

TOWN OF MAYFIELD LOCAL LAW NO. 1 OF THE YEAR 1998

A local law "TO AMEND THE DEFINITION OF 'SUBDIVISION' IN THE TOWN OF MAYFIELD".

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

Section 1. - The text of **Article III, Section 301** of Local Law #1 of 1995 is deleted in its entirety and replaced by the following:

Section 301:

Whenever any division of land within the Town of Mayfield is proposed to be made and before any contract for the sale of or any offer to sell any lots resulting from such division is made, or any deed transferring any title interest therein is recorded, and before any permit for the erection of a structure on any such proposed parcel shall be granted, the landowner or his duly authorized agent shall apply in writing for approval of such proposed division or for a determination that the division of land is exempt from these Subdivision Regulations, in accordance with the following procedures.

Section 2. - The text of the first sentence of **Article IV, Section 401** of Local Law #1 of 1995 is deleted in its entirety and replaced by the following:

Section 401: Purpose.

The purpose of this initial step in the subdivision review process is to determine if the proposed division of land is subject to Planning Board approval, acquaint the Applicant with the requirements of these Regulations and to discuss the feasibility of the project before the Owner has invested a substantial amount of money and/or time in the preparation of formal plats.

Section 3. - The final phrase, "of the proposed subdivision of land", of the first sentence of **Paragraph A of Article IV, Section 402** of Local Law #1 of 1995 is deleted in its entirety and replaced by the following:

...of the proposed division of land.

Section 4. - The phrase, "of the proposed subdivision of land", appearing in the first sentence of **Paragraph A of Article IV, Section 403** of Local Law #1 of 1995 is deleted in its entirety and replaced by the following:

...of the proposed division of land.

Section 5. - The text of **Article IV, Section 404** of Local Law #1 of 1995 is deleted in its entirety and replaced by the following:

Section 404: Pre-Application Conference.

A. Nature of Conference: The Applicant, or his/her duly authorized representative, must attend the Pre-Application Conference at the scheduled meeting of the Planning Board, in order to discuss the proposed division of land and, if applicable,

the requirements of these Regulations for lot layout, street improvements, drainage, sewerage, water supply, flood protection, natural resources, and availability of existing municipal services as well as any other similar aspects or other pertinent information relevant to the proposed subdivision.

B. Study of Sketch Plan and Classification: At the time of the Planning Board meeting to review the Sketch Plan (the “Pre-Application Conference”), the Planning Board shall review the proposed division of land, as outlined on the submitted Sketch Plan and shall:

- (1) determine whether the proposed division of land is exempt from the Subdivision Regulations. If found to be exempt, no further review of the proposed division of land by the Planning Board shall be required;
- (2) determine whether the proposed subdivision of land will be classified as a Minor or Major Subdivision as defined in these Regulations;
- (3) determine whether the proposed subdivision may involve a Federal agency or one or more other agencies as defined under SEQRA;
- (4) make a preliminary classification of the proposed subdivision as a Type 1 or Unlisted action, as such terms are defined under SEQRA;
- (5) determine whether a full or short Environmental Assessment Form (“EAF”) will be required;
- (6) discuss the possibility with the Applicant for a site visit to be performed by members of the Planning Board, its consultants and/or designated representative, if deemed necessary;
- (7) discuss whether the Sketch Plan meets the purposes of these Regulations and any recommendations which the Planning Board may specify for incorporation by the Applicant in the next submission subject to any changes based upon the site visit and consultants’ reports, if any.

Section 6. - The text of **Article IV, Section 405** of Local Law #1 of 1995 is deleted in its entirety and replaced by the following:

Section 405: Report of the Planning Board

A. Within thirty (30) days of the date of the pre-application conference the Planning Board shall issue a written report to the Applicant based upon the information received by the Planning Board at the pre-application conference, the site visit, consultants’ reports and any other sources. Said report shall set forth the initial determination specified in Section 404, above, whether the Sketch Plan meets the purposes of these Regulations and, if applicable, any specific recommendations which are to be incorporated by the Applicant in the next submission to the Planning Board. If the Planning Board has determined that the proposed division of land is exempt from the Subdivision Regulations, it shall so state in the written report. The report may also state

those requirements which the Planning Board deems appropriate to be waived with respect to the next subdivision review stage. Note that the Planning Board may alter its initial determinations or recommendations as contained in said report if appropriate based on additional information or further study pursuant to the next stage of review.

Section 7. - The text of **Paragraph DD. of Appendix “A”** of Local Law #1 of 1995 is deleted in its entirety and replaced by the following:

DD. Subdivision: The division of any parcel of land into two or more parcels, lots, plots or sites for the purpose or purposes of conveyance, transfer of any title interest, improvement, building development or sale, whether or not such division of land creates a street or streets; provided, however, that no division of land meeting the criteria set forth below shall constitute a subdivision for purposes of these Subdivision Regulations:

- (a) a division of land into four (4) or fewer **residential** parcels, which land has not previously been divided within the last five (5) years, where each resulting parcel will consist of one or more acres, have a minimum width of 150 feet at all points, and have a minimum of 150 feet frontage on an existing and maintained public street;
- (b) a division of land into four (4) or fewer **residential** parcels, all of which will front an existing street, which does not involve a new proposed street or extension of municipal facilities, which has not been subdivided for a period of five (5) years and for which a permit pursuant to 9 NYCRR Part 573 has been granted by the Adirondack Park Agency within the last twelve (12) months.

Section 8. - This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section Twenty-Seven of the Municipal Home Rule Law.