filed in the offices of the Tompkins County Clerk and the Town of Danby Town Clerk. Upon such filing, the Town Clerk shall make appropriate notations and reference thereto in the Town Zoning Ordinance or Zoning Map.

Section 302 -- General Criteria

I. MINIMUM GROSS AREA.

The minimum gross area for any Clustered Subdivision proposal shall be five (5) acres. Clustered subdivisions may be permitted in any zoning district of the Town of Danby.

II. Determination of Residential or Nonresidential Density.

- A. To determine the number of dwelling units or the size and number of nonresidential buildings or lots permitted to be clustered, the Planning Board may require the Subdivider, as part of the Sketch Plan or the Preliminary Plat review process, to prepare a conventional subdivision plat which meets all standards of the Zoning Ordinance and these regulations.
- B. The number of dwelling units or nonresidential buildings permitted in a Clustered Subdivision may in no case exceed the number otherwise permitted in a Conventional Subdivision, in the Planning Board's judgment, calculated by application of the appropriate sections of the Zoning Ordinance.
- C. The Planning Board may restrict the Subdivider to a lesser number of dwelling units or nonresidential buildings if the Planning Board judges that particular conditions of the site warrant such restriction.
- D. In calculating the maximum allowable density, and in considering a Clustered Subdivision, the Planning Board may exclude areas that, in the opinion of the Board, are unsuitable for construction of the proposed development because of excessive slopes, poor drainage, or other considerations that may be injurious to the health, safety, and welfare of the community.
- E. The number of dwelling units or the size and number of nonresidential buildings allowed in any Clustered Subdivision shall not exceed the number determined by the Planning Board as shown on the Sketch Plan, except as such total number may be modified by the Planning Board following the additional review of a Preliminary Plat or other information.

III. OPEN SPACE

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

IV. BUFFER AREA REQUIREMENTS

- A. Buffer areas between buildings in a Clustered Subdivision and the boundaries of adjacent property shall be at least equal to the minimum rear yard setbacks required by the Zoning Ordinance for the site in which the proposed subdivision is located.
- B. The Planning Board may require a buffer area at least forty (40) feet wide between the street line of any preexisting public road and the rest of the Clustered Subdivision.
- C. The Planning Board may also require the Subdivider to provide adequate landscaping within the buffer area.

- D. Parking spaces shall be forbidden in the buffer area.

V. BUILDING CONFIGURATION

- A. In the case of a residential subdivision, the Planning Board may allow the permitted number of dwelling units to be clustered in detached, semi-detached, or attached structures.
- B. No more than six semi-detached or attached dwelling units shall be permitted in any one structure.
- C. No building or other structure shall exceed the maximum height requirement of the Zoning Ordinance.
- D. Distances between structures containing dwelling units shall be no less than thirty (30) feet.

Section 303 -- Other Review Considerations

I. GENERAL CONSIDERATIONS

General considerations, which the Planning Board may use in order to determine the number of dwelling units, or lots that may be developed in any Clustered Subdivision include but are not limited to the following:

- A. Whether such development would be substantially and materially injurious to the ownership, use and enjoyment of other property in the vicinity or neighborhood;
- B. Whether such development would impede the orderly development of land in the vicinity or neighborhood, and whether such use would be appropriate in appearance and in harmony with the character of such land in the vicinity or neighborhood;
- C. Whether the street system and off-street parking facilities could handle the expected traffic in a safe and efficient manner and not place an undue burden on existing roads;
- D. That natural surface water drainageways are not adversely affected, and all Surface Waters and Wetlands are not adversely affected by Stormwater Runoff, Sediments, Sedimentation, Erosion, Point Source Pollution, Nonpoint Source Pollution, Pollutants of Concern, and Stormwater Hotspots, as such terms are defined and used in the Town's Stormwater Local Law;
- E. Whether water supply and sewage or other waste disposal facilities are adequate;
- F. Whether the environmental quality of the proposal, in terms of site planning, design, and landscaping, would be compatible with the character of the neighborhood;
- G. Whether the lot configuration, access, parking, and loading facilities are sufficient for the proposed activities;
- H. What effect the density of such clustered construction and use will have on the appearance and maintenance of open spaces in the neighborhood.

II. REGULATION OF EXTERIOR CHARACTERISTICS

In the course of Clustered Subdivision plat review, the Planning Board may regulate the exterior characteristics of any proposed structures or uses in order that the development shall be, in the judgment of the Planning Board, compatible with the surrounding community. Factors, which may be considered in this judgment, include, but are not limited to the following:

- A. Views to be afforded present owners of private property, or legal users of public property, in the vicinity of the proposed Clustered Subdivision;
- B. The description and nature, including size, shape, and color, of materials to be used on the exteriors of proposed structures and in other exterior areas;
- C. Ambient noise incidental to the normal activity in the project after its completion, or extraordinary noise incidental to the construction of the project;

- D. The phasing plan proposed by the Subdivider, if the development is to be built in stages.

ARTICLE IV – Recreational Open Space

Section 400 -- Recreational Open Space Requirements

I. **APPLICABILITY.** Recreational Open Space Reservation Requirements set forth in this Section shall apply to all Standard Subdivisions.

II. **GENERAL REQUIREMENTS.**

- A. The Planning Board may require that land containing usable public open space be reserved within Standard 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 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. As a guideline, 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, and in all events the amount of land reserved for Recreational Open Space shall be proportional to the increased need for such space created by 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.

ARTICLE V – General Regulations for Land Divisions by Permit

Section 500 -- Reserve Strips Prohibited

I. APPLICABILITY

The following requirements apply to all Land Divisions by Permit.

II. STANDARDS

- A. Reserve strips of land, which are essentially intended to control access from roads near the proposed land division to any neighboring property, or to any land within the parent parcel itself, shall be prohibited.

Section 501 -- Water Supply, Sanitary Sewerage, and Erosion and Sedimentation Control

I. APPLICABILITY

The following requirements apply to all Land Divisions by Permit.

II. STANDARDS

- A. Plans for all water supply, sanitary sewerage systems, and erosion and sedimentation control shall conform in all respects to applicable Town, County and State standards, including but not limited to the Town's Stormwater Local Law.

Section 502 -- Survey Monuments

I. APPLICABILITY

The following requirements apply to all Land Divisions by Permit.

II. STANDARDS

- A. One (1) monument shall be located at each corner and at each general change in direction or point of curve of the boundary of the land division as finally platted. Monuments shall also be located at the beginning and end of each curve along one (1) side of the street right-of-way.
- B. All monuments shall be shown on the final plat. There shall be no more than one thousand (1,000) feet of distance between any two (2) monuments.
- C. All monuments shall be constructed of one (1) inch diameter deformed reinforcing rods, or four (4) inch square stone or reinforced concrete, with a minimum length of thirty-six (36) inches.

ARTICLE VI – Submission Requirements for Minor Subdivisions

Section 600 -- Overview

- I. This Article describes the applicability, purpose, elements, and specifications of Final Plats for all Minor Subdivisions.

Section 601 -- Land Division Sketch Plan Requirements

I. APPLICABILITY AND PURPOSE

Final Plat Review requirements set forth in this Section shall apply to all Minor Subdivisions. The Final Plat shall supply the detailed documentation on which final permitting decisions are based. The Final Plat shall, upon final approval, be filed with the Tompkins County Clerk and with the Town Clerk.

II. SUBMISSION REQUIREMENTS

- A. The subdivider shall submit to the Planning Administrator:
 - 1. Ten copies of a Final Plat of the proposed subdivision, as detailed in Subsection B.
 - 2. A completed SEQR short or long Environmental Assessment Form, as directed by the Planning Administrator or Planning Board in accordance with Part 617 of the Environmental Conservation Law.
 - 3. Two true copies of all required deeds and easements, if applicable.
 - 4. A completed Development Review application.

5. Initial Application Fee as set by resolution of the Town Board from time to time, payable to the Town of Danby.
 6. Final Plat Fee per lot as set by resolution of the Town Board from time to time, payable to the Town of Danby.
 7. Any other supporting information requested by the Planning Board.
- B. The Final Plat is made up of the following:
1. **Site Map.**
 - a. SPECIFIC PURPOSE: To show the location of the proposed land division within its neighborhood context.
 - b. SPECIFIC ELEMENTS: The location map scale shall not be less than 1"= 2,000 feet and include all streets and lands within at least 5,000 feet of the proposed subdivision.
 2. **Final Plat.** The final plat shall be prepared by a licensed engineer or licensed land surveyor and contain the following information:
 - a. 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.
 - b. Title of the subdivision, including the name and address of the subdivider, the owner of the parcel to be divided, and engineer or licensed land surveyor, including license number, seal and signature.
 - c. Location and boundaries of the affected tax parcel showing roads, zoning classification, and tax map numbers of the parcels to be divided, N.Y. State Agricultural Districts, adjacent property boundaries and the owners of all contiguous 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.
 - d. Locations and dimensions of proposed lot lines; total acreage of the subdivision, including number of lots; yard widths, depths, setback lines, and acreage or square footage of every lot; and, Construction Envelopes, which are the general sites for buildings, wastewater treatment systems, and related land disturbance.
 - e. All existing restrictions on the use of land, including easements and covenants.
 - f. North arrow, scale (which shall be no less than 1"=100 feet), date of revision.
 - g. Dimensions, bearings and angles of all property lines and boundaries.
 - h. The owners of all contiguous property and the names of adjoining developments, if applicable.
 - i. The zoning classification and tax map number of the property to be subdivided.
 - j. The location of all existing and proposed wells and on-site wastewater treatment systems.
 - k. All motorized and non-motorized thoroughfares, planned, mapped, or built, adjacent to the tract and the right(s)-of-way width thereof.
 - l. If applicable, the location and required setbacks from waterbodies, Aquifer High Vulnerability (AHV) Overlay Zones, and the 100-year floodplain, surveyed and delineated by a licensed engineer or land surveyor.
 - m. Wetlands including those shown on the New York State Freshwater Wetlands Maps, and those shown on the National Wetlands Inventory. All federal wetlands delineations must be approved by the Army Corps of Engineers, and all New York State wetland delineations must be approved by the New York State Department of Environmental Conservation.

- n. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.
 - o. All existing wooded areas, watercourses, slopes of 15% or greater, critical environmental areas, and other significant physical features within the area to be subdivided and within 200 feet of the proposed subdivision's boundaries.
 - p. All existing restrictions on the use of land, including easements and covenants.
 - q. Reference on the plat to any separate instruments, including restrictive covenants, which directly affect the tract.
 - r. Minimum yard depths or setback lines, dimensioned.
 - s. The location of all existing or proposed public facilities or areas.
 - t. The location or description of all rights of way, municipal boundaries, special district boundaries, N.Y. State Agricultural Districts, zoning districts, and similar features.
 - u. Any other information as required by the Planning Board.
- C. **Review by the Planning Administrator**
The Planning Administrator will review the Final Plat and assure that all submissions requirements have been met. After this review, the Planning Administrator will place the Final Plat review on the next available Planning Board and Conservation Advisory Council agendas.
- D. **Review by Town staff.**
The Planning Administrator and interested representatives will review the Final Plat for compliance with Town regulations, and adherence to sound planning, building, and engineering practices. They shall forward their comments to the Planning Board prior to review.
- E. **Planning Board review and recommendation.**
- 1. If the proposed subdivision does not meet the minimum standards and requirements of the Town of Danby Zoning Ordinance, the subdivider must either revise the proposal to bring it into compliance, or make application to the Board of Zoning Appeals for a variance in accordance with the provisions of §1104 of the Zoning Ordinance. In reviewing such application, the Board of Zoning Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance. The proposed subdivision must be in compliance with all requirements of the Town of Danby Zoning Ordinance before the Final Plat may receive approval.
 - 2. The Planning Board may, because of unique environmental or topographic conditions, appoint a Town-designated engineer to review and inspect any minor subdivision.
- F. **Waiver of submission requirements.** The Planning Board may waive, upon the request of the applicant, any of the above submission requirements if the Planning Board determines that such requirement is not necessary or appropriate for review of the subdivision.
- G. **Referrals.**
- 1. Review by Tompkins County Planning Department.
 - a. In accordance with § 239-n of the General Municipal Law, if any subdivision is within 500 feet of a Town boundary; the boundary of any existing or proposed county or state park or other recreation area; the right-of-way of any existing or proposed county or state parkway, street or highway; the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; the existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated; or a county adopted Agricultural District, the Planning Administrator shall refer such application to the Tompkins County Planning Department for review and report.

- b. Within 30 days of receipt of such notification, the Tompkins County Planning Department shall report to the Town on its approval or disapproval, or on its approval subject to stated conditions, of the proposed subdivision plat. If the county planning agency disapproves, or recommends modification of such a proposed subdivision plat, the Planning Board shall not in approving the final plat, act contrary to such disapproval or recommendation or modification except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.
 - 2. Access to county highways. The subdivider shall obtain written permission from the Director of the Tompkins County Highway Division when new ingress or egress onto a county highway is necessary.
 - 3. Access to state highways. The subdivider shall obtain written permission from the New York State Department of Transportation when a new ingress or egress onto a state highway is necessary prior to issuance of a building permit.
- H. **Hearing and notices.**
 - 1. The Planning Administrator will review the final plat to determine if it meets the submission requirements as set forth in these regulations. Once all the submission requirements are met, the Planning Administrator shall schedule a public hearing on the final plat before the Planning Board.
 - 2. The Planning Board shall hold a public hearing on the final plat within 62 days from the date a complete application is received by the Planning Administrator. Notice of such hearing shall be published in the official newspaper of the Town of Danby at least 10 days prior to the date of the hearing.
 - 3. All plans and supporting documentation shall be on file with the Planning Administrator a minimum of 15 days prior to an advertised public hearing before the Planning Board.
 - 4. The publication and mailing of such notice of public hearing shall be the responsibility of the Planning Administrator.
- I. **Planning Board review and decision.**
 - 1. Once the Planning Board has granted final approval the subdivider shall file the plat with the Tompkins County Clerk within six (6) months. If the signed Final Plat is not filed with the County Clerk within six months, approval will expire.
 - a. Every copy of the final plat submitted for signature shall carry the following endorsement:

“Approved by Resolution of the Planning Board of the Town of Danby, New York, on the _____ day of _____, 20____, subject to all requirements and conditions of said Resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this _____ day of _____, 20____ by Chairperson _____.”

Section 602 -- Land Division Final Plat Requirements

- I. **APPLICABILITY.** Land Division Final Plat requirements set forth in this Section shall apply to all Land Divisions by Permit.
- II. **PURPOSE.** The Land Division Final Plat shall supply the detailed documentation on which final permitting decisions are based. The Land Division Final Plat shall, upon final approval, be filed in the Tompkins County Clerk’s Office and with the Town Clerk.
- III. **ELEMENTS.** The Final Plat shall consist of the following elements:

A. Licensed Survey for Land Division by Permit.

The following shall be shown on the Licensed Field Survey for Land Divisions by Permit:

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 Land Division, including the name and address of the Subdivider and the owner of the parcel to be divided.
 - b. North point, scale, date and location map.
 - c. Minimum yard depths or setback lines, dimensioned.
 - d. The location of all existing or proposed public facilities or areas.
 - e. The location or description 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.
 - i. Reference on the plat to any separate instruments, including restrictive covenants, which directly affect the tract.
2. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

ARTICLE VII – Environmental Conservation for Standard Subdivisions

Section 700 -- Purpose

- I. The purpose of this article is to protect the Town of Danby, its residents, and its environment from hazards associated with land development and land use which result from activity not conforming with standards of sound and acceptable environmental and developmental practices.

The Planning Board also recognizes that both recreational and non-recreational open space is important to the physical and human environment, and thus sets forth the guidelines, standards, and requirements herein.

Section 701 -- Conservation Requirements in the Low Density Residential Zone

I. APPLICABILITY

Conservation Requirements set forth in this Section shall apply to all 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. No Build Areas: The following areas shall not be built on or disturbed during site construction, except as noted below under Permitted Uses:
 1. Areas of 100-year flooding as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
 2. Wetlands, including those shown on the New York State Freshwater Wetlands Maps, and those shown in 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 areas of less than one acre (excluding driveways) on any one lot with such slopes may be excluded from the No Build Areas when approved by the Planning Board.

B. Restricted Build Areas: The following areas should not be built on or disturbed during site construction to the greatest extent possible. Except as noted below under Permitted Uses, these areas may only be built on or disturbed during site construction when approved by the Town Planning Board and when found to be in accordance with the environmental conservation standards set forth in Section 702, Conservation Guidelines. 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 built on or disturbed during site construction. In no case shall the Number of Lots Allowed, as provided in Article VI of the Zoning Ordinance, be limited by these features, notwithstanding other laws and regulations.

1. Class I and II agricultural soils.
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 greater. 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.

III. **PERMITTED USES IN NO BUILD AND RESTRICTED BUILD AREAS**

Construction and associated site disturbance for the following uses are permitted in the No Build and Restricted Build Areas identified above unless other laws and regulations restrict or prohibit such uses (such as those pertaining to areas of 100-year flooding, Wetlands, Classified Streams, or zoning):

- A. Agricultural uses and equestrian facilities.
- B. Forest management.
- C. Pedestrian walks and bike paths.
- D. Non-residential farm structures and structures used for equestrian facilities such as barns, silos, livestock enclosures, storage buildings and similar structures.
- E. Accessory structures and other work exempt from building permits, such as storage sheds with less than 160 square feet of gross floor area.
- F. Wells or water service lines.
- G. Utility lines providing service to the property.
- H. Driveways, farm lanes, and access roads.
- I. Drainage swales and stormwater management facilities.

Section 702 -- Conservation Guidelines

I. **APPLICABILITY.** Notwithstanding the Conservation Requirements in the Low Density Residential Zone identified in Section 701, the following guidelines apply to **all Standard Subdivisions**.

II. **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.

III. PRESERVATION OF NATURAL FEATURES

- A. The Planning Board shall encourage the preservation of all natural features that 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.

IV. AGRICULTURAL LAND AND USES

- A. Development shall, as much as is practicable, be located on the least fertile soils for agriculture, in a manner that 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 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.

V. STEEP SLOPES

- A. Where a proposed subdivision contains both viable agricultural land and slopes of greater than 8 percent grade, preference shall be given to locating development on such slopes.
- B. Notwithstanding the foregoing, in the Low Density Residential Zone, development on slopes of greater than 15 percent grade is prohibited, except that areas of less than one acre (excluding driveways) on any one lot with such slopes may be permitted to be developed upon approval by the Planning Board.

VI. IMPORTANT NATURAL AREAS

- A. The Planning Board may limit the development of areas that may be 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.

VII. 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 703 -- Erosion Control

I. APPLICABILITY

Notwithstanding the Conservation Requirements in the Low Density Residential Zone identified in Section 701, the following guidelines apply to all Standard Subdivisions.

II. STANDARDS

- A. Land grading, earth moving and vegetation removal shall be limited to that necessary for actual construction.
- B. All land which is stripped, cut, filled, or otherwise deprived of protective vegetative cover shall be re-vegetated as soon as is practicable, with such re-vegetation subject to the inspection and approval of the Code Enforcement Officer, which approval shall, where applicable, follow the requirements of any approved SWPPP or SPDES Permit requirements and the recommendation of the Town's Stormwater Management Officer ("SMO").
- C. No removal of soil or vegetation from slopes exceeding fifteen percent (15%) grade shall be permitted except where necessary for construction; in which event, a stabilization and re-vegetation plan shall be submitted to the Code Enforcement Officer for approval prior to the work being commenced, which approval shall, where applicable, follow the requirements of any approved SWPPP or SPDES Permit requirements and the recommendation of the SMO.
- D. Where land is disturbed in site development, no slope shall be left with a grade steeper than one foot (1') vertical rise to three feet (3') horizontal distance unless the grade was steeper before disturbance. In such latter event, the final grade shall be approved by the Planning Board only after consultations with appropriate professionals, such as engineers, and shall be approved only after: (i) the Planning Board has determined that such steeper grade is not a risk to the environment, the proposed residents, and the neighboring properties, (ii) professionally engineered plans are approved by the Planning Board, which plans shall show such information required by the Board or its professional consultant, including the final grade and the steps, including vegetation, etc., to be taken to stabilize the slopes and to prevent erosion and drainage problems, and (iii) where applicable and whenever required under the Town's Stormwater Local Law, such grading is in compliance with any approved SWPPP or SPDES Permit. Any construction or alteration shall thereafter be in accordance with such approved plans.
- E. Terraces or diversions shall be used to break up long slopes where the possibility of erosion exists.
- F. Sedimentation basins and traps and other Stormwater Management Practices shall be employed as required by the Code Enforcement Officer or the SMO.
- G. Where topsoil is disturbed by development, a minimum of four inches (4") of topsoil shall be maintained to insure proper growth of vegetation, except upon approval of a lesser amount by the Code Enforcement Officer.
- H. There must be regular and continued maintenance of erosion and sedimentation control measures, adequate vegetative cover, and all temporary or permanent Stormwater Management Practices.

Section 704 -- Drainage

I. APPLICABILITY. The following guidelines apply to all Standard Subdivisions.

II. STANDARDS

- A. All land development and Land Development Activities (as defined in the Stormwater Local Law) shall be related to the surrounding drainage pattern, with provisions made for proper

drainage facilities. Whenever possible, natural drainage patterns shall be employed in preference to rechanneling streams or watercourses. The requirements of the Town's Stormwater Local Law shall apply to all proposed drainage facilities and plans, and where required, an appropriate SWPPP shall be prepared and approved before any final drainage plans are implemented, except as may otherwise be permitted in such Stormwater Local Law for temporary Stormwater Management Practices or site Stabilization.

- B. All drainage improvements must be acceptable to the Code Enforcement Officer or other authorized agent, including the SMO. In no case shall work be performed which directly or indirectly affects natural drainage patterns prior to the granting of any necessary approvals by the Town, County, or State agencies having jurisdiction.
- C. If stormwater is to be diverted from its natural course, a construction plan shall be submitted to the Code Enforcement Officer containing, at a minimum, the following information:
 - 1. A sketch showing in plan and in profile the existing waterway and the proposed channel change;
 - 2. Provisions to prevent soil erosion and silting.
 - 3. Verification of compliance with the Town's Stormwater Local Law, including, where required, the presentation of any approved SWPPP or SPDES Permit.
- D. The release, control, and management of Stormwater Runoff from development and Land Development Activities shall comply with the requirements of the Town's Stormwater Local Law and, generally, shall not exceed pre-development conditions. Provisions shall be made for adequate storm drainage and drainage structures, including both temporary and permanent Stormwater Management Practices, to prevent water from standing on any portion of a street and to otherwise control and manage Stormwater Runoff, Sedimentation, Erosion, Pollutants of Concern, and other deleterious effects of unregulated Stormwater.

Section 705 -- Trees and other Significant Vegetation

I. APPLICABILITY

Notwithstanding the Conservation Requirements in the Low Density Residential Zone identified in Section 701, the following guidelines apply to **all Standard Subdivisions**.

II. STANDARDS

- A. Reasonable effort shall be made to preserve trees and other significant vegetation.
- B. Plants to be retained on the site shall be protected during site preparation and construction.
- C. On all new streets, the Planning Board may require that one hardwood shade tree be planted, within 6 feet outside of the street right-of-way, at intervals of not less than 100 feet along both sides of said street.

ARTICLE VIII – General Regulations for Standard Subdivisions

Section 800 -- General Design Standards

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- B. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- C. Development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.
- D. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- E. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- F. The Planning Board shall encourage the use of “soft” (non-structural) stormwater management techniques (such as swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
- G. The location of development shall be in areas least likely to block or impair scenic views important to the community, as seen from public roadways, other public areas, or nearby private properties.
- H. All Standard Subdivisions and any related Land Development Activities (as defined in the Stormwater Local Law) shall be required to comply with the Town’s Stormwater Management Local Law, including, where applicable, the preparation and approval of one or more SWPPPS and SPDES Permits, and including the provision for the construction and maintenance (both short and long-term) of Stormwater Management Practices, including any related or required Maintenance Agreements or Dedications related to the same.

Section 801 -- Layout, Blocks, and Lots

I. **APPLICABILITY.** The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. **STANDARDS**

- A. All subdivision layouts shall conform to design standards which will encourage safe, efficient, and beneficial development, and which will be appropriate for the location of the subdivision.
- B. Minimum lot sizes and dimensions shall be as established in the Zoning Ordinance, except for the following:
 - 1. Areas previously platted and recorded as small lots.
 - 2. Clustered subdivisions where such requirements may be waived.
- C. Subdivision dimensions shall be determined with due regard to zoning requirements, the provision of building sites suitable to the special needs of the uses contemplated, convenient access, circulation control and safety, solar access, and the limitations and opportunities of the site.

- D. When a small portion of a large parcel is proposed for subdivision, consideration shall be given to the character of the entire parcel, including the ability of the land to support agricultural use or future development, important natural features, and the adequacy of access into remaining lands of the parcel and into adjoining properties.
- E. Blocks shall be planned generally to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac streets will be acceptable when properly designed with adequate access and turnarounds.
- F. Residential blocks shall not be more than 1,500 feet in length, except where the Planning Board determines otherwise necessary to secure efficient use of land or to achieve desired features or use of the street system.
- G. In any block over 700 feet long, the Planning Board may require the Subdivider to dedicate and construct a public walkway transversely across the block. Such walkway shall have a minimum right-of-way of 20 feet, of which at least 8 feet shall be paved or otherwise surfaced as subject to approval by the Town Board.
- H. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the provisions of the Zoning Ordinance.
- I. Lots that are sufficiently large for possible future replatting shall be of such shape as to facilitate replatting. Side lot lines shall be substantially at right angles or radial to street lines.
- J. Building setback lines shown on a plat shall not be in front of any building setback line established by ordinance, except where such requirement is waived.
- K. Where any lot is proposed to be served by an individual sewage disposal system, minimum dimensions of such lot shall be determined by the Tompkins County Health Department.

Section 802 -- Public Facilities

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. No dedication by the Subdivider of an easement or fee title to a highway or other public facility shall be shown on a Final Plat unless the Town Board determines to accept such dedication.
- B. When a subdivision is traversed by a water course, drainage way, channel, stream, or creek, the Subdivider may be required to provide a storm water easement or drainage right-of-way of sufficient width and to make suitable provisions for maintenance, wherever the Planning Board or Town Board finds such easement desirable.

Section 803 -- Solar Access

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. The Planning Board may require subdivisions to be platted so as to preserve or enhance solar access for either passive or active systems, consistent with the other requirements of these regulations. Improvement of solar orientation and protection against adverse climate may be sufficient considerations, in the judgment of the Planning Board, to warrant plat modifications.

Section 804 -- Streets

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. All lots, premises, and buildings in the Town that the local fire and emergency services may be called upon to protect and which are not accessible from public streets shall be provided with suitable access roads and fire lanes. The location of such provisions shall be subject to approval by the Town Board upon recommendation by the Planning Board.

Section 805 -- Street Improvements

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. The standards and regulations provided in this section shall apply except as may be otherwise specified in Town of Danby Highway Specifications or other applicable regulations.
- B. All streets shall be constructed and all street signs installed according to Town of Danby Highway Specifications. The Subdivider shall improve all streets and other ways in such manner as is necessary for the general use of lot owners in the subdivision and to meet local traffic and drainage needs. The schedule for such improvement shall be subject to approval by the Town Board.
- C. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for proper street circulation when adjoining property is not subdivided, except where topographic or other conditions make such continuation undesirable.
- D. The minimum right-of-way width shall be 60 feet, except that a 50-foot width may be permitted by the Town Board. Additional width may be required where deep cuts or fills will be encountered.
- E. A minimum center-line radius of one hundred eighty (180) feet is required unless otherwise approved by the Planning Board.
- F. Vertical alignment shall have the following:
 - 1. A minimum grade of one (1) percent.
 - 2. A maximum grade of eight (8) percent on major streets and ten (10) percent on minor streets.
 - 3. A maximum grade of three (3) percent on a minor street within one hundred (100) feet of its intersection with a major street.
- G. All changes in grade exceeding one (1) percent shall be connected by a vertical curve and shall have a minimum length of one hundred (100) feet.
- H. Sight distance shall conform to American Association of State Highway and Transportation Officials (AASHTO) Standards.
- I. There shall be a minimum of 600 feet between center-line intersections at major streets, and a minimum of 300 feet between center-line intersections of minor streets.
- J. Intersections shall be at right angles as nearly as possible, and no intersections shall be at an angle less than 70 degrees. Detailed designs of intersections may be required. Curb or inside radii at intersections shall not be less than 20 feet and property lines shall be adjusted accordingly.

- K. 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.
- L. Where a street contains or abuts a street designated by the Town as having fully controlled access or partially controlled access, the plat shall provide for such control for the purpose of reducing traffic hazards by eliminating conflict between local traffic entering and leaving driveways and through traffic. Where a plat includes lots that directly abut such a thoroughfare, rather than a developable frontage, the Planning Board may require the Subdivider, by sufficient instrument, to relinquish right of access to the thoroughfare from such lots.
- M. Street names shall be subject to approval by the Planning Board. Names shall provide for continuation of the names of existing streets where appropriate and shall not duplicate the names of streets elsewhere in the Town or in the emergency and fire service area. House numbers shall be assigned by the Town Code Enforcement Officer or other authorized agent.

Section 806 -- Reserve Strips Prohibited.

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. Reserve strips of land, which are essentially intended to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

Section 807 -- Water Supply and Sanitary Sewerage

- I. **APPLICABILITY.** The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS.

- A. Plans for all water supply and sanitary sewerage systems shall conform in all respects to applicable Town, County, and State standards.
- B. When connections are to be made immediately to a community or public water supply or sewer system, lines and other facilities shall be installed to serve each lot in the subdivision prior to the application for acceptance of the streets or rights-of-way.
- C. Where such connection is not to be made immediately, but is contemplated within five years, plans shall be prepared for future installation of systems to serve each lot, and those parts of such system which will be in the paved portion of streets and alleys shall be installed before the streets are paved.

Section 808 -- Other Utilities

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. Pipes, wires, and cables providing local utility and similar services (including but not limited to, gas, electricity, telephone, cable television, and street lighting) in residential subdivisions shall be placed underground.
- B. Street lights shall be located at all street intersections and other areas required by the Planning Board for safety reasons, with the proposed lighting fixture to be approved by the Highway

Superintendent, and with installation to be in accordance with the utility company having jurisdiction.

- C. All street and other outside lighting shall be designed to minimize glare within the subdivision and in adjoining areas.

Section 809 -- Survey Monuments

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. One (1) monument shall be located at each corner and at each general change in direction or point of curve of the boundary of the subdivision and its lots as finally platted. Monuments shall also be located at the beginning and end of each curve along one (1) side of the street right-of-way.
- B. All monuments shall be shown on the final plat. There shall be no more than one thousand (1,000) feet of distance between any two (2) monuments.
- C. All monuments shall be constructed of one (1) inch diameter deformed reinforcing rods, or four (4) inch square stone or reinforced concrete, with a minimum length of thirty-six (36) inches.

Section 810 -- Certification of Improvements

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. 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.
- B. 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 811 -- Phased Developments

I. APPLICABILITY

The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS

- A. In large, phased developments, a sequential installation of utilities and improvements shall be made in accordance with an agreement satisfactory to the Town Board. The phasing agreement shall also provide for the maintenance of existing roads and utilities.

Section 812 -- Inspections

- I. **APPLICABILITY.** The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.

II. STANDARDS.

- A. All permanent improvements, such as streets and utilities, shall require inspections by the Code Enforcement Officer, Highway Superintendent, or other person retained by the Town for such purpose.
- B. The owner, developer, or an agent of such shall inform the Town inspector at least twenty-four (24) hours before such inspection is required and shall not conceal, cover, or in any way render invisible any portion of the improvement until such inspection has been made and the work has been approved.

Section 813 -- Financial Guarantees for Improvements

- I. **APPLICABILITY.** The Subdivision Design Standards set forth below shall apply to all Standard Subdivisions.
- II. **STANDARDS.**
 - A. A letter of credit shall be furnished by the Subdivider or developer for all required public improvements and utilities, and for all earthwork, landscaping, and site restoration, which are integral parts of the Final Plat.
 - B. No building permit shall be issued for a structure with an approved Final Plat until the Subdivider or developer has furnished an irrevocable letter of credit and has received approval for such letter of credit from the Town Board.
 - C. No final certificate of occupancy or certificate of compliance shall be issued until all improvements included in the letter of credit are completed, or until a sufficient performance guarantee, such as a letter of credit, has been approved by the Town Board for improvements not completed.
 - D. The Town Board may waive the requirements of this Section or may accept other evidence or promise of completion of required improvements if, in its discretion, it determines that there is no need for the letter of credit.

ARTICLE IX – Submission Requirements for Standard Subdivisions

Section 900 -- Overview

- I. This Article describes the applicability, purpose, elements and specifications of Sketch Plans, Preliminary Plats and Final Plats for all Standard Subdivisions.

Section 901 -- Sketch Plan Requirements

- I. **APPLICABILITY.** Sketch Plan 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 Code Enforcement Officer and Planning Board. Each 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. Each map comprising the Sketch Plan shall be clearly marked with the words, “Sketch Plan” and the name of the specific map that it represents (i.e. “Site Map”).
 - A. **Site 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, upon request, 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. Wetlands including those shown on the New York State Freshwater Wetlands Maps, and those shown on the National Wetlands Inventory.
 - 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.
 - d. Locations and dimensions of proposed lot lines, lot acreage, and Construction Envelopes, which are the general sites for buildings, sewage systems, and related land disturbance.
3. **SCALE:**
 - a. For parcels under 100 acres in area, such maps shall be at a scale of not less than 1"=200'.
 - b. For parcels of 100 acres or more, the scale shall be not less than 1"=400'.
4. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

B. Resource Map Showing Proposed Subdivision outside the Low Density Residential Zone

1. **APPLICABILITY:** Resource Map requirements set forth below shall apply to all Standard Subdivisions outside the Low Density Residential Zone
2. **SPECIFIC PURPOSE:** To provide the developer and the Town with an analysis of existing site conditions and the proposed subdivision. To help defray the cost to Subdividers, some data and/or maps may be available, upon request, through the Town of Danby.
3. **SPECIFIC ELEMENTS:**
 - a. A vertical aerial photograph with the site boundaries clearly marked.
 - b. Tax parcel boundaries.
 - c. Intermittent and Perennial Streams.
 - 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 those shown on the New York State Freshwater Wetlands Maps, and those shown on the National Wetlands Inventory.
 - h. Location and type of woodlands, and the location of other significant vegetation.
 - i. Location and type of Class I and II agricultural soils.
 - j. 100-year flood plains, as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

- k. Locations and dimensions of proposed lot lines, lot acreage, and Construction Envelopes, which are the general sites for buildings, sewage systems, and related land disturbance.
 - l. Minimum yard depths and setback lines on each lot.
 - m. Locations of proposed driveways.
 - n. Locations of any proposed new roads or other proposed public facilities or areas.
 - o. 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.
 - p. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.
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. **Resource Map Showing Proposed Subdivision in the Low Density Residential Zone**
1. APPLICABILITY: Resource Map 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 in the proposed design of the subdivision, the location of No Build Areas and Restricted Build Areas has been duly considered, and to locate proposed Construction Envelopes, Streets, Driveways and Trails, and Lots.
 3. SPECIFIC ELEMENTS. The following features shall be located and identified:
 - a. No Build Areas and Restricted Build Areas.
 - i. No Build Areas: The following areas shall not be built on or disturbed during site construction, as set forth in Section 701, Conservation Requirements in the Low Density Zone:
 - Areas of 100-year flooding as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
 - Wetlands, including those shown on the New York State Freshwater Wetlands Maps, 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 one acre (excluding driveways) on any one lot may be excluded from the No Build Areas when approved by the Planning Board.
 - ii. Restricted Build Areas: The following areas should not be built on or disturbed during site construction to the greatest extent possible, as set forth in Section 701, Conservation Requirements in the Low Density Residential Zone. Except as noted in Section 701, these areas may only be built on or disturbed during site construction when approved by the Town Planning Board and when found to be in accordance with the environmental conservation standards set forth in Section 702, Conservation Guidelines. 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 built on or disturbed during site construction. In no case shall the Number of Lots Allowed, as provided in Article VI of the Zoning Ordinance, be limited by these features, notwithstanding other laws and regulations.

- Class I and II agricultural soils
 - 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 greater. 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. Construction Envelopes.
- i. Construction Envelopes, being the general sites for buildings, sewage systems, and related land disturbance, shall be located outside of the areas that will not be built on or disturbed during site construction.
- c. Streets, Driveways, and Trails.
- i. Streets, driveways, and/or pedestrian trails, shall be in accordance with standards in Article VIII, General Regulations for Standard Subdivisions, showing rights-of-way and suggested street names.
 - ii. Generally, the design of such access shall be encouraged to minimize impacts on the environment and open space.
 - iii. A system of trails providing pedestrian/bike access should be designed to link to neighboring trails and to provide access to open space.
- d. Lots
- i. Location and dimension of lot lines. The lots shall also show approximate acreage, minimum yard depths and setback lines, 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'.
5. Locations, sizes, dimension, capacities, and functions of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

Section 902 -- Preliminary Plat Requirements

- I. **APPLICABILITY** -- Preliminary Plat requirements set forth in this Section shall apply to all Standard Subdivisions, unless otherwise specified below.
- II. **PURPOSE** -- The 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. Each map comprising the Preliminary Plat shall be clearly marked with the words, "Preliminary Plat" and the name of the specific map that it represents (i.e. "Resource Map").

- A. Resource Map Showing Proposed Subdivision outside the Low Density Residential Zone.**
1. **APPLICABILITY:** Resource Map requirements set forth below shall apply to all Standard Subdivisions outside the Low Density Residential Zone.
 2. **SPECIFIC PURPOSE:** To designate the preliminary location of lot lines, Construction Envelopes, proposed streets, driveways and trails in the context of site resources to reflect any revisions to the proposed subdivision based on Sketch Plan Review, and to ensure compliance with these regulations and with the Town of Danby Zoning Ordinance.
 3. **SPECIFIC ELEMENTS:** The specific elements for this Plan are the same as those required for the Resource Map prepared for Sketch Plan review, but shall include any recommended modifications to that map based on Sketch Plan Review by the Planning Board.
- B. Resource Map Showing Proposed Subdivision in the Low Density Residential Zone**
1. **APPLICABILITY:** Resource Map 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 in the proposed design of the subdivision, the location of No Build Areas and Restricted Build Areas has been duly considered, and to locate proposed Construction Envelopes, Streets, Driveways and Trails, and Lots.
 3. **SPECIFIC ELEMENTS:** The specific elements for this Plan are the same as those required for the Resource Map prepared for Sketch Plan Review, but shall include any recommended modifications to that map based on Sketch Plan Review by the Planning Board
- C. Preliminary Licensed Survey for Standard Subdivisions**
1. The following shall be shown on the Preliminary Licensed Survey for Standard Subdivisions:
 - a. The boundary lines of the tract and proposed lots, 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 or description 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.
 - vii. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.
- D. 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 VII, 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.
 - i. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

E. Environmental Assessment Forms

1. The Preliminary Plat application must include fully completed Environmental Assessment Form (form is available from the Town Clerk), 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.

F. 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 903 -- Final Plat Requirements

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 property and 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 in the office of the Town of Danby Clerk. The “Resource Map” showing the proposed subdivision prepared as part of the Preliminary Plat pursuant to Section 902, with any modifications required by the Planning Board as part of Preliminary and Final Plat approval, shall be referenced on the Final Plat, and shall be filed, along with the Final Plat in the office of the Town of Danby Clerk.

III. **ELEMENTS.** The Final Plat shall consist of the following elements, which are described in detail below. Each map comprising the Final Plat shall be clearly marked with the words, “Final Plat” and the name of the specific map that it represents (e.g. “Final Improvements Construction Plan”):

A. Licensed Survey for Standard Subdivisions.

- 1. The following shall be shown on the Licensed Survey for Standard Subdivisions:
 - 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. Minimum yard depths or setback lines.
 - iv. The location of all existing or proposed public facilities or areas.
 - v. The location or description 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. The locations, areas, sizes, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.

B. 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. A plan approved by the SMO showing the proposed Sediment and Erosion control plans, temporary or permanent, including, but not limited to Erosion Control Facilities, Sediment Containment Facilities, and Stormwater Control Facilities, as each term is used and defined in the Town's Stormwater Local Law. This requirement may be met by providing an approved SWPPP, and, if applicable, approved SPDES Permit(s) showing the same.
 - f. An approved SWPPP, and, if applicable, approved SPDES Permit(s) showing the location, area, size, and dimensions by bearing, metes and bounds, of all temporary or permanent Stormwater Management Practices as required by and under the Stormwater Local Law.
 - g. Detailed designs of all other improvements as required by these regulations.
 - h. All temporary and permanent Stormwater Management Practices, together with proposed short-term and long-term maintenance costs for the same:
 - 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.

C. 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.
 - d. Verification of approved SWPPP(s) and, as applicable or required, an approved SPDES Permit(s).

Section 904 -- Waiver of Requirements

I. Where the Planning Board finds that, due to the special circumstances of a particular case, a waiver of certain requirements or procedures is justified, a waiver may be granted. In all cases, no waiver shall be granted unless the Planning Board finds and records in its minutes that: (1) granting the waiver would be keeping with the intent and spirit of this Local Law and is in the best interests of the community; (2) there is no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; (3) there are special circumstances involved in the particular case; (4) denying the waiver would result in undue hardship, provided that such hardship has not been self-imposed; and (5) the waiver is the minimum necessary degree of variation from the requirements of this Local Law.

II. When the Planning Board finds that due to the special circumstances of a particular area the provision of certain required improvements is not necessary in the interest of public health, safety, and general welfare, or is inappropriate due to the inadequacy or lack of existing or proposed connecting facilities in the area of a proposed subdivision or land division, the Planning Board may waive such requirements subject to appropriate conditions as it may wish to impose.

III. It is not the intent of this Local Law to effect uniformity or standardization in the development of subdivisions and land divisions within the Town of Danby. When imaginative and beneficial design concepts are proposed by a subdivider the Planning Board may grant a variance to permit the accomplishment of such concepts as long as such variances do not violate any other applicable laws or regulations.

IV. In limitation of each of the foregoing, however, no waiver of any Stormwater requirements is permitted except pursuant to Article 16 of the Town's Stormwater Law.

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.

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. No building or disturbance during site construction shall occur outside of the Construction Envelope, except for construction and associated site disturbance for the following uses:

1. Agricultural uses and equestrian facilities.
2. Forest management.
3. Pedestrian walks and bike paths.
4. Non-residential farm structures and structures used for equestrian facilities such as barns, silos, livestock enclosures, storage buildings and similar structures.
5. Accessory structures and other work exempt from building permits, such as storage sheds with less than 160 square feet of gross floor area.
6. Wells or water service lines.
7. Utility lines providing service to the property.
8. Driveways, farm lanes, and access roads.
9. Drainage swales and stormwater management facilities.

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:

1. Horse-riding lessons.
2. Horse training.
3. Leasing of horses.
4. Boarding of horses.
5. 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.

LAND ANNEXATION – The transfer of title of land from its owner to an abutting owner, for consolidation with an abutting lot.

LAND DIVISION – 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, including the creation of, and all changes

in, highway and lot lines, whether or not new building or development is to occur. This term includes the following classifications: Land Annexation, Minor Subdivision, and Standard Subdivision. Each of these land division classifications is defined in greater detail in Article II of these regulations.

LOT LINE ADJUSTMENT – See ‘Land Annexation.’

MINOR SUBDIVISION – Any division of land of any size at one time, resulting in a maximum of two lots.

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.

PLANNING ADMINISTRATOR – The Planning Administrator performs professional, administrative, management, and technical work, in support of the Planning Board. This includes all aspects of land use planning including zoning, site plan, subdivision, and growth management as delineated by state statutes, local bylaws, and rules and regulations.

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.

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 or Planning Administrator by the Subdivider for informal discussion and review, and 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.

STANDARD SUBDIVISION – Any division of land resulting in three or more lots, of any size, at one time. Also referred to herein as simply a “Subdivision.” This term includes resubdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided.

STORMWATER LOCAL LAW – means the Town of Danby Local Law Number 1 of 2010, entitled “Town of Danby Stormwater Management, Erosion and Sediment Control Law.” All capitalized terms used in relation to the term “Stormwater Local Law”, such as, but not limited to, SWPPP, SWPPPS, Stormwater Permits, Stormwater Management Practices, Maintenance Agreement(s), Dedication(s), SPDES Permit(s), Stabilization, Stormwater Runoff, Sediment(s), Sedimentation, Erosion, Point Source Pollution, Nonpoint Source Pollution, Pollutants of Concern, SMO, and Stormwater Hotspots, shall have the meaning and definitions applied as set forth in and by the said Stormwater Local Law, each and all of which definitions are expressly incorporated into this Subdivision Local Law.

STORMWATER MANAGEMENT PRACTICES - any Erosion Control Facility, Stormwater Control Facility, Stormwater Control, Sedimentation Containment Facility, Watercourses, Waterways, Surface Waters, Channels, ditches, drains, culverts, ponds, retaining facilities, plantings, berms, swales, pipes, and other structures and appurtenances built, used, or intended to be utilized to protect and/or control Stormwater, Stormwater Hotspots, Sediments, Sedimentation, Erosion, Stormwater Runoff, Infiltration, Recharges, Sensitive Areas, Point Source Pollution, Nonpoint Source Pollution, Pollutants of Concern, Impaired Waters, Stabilization, Surface Waters, Channels, Waterways, and Watercourses, including, but

not limited to, buildings, facilities, plantings, controls, protocols, designs, practices, methodologies, measures, acts, and devices, whether structural or nonstructural, or any combination thereof. The definitions of each capitalized term as used in this definition is as set forth in Town of Danby Local Law Number 1 of 2010, entitled “Town of Danby Stormwater Management, Erosion and Sediment Control Law,” and each such definition is expressly incorporated into this definition and this Subdivision Local Law.

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 MAP – The Survey performed by a licensed surveyor, submitted as part of the Final Plat (see Section 903(III)(A) of these regulations), which is certified by the Planning Board upon approval of the Final Plat and subsequently filed in the Planning Board Clerk’s Office with proof of filing in the County Clerk’s Office. [The Preliminary Subdivision Map is the Survey performed by a licensed surveyor, submitted as part of the Preliminary Plat (as set forth in Section 902(III)(C) of these regulations), which is certified by the Planning Board upon approval of the Preliminary Plat and subsequently filed in the Planning Board Clerk’s Office.]

SUBDIVISION REVIEW – The review process set forth in Sections 207 through 211 of these regulations, the basis and legislative authority for which are found in Town Law Sections 276 through 279. Land Annexations and Land Divisions by Permit are exempt from Subdivision Review and all Standard Subdivisions must undergo Subdivision Review.

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.