

TOWN OF MAYFIELD LOCAL LAW NO. 1 OF THE YEAR 1995

A local law to adopt recommendations from the Planning Board regarding subdivision regulations for the Town of Mayfield outside the limits of any incorporated village.

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

Section A: In accordance with Town Law §271, the Town Board of the Town of Mayfield heretofore created a Planning Board of seven (7) members and appointed members to such Board. The Planning Board has now recommended to the Town Board certain regulations relating to the approval of subdivisions in the Town of Mayfield outside the limits of any incorporated village and the Town Board desires to adopt such regulations.

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ARTICLE I

AUTHORITY FOR PLAT APPROVAL

Section 101:

By the authority of a resolution of the Town Board of the Town of Mayfield adopted on 01-11-1995, pursuant to the provisions of §276 of the Town Law of the State of New York, the Planning Board of the Town of Mayfield is authorized and empowered to approve plats showing lots, blocks or sites with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve, modify or disapprove preliminary and final subdivision plats within the Town of Mayfield located outside the limits of any incorporated village.

ARTICLE II

PURPOSE

Section 201:

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access for fire-fighting equipment to buildings. In order that land subdivisions may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Town of Mayfield Land Subdivision Regulations", have been approved by the Planning Board on January 4, 1995.

ARTICLE III

PROCEDURE FOR SUBMITTING SUBDIVISION APPLICATIONS

Section 301:

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

ARTICLE IV

SKETCH PLAN/PRE-APPLICATION CONFERENCE PROCEDURES

Section 401: Purpose.

The purpose of this initial step in the subdivision review process is to 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. This Sketch Plan or "pre-application" stage affords the Applicant the opportunity to consult early and informally with the Planning Board before preparation of the preliminary plat and before formal application for approval is made, in order to more efficiently process the application and to save unnecessary expense.

Section 402: Procedures.

A. Request for Pre-Application Conference: Prior to the preparation and submission of a preliminary plat and subdivision application, any owner of land, or his/her duly authorized representative who desires to subdivide his/her property, must contact the Planning Board and request an appointment with the Planning Board for the purpose of scheduling a pre-application conference with the Planning Board to review the Sketch Plan of the proposed subdivision. The Planning Board will notify the owner or his/her duly authorized representative as to the time, date and place of the pre-application conference.

B. Scheduling: The pre-application conference with respect to the Sketch Plan should typically take place at the next regularly scheduled meeting of the Planning Board unless the agenda for such meeting is full. In such case, the conference shall take place at the following regularly scheduled meeting of the Board. The date of submission of the Sketch Plan shall be the date that the pre-application conference is held.

Section 403: Sketch Plan.

A. Submission: After the Applicant has been notified as to the date of the pre-application conference, the Applicant shall submit to the Planning Board, at least five (5) days prior to the conference date, two copies of a Sketch Plan of the proposed subdivision together with a completed Town of Mayfield Sketch Plan Application and Application for Subdivision. The Sketch Plan shall comply with the requirements, and shall contain the information, specified in Paragraph "B" below.

B. Required Specifications for Sketch Plan: The Sketch Plan shall consist of a drawing (based on tax map information or some other similarly accurate base map) at a scale preferably not less than 100(one hundred) feet to 1(one) inch and, together with the Sketch Plan and Subdivision Application, shall show:

- (1) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records;
- (2) The tax map sheet, block, and lot numbers, scale, north arrow and total acreage involved;
- (3) The location and boundaries of the proposed subdivision in relation to municipal boundaries, if any, within 500 feet of the property;
- (4) List the use of all contiguous property, i.e. vacant, agricultural, residential, commercial, industrial;
- (5) Indicate with approximate distances to property line, wells, septic systems and drainage facilities of all contiguous property;
- (6) The proposed layout of lots, including the approximate dimensions and area of lots, the proposed layout of streets, proposed septic systems, including soil percolation test results, potable water supply (supplies) and drainage facilities;
- (7) Location and identification of existing streets and significant natural features (for example, water bodies, steep slopes, wetlands, significant single trees or significant stands of trees within or close to building areas, as well as any historical resources or designated historical structures, sites, or districts);
- (8) Existing permanent buildings, structures and utilities, if any;
- (9) All existing restrictions on the use of the land in question, including easements, covenants and current zoning classification, or any other applicable governmental regulation;
- (10) Such other features as the Applicant may deem pertinent.

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 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 subdivision, as outlined on the submitted Sketch Plan and shall:

- (1) determine whether the proposed subdivision of land will be classified as a Minor or Major Subdivision as defined in these Regulations;
- (2) determine whether the proposed subdivision may involve a Federal agency or one or more other agencies as defined under SEQRA;
- (3) make a preliminary classification of the proposed subdivision as a Type 1 or Unlisted action, as such terms are defined under SEQRA;
- (4) determine whether a full or short Environmental Assessment Form ("EAF") will be required;
- (5) 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;
- (6) 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 405: Report of the Planning Board.

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 §404, above, as well as whether the Sketch Plan meets the purposes of these Regulations and any specific recommendations which are to be incorporated by the Applicant in the next submission to the Planning Board. 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 406: Minor/Major Subdivision Classifications.

A. Effect: If the Planning Board classifies the Sketch Plan as a Minor Subdivision, the Applicant shall then comply with the procedures set forth in Article V of these Regulations. If the Planning Board classifies the Sketch Plan as a Major Subdivision, the Applicant shall then comply with the procedures outlined in Article VI. However, the Planning Board may require that a Minor Subdivision comply with all or certain parts of the requirements specified for Major Subdivisions if the Board deems that such requirements are necessary for the protection of the public health, safety and welfare.

B. Environmental Assessment Form: If the Sketch Plan is classified as a Minor Subdivision, the Planning Board shall provide the Applicant or his/her representative with a short Environmental Assessment Form, unless the Planning Board determines that a full Environmental Assessment Form would be appropriate. If the Sketch Plan has been classified as a Major Subdivision, the applicant or his/her representative shall be provided with a full Environmental Assessment Form. Part I of either the full or short EAF shall be completed by the Applicant or his/her representative and submitted with the Preliminary Plat in the case of a Major Subdivision

or with the final plat in the case of a Minor Subdivision. If a short EAF form is submitted, the Planning Board reserves the right to require supplemental environmental information or the full EAF form if the Planning Board determines such information is necessary pursuant to its further review of the proposed subdivision.

ARTICLE V

PROCEDURES FOR MINOR SUBDIVISIONS

Section 501: Criteria For Minor Subdivision.

A Minor Subdivision is the division of a parcel of land (a) into no more than four (4) lots; (b) all of which front an existing street; (c) which does not involve a new proposed street or extension of municipal facilities; (d) which does not adversely affect the development of the parcel or adjoining properties; (e) which does not adversely affect the surrounding environment (i.e. that the application is appropriate for the issuance of a negative declaration pursuant to SEQRA); (f) which has not been previously subdivided for a period of five (5) years; and (g) is in conformance with the Comprehensive Land Use Plan, if any, the requirements of the Zoning Ordinance, if any, and the objectives of these Regulations. However, even if the above conditions for a Minor Subdivision classification are met, the Planning Board may require that a Minor Subdivision comply with all or certain of the requirements for a Major Subdivision if the Planning Board deems that such requirements are necessary, under the circumstances involved, for the protection of the health, safety and general welfare of the public.

Section 502: Procedures of Minor Subdivisions.

A. Submission of Final Plat: If applicable, provided that the applicant (a) submits a Sketch Plan, and other information as specified in Article IV above; (b) attends the Pre-Application Conference; (c) receives a report from the Planning Board which classifies the proposed four (4) or less lot subdivision as a Minor Subdivision, the Applicant shall submit a Final Plat, a completed EAF Form and the other documents and information specified in Paragraph "B", below, to the Planning Board.

B. Submission Requirements: The Final Plat and other submissions for a Minor Subdivision to the Planning Board shall include the following:

- (1) Eight (8) paper copies of the Final Plat drawn accurately to a scale not less than 100 feet to the inch which shall show:
 - (a) all existing and proposed property lines, present zoning and building setbacks, easements and right-of-way lines with dimensions, bearings or angle data, and curve data.
 - (b) the name and address of the Applicant and record owner if different from the Applicant;
 - (c) the bearings, distances and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed;
 - (d) all contiguous land owned or under purchase contract or option by the Applicant and/or record owner (parcels with large amounts of remaining lands may be shown on an insert map at a small scale, where appropriate, with the permission of the Planning Board);
 - (e) existing adjacent streets;
 - (f) names of owners of all adjacent property;
 - (g) location map, legend, scale and north arrow;
 - (h) location of existing and/or proposed structures, as well as existing or proposed driveways, culverts, water lines, electric and telephone utility lines;

- (i) location and lines of all existing and intermittent water courses, drainage courses, lakes, ponds, wetlands, streams, one hundred (100) year flood plain boundaries, significant stands of trees, and other important land features;
- (j) contour lines with intervals of no more than 5 feet for housing envelope and driveway;
- (k) proposed use of each lot;
- (l) location of existing or proposed water wells (with proof of potable water supply) and septic systems (with percolation tests and any site modifications necessary for the installation of the system)¹;
- (m) the name, address, signature and seal of a professional engineer and/or surveyor duly licensed by the State of New York.

* any of the above requirements may be waived if good cause is shown *

- (2) Short Environmental Assessment Form with Part 1 completed by Applicant (the Planning Board may require the full EAF Form to be submitted where appropriate);
- (3) Proof of payment to the Town Clerk of the fee for a Minor Subdivision Review as determined by the Town Board which is set forth on the fee schedule attached to these Regulations as Appendix “B”; and
- (4) Any other information required by the Planning Board as stated in the Planning Board report issued as a result of the Sketch Plan review and Pre-Application Conference.

The Planning Board reserves the right to waive any of the above mentioned requirements where appropriate.

C. Public Hearing: Within 30 days of the receipt by the Planning Board of a complete Final Plat and other requirements for Minor Subdivisions set forth in Paragraph “B” above, the Planning Board shall schedule and hold a public hearing in accordance with the requirements of Town Law §276.

D. Decision: Within 62 days from the close of the public hearing on the proposed subdivision, the Planning Board shall, by resolution, conditionally approve (with or without modification), disapprove, or grant final approval. In the case of conditional approval, the resolution shall include a statement of the requirements which need to be completed before the Plat will be signed. The time in which the Planning Board must take such action on the Final Plat may be extended by mutual consent of the Applicant and the Planning Board.

E. Notification: The Planning Board shall provide written notification of its decision on the Final Plat by mailing a copy of the resolution granting approval to the application within five (5) business days of the date that the decision was rendered.

¹As an alternative, the Applicant may provide, if an on-site water supply is to be utilized, a note stating that all lot sales be contingent upon a contract addendum for the location of such water supply, water flow capacity, and potability, as well as acceptable conditions for septic systems in accordance with New York State and Fulton County Health Department Standards.

F. Effects of Decisions:

- (1) Final Approval: If the Planning Board grants final approval, the Planning Board shall authorize the signing of the Final Plat as approved for purposes of filing the same with the Fulton County Clerk and the Town Clerk of the Town of Mayfield. The Applicant shall, after notification of such approval, submit two (2) copies of the Final Plat for purposes of signing and filing;
- (2) Conditional Approval: If the Planning Board grants conditional approval, the Planning Board shall empower a duly authorized officer of the Planning Board to sign the Final Plat upon completion of the requirements, including modifications, if any, which are stated in the resolution granting conditional approval. Within five (5) business days of the resolution granting conditional approval, the Final Plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in his/her office and a certified copy mailed to the owner including a certified statement of such requirements which when completed will authorize the signing of the conditionally approved Final Plat. The requirements of the conditional approval must be met and two (2) copies of the Final Plat submitted for signature within one hundred eighty (180) days after the date of the resolution granting conditional approval. The Planning Board may extend the time in which a conditionally approved Final Plat must be submitted for signature, if in the Board's opinion, such extension, not to exceed two (2) additional periods of ninety (90) days each, is warranted under the circumstances.
- (3) Disapproval: If the Final Plat is disapproved, the Planning Board shall state, in writing, the reasons for such disapproval.

ARTICLE VI

REVIEW PROCEDURES FOR MAJOR SUBDIVISIONS

Section 601: Introduction.

If an application for a proposed subdivision of land is classified as a Major Subdivision, pursuant to the Sketch Plan review or otherwise, such proposed subdivision is subject to two formal stages of review, the Preliminary Plat review stage and Final Plat review stage. A separate public hearing shall be held on the Preliminary Plat and the Final Plat unless the Planning Board determines that the hearing for the Final Plat is not necessary pursuant to §610 below.

Section 602: Criteria For Major Subdivision.

A Major Subdivision is any proposed subdivision of land into five (5) or more lots. The Planning Board may also classify a division of land into less than five (5) parcels as a Major Subdivision if such subdivision does not meet the requirements set forth in Article V, §501 for a classification as a Minor Subdivision.

Section 603: Preliminary Plat Submission Requirements.

- A. Submission: For a Major Subdivision, an Applicant shall submit twelve (12) copies of the Preliminary Plat together with a completed EAF Form, Subdivision application and such other documents and information as specified in Paragraph "B" below, to the Planning Board at least seven (7) days prior to a regularly scheduled Planning Board meeting.
- B. Submission Requirements: The Preliminary Plat and other submissions for a Major Subdivision to the Planning Board shall include the following:
 - (1) twelve (12) paper copies of a map clearly marked "Preliminary Plat", drawn accurately to a scale not less than 100 feet to the inch, which shall show:

- (a) all existing and proposed property lines, present zoning and building setback lines, easement and right-of-way lines with dimensions, bearings or angle data, and curve data;
- (b) the name and address of the Applicant and record owner if different from the Applicant;
- (c) the bearings, distances and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed;
- (d) all contiguous land owned or under purchase contract or option by the Applicant and/or record owner (parcels with large amounts of remaining lands may be shown on an insert map at a small scale, where appropriate, with the permission of the Planning Board);
- (e) existing and/or proposed streets; (Planning Board makes no representation as to whether any proposed street will be accepted by Town of Mayfield as a Town Road. Refer to Local Ordinance or State Law concerning this criteria.)
- (f) names of owners of all adjacent property;
- (g) location map, legend, scale and north arrow;
- (h) location of existing and/or proposed structures, water wells and septic systems;
- (i) location and lines of all existing and intermittent water courses, lakes, ponds, wetlands, streams, drainage courses, one hundred (100) year flood plain boundaries and other important land features, such as bedrock outcropping, steep slopes, historic sites, structures or districts;
- (j) contour lines with intervals of no more than 20 feet unless otherwise specified by the Planning Board;
- (k) proposed use of each lot;
- (l) percolation test information and sites of percolation tests;
- (m) identification and location of all significant stands of trees;
- (n) all existing and/or proposed driveway locations;
- (o) location of all existing and proposed electrical utilities;
- (p) the name, address, signature and seal of a professional engineer and/or surveyor duly licensed by the State of New York.

* Any of the above requirements may be waived if good cause is shown *

- (2) Full EAF form with Part I completed by the Applicant;

- (3) A summary table listing the number of lots proposed to be created, the size of each lot, total acreage of the parcel, linear feet of streets and acreage devoted to streets and other right of ways, and acreage devoted to parks, recreational areas and/or open space areas;
- (4) Grading, drainage, erosion control and/or landscaping plans if required by the Planning Board;
- (5) Design of all proposed on-site septic and water supply facilities which meet the minimum standards of the New York State Department of Health and Fulton County.
- (6) Proposed construction detail sheets which show the following information:
 - (a) plans and street profiles of the location and a typical section and cross-section of street pavements, including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable;
 - (b) where steep slopes exist, elevations of all proposed streets shall be shown at every five (5) feet along the center lines of all streets and each property where abutting said street.
- (7) Proof of payment to the Town Clerk of the applicable fee for Preliminary Plat review as determined by the Town Board which is set forth on the fee schedule attached to these Regulations as Appendix “B”; and
- (8) Any other information required by the Planning Board as stated in the Planning Board report issued as a result of the Sketch Plan review and Pre-application Conference.

The Planning Board may, where it deems appropriate, waive any of the above submission requirements.

Section 604: Coordination with SEQRA, Scheduling of Public Hearing.

A. When Preliminary Plat Application is Complete: In accordance with the requirements of SEQRA, a Preliminary Plat application is not complete until either a negative declaration has been filed or until a notice of completion of the draft Environmental Impact Statement (DEIS) has been filed in accordance with the provisions of SEQRA.

B. SEQRA Determinations:

- (1) Planning Board as Single Involved Agency: If the Planning Board is the only “involved agency” with respect to the proposed subdivision, as such term is defined under SEQRA, the Planning Board shall determine the significance of the action (i.e., that the implementation of the project as proposed will not result in any significant effects (negative declaration) or that the implementation of the project as proposed may have a significant effect on the environment (positive declaration) within 20 days of the date the Preliminary Plat is submitted with Part 1 of the EAF completed by the Applicant and the other information specified in Paragraph “B” of §603, above.
- (2) Planning Board with Other Involved Agencies: If other involved agencies are involved with respect to the proposed subdivisions (i.e. have discretionary approval jurisdiction over aspects of the project), the Planning Board shall mail a copy of the Preliminary Plat, EAF and Subdivision Application to all such agencies notifying them that a lead agency must be agreed upon within thirty (30) calendar days of the date the EAF and other documents were mailed to them. If the Planning Board is designated as lead agency it shall determine the significance of the action (as explained in Paragraph “1” above) within twenty (20)

days of the date that it was designated as lead agency. If some other agency is designated as lead agency, the Planning Board shall not proceed further with its Preliminary Plat review procedures until such lead agency determines the significance of the action.

C. Scheduling Public Hearing When Negative Declaration Issued: If the Planning Board, as lead agency, or another agency as lead agency, determines that the implementation of the project as proposed will not have a significant effect on the environment and issues a negative declaration to that effect pursuant to SEQRA, the Planning Board shall schedule and hold a public hearing on the Preliminary Plat within 62 days after the receipt of a complete Preliminary Plat by the Clerk of the Planning Board.

D. Scheduling Public Hearing When Positive Declaration Issued: If the Planning Board or some other agency as lead agency determines that the implementation of the project as proposed may have a significant effect on the environment and issues a positive declaration to that effect pursuant to SEQRA, the SEQRA process shall run concurrent with the Preliminary Plat review procedures to the maximum extent practicable. As such, the Applicant will be obligated to prepare and submit a draft environmental impact statement (“DEIS”) to the Planning Board or such other lead agency. The Planning Board or such other lead agency shall determine whether to accept the DEIS as satisfactory with respect to its scope, content and adequacy for purposes of commencing public review within thirty (30) days of the submission of the DEIS (to be extended by an additional 30-day period if such is necessary). If the Planning Board or other lead agency determines to accept the DEIS as complete, the Preliminary Plat Application shall be deemed complete. As such, the Planning Board shall hold a public hearing with respect to the Preliminary Plat within 62 days of the date that the notice of the completion of the DEIS is filed. Where the Planning Board is lead agency, a joint SEQRA/Preliminary Plat public hearing shall be held. In the situation where another agency is acting as lead agency over the project, the Planning Board will attempt to coordinate the Preliminary Plat hearing and the SEQRA hearing if possible, if not, then the hearing shall be held within 62 days after receipt of a complete Preliminary Plat by the Clerk of the Planning Board.

E. Notice of Public Hearing: The public hearing shall be advertised in the Town’s Official Newspaper at least five (5) days before such hearing if held independently of the DEIS hearing or at least 14 days before such hearing if held jointly with the DEIS hearing. In addition, the Applicant shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road from the proposed boundary lines of the property which is the subject of the hearing and shall also provide notice to such other persons as the Chairman of the Planning Board may direct. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

Section 605: Decisions on Preliminary Plat.

A. Where FEIS Not Required: In the case where the Planning Board or other agency, as lead agency, has not required the submission of a final environmental impact statement (“FEIS”) with respect to the Preliminary Plat application, the Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat within sixty-two (62) days after the public hearing on such Preliminary Plat was closed.

When approving a Preliminary Plat with modification, the Planning Board shall state, in writing, the modifications it deems necessary for submission of the Plat in final form. However, the sixty-two (62) day period in which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the Applicant and the Planning Board.

B. Where FEIS is Required: In the case where the Planning Board or other agency, as lead agency, has required the submission of a final environmental impact statement with respect to the Preliminary Plat application, the lead agency will prepare or cause to be prepared a final environmental impact statement within forty-five (45) days following the close of the public hearing. There shall be at least a ten (10) day consideration period for the final environmental impact statement, after which the lead agency shall issue a written statement of findings with respect to the SEQRA review of the project. Following the filing by the lead

agency of the written findings statement required by SEQRA, the Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat. To the maximum extent practicable, the Planning Board's decision on a Preliminary Plat for which a final environmental impact statement is required, shall occur within thirty (30) days of the filing of such final environmental impact statement. However, the period in which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the Applicant and the Planning Board and/or where the Planning Board or other agency, as lead agency, determines that the additional time is necessary to adequately prepare the final environmental impact statement.

C. Filing Certification: Within five (5) business days from the date of the adoption of the resolution approving the Preliminary Plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

Section 606: Filing of Preliminary Plat.

Within five (5) business days of the adoption of the resolution granting approval of the Preliminary Plat, two (2) copies of the Preliminary Plat shall be certified by the Clerk of the Planning Board as having been granted preliminary approval. The Planning Board shall file one certified copy of the Preliminary Plat in the office of the Planning Board and shall mail one certified copy to the Applicant together with a copy of the resolution granting approval.

Section 607: Revocation of Approval of Preliminary Plat.

The Applicant must submit the Final Plat within six months of the approval of the Preliminary Plat. If the Final Plat is not submitted within six months, approval of the Preliminary Plat may be revoked by the Planning Board.

Section 608: Submission of Final Plat.

A. Submission: Within six (6) months from the date that the Planning Board approved, with or without modification, the Preliminary Plat, the Applicant must submit the final plat to the Planning Board at least seven days prior to a regularly scheduled Planning Board meeting. If the Final Plat is not submitted within the six (6) month time period referred to in the previous sentence and in §607 above, the Planning Board may revoke the Preliminary Plat approval.

B. Submission Requirements: The Final Plat submission shall include the following drawing, documents, information and detail:

- (1) Eight (8) paper copies of a map clearly marked "Final Plat", drawn accurately to a scale not less than 100 feet to the inch, which shall show all information and detail required to be shown on the Preliminary Plat as set forth in §603(B)(1)(a-p) and the modifications, if any, required by the Planning Board at the time of the approval of the Preliminary Plat if such Preliminary Plat had been so approved;
- (2) A final summary table listing the number of lots proposed to be created, the size of each lot, total acreage of the entire parcel, linear feet of streets and total acreage devoted to streets and other right-of-ways;
- (3) Grading, drainage, erosion control and/or landscaping plans if required by the Planning Board;
- (4) Final design of all proposed on-site septic and water supply facilities as approved and endorsed by the New York State Department of Health and the Fulton County Health Department;
- (5) Final construction detail sheets which show the following information:

- (a) plans and street profiles of the location and a typical section and cross-section of street pavements including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable;
 - (b) where steep slopes exist, two (2) foot contour lines shall be delineated in all proposed right-of-ways and any areas of proposed grading or at least within 150 feet of the center line of all streets; and
 - (c) final designs of any bridges, culverts or other such structures.
- (6) An offer of cession in a form approved by the Planning Board of all land included in public right-of-ways, easements and streets not specifically reserved by the Applicant;
 - (7) Letters of recommendations or approvals with respect to the adequacy of the proposed water supply and septic system as required by the Public Health Law and/or the Department of Environmental Conservation, New York State;
 - (8) Deed, easement, or other required description and proof of ownership and title insurance of any land to be ceded to the Town at no cost or expense to the Town;
 - (9) Protective covenants and restrictions in proper form for recording, if applicable;
 - (10) Proof of payment to the Town Clerk of the applicable fee, if any, for Final Plat review as may be determined by the Town Board;
 - (11) Any other information required by the Planning Board as provided at the time of the approval of the Preliminary Plat. The Planning Board reserves the right to, and may, waive any of the above-mentioned Final Plat submission requirements as it deems appropriate.

Section 609: Initial Review of Final Plat.

At the first Planning Board meeting in which the Planning Board considers the Final Plat, the Planning Board shall determine: (1) whether the Final Plat is in substantial agreement with the approved Preliminary Plat; (2) whether any additional information or detail is required to be submitted; and (3) whether further review under SEQRA is required.

Section 610: Final Plats in Substantial Agreement with Approved Preliminary Plats.

When the Planning Board determines that a submitted Final Plat does not have substantive changes and is in substantial agreement with a Preliminary Plat approved pursuant to this Article, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such Final Plat, within sixty-two (62) days of its receipt by the Clerk of the Planning Board. Upon notification of final approval, or conditional approval with or without modifications, the Applicant shall submit two (2) paper copies of the Final Plat as so approved for purposes of signing and filing.

Section 611: Final Plats Not in Substantial Agreement with Approved Preliminary Plats.

A. Further SEQRA Review: If the Planning Board determines that a submitted Final Plat is not in substantial agreement with the approved Preliminary Plat, the Planning Board shall either issue a new determination of significance and/or require a draft or supplemental environmental impact statement, whichever may be appropriate under the circumstances of the SEQRA review conducted at the Preliminary Plat review stage.

B. Scheduling Public Hearing: If a draft or supplemental environmental impact statement is not required by the Planning Board or other lead agency designated for the project, the Planning Board shall schedule

and hold a public hearing within sixty-two (62) days of the receipt by the Planning Board Clerk of the Final Plat and other required documents as specified in §608 above. If a draft or supplemental environmental impact statement is required, the public hearing shall be scheduled and held within sixty-two (62) days of the date that such environmental impact statement has been accepted as complete by the Planning Board or other lead agency over the project. The Planning Board will attempt to coordinate the public hearing on the Final Plat with the public hearing on the environmental impact statement, if possible, if not, then the hearing shall be held within sixty-two (62) days following the filing of the notice of completion.

C. Notice of Public Hearing: The public hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing if held independently of the DEIS hearing, or at least fourteen (14) days before such hearing if held jointly with the DEIS hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final Plat. The hearing on the final Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

D. Decision on Final Plat: If a supplemental or final environmental impact statement is not required by the Planning Board or other lead agency designated for the project; the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat, within sixty-two (62) days after the date of the public hearing. If a supplemental or final impact statement has been required, the Planning Board's decision on the Final Plat shall occur within the time period set forth in §605 B. The grounds for modification(s), if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

Section 612: Extension of Time.

Notwithstanding the foregoing provisions of this Article, the time in which the Planning Board must take action on any plat may be extended by mutual consent of the Applicant and Planning Board.

Section 613: Endorsement of State and County Agencies.

A. Department of Health: Water and septic facility proposals contained in the Final Plat shall be properly endorsed and approved by the Department of Health. Applications for approval of plans for sewer and water facilities shall be filed by the applicant with all necessary Town, County and State Agencies.

B. Transportation/Public Works Department: Ingress and egress onto County or State roads must bear the proper endorsement of the County Highway Department or the New York State Department of Transportation.

C. And any other appropriate agency, including but not limited to, Adirondack Part Agency and Hudson River/Black River Regulating District.

Section 614: Approval and Certification of Final Plats.

A. Certification of Plat: Upon resolution granting conditional approval of a Final Plat, the Planning Board shall empower a duly authorized officer to sign the Plat subject to completion of any requirements as may be stated in the resolution. Within five (5) business days of such resolution the Plat shall be certified by the clerk of the Planning Board as conditionally approved and a copy of such resolution and Plat shall be filed in such clerk's office. A certified copy of the resolution shall be mailed to the owner, which copy shall include a statement of such requirements which when completed will authorize the signing of the conditionally approved Final Plat.

B. Duration of Approval: Upon completion of such requirements, the Plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a Final Plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as completed.

C. Extension of Time: Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved Plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, which shall not exceed two additional periods of ninety (90) days each.

Section 615: Approval of Plat in Sections.

In granting conditional or final approval of a Plat in final form, the Planning Board may permit the Plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the Plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of sections of a Final Plat, may be granted concurrently with conditional or final approval of the entire Plat, subject to any requirements imposed by the Planning Board.

Section 616: Assistance to Planning Board.

The Planning Board has the authority to call upon any department, agency or employee of the Town for such assistance in reviewing subdivision applications and Plats as shall be deemed necessary and as shall be authorized by the Town Board. The Planning Board may also hire and retain consultants in order to assist the Board with SEQRA review of applications and/or review of applications and Plats, when the Planning Board deems such expert assistance is necessary in order for the Board to properly carry out its functions and duties. The Planning Board, if duly authorized by the Town Board, may require the Applicant to reimburse the Planning Board for such consultant costs and/or to set up an escrow account with the Town for purposes of reimbursing the Board for such consultant costs.

Section 617: Expiration of Approval For Failure to File Final Plat.

A. The signature of the duly authorized officer of the Planning Board constituting final approval of the Planning Board of a Plat as herein provided; or the approval by the Planning Board of the development of a Plat or Plats already filed in the office of the Fulton County Clerk if such Plats are entirely or partially undeveloped; or the certificate of the town clerk as to the date of the submission of the Final Plat and the failure of the Planning Board to take action within the time herein provided, shall expire within sixty-two (62) days from the date of such approval, or from the date such certificate is issued, unless within such sixty-two (62) day period such Plat or a section thereof shall have been duly filed or recorded by the owner in the office of the County Clerk.

B. In the event the owner shall file only a section of such approved Plat in the office of the County Clerk the entire approved Plat shall be filed within thirty (30) days of the filing of such section with the town clerk in each town in which any portion of the land described in the Plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved Plat and the approval of the 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 subdivision two of §265-a of this Article 16 of the Town Law.

ARTICLE VII

DEFAULT APPROVAL OF PRELIMINARY OR FINAL PLAT

Section 701:

The time periods prescribed herein within which the Planning Board must take action on a preliminary Plat or a final Plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a preliminary Plat or a final Plat within the time prescribed therefor, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such preliminary or final Plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the preliminary or

final Plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

ARTICLE VIII

HARDSHIP

Section 801:

Where the Planning Board finds that practical difficulty or extraordinary hardship, because of exceptional narrowness, shallowness or shape of the specific parcel or because of unusual topographic conditions or other unusual physical conditions of the specific parcel may result from strict compliance with these regulations in the specific case, so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of the master plan, if one exists, or these regulations. In granting a variance, the Planning Board may require such conditions as will in its judgment, secure substantially the objectives of the subdivision regulations.

ARTICLE IX

VIOLATIONS AND PENALTIES

Section 901:

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance after written notice, shall be fined not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200), for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs and continues.

ARTICLE X

SEVERABILITY

Section 1001:

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XI

COURT REVIEW

Section 1101:

Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within 30 days after the filing of the decision in the office of the Planning Board, as all set forth in §282 of the Town Law.

APPENDIX A DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purposes of these Regulations, have the meaning indicated as follows:

- A. **Agricultural Land:** Land used for the production or raising of crops, animals or animal products, the selling of such products grown on premises and any other commonly accepted agricultural operations, except animals or crops raised for personal consumption or recreational purposes. The term agricultural land also includes lands which are managed for commercial timber purposes.
- B. **Applicant:** The owner, lessee or contract vendee of land, including the authorized representative of such owner, lessee or contract vendee, who submits a sketch plan, preliminary plat or final plat to the Planning Board for the purposes of subdividing such land.
- C. **Buildable Area:** The particular dimensional area within a buildable lot or parcel of land on which the proposed structure(s) can be located and built within required setbacks and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.
- D. **Buildable Lot:** A lot on which the proposed structures can be located and built within required setbacks and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.
- E. **Comprehensive Plan:** The Town of Mayfield Comprehensive Land Use Plan, if any, adopted by the Town Board of the Town of Mayfield and as may be amended or revised from time to time. Said Comprehensive Plan discusses and set forth planning and development policies of the Town of Mayfield.
- F. **Designated Historic Structure/Site/District:** Any building, structure, site, parcel or district which is officially designated on the National Register of Historic Places, the New York State Register of Historic Places or by the Town of Mayfield.
- G. **EAF:** The Environmental Assessment Form which is required to be completed and submitted in conjunction with all subdivision applications which are subject to SEQRA. There are two different types of EAF forms, the full EAF and the short EAF.
- H. **Easements:** The authorization or conveyance of a property right by a property owner to another party to use a designated part of the owner's property for a stated particular purpose or purposes.
- I. **Environmental Impact Statement of "EIS":** A document prepared in accordance with SEQRA, (particularly sections 617.8 and 617.14 of 6 NYCRR part 617) which is circulated for review and comment. The EIS may take the form of and be designated as a draft, final, or supplemental.
- J. **Final Plat:** A map or drawing which is prepared in the manner prescribed by these Regulations, that shows a proposed subdivision and such additional information as may be required by these Regulations and the modifications, if any, required by the Planning Board at the time of the approval of the Preliminary Plat if such Preliminary Plat has been approved.
- K. **Involved Agency:** An agency that has legal jurisdiction to make a discretionary decision to fund, approve or directly undertake an aspect of the proposed project.
- L. **Lead Agency:** An involved agency which is principally responsible for carrying out, funding or approving the proposed project and which takes the lead role in conducting the SEQRA review of the proposed project.

M. Lot: A parcel of land occupied or designed to be occupied by one (1) principal building and use and the accessory buildings or uses customarily incident to it, including such open spaces as are required by the Zoning Law, if any, or these Regulations.

N. Major Subdivision: A classification applied to any proposed subdivision in which land is to be divided into more than four lots. Said term also includes any proposed division of land into no more than four lots which does not meet the requirements set forth in Article V of these Regulations for a Minor Subdivision.

O. Minor Subdivision: A classification applied to any proposed subdivision in which land is to be divided into no more than four lots and which also meets the criteria specified in §501 of Article V of these Regulations.

P. Negative Declaration: A written determination, in accordance with SEQRA, by a lead agency that the implementation of the project as proposed will not result in any significant environmental effects.

Q. Official Newspaper: The newspaper designated by the Town of Mayfield as the official publication for purposes of publishing media notices.

R. Parcel: A tract of land which has legally defined boundaries and includes any tract of land which comprises or contains contiguous parcels separately acquired or separately delineated by deed and/or tax map identification but held in common ownership. For purposes of this definition, contiguous parcels shall include those parcels separated by a road or roads but which are held in common ownership.

S. Performance Bond: An obligation in writing, under seal, issued by a surety company satisfactory to the Planning Board binding the surety to pay a sum of money to the Town, if the Applicant fails to satisfactorily install and/or maintain improvements as may be required by the Planning Board as part of its approval.

T. Planning Board: The duly appointed Planning Board of the Town of Mayfield.

U. Plat: A drawing(s) or map(s) setting forth a proposed layout of lots and proposed streets, if any, and such other information as is required under these Regulations.

V. Positive Declaration: A written statement prepared in accordance with SEQRA by the lead agency indicating that the implementation of the action as proposed may have a significant effect on the environment and that an environmental impact statement will be prepared.

W. Pre-Application Conference: The meeting of the Planning Board at which the Applicant presents a Sketch Plan of a proposed subdivision for purposes of discussing the requirements of these regulations as applied to the proposed subdivision and the feasibility of such project.

X. Preliminary Plat: A drawing or drawings clearly marked "Preliminary Plat" prepared in the manner specified in Article VI of these Regulations, showing the layout of a proposed subdivision which complies with, and contains, the information specified in §603 of these Regulations.

Y. Regulations: The body of these Regulations, officially entitled and known as the "Subdivision Regulations of the Town of Mayfield", as adopted by the Planning Board on January 4, 1995, and approved by the Town Board on 01-21-1995, and as may be amended or revised from time to time.

Z. SEQRA: The State Environmental Quality Review Act as codified in Article VIII of the Environmental Conservation Law and the implementing regulations codified in Title 6 of the New York Code of Rules and Regulations Part 617.

AA. Setback: The distance between the road line and a building, structure or use, measured from the right-of-way of the road line to the nearest point of the building, structure or use. The setback from a stream or other watercourse or body shall be the distance between the shoreline and a building structure or use, measured from the mean high water mark to the nearest point of the building, structure or use.

BB. Sketch Plan: The sketch or initial drawing of a proposed subdivision showing the information specified in §403 of Article IV of these Regulations for the purposes of the initial discussion between the applicant and Planning Board regarding the proposed layout and objectives and requirements of these regulations.

CC. Street: Means a public or private way for vehicular traffic and includes the terms, roads, highway, thoroughfare, avenue, lane and other such terms.

DD. Subdivision: The division of any parcel of land into two or more parcels, lots, plots, sites of land 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.

EE. Submission Date: For purposes of these Regulations, the submission date shall be the first regularly scheduled Planning Board meeting after receipt by the Planning Board of the preliminary plat, final plat or any other submission.

FF. Surveyor: A person licensed as a land surveyor by the State of New York.

GG. Town: The Town of Mayfield, a municipal corporation, as defined by §2 of Town Law.

HH. Town Board: The duly elected legislative body of the Town of Mayfield, organized and existing pursuant to §60 of the Town Law.

II. Town Engineer: The duly designated engineer, or retained consulting engineer, of the Town of Mayfield.

JJ. Wetland: Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act (ECL §24-0107), whether or not designated or delineated and/or mapped by the New York State Department of Conservation, any Federal agency or the Town of Mayfield.

APPENDIX B

FEE SCHEDULE FOR SUBDIVISION REVIEW PROCESS

<u>Minor Subdivision Review</u>	\$25.00 + \$15.00 per additional lot (e.g. 2-lot subdivision = \$40.00)
<u>Preliminary Plat Review for Major Subdivision</u>	\$50.00 + \$25.00 per additional lot (e.g. 5-lot subdivision = \$150.00)
<u>Final Plat Review for Major Subdivision</u>	Engineering and legal fees incurred by the Town in reviewing the project