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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County, City, Town, Village

of Tyre

Local Law No. 1 of the Year 2018

A local law "Town of Tyre Amended and Restated Land Subdivision Regulations."

(Insert Title)

Be it enacted by the Town Board of the ~~(County)~~ (City) (Town) ~~(Village)~~ of Tyre, as follows:

[See Full Text Attached]

1. (Final Adoption by Local Legislative Body Only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2018, of the ~~(County)~~ (City) (Town) ~~(Village)~~ of Tyre was duly passed by the Town Board of the Town of Tyre on June 21, 2018, in accordance with the applicable provisions of law.

2. ~~(Passage by Local Legislative Body with Approval, No Disapproval or Re-passage After Disapproval by the Elective Chief Executive Officer*).~~

I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the ~~(County)~~ (City) (Town) ~~(Village)~~ of _____ was duly passed by the _____ on _____, 20____ and was

(Name of Legislative Body)

~~(approved)~~ (not disapproved) ~~(repassed after disapproval)~~ by the _____

τ

(Name of Chief Executive Officer)

and was deemed duly adopted on _____, 20____ in accordance with the applicable provisions of law.

3. ~~(Final Adoption by Referendum.)~~

I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the ~~(County)~~ (City) (Town) ~~(Village)~~ of _____ was duly passed by the _____ on _____, 20____, and was ~~(approved)~~ ~~(not disapproved)~~ ~~(repassed after disapproval)~~ by the _____ on _____, 20____. Such Local Law was submitted to the people by reason of a ~~(mandatory)~~ (permissive) referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on _____, 20____, in accordance with the applicable provisions of law.

4. _____ (Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, _____, and was approved/not disapproved/repassed after disapproval by the _____ on _____, _____. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto Local Laws or Ordinances.

5. _____ (City Local Law Concerning Charter Revision Proposed by Petition.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on _____, _____, became operative.

6. _____ (County Local Law Concerning Adoption of Charter.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to the subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification).~~

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original Local Law and was finally adopted in the manner indicated in Paragraph 1, above.

Elizabeth Sutterby, Town Clerk
Clerk of the County Legislative Body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____

TOWN OF TYRE

**AMENDED AND RESTATED LAND
SUBDIVISION REGULATIONS**

Local Law No. 1 – 2018

Contents

Article I.	General Provisions	1
§ 1.	Planning Board authorized to approve plats; declaration of policy; title.	1
§ 2.	Definitions.	2
§ 3.	Approval Required for All Subdivisions.	6
§ 4.	Payment of Fees, Costs, etc.	6
§ 5.	Penalties for Offenses.	7
Article II.	Procedure for Filing Subdivision Applications	7
§ 1.	Overview of Application Process.	7
Article III.	Minor Subdivision Review Procedure.	8
§ 1.	Pre-application Conference.	8
§ 2.	Minor Subdivision Waiver.	9
§ 3.	Submission of Application and Fees.	9
§ 4.	Acceptance of Completed Application.	10
§ 5.	Official Submission Date.	10
§ 6.	Zoning Variances to be Referred to ZBA.	10
§ 7.	Public Hearing.	10
§ 8.	Action on Application.	10
§ 9.	Approval and Certification of Plat.	11
§ 10.	Filing of Plat.	11
§ 11.	Modification of Designs After Approval.	11
Article IV.	Minor Subdivision Application Requirements.	12
§ 1.	Required Contents of Minor Subdivision Application.	12
§ 2.	Minor Subdivision Plat Requirements.	12
§ 3.	Minor Subdivision Lot Design.	13
§ 4.	Minor Subdivision Waivers.	14
Article V.	Major Subdivision Review Procedure.	14
§ 1.	Pre-application conference.	15
§ 2.	Submission of Application for Preliminary Plat Approval.	15
§ 3.	Preliminary Plat Application Requirements.	15
§ 4.	Acceptance of Completed Application.	16
§ 5.	Official Submission Date.	16
§ 6.	Zoning Variances to be Referred to ZBA.	17
§ 7.	Study of preliminary plat.	17
§ 8.	Public Hearing on Preliminary Plat.	17
§ 9.	Planning Board Action on Preliminary Plat.	17
§ 10.	Effect of Approval.	18
§ 11.	Submission of Application for Final Plat Approval.	18
§ 12.	Final Plat Application Requirements.	18
§ 13.	Official Submission Date.	19
§ 14.	Referral to County Planning Board.	19
§ 15.	Action on Final Plat Application/Public Hearing.	20
§ 17.	Certification of the plat.	21
§ 18.	Default approval of preliminary or final plat.	21
§ 19.	Plat void if revised after approval.	22

§ 20.	Signing of plat.	22
§ 21.	Guarantees for Required Improvements.	22
§ 22.	Offers of cession and release.	23
§ 23.	Filing of approved subdivision plat.	24
§ 24.	Public Acceptance of Improvements.	24
§ 25.	Modification of designs after approval.	25
§ 26.	Approval of plats in sections.	25
§ 27.	Re-subdivision.	25
§ 28.	Initiation of land sales or construction.	25
Article VI.	Development Standards for Major Subdivisions	26
§ 1.	Consideration by Planning Board.	26
§ 2.	Character of land; conformity to Official Map and Comprehensive Plan.	26
§ 3.	Design standards.	26
Article VII.	Improvements.	31
§ 1.	General regulations.	32
§ 2.	Permitted modifications.	33
Article VIII.	Major Subdivision Plats	34
§ 1.	Preliminary Plat Requirements.	34
§ 2.	Construction detail sheets.	36
§ 3.	Final Plat Requirements.	37
Article IX.	Waivers	38
§ 1.	Waivers.	38
§ 2.	Conditions.	38
Article X.	Reimbursable costs.	38
Article XI.	Severability.	39
Article XI.	Effective date.	39

Local Law #1 of 2018: SUBDIVISION OF LAND

Article I. General Provisions

§ 1. Planning Board authorized to approve plats; declaration of policy; title.

- A. Title: This Local Law shall be known as “The Town of Tyre Amended and Restated Land Subdivision Regulations.”
- B. By the authority of Articles 2 and 3 of Municipal Home Rule Law and Article 16 of the Town Law of the State of New York , the Planning Board of the Town of Tyre is hereby authorized and empowered to: (i) approve preliminary and final plats showing lots, blocks, or sites, with or without streets or highways, within that part of the Town of Tyre outside the limits of any incorporated village; (ii) approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County prior to the appointment of the Planning Board; and (iii) to enforce the terms of this Local Law entitled “Town of Tyre Land Subdivision Regulations,” in accordance with its terms..
- C. Legislative Findings: The Town Board finds and determines that this Local Law is necessary to provide for the future growth and development of the Town and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. 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. The Town Board further finds that whenever land is to be subdivided, the proposed subdivision must be reviewed by the Planning Board to assure that it is of such character that it can be used safely for building purposes without danger to health, safety or peril from fire, flood, or other menace; that proper provision shall be made for, access, 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 of transportation conforming to the Official Map, if such exists, and shall be properly related to the goals reflected in the Town of Tyre Comprehensive Plan, and shall be of such width, grade, and location as to safely accommodate the prospective traffic, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.
- D. In order that land subdivision may be made in accordance with this policy, the Town Board adopted the "Town of Tyre Land Subdivision Regulations," which were initially adopted by the Town Board on, June 18, 2015 as Local Law #3 – 2015.
- E. This Local Law is intended to amend, restate, replace and supersede Local Law No. 3 – 2015, as it contains substantial amendments to Local Law #3 – 2015 that clarify and enhance the regulations pertaining to both major and minor subdivision reviews, inserts new and additional definitions of terms, and improves the syntax and context in several other areas of the regulations. The Planning Board has reviewed the within Local Law

and recommended the adoption of same on February 27, 2018. The Town Board finds and determines that it is necessary and appropriate to adopt the amended and restated Subdivision Regulations as recommended by the Planning Board.

§ 2. Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

AGRICULTURAL DATA STATEMENT

An identification of land used for agricultural purposes, such as land used in agricultural production, farm buildings, equipment and farm residential buildings which are within an agricultural district and which are also located within five hundred (500) feet of the boundary of property upon which a subdivision of land is proposed; pursuant to Town Law § 283-a.

AGRICULTURAL DISTRICT

A district as established pursuant to the provisions of Agricultural and Markets Law Article 25 AA.

APPLICANT

Any person, corporation, partnership or association who proposes to subdivide a lot or parcel of land. Also referred to herein as a “subdivider”.

APPLICATION FEE

The fee payable to the Town of Tyre and is required to accompany every application for subdivision approval whether major or minor. The amount of the application fee shall be established by resolution by the Town Board of the Town of Tyre and may be amended from time to time in like fashion.

COMPREHENSIVE PLAN

A town-wide development plan approved by the Town Board on February 20, 2014 pursuant to § 272-a of the Town Law, which sets forth the general developmental policies, guidelines and recommendations for the Town of Tyre, including any amendments thereto.

CUL-DE-SAC

A short street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

DRAINAGE RIGHT-OF-WAY

The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

EASEMENT

The lands created through authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

FINAL PLAT

The final drawing or drawings indicating the manner or layout of the subdivision to be submitted to the Planning Board for its consideration and meeting the requirements of Article IV, § 2 in the case of a minor subdivision and Article VIII, § 3 in the case of a major subdivision.

LOT

Land occupied or capable of being occupied by a Building and its accessory Buildings, together with such open spaces as are required, created in compliance with Town ordinances and local laws, having not less than the minimum area, width, depth and all other requirements for the zoning district in which said land is located, as set forth in the Zoning Law, and in compliance with all other applicable laws, rules and regulations.

OFFICIAL MAP

The map established by the Town Board under § 270 of the Town Law or maps contained within the Town’s Comprehensive Plan showing the streets, highways, and parks heretofore laid out, adopted, and established by law, and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

OFFICIAL SUBMISSION DATE

The date, as established by the Planning Board, when the Planning Board determines that an application for subdivision approval is deemed complete, meeting all of the requirements of this Local Law and as provided in §276 of the Town Law. An application shall not be deemed complete until 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 the State Environmental Quality Review Act.

PARCEL

Any area of land established by plat, subdivision or as otherwise permitted by law, regardless of whether it is defined as a "lot" or whether it is to be developed or built upon as a unit.

PERFORMANCE BOND OR GUARANTY

Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

PLANNING BOARD

The Town of Tyre Planning Board as established pursuant to the provisions of Article 16 of the Town Law.

PLAT

A map of a subdivision.

PLOT PLAN

A surveyor's plat constructed from deed descriptions and actual physical building or improvement measurements.

PRELIMINARY PLAT

The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for its consideration and meeting the requirements of Article VIII, § 1.

RESUBDIVISION

Revision of all or part of an existing filed plat, including consolidation of lots.

ROAD, PRIVATE

Any driveway, right-of-way or vehicular access which is not intended to be used by the public.

ROAD, PUBLIC

Any vehicular way, whether or not identified as a "street" on a plat which is submitted to the Planning Board, and which is an existing State, County or Town roadway; or is shown upon a plat approved pursuant to law as a public road; or is approved by other official action; or is shown on a plat duly filed in the office of the County Clerk prior to the grant of plat approval authority to the Planning Board; and includes the land between the road lines, whether improved or unimproved.

SKETCH PLAN

A representational drawing of a proposed subdivision showing the information specified in either Article III, § 1 or Article V, § 1 of these regulations to enable the subdivider to discuss with the Planning Board the subdivider's intended layout and objectives, as well as be informed of what will be required of the subdivider in order to comply with these regulations.

STREET

Any street, avenue, boulevard, road, lane, parkway, alley, or other way which is an existing State, County, or Town roadway or way shown upon a plat theretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the County Clerk of Seneca County prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking area, and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

A. ARTERIAL STREETS

Those which are used primarily by a heavy volume of traffic.

B. COLLECTOR STREETS

Those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

C. MINOR STREETS or LOCAL RESIDENTIAL STREETS

Those which are used primarily for access to the abutting properties.

D. MARGINAL SERVICE STREETS

Streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

E. ALLEYS

Minor ways which are used primarily for vehicular service to the back or the side of properties otherwise abutting on a street.

STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

The width of the right-of-way or the distance between property lines on the opposite sides of a street.

SUBDIVIDER

Any person, firm, corporation, partnership, or association, or their agent who shall cause a lot or parcel of land to be subdivided.

SUBDIVISION

The division of any parcel of land into two or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development and shall include re-subdivision. The public acquisition by purchase of strips of land for the widening or opening of streets and subdivisions creating separate tax parcels approved by the Town Board as part of a Planned Unit Development shall not be included within this definition nor subject to these regulations.

A. MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.

B. MINOR SUBDIVISION

Any subdivision containing not more than four lots fronting on an existing street, not involving the creation of any new street or public road or the extension of municipal facilities or other structural public improvements and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official

Map, or Town of Tyre Zoning Law, if such exists, or these regulations. In determining whether a proposed subdivision is a major or minor subdivision, the Planning Board shall consider the number of lots resulting from any re-subdivision of previously subdivided lots or subdivision of adjacent lots over a four (4) year period from the date of the original subdivision.

SUBDIVISION PLAT OR FINAL PLAT

A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the Seneca County Clerk.

TOWN DEVELOPMENT PLAN, COMPREHENSIVE PLAN, TOWN PLAN OR MASTER PLAN

A composite of the mapped and written proposals recommending the physical development of the Town prepared by the Planning Board pursuant to § 272-a of the Town Law which indicates the general locations recommended for various public works and reservations and for the general physical development of the Town and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

TOWN ENGINEER

The duly designated engineer of the Town of Tyre.

ZONING ORDINANCE

The officially adopted Town of Tyre Zoning Law, Local Law #1 of 1991, as amended and updated.

§ 3. Approval Required for All Subdivisions.

No subdivision of any lot or parcel of land shall be allowed within the Town of Tyre except in conformance with the provisions of this Local Law as the same may be amended from time to time.

§ 4. Payment of Fees, Costs, etc.

No application for subdivision approval, whether major or minor, shall be acted upon by the Planning Board unless it is accompanied by the application fee established by the Town Board. In addition to the application fee, the applicant shall be responsible for the payment of all costs and expenses related to the application and chargeable to the application by the Planning Board, such as the cost and expense of site plan reviews, publication of notices, conducting public hearings, consulting fees, legal fees, engineering expenses, inspection expenses, bad check charges, State environmental quality reviews, appeals, variances, special use permits and other administrative actions. (See also, Article X below). The Planning Board, at its sole discretion, may require payment by the applicant, at the time the application is submitted, of such an amount as may be established by the Planning Board to cover the cost of such anticipated expenses related to the application. No action will be taken by the Planning Board at the time of

preliminary plat approval or final plat approval unless full payment of such costs and expenses to the date of such approval has been received by the Planning Board. Provided further that the subdivider shall remain liable for all costs and expenses incurred by the Town subsequent to either preliminary or final plat approval in accordance with Local Law No. 4 – 2014.

§ 5. Penalties for Offenses.

- A. Any violation of this chapter is an offense punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than one thousand dollars (\$1000) nor more than one thousand five hundred dollars (\$1,500) or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000) or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- B. The Town Board may institute any appropriate action or proceedings to prevent unlawful division of land, to restrain, correct or abate any violation of this chapter or to prevent the use or occupancy of said land; and upon the refusal of the Town Board to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the Town so to proceed, any three (3) taxpayers of the Town residing in the zoning district wherein the violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such Town Board is authorized to do.

Article II. Procedure for Filing Subdivision Applications

§ 1. Overview of Application Process.

All applicants for proposed subdivisions shall follow the procedures for either minor or major subdivision approval as summarized below:

- A. Minor subdivision:
 - (1) Pre-application conference.
 - (2) Submission of application for final plat approval containing all of the information and conforming to the standards required by Article IV.
 - (3) Planning Board review.

- (4) Public hearing.
- (5) Planning Board action on final plat.
- (6) Filing of plat in office of County Clerk by subdivider.

B. Major subdivision:

- (1) Pre-application conference.
- (2) Submission of application for preliminary plat approval containing all of the information required by Article V. The lot designs shall comply with the Design Standards set forth in Article VI. All improvements for the subdivision shall be designed and constructed in conformance with Article VII. Major subdivision plats shall comply with Article VIII.
- (3) Planning Board review.
- (4) Public hearing.
- (5) Planning Board action on preliminary plat.
- (6) Submission of application for final plat approval containing all of the information required by Article V, §12.
- (7) Planning Board review.
- (8) Public hearing.
- (9) Planning Board action on final plat.
- (10) Filing of plat in office of County Clerk by subdivider.

Article III. Minor Subdivision Review Procedure.

All applicants for minor subdivision review and approval shall comply with the following procedures:

§ 1. Pre-application Conference.

Prior to the submission of a formal application, all potential subdividers shall meet with the Planning Board or its appointed representative(s) and present them with a sketch plan showing the requirements of land, street improvements, drainage, sewerage, water, fire protection, and similar aspects as well as the availability of existing services. The purpose of these conferences is for the applicant to inform the Planning Board of the details of the proposed subdivision and to allow the Planning Board to advise the applicant of the following:

- A. The potential classification of the subdivision as minor or major.
- B. The required information necessary to comply with the State Environmental Quality Review Act.
- C. The potential involvement of other government agencies in the review process.
- D. The potential impact the proposed subdivision will have on existing wetlands, floodplains, and other relevant geographical or topographical features.
- E. The need for an agricultural data statement.
- F. Any other information that the Planning Board may require of the applicant that will enable the Planning Board to fully consider and review all relevant and potential impacts of the proposed subdivision, including without limitation: (i)

compatibility with the Town's Comprehensive Plan, (ii) compliance with the Town's Zoning Code, (iii) that proper provision shall be made for, access, drainage, water supply, sewerage, and other needed improvements; (iv) 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; (v) that the proposed streets shall compose a convenient system of transportation conforming to the Official Map, as well as existing traffic patterns and controls and shall be of such width, grade, and location as to safely accommodate the prospective traffic, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings; and (vi) that proper provision shall be made for open spaces for parks and playgrounds. The foregoing is not a comprehensive list, but rather, illustrative of the items that the Planning Board may consider as relevant to the specific subdivision being proposed.

§ 2. Minor Subdivision Waiver.

If the Planning Board determines, in its sole discretion, that the proposed subdivision is of minor significance, the Planning Board may waive certain requirements as set forth in this Local Law in such cases where the Planning Board finds that such requirements are either not relevant to the proposed subdivision or are not needed for the Planning Board to fully consider and review the application. Such waiver shall be made by resolution and shall include the following findings:

- A. The proposed subdivision does not involve the creation of more than four (4) lots.
- B. The applicant has provided evidence acceptable to the Planning Board that all lots shall conform to the requirements of the Zoning Law. Such evidence may consist of proposed deeds, plot plans or surveys of all the lands included in the proposed subdivision or of part of the lands included in the proposed subdivision where such part provides the Planning Board with evidence sufficient to make a determination.
- C. The proposed subdivision will not have a significant adverse impact on the environment pursuant to 6 NYCRR Part 617.

The foregoing authority to waive certain requirements is granted to the Planning Board to allow it the flexibility to expedite the review process for a proposed minor subdivision where the Planning Board finds, in its sole discretion, that the proposed subdivision will have minimal impacts on the surrounding properties and the community.

§ 3. Submission of Application and Fees.

All application and fees for minor subdivision approval shall be submitted by the subdivider to the Planning Board at least fourteen (14) days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article IV, § 1. The subdivider shall also bear the cost of mailing any agricultural data statements, if required.

§ 4. Acceptance of Completed Application.

The Planning Board shall consider the application for completeness and shall classify the subdivision as minor or major, make a State Environmental Quality Review declaration of environmental significance pursuant to 6 NYCRR Part 617 and determine if the agricultural data statement, if required, be submitted to adjacent land owners and other planning agencies. In addition, the Planning Board may require, when it deems it necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with some or all of the requirements specified for major subdivisions in these regulations.

§ 5. Official Submission Date.

The Planning Board shall establish, by resolution, an official submission date for the application. Such date shall be the date that all of the following have occurred:

- A. The Planning Board finds and determines that the application is complete, that it contains all of the information required under Article IV, § 1 below, and includes all of the information requested by the Planning Board during the pre-application conferencing process.
- B. A negative declaration has been filed or a notice of completion of the DEIS has been filed in accordance with the provisions of the State Environmental Quality Review Act.

§ 6. Zoning Variances to be Referred to ZBA.

To the extent that one or more lots set forth in a proposed subdivision are not in compliance with the Town Zoning Ordinance, it shall be the applicant's responsibility to obtain all necessary and appropriate variances from the Town Zoning Board of Appeals prior to requesting consideration by the Planning Board of his or her application. The Planning Board will neither commence nor continue a review of an application whenever the need for such variances becomes apparent.

§ 7. Public Hearing.

Upon completion of the pre-application process, and the Planning Board determination of the Official Submission Date, the Planning Board shall hold a public hearing regarding the completed application. This hearing shall be held within sixty-two (62) days of the official submission date of the application, as established under Article III, § 5 above. The subdivider shall attend the hearing. This hearing may also fulfill the requirements of the State Environmental Quality Review Act⁴ for the draft environmental impact statement, where such hearing may be required. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing.

§ 8. Action on Application.

The Planning Board shall by resolution, conditionally approve, with or without modifications,

disapprove, or grant final approval to the application. Such action shall be taken within sixty-two (62) days of the public hearing. The time in which the Planning Board must act may be extended by mutual consent of the subdivider and the Planning Board. The subdivider shall be notified of the final action of the Planning Board. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provisions violated by the application.

§ 9. Approval and Certification of Plat.

- A. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the minor subdivision plat, such plat shall be certified by the Clerk of The Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the subdivider/owner.
- B. In the case of a conditionally approved plat, such resolution shall set forth the requirements which, when completed, will authorize the signing thereof. Conditional approval of an application shall expire one hundred and eighty (180) days after the date of the resolution granting conditional approval. The Planning Board may extend the time to complete such conditions, not to exceed two (2) additional periods of ninety (90) days each.
- C. Upon the Planning Board's final approval that the requirements stated in the conditional approval resolution have been satisfactorily completed, the Planning Board Chair shall sign the plat granting final approval. A copy of the signed plat shall be filed in the office of the Town Clerk.

§ 10. Filing of Plat.

- A. The subdivider shall file the plat, as approved, in the office of the Seneca County Clerk within sixty-two (62) days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the Planning Board for approval before filing in the office of the County Clerk.
- B. When filing a plat which has been approved pursuant to the provisions of this Local Law, a copy of the plat shall be filed with the Town Clerk who shall make appropriate notations and references thereto in the Town Zoning Law or Map.
- C. The plat to be filed in the office of the County Clerk shall be prepared and printed in a manner that is consistent with the requirements of Real Property Law § 334 and any other applicable law, rule or regulation.

§ 11. Modification of Designs After Approval.

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the

location or design of any improvements shown on the final plat, as approved by the Planning Board, the Planning Board Chair, in consultation with the Town Engineer, may authorize such modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not substantially alter the function of any such improvement required by the Planning Board. Any such authorization issued under this section shall be in writing and shall be reported to the Planning Board at the next regular meeting.

Article IV. Minor Subdivision Application Requirements.

§ 1. Required Contents of Minor Subdivision Application.

All applications for minor subdivision approval shall include the following:

- A. Two (2) copies of the application form.
- B. A nonrefundable application fee, plus all applicable costs and expenses (see, Article I, § 4, and Article X).
- C. A copy of any covenants or deed restrictions which are intended to cover the tract in whole or in part.
- D. Seven (7) copies of the plat prepared at a scale of not more than one hundred (100) feet to the inch, conforming to the requirements of Article IV, § 2 below.
- E. An agricultural data statement pursuant to Town Law § 283-a, when applicable.
- F. A statement of the nature and extent of the interest of any State employee or officer or employee of the Town in the applicant pursuant to General Municipal Law § 809, when applicable.
- G. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

§ 2. Minor Subdivision Plat Requirements.

- A. All plats for a minor subdivision shall contain the following information:
 - 1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at United States Geological Survey intervals, minimum, and referenced corners of the tract. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer and shall be referenced and shown on the plat.
 - 2. A copy of any covenants or deed restrictions that are intended to cover the proposed subdivision in whole or in part.

3. If community water and sewer facilities are not available, the location of all on-site sanitation and water supply facilities. All such facilities shall be designed to meet the minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 4. Proposed subdivision name, if any, name of the Town and County.
 5. The date, North point, map scale, and name and address of the owner and/or subdivider.
 6. The proposed pattern of parcels and lots, including parcel and lot widths, depths and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
 7. The locations of all zoning front, side and rear yard lines; zoning district lines and the names of all applicable zones; floodplains; wetlands; and easements.
 8. The words "final plat."
 9. Any other specifications required by the Planning Board.
- B. The plat and legal description to be filed with the County Clerk shall be on uniform size sheets in accordance with New York State statutes.

§ 3. Minor Subdivision Lot Design.

All plats for minor subdivision approval shall comply with the following design standards:

- A. The land intended to be subdivided shall be of such character that it can be safely used for development without danger to public health or safety and shall be in harmony with the Town's Comprehensive Plan.
- B. All improvements proposed or required by the subdivision shall be constructed and installed in conformance with the Town specifications, including without limitation, Article VII herein below.
- C. Where land is subdivided into lots that are substantially larger than the minimum lot size required in the applicable zoning district, the lots shall be laid out in a manner that will permit future re-subdivision in accordance with the requirements of this Local Law.
- D. All lots shall conform to the requirements of the Town of Tyre Zoning Law, as the same may exist at the time of the Planning Board's final approval of the subdivision. In the event that a proposed minor subdivision will result in the creation of a substandard lot, the Planning Board shall defer any further action on the application until such time as the subdivider shall obtain a variance from the Zoning Board of Appeals.

- E. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Law there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.
- F. Side lot lines shall be approximately at right angles to straight roads or radial to curved roads. Lot lines shall generally not joint at less than a seventy-five-degree angle or greater than a one-hundred-five-degree angle. Lot lines shall be straight on large lots, except where the topography of the site would make this impractical.
- G. Where a community sewage disposal system is not required, each lot created by a minor subdivision shall contain sufficient area to provide for such on-site sanitary disposal system as is required by the New York State Health Department.
- H. Each lot created by a minor subdivision shall meet the following minimum access requirements:
 1. The lot shall directly abut a public or approved private road, as required by Town Law § 280-a. This abutment shall include at least fifteen (15) feet of road frontage suitable for access by emergency vehicles. Easements may be considered for access.
 2. All lots shall be designed to allow for safe access.
 3. All lots shall be designed to allow for the construction of driveways within the road right-of-way not exceeding a ten-percent grade.
 4. Where a watercourse separates a road from abutting lots, provision shall be made for access to all lots by means of culverts or other structures.
 5. At least one (1) fifty-foot right-of-way shall be reserved allowing access to land behind road frontage lots.

§ 4. Minor Subdivision Waivers.

The Planning Board may waive one or more application requirement stated above for a minor subdivision approval, if in the Planning Board’s sole discretion, it finds that in view of all the circumstances in a particular application, the requirement is either not necessary or applicable. Provided however, that the authority granted herein to waive certain requirements of this Local Law shall in no event grant the Planning Board the authority to waive any provision or requirement of the Town of Tyre Zoning Ordinance, as the same may be amended from time to time. The authority to waive or grant variances with respect to any provision or requirement contained in the Zoning Ordinance is reserved exclusively to the Town of Tyre Zoning Board of Appeals.

Article V. Major Subdivision Review Procedure.

§ 1. Pre-application conference.

Prior to the submission of a formal application, all potential subdividers shall meet with the Planning Board or its appointed representative(s) and present them with a sketch plan showing the requirements of land, street improvements, drainage, sewerage, water, fire protection, and similar aspects as well as the availability of existing services. The purpose of these conferences is to allow the applicant to inform the Planning Board of the details of the proposed subdivision and to allow the Planning Board to advise the applicant of the following:

- A. The potential classification of the subdivision as minor or major.
- B. The required information necessary to comply with the State Environmental Quality Review Act.
- C. The potential involvement of other government agencies in the review process.
- D. The potential impact the proposed subdivision will have on existing wetlands, floodplains, and other relevant geographical or topographical features.
- E. The need for an agricultural data statement.
- F. Any other information that the Planning Board may require of the applicant that will enable the Planning Board to fully consider and review all relevant and potential impacts of the proposed subdivision, including without limitation: (i) compatibility with the Town's Comprehensive Plan, (ii) compliance with the Town's Zoning Code, (iii) that proper provision shall be made for, access, drainage, water supply, sewerage, and other needed improvements; (iv) 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; (v) that the proposed streets shall compose a convenient system of transportation conforming to the Official Map, as well as existing traffic patterns and controls and shall be of such width, grade, and location as to safely accommodate the prospective traffic, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings; and (vi) that proper provision shall be made for open spaces for parks and playgrounds. The foregoing is not a comprehensive list, but rather, illustrative of the items that the Planning Board may consider as relevant to the specific subdivision being proposed.

§ 2. Submission of Application for Preliminary Plat Approval.

All application and fees for preliminary subdivision approval shall be submitted by the subdivider to the Planning Board at least fourteen (14) days prior to the meeting at which it is to be considered. The application shall contain all items as required in § 3 herein below. The subdivider shall also bear the cost of mailing any agricultural data statements, if required.

§ 3. Preliminary Plat Application Requirements.

All applicants for major subdivision approval must submit an application for the approval of a

preliminary plat containing the following:

- A. Two (2) copies of the application form.
- B. A non-refundable application fee and all reimbursable costs as applicable.
- C. Seven (7) copies of the preliminary plat prepared at a scale of not more than one hundred (100) feet to the inch, including all plat requirements specified in Article VIII below.
- D. A copy of such covenants and deed restrictions as are intended to cover the proposed subdivision in whole or in part.
- E. An agricultural data statement pursuant to Town Law § 283-a, when applicable.
- F. A statement of the nature and extent of the interest of any State employee or officer or employee of the Town in the applicant pursuant to General Municipal Law § 809, when applicable.
- G. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

§ 4. Acceptance of Completed Application.

The Planning Board shall consider the application for completeness and shall classify the subdivision as minor or major, make a State Environmental Quality Review declaration of environmental significance pursuant to 6 NYCRR Part 617 and determine if the agricultural data statement, if required, be submitted to adjacent land owners and other planning agencies.

§ 5. Official Submission Date.

The Planning Board shall establish, by resolution, an official submission date for the application. Such date shall be the date that all of the following have occurred:

- A. The Planning Board finds and determines that the application is complete, that it contains all of the information required under Article V, § 3 above, and also includes all of the information requested by the Planning Board during the pre-application conferencing process;
- B. The Planning Board shall have received all applicable fees and costs that are due and payable in advance; and
- C. A negative declaration has been filed or a notice of completion of the DEIS has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall commence upon filing of such negative declaration or notice of completion.

§ 6. Zoning Variances to be Referred to ZBA.

To the extent that one or more lots set forth in a proposed subdivision are not in compliance with the Town Zoning Ordinance, it shall be the applicant's responsibility to obtain all necessary and appropriate variances from the Town Zoning Board of Appeals prior to requesting consideration by the Planning Board of his or her application. The Planning Board will neither commence nor continue a review of an application whenever the need for such variances becomes apparent.

§ 7. Study of preliminary plat.

The Planning Board will carefully study the practicability of the preliminary plat, taking into consideration the standards and requirements of this Local Law as well as those of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location, and width of streets, as well as their relation to the topography of the land; sewage disposal; drainage; the size, location and arrangement of lots; the future development of adjoining lands not included in the proposed subdivision; and the requirements of the Comprehensive Plan and Official Map, as they may be adopted, and amended from time to time.

§ 8. Public Hearing on Preliminary Plat.

Following the review of the preliminary application and any supplemental material as may be requested by the Planning Board, the Planning Board shall hold a public hearing on the application. The subdivider or its representative shall attend the hearing. The hearing may also fulfill the requirements of SEQR for the DEIS. This hearing shall be held within sixty-two (62) days of the official submission date (see, § 5, above). Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town, at least five (5) days in advance of such hearing if held independently of the hearing on the draft environmental impact statement, or at least fourteen (14) days before a hearing held jointly therewith. The Planning Board may provide for further and additional advertisement where appropriate for full public consideration of the preliminary plat. The hearing on the preliminary plat shall be closed on motion of the Planning Board within one hundred twenty (120) days after the public hearing has been opened.

§ 9. Planning Board Action on Preliminary Plat.

- A. The Planning Board shall by resolution approve, with or without modifications, or disapprove the preliminary application, within sixty-two (62) days of the close of the public hearing, with the following exceptions:
 - 1. If the Planning Board determines that the preparation of an environmental impact statement is required, the Planning Board shall make its decision and findings on the preliminary plat within sixty-two (62) days of the close of the public hearing or within thirty (30) days of the adoption of findings by the lead agency on the DEIS, whichever period is longer. Provided further that:

- a. If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five (45) days following the close of the public hearing.
 - b. If no public hearing is held on the DEIS, the final environmental impact statement shall be filed within forty-five (45) days following the close of the public hearing on the preliminary plat. Within thirty (30) days of the filing of such final EIS, the Planning Board shall issue findings on the final EIS and make its decision on the preliminary plat.
- 2. The time in which the Planning Board must act may be extended by mutual consent of the subdivider and the Planning Board.
- B. The Planning Board shall set forth on the record the grounds for a modification, if any, or the grounds for disapproval.
- C. Within five (5) business days of the adoption of the resolution granting approval of such plat, such plat shall be certified by the clerk of the Planning Board as having been granted preliminary approval and shall be noted on three (3) copies of the preliminary plat and reference made to any modifications determined. One (1) copy shall be returned to the subdivider and the other two (2) copies retained by the Planning Board.

§ 10. Effect of Approval.

Approval of a preliminary application shall not constitute approval of the final application but shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider shall comply with this Local Law and all requirements set forth by the Planning Board in its review of the preliminary plat.

§ 11. Submission of Application for Final Plat Approval.

- A. All major subdivisions shall require final plat approval by the Planning Board. If the application for final plat approval is not submitted within one hundred eighty (180) days of preliminary plat approval, the preliminary plat approval shall be deemed revoked.
- B. The subdivider shall file an application with all appropriate fees for final application approval, accompanied by documentation as specified in Section 12 of this Article V with the Planning Board. Such application shall be submitted at least fourteen (14) days prior to the meeting at which it is to be considered by the Planning Board. The subdivider shall bear the cost of mailing any agricultural data statement, where required.

§ 12. Final Plat Application Requirements.

Final plat applications shall contain the following:

- A. Two (2) copies of the application form.

- B. Payment of all required fees and reimbursable costs.
- C. Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made therefor.
- D. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- E. A map indicating the location of monuments marking all underground utilities as actually installed.
- F. Seven (7) copies of the subdivision plat and construction detail sheets. The plat shall be prepared at a scale of not more than one hundred (100) feet to the inch and shall include all plat requirements specified in Article VIII below. The final plat shall comply in all respects with the preliminary plat as conditionally approved. Construction detail sheets shall comply with Article VIII, § 2.
- G. Endorsement of Seneca County Health Department. The proposed subdivision plat must be properly endorsed by the Seneca County Health Department, if and where required by the Seneca County Health Department and/or State or local law, as meeting the standards of the State Sanitary Code, Public Health Law, or other applicable health code before any public hearing is scheduled. The plat should be in final form before County or State Health Department approval.

§ 13. Official Submission Date.

The Planning Board shall establish the official submission date for final plat approval. The subdivision plat shall be considered officially submitted only at a regular meeting of the Planning Board following a determination by the Planning Board that the applicant has complied with all of the terms of the preliminary plat approval and has provided all of the information required by Article VIII.

§ 14. Referral to County Planning Board.

- A. The Planning Board shall review the application for final plat approval to determine whether notice to the Seneca County Planning Board is required pursuant to General Municipal Law § 239-n and make the appropriate referral where applicable.
 - 1. No action shall be taken on the application by the Planning Board until it receives a report from the Seneca County Planning Board.
 - 2. Provided, however, if the Seneca County Planning Board does not report back to the Planning Board within thirty (30) days of its receipt of the referral, the Planning Board may take final action on the application without such report.

3. The Planning Board and the Seneca County Planning Board may mutually agree to extend such thirty (30) day review period where deemed appropriate.
4. If the Seneca County Planning Board recommends modifications or disapproval of the referred plat, the Planning Board shall not act contrary to such recommendations except upon a vote of a majority plus one of the members of the Planning Board. The Planning Board shall set forth the reasons for its actions.
5. The Planning Board shall report to the Seneca County Planning Board within thirty (30) days of the Planning Board's final action on the subdivision application.

§ 15. Action on Final Plat Application/Public Hearing.

- A. Where the Planning Board finds that the final plat application substantially agrees with the preliminary plat as approved pursuant to this Local Law, then the Planning Board shall by resolution conditionally approve with or without modifications, disapprove or grant final approval and authorize the signing of the plat within sixty-two (62) days of the official submission date.
- B. Where the Planning Board finds that the final application is not in substantial agreement with the preliminary plat approved by the Planning Board, then the Planning Board shall schedule a public hearing on the final application in coordination with any public hearings required under SEQR. The subdivider shall attend the hearing. Coordination under SEQR shall occur as follows:
 1. If the Planning Board determines that an environmental impact statement is not required, then the public hearing shall be held within sixty-two (62) days of the official submission date.
 2. If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the DEIS, then the hearings shall be held jointly within sixty-two (62) days of the notice of completion of the DEIS. If no public hearing is held on the DEIS, then the public hearing shall be held within sixty-two (62) days of the notice of completion.
 3. Notice of public hearing shall be advertised at least five (5) days before the public hearing if no hearing is held on the DEIS and within fourteen (14) days if the public hearings are held jointly. The Planning Board may provide that the public hearing be further advertised as it deems appropriate for full public consideration of such final plat. The public hearing shall be closed upon motion of the Planning Board within one hundred twenty (120) days of opening the public hearing.

§ 16. Decision.

- A. If the Planning Board determines that the preparation of an EIS on the final plat is not

required, 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.

- B. If the Planning Board determines that an EIS is required, and a public hearing is held on the DEIS, the final EIS shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the DEIS, the final EIS shall be filed within forty-five (45) days following the close of the public hearing on the final plat. Within thirty (30) days of the filing of the final EIS, the Planning Board shall issue findings on such final EIS and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.
- C. In all cases the grounds for a modification, if any, or the grounds for disapproval of an application including reference to the provisions herein violated by the application, shall be stated on the record by the Planning Board. The subdivider shall be notified of the final action of the Planning Board.

§ 17. Certification of the plat.

- A. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the subdivision plat, such plat shall be certified by the Clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the subdivider/owner.
- B. In the case of a conditionally approved plat, such resolution shall state the requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire one hundred and eighty (180) days after the date of the resolution granting conditional approval. The Planning Board may extend the time to complete such conditions, not to exceed two (2) additional periods of ninety (90) days each.
- C. Upon the Planning Board's acceptance of the completion of the requirements as stated in the conditional approval resolution, the Planning Board Chair shall sign the plat granting final approval. A copy of the signed plat shall be filed in the office of the Town Clerk.

§ 18. Default approval of preliminary or final plat.

The time periods prescribed herein within which a Planning Board must act on a preliminary or a final subdivision 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 by the mutual consent of the subdivider and the Planning Board. In the event the Planning Board fails to act on a preliminary plat or subdivision plat within the time prescribed therefor after completion of all requirements under SEQRA, or within such extended period as may have been established by the mutual consent of the owner and the

Planning Board, such preliminary or subdivision plat shall be deemed approved.

§ 19. Plat void if revised after approval.

No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed, in writing, on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the County Clerk, at the sole cost of the applicant.

§ 20. Signing of plat.

- A. Every subdivision plat submitted to the Planning Board for its approval shall carry the following endorsement:

Approved by resolution of the Planning Board of the Town of Tyre, 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 _____ by

Planning Board Chair

Secretary

- B. In the absence of the Planning Board Chair or Secretary, the Acting Chair or Acting Secretary, respectively, may sign in his or her place. If there is a County Official Map, such endorsement shall stipulate that the plat does not conflict with the County Official Map or, in cases where the plat does front on, or have access to, or is otherwise related to roads or drainage systems shown on the County Official Map, that such plat has been approved by the County Planning Board in the manner specified by § 239-k of the General Municipal Law.

§ 21. Guarantees for Required Improvements.

- A. It is the applicant's obligation to complete all street, sanitary and other improvements specified in the application and as directed by the Planning Board to the satisfaction of the appropriate Town departments.
- B. To assure the Town that construction and installation of all such improvements will be guaranteed, the applicant shall enter into one of the following agreements:
 - 1. That the applicant shall complete all improvements required by this Local Law and as directed by the Planning Board prior to final approval of the application; or

2. Furnish a performance bond in an amount estimated by the Planning Board to secure to the Town the satisfactory construction and installation of the incomplete portion of the required improvements. The performance bond shall state that all such required improvements shall be completed within a period of one (1) year, or such other period as the Planning Board may deem appropriate. Such performance bond shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency, and manner of execution. The bond shall further provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition.
- C. All required improvements shall be made by the applicant at his expense without reimbursement by the Town or any district therein. Said improvements shall include the following:
1. Streets and street lighting facilities.
 2. Street signs.
 3. Curbs and gutters.
 4. Grass curb strips.
 5. Sidewalks.
 6. Street shade trees.
 7. Monuments.
 8. Storm water runoff system.
 9. Sanitary sewage collection system.
 10. Water supply system.
 11. Park and recreation facilities.
 12. Electrical, telephone, and utility lines.
 13. Plantings and ground cover.
- D. Inspection of improvements. The Town shall employ an inspector to act as agent of the Planning Board to assure the satisfactory completion of improvements required by the Planning Board and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the Town costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with Planning Board recommendations or the approved construction detail sheets, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

§ 22. Offers of cession and release.

- A. The plat shall be endorsed with all necessary agreements regarding required easements or releases. Offers of cession to the Town shall be presented prior to plat approval.
- B. Formal offers of cession to the Town of all streets and parks not marked on the plat with notation to the effect that such cession will not be offered shall be filed with the Planning Board prior to plat approval. If the owner of the land or his subdivider who files the plat does not add as part of the plat a notation to the effect that no offer of dedication of such streets, highways, or parks or any of them is made to the public, the filing of the plat in the office of the County Clerk or Register shall constitute a continuing offer of dedication of the streets, highways, or parks or any of them to the public, and said offer of dedication may be accepted by the Town Board at any time prior to revocation of said offer by the owner of the land or his subdivider.
- C. Before final approval of the subdivision plat, the Planning Board will require a certificate of approval from the Town Attorney as to the legal sufficiency of the offers of cession by the subdivider of the areas for public use, such as parks, streets, playgrounds, and other areas.

§ 23. Filing of approved subdivision plat.

Upon completion of all requirements set forth in the action approving the subdivision plat and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the Chair of the Planning Board and may be filed by the applicant in the office of the Seneca County Clerk. Any subdivision plat not so filed and recorded within ninety (90) days of the date upon which said plat is approved or considered approved due to the failure of the Planning Board to act shall become null and void unless the particular circumstances of said applicant warrant the Planning Board to grant an extension, which shall not exceed two additional periods each of ninety (90) days. The applicant shall provide the Town Clerk with a copy of the plat certified by the Seneca County Clerk as being a true and correct copy of said plat on file in the County office.

§ 24. Public Acceptance of Improvements.

- A. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any road, street, park, playground, recreation area, easement, public utility or any other improvement shown on said plat. The Planning Board shall require said plat to be endorsed with appropriate notes to this effect.
- B. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provision for the costs of developing and maintaining any such improvements until such improvements are formally accepted by the Town Board.
- C. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or are otherwise not practical, the Board may require, as

a condition to approval of any such plat, a payment to the Town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town Board exclusively for neighborhood park, playground, or recreation purposes, including the acquisition of property. The Planning Board may require the filing of a written agreement between the applicant and the Town Board covering future title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any park or playground area.

- D. No road, street, park, playground, recreation area, easement, public utility or any other improvement shown on a plat shall be deemed accepted by the Town except upon formal resolution adopted by the Town Board, and upon such conditions as the Town Board may deem appropriate.

§ 25. Modification of designs after approval.

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the Planning Board, the Planning Board Chair may authorize such modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not substantially alter the function of any such improvement required by the Planning Board. Any such authorization issued under this section shall be in writing and shall be reported to the Planning Board at the next regular meeting.

§ 26. Approval of plats in sections.

- A. 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 (2) or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to ensure that the orderly development of the plat be completed before such sections may be signed by the Planning Board Chair. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Planning Board, shall be granted concurrently with conditional or final approval of the plat.
- B. In the event that the subdivider shall file only a section of such approved plat in the office of the County Clerk, two (2) copies of the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk. Such section shall encompass at least ten percent (10%) 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 in the office of the County Clerk within three (3) years of the filing of the first section with the County Clerk.

§ 27 Re-subdivision.

For a re-subdivision, the same procedure, rules, and regulations apply as for a subdivision.

§ 28 Initiation of land sales or construction.

The applicant shall not initiate land sales or commence construction of the subdivision itself until the applicant has (a) received final approval of the subdivision plat and (b) furnished a performance bond as may be required pursuant to Article V, §21.

Article VI. Development Standards for Major Subdivisions

§ 1. Consideration by Planning Board.

The Planning Board, in considering an application for a major subdivision, shall be guided by the following considerations and standards.

§ 2. Character of land; conformity to Official Map and Comprehensive Plan.

- A. Character of land. 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.
- B. Conformity to Official Map and Comprehensive Plan. Subdivisions shall conform to the streets and parks shown on the Official Map of the Town as may be adopted and shall be properly related to the Town Comprehensive Plan as it is developed and adopted by the Town Planning Board.

§ 3. Design standards.

- A. Streets. The following regulations shall govern the layout of streets:
 - 1. The design of the street pattern shall be based upon a local residential or minor street pattern connected to a residential collector street system.
 - 2. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, at the same or greater width insofar as such may be deemed necessary for public requirements.
 - 3. Local residential streets shall be designed so as to discourage through traffic.
 - 4. All right-of-way street widths and street pavements shall be measured at right angles or radial to the center line of the street and shall not be less than the following:

Type of Street	Right-of-Way (feet)	Pavement
Collector street	66	24
Marginal service street	60	20

- 5. Whenever possible, streets should intersect at right angles and not intersect at

angles of less than sixty degrees (60°) unless approved by the Planning Board.

6. The grades of streets shall be in accordance with specifications established by the Town Engineer, and such grades as submitted on subdivision plats shall be approved by him/her prior to final approval by the Planning Board.
7. All proposed subdivisions shall be designed to provide access to adjacent properties. When a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or stub streets of the existing subdivision.
8. The following standards shall apply to cul-de-sac streets:
 - a. A cul-de-sac should be located, if possible, so that it drains toward its entrance. Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should not be brought to the property boundary line but should be placed so that the lots can back on the property line of the subdivision.
 - b. All cul-de-sacs shall have a turnaround at the end of the street which shall have a right-of-way radius of sixty feet (60') and pavement radius of fifty feet (50') unless the Planning Board approves an alternate arrangement.
9. If a dead-end street is of a temporary nature, a similar turnaround shall be provided, and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.
10. New half or partial streets shall not be permitted, except that wherever a proposed subdivision borders a half or partial street, the Planning Board shall require that the other part of the street be plotted in the proposed tract if it is found that such a requirement would increase the effectiveness of the circulation system in the area.
11. Multiple intersections involving a junction of more than two streets shall be prohibited.
12. Local residential streets and residential collector streets shall not intersect with arterial streets less than eight hundred feet (800') apart, measured from center line to center line.
13. The minimum distance between center-line offsets at street jogs shall be one hundred fifty feet (150').
14. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

15. The minimum radius of horizontal curves, minimum length of vertical curves, and minimum length of tangents between reverse curves shall be in accordance with specifications established by the Town Engineer and said items shall be approved by him prior to final approval of the subdivision plat by the Planning Board.
 16. All street right-of-way lines at intersections shall be rounded by curves of at least twenty-foot radius and curbs shall be adjusted accordingly.
 17. In general, street lines within a block deflecting from each other at any one point by more than ten degrees (10°) shall be connected with a curve, the radius of which for the center line of the street shall not be less than four hundred feet (400') on major streets, two hundred feet (200') on collector streets and one hundred feet (100') on minor streets.
- B. Lots. The following regulations shall govern the layout of lots:
1. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 2. All lots shown on the subdivision plat must conform to the minimum requirements of the Zoning Ordinance as to area and dimensions for the zone in which the subdivision is located. However, in the event of utilizing NY Town Law § 281, the Planning Board may use its discretion in determining lot sizes.
 3. Each lot shall abut on a street built to the Town's specifications.
 4. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
 5. Side lines of lots shall be at right angles to straight streets and radial to curved streets.
 6. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Planning Board may, after adequate investigation, require modification of such lots.
 7. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lots required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.
 8. Blocks intended for commercial or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking, loading, utility infrastructure, and delivery facilities.

9. Double frontage lots will not, in general, be approved.

C. Easements.

An easement shall be provided for all natural drainageways and all utility lines when such utility line or lines do not fall within a dedicated right-of-way. All easements shall be plotted on the preliminary plat and subdivision plat. A clause shall be inserted in the deed of each lot affected by an easement indicating that the easement exists and its purpose. Except as further required in this section, easements shall have a minimum width of ten feet (10'). Where a subdivision is traversed by a drainageway, channel, or stream, a drainageway easement conforming substantially to the lines of such watercourse shall be provided. The easement shall be twenty feet (20') wide or such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance. Where it is found that additional easement width is needed, such width shall be determined by the Planning Board in consultation with the Town Engineer. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines. All utility lines which are primarily intended to provide service to the lots within a major subdivision shall be installed at a depth and at such locations as will minimize risk of interruption of services. A five-foot (5') easement running parallel with and contiguous to all street and highway rights-of-way shall be provided to the Town granting the Town the right to protect, plant, prune, spray, remove, control, regulate and improve shrubbery and shade trees thereon.

D. Landscaping and ground cover.

1. All lot areas which are not covered by structures or paving shall be shall be seeded by the developer in such a manner as is approved by the Planning Board upon its review of the proposed landscaping plan, and which shall consider adjacent natural resources and the safe and appropriate integration of ground cover under the circumstances of the lot(s).
2. The subdivider shall provide a liberal and functional landscaping scheme for the entire subdivision. Each lot shall be provided with a minimum of two trees which shall be in addition to the street shade trees. This requirement may be waived by the Planning Board in wooded areas where the subdivider intends to maintain existing trees.
3. Individual homeowners may, by written agreement with the subdivider and builder, seed and landscape their yards independently, and shall be held to the standards established by the developer and Planning Board as set forth in the final plat plans, as approved, unless otherwise modified or varied by the Planning Board upon a homeowner's application for a waiver.
4. When a proposed subdivision borders upon an existing commercial or industrial establishment or any other use which, in the opinion of the Planning Board, may be detrimental to the tranquility of the future residents of the subdivision, the

Planning Board may require a landscape screen to buffer the subdivision from the non-compatible use.

E. Preservation of natural features.

1. Topsoil moved during the course of construction shall be redistributed so as to provide at least four inches (4") to six inches (6") of cover to all areas of the subdivision and shall be stabilized by seeding or planting. At no time shall topsoil be removed from the site without written permission from the Planning Board.
2. To the fullest extent possible, all existing trees and shrubbery shall be conserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads. Where there is a question as to the desirability of removing a group of trees which serve to add interest and variety to the proposed subdivision in order to allow for use of the land for a lot or lots, the Planning Board may, after proper investigation, require modification of such lots. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the developer shall not remove any trees from the site without written permission from the Planning Board.
3. Where a subdivision is traversed by a natural lake, pond, or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in watercourse alignment shall be in accordance with the revised New York State Stream Conservation Law.
4. Unique physical features, such as historic landmarks and sites, rock outcroppings, hilltop lookouts, desirable natural contours, and similar features, shall be preserved wherever and whenever possible.
5. The subdivider shall not be permitted to leave any surface depressions which will collect pools of water.
6. The subdivider shall not be permitted to leave any hills or mounds of dirt around the tract. All surfaces shall be restored within six (6) months of the time of the completion of the section of the subdivision.

F. Floodplain.

1. Mapping. If any portion of the land within the subdivision is subject to inundation or flood hazard by stormwater, such fact and portion shall be clearly indicated on the preliminary plat and the prominent note on each sheet of such map whereon

any such portion shall be shown.

2. Use. Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life, or property or aggravate the flood hazard.
- G. Self-imposed restrictions. The owner/subdivider may place deed restrictions on the development that impose greater restrictions than those required by the Zoning Ordinance. Such deed restrictions, if any, shall be indicated on the final subdivision plat in detail.
- H. Modification of standards. The Planning Board may modify the specified requirements in any individual case where, in the Board's judgment, such modification is in the public interest or will avoid the imposition of unnecessary individual hardship.
- I. Parks, playgrounds or open space.
1. Land shall be reserved for park, playground, open space, or other recreational purposes in locations designated on the Comprehensive Plan or elsewhere where the Planning Board deems that such reservations would be appropriate. For a major subdivision, each reservation shall be of an area equal to five percent (5%) of the total land within the subdivision, but in no event shall a reservation be less than two (2) acres. The area to be preserved shall possess the suitable topography, general character, and adequate road access necessary for its recreational purposes.
 2. Where a major subdivision is too small to establish an adequate recreation area site; where the land in a subdivision is unsuitable in character; or where the Town Comprehensive Plan or good planning judgment would not locate a recreation area; or in the case of a minor subdivision, the applicant will be required to provide a cash equivalent per lot, established by the Tyre Town Board to be used for acquisition of such areas in suitable locations within the Town. Any and all said payments shall be deposited by the Town into a trust fund and shall be used exclusively for park, playground, and other recreational purposes, including the acquisition of land.
 3. Where the Planning Board requires land to be set aside for parks, playgrounds, or other recreational purposes, the Board shall require that the site be graded and seeded and may require it to be fenced.
 4. When an area for a park, playground, recreational purposes or open space shall have been required on the subdivision plat, the approval of said subdivision plat shall not constitute an acceptance by the Town of such an area.

Article VII. Improvements

§ 1. General regulations.

Prior to final approval of any subdivision plat, the subdivider shall complete all improvements to the satisfaction of the Town Engineer and Planning Board or post a performance bond in sufficient amount to insure the satisfactory completion of the following required improvements, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety, and general welfare. Whenever this chapter references that improvements be made in accordance with standards and specifications on file in the Town Clerk's office, said standards and/or specifications shall include, but not be limited to, Town of Tyre Road Specifications, which details general design standards for Town roads, streets and related construction matters, as well as material and construction specification details for roadway construction, concrete gutters and curbs, concrete sidewalks, drainage structures and general grading, trimming and related work.

- A. Streets. All streets shall be constructed, graded, and paved in accordance with the standards and specifications on file in the Town Clerk's office.
- B. Storm drains, culverts, catch basins and other drainage structures shall be installed in accordance with the standards and specifications on file in the Town Clerk's office and in accord with the final map approved by the Planning Board. All pipe shall comply with the requirements of the current New York State Highway Department specifications governing construction of these facilities. The location, length, depth, size, grade, and type of pipe shall be designated in the plans. If unusual conditions are discovered at the time of construction which are not provided for on the plans, the Town Engineer shall determine the type and extent of construction required to overcome such conditions.
- C. Curbing or gutters shall be constructed on both sides of all streets shown on all proposed subdivision plats and in accord with the construction standards on file in the Town Clerk's office.
- D. Sidewalks shall be required on both sides of the street and constructed in accord with the standards on file in the Town Clerk's office.
- E. Driveway aprons shall be required between the curbing and the sidewalk and shall be of six-inch (6") concrete meeting the same specifications established for curbing.
- F. Street signs shall be of metal and shall be installed at the intersection of all streets in conformity with Town specifications at the locations approved by the Planning Board.
- G. Grass strips shall be provided within the portion of the street right-of-way beyond the curb or gutter line and shall be properly graded and seeded.
- H. Street trees shall be planted in every subdivision at intervals from forty feet (40') feet to sixty feet (60') along both sides of the street. Existing trees may be taken into

consideration when determining the above. Trees shall be at least three (3) feet from any sidewalk and located on the building side of the walk rather than the street side. Where dwelling structures are oriented with their rear on the street, street trees shall be at least six (6) feet from the curb line. Trees should also be at least ten (10) feet from any line which is directly under utility wires. The average trunk diameter shall be at least two (2) inches, and an average height of six (6) feet above finished grade level is required. Such trees shall be of a species and at locations approved by the Planning Board. No tree shall be planted within twenty-five (25) feet from an existing or proposed streetlight or street intersection.

- I. Shade trees, other than within the right-of-way, may be required when, taking into consideration the existing trees on the lots, the Planning Board shall deem it necessary. Such trees shall be in conformance with the standards of size, kind, and locational limitations prescribed for trees along the street line.
- J. Street lighting facilities shall be provided along all streets in the subdivision and along all streets upon which the subdivision abuts. Such lighting facilities shall be in accordance with the Town standards and shall be installed as approved and directed by the Town Engineer.
- K. Sanitary sewers and treatment disposal facilities shall be required. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect to or provide for connection with such sanitary sewer and shall provide within the subdivision a sanitary sewer system that is accessible to each lot in the subdivision. Sewer systems shall be designed and constructed in a manner that is consistent with all State and local laws, rules and regulations and shall be subject to inspection and approval by Town and New York State health official(s). The construction is subject to the supervision of the Town Engineer.
- L. In the event that public sanitary facilities are not reasonably accessible, all on-site sanitation facilities shall be designed and constructed to meet the requirements of the New York State Health Department.
- M. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with Town standards, procedures, and supervision. Fire hydrants shall be required and shall be installed in the locations approved by the Town Engineer and in accord with the New York State Board of Fire Underwriters.
- N. Permanent monuments shall be set at block corners and at intervals of approximately five hundred feet (500'), or such other distance as the Planning Board may determine appropriate, and their location shall be shown on the subdivision plat. Iron pipes shall not be considered permanent monuments for the purpose of these regulations. Standards for monuments are on file in the Town Clerk's office.

§ 2. Permitted modifications.

- A. Concrete curbing may be omitted and, in lieu thereof, concrete gutters, rolled gutters or other means for controlling stormwater may be constructed as may be approved by the Town Engineer and Planning Board.
- B. Sidewalks may be omitted on one or both sides of the street to the extent deemed appropriate by the Planning Board.
- C. Where curbing for sidewalks is not provided, adequate provision for the protection of the edge of the road pavement, and graded shoulders, at all driveway openings and other access ways shall be provided in a manner approved by the Town Engineer.
- D. Where sidewalks and curbing are not provided, grass curb strips shall not be required. However, grading and seeding of the area between the pavement edge, shoulder, or approved drainage structure and the front property line of the lot shall be provided.
- E. Individual sewage disposal systems (septic tanks) may be provided in lieu of facilities connected to a public sanitary sewage disposal system. Where such system is not reasonably available, such on-site disposal systems shall not be subject to the provisions of these regulations regarding subdivision control but shall be subject to all other applicable laws and regulations of the Town, County, and State. Sewage lagoons shall be prohibited.
- F. Individual on-site water supply systems may be provided in lieu of providing a water supply connected to a public utility system. Where such a system is not reasonably available, such on-site water supply systems shall not be subject to the provisions of these regulations regarding subdivision approval but shall be subject to all other applicable laws and regulations of the Town, County and State.
- G. Fire hydrants may be omitted where adequate water mains which are a part of a public utility water system are not either existing or proposed to be available to the subdivision.

Article VIII. Major Subdivision Plats

§ 1. Preliminary Plat Requirements.

Preliminary plats submitted to the Planning Board shall be drawn to a scale of not more than one-inch (1") equals one hundred (100) feet and shall show the following information:

- A. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at United States Geological Survey intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
- B. Proposed subdivision name or identifying title which shall not duplicate or too closely

approximate that of any other development in the Town.

- C. The name and address of the owner(s) of the land to be subdivided and the name and address of the subdivider if other than the owner, and the name and address of the land surveyor.
- D. The location of the property with respect to surrounding property and streets. There shall also be included a key map at a scale of one-inch (1") equals five hundred feet (500') showing all streets, streams, and property within one thousand five hundred feet (1,500') of the applicant's property. All property held by the applicant in the area should be identified.
- E. The location and approximate dimensions of all existing property lines (include the entire area proposed to be subdivided and the remainder of the tract owned by the subdividing owner).
- D. All pertinent features, such as existing structures, streets, railroads, water bodies, streams, wetlands, rock outcroppings, wooded areas, floodplains, large trees, and other significant existing features that may influence the design of the subdivision.
- E. Contours with intervals of five feet (5') or less, or as required by the Planning Board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than two feet (2').
- F. The location, width, and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
- G. The approximate location, dimensions, and area of all proposed or existing lots.
- H. The location of existing wells, on-site sewage disposal systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- I. A storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and connection to existing lines or alternate means of disposal.
- J. The locations of all zoning front, side and rear yard lines; zoning district lines and the names of all applicable zones; and easements.
- K. The approximate location and dimensions of all property proposed to be set aside for playground or park use.
- L. The names of all property owners of record, or the names of developments within five hundred feet (500').
- M. The date, source of the North point, and scale.

- N. Acreage of tract to be subdivided to the nearest tenth of an acre.
- O. Proposed provision of water supply, fire protection, disposal of sanitary waste, stormwater drainage, street trees, street lighting fixtures, street signs, and sidewalks, data on which must be available for consideration at this stage.
- P. Plans and cross sections of the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and subbase and the location of manholes, basins and underground conduits.
- Q. Each block shall be numbered and the lots within each block shall be numbered consecutively in accordance with the procedure established by the Town. The total number of residential lots shall be noted on the plat.
- R. Preliminary designs of any bridges or culverts which may be required.
- S. The words "preliminary plat."
- T. Any other specifications required by the Planning Board.

§ 2. Construction detail sheets.

In addition to the preliminary plat, applicants for major subdivision review shall provide separate construction detail sheets as follows:

- A. Drawing, scale, and size of plat and construction detail sheets. The construction detail sheets shall be clearly and legibly drawn on a stable, transparent, reproducible base. Whenever any project is of such size that more than one sheet is required, then an index map on the same size sheet shall accompany these sheets. Construction detail sheets shall show the following information, except that where requirements have been waived, applicable specifications may be omitted:
 1. Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred feet (100') of the intersection, in both directions, shall be shown. All elevations must be referred to established United States government or approved local benchmarks where they exist within 1/2 mile of the boundary of the subdivision.
 2. The Planning Board may require, where steep slopes exist, that present elevations of all proposed streets shall be shown every one hundred feet (100') at five points on a line at right angles to the center line of the street and said elevation points shall be at the center line of the street, each property line, and points thirty feet (30') inside each property line.

3. Plans and profiles showing the location and a typical section of street pavements, including curbs and gutters, sidewalks, manholes, and catch basins; the locations of street trees, street lighting standards and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants; and the exact location and size of all water, gas, electric, or other underground utilities or structures.
- B. As a condition of final approval and release of any performance bond provided hereunder, the applicant shall provide “as built” drawings for all improvements constructed or installed in the subdivision.

§ 3 Final Plat Requirements.

- A. The final plat shall be prepared and drawn to a scale of not more than one-inch (1”) equals one hundred feet (100’) and shall show the following:
1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at United States Geological Survey intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
 2. Date, source of the North point, and scale.
 3. Name, address, and signature of the owner, subdivider, and licensed engineer or land surveyor.
 4. Names of owners of record or developments of abutting properties located within five hundred feet (500’) of the proposed subdivision.
 5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and cord bearings shall be given for each road; and all dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
 6. Locations and widths of all streets and sidewalks, together with names of streets, and location, dimensions, and status of all easements proposed by the subdivider.
 7. Lot areas in square feet.
 8. Lot lanes with accurate dimensions and bearings of angles.
 9. Location, material, and approximate size of all monuments.
 10. The locations of zoning front, side and rear yard lines; zoning district lines and

the names of all applicable zones; floodplains; wetlands; and easements.

11. Public open spaces for which deeds are included and those spaces wherein title is reserved by the developer.
 12. Acreage of tract to be subdivided to nearest tenth of an acre.
 13. Each block shall be numbered and the lots within such block shall be numbered consecutively in accordance with the procedure established by the Town. The total number of residential lots shall be noted on the plat.
 14. All existing and proposed easements and rights of way.
 15. The words “final plat.”
 16. Any other information required by the Planning Board.
- B. All plans shall conform to the Town minimum road specifications and shall be subject to the approval of the Code Enforcement Officer or Town Highway Superintendent in consultation with the Town Engineer, or the Town Engineer.

Article IX. Waivers

§ 1. Waivers.

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not necessary in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent to or in proximity to the proposed subdivision, it may waive such requirements, in its sole unfettered discretion subject to appropriate conditions. Provided however, that the authority granted herein to waive certain requirements of this Local Law shall in no event grant the Planning Board the authority to waive any provision or requirement of the Town of Tyre Zoning Ordinance, as the same may be amended from time to time. The authority to waive or grant variances with respect to any provision or requirement contained in the Zoning Ordinance is reserved exclusively to the Town or Tyre Zoning Board of Appeals.

§ 2. Conditions.

In granting waivers and modifications, the Planning Board, in its sole and unfettered discretion, may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements set forth in this Local Law.

Article X. Reimbursable costs.

Whenever the Code/Zoning Enforcement Officer, Town Engineer or Planning Board of the

Town of Tyre or any board of the Town of Tyre shall determine that the Town of Tyre Land Subdivision Regulations shall be required to be complied with and/or enforced, the costs incurred by said officer, by any Town of Tyre board or by any officer of the Town of Tyre on behalf of the Town for consultation fees with engineers, attorneys or other professionals, or costs incurred in enforcing or complying with this local law, including but not limited to the costs of meeting the requirements of Article 6 of the New York Environmental Conservation Law (“SEQR”), shall be paid by the owner or subdivider in accordance with the Town of Tyre Local Law #4 of 2014, as amended.

Article XI. Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered. It is hereby declared to be the legislative intent of the Town of Tyre that in such event, this Local Law shall be construed as if such invalid clause, sentence, paragraph, section or part was not contained in this Local Law, and further that the remaining portions hereof shall be given full force and effect.

Article XI. Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law.