

# **Town of Carlisle**

## *Review of Subdivisions*

### **Local Law #1 – 1998**

Enacted: February 4, 1998

## ARTICLE I

### DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Carlisle, adopted on September 4, 1974, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Carlisle is authorized and empowered to approve preliminary and final plats of subdivisions, showing lots, blocks or sites, with or without roads or highways, to approve the development of entirely or partially undeveloped plats within the Town of Carlisle.

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly and efficient development of the Town. This policy requires, but is not limited to, meeting the following general standards.

1. 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,
2. that proper provision shall be made for drainage, water supply, sewage and other needed improvements,
3. 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,
4. that the proposed roads shall compose a convenient system conforming to the official map, if such exists and shall be properly related to the proposals shown on the comprehensive plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to follow the natural contours of the land, to afford adequate light and air, and to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and;
5. that proper provision shall be made for open spaces for parks and playgrounds.
6. That due consideration be given to the protection and enhancement of the environment, and that human and community resources be given appropriate

weight with social and economic consideration in reaching decisions regarding the subdivision of land.

In order that land subdivision may be made in accordance with this policy, this Law which shall be known as, and which may be cited as, the “Town of Carlisle Local Law #1 – 1998 Review of Subdivisions” have been adopted by the Planning Board and approved by the Town Board on February 4, 1998.

## ARTICLE II

### SECTION 1 DEFINITIONS

The terms and words used herein are defined in Appendix “A” of this Subdivision Law which is hereby made a part of these regulations

## ARTICLE III

### SECTION I GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivision of land, the Planning Board shall be guided by the following standards. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VII, Section I.

#### 1. 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.

#### 2. CONFORMITY TO OFFICIAL MAP AND MASTER PLAN

Subdivisions shall conform to the official map of the Town and shall be in harmony with the land development plan, if such exists.

#### 3. SPECIFICATIONS FOR REQUIRED IMPROVEMENTS

All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Planning Board or from the Town Clerk.\

### SECTION 2 ROAD LAYOUT

#### 1. WIDTH, LOCATION AND CONSTRUCTION

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the master plan, if such exists, and to accommodate the prospective traffic

and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties, and shall be coordinated so as to compose a convenient system. When deemed necessary, the Planning Board may require easements for road right-of-ways (in order to insure accessibility to undeveloped lands) in both minor and major subdivisions.

## 2. ARRANGEMENT

The arrangement of roads in the subdivision shall provide for the continuation of principal roads of adjoining subdivisions, and for proper projection of principal roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the conditions may be modified.

## 3. MINOR ROADS

Minor roads shall be curved or otherwise designed such that their use by through traffic will be discouraged.

## 4. SPECIAL TREATMENT ALONG MAJOR ARTERIAL ROADS

When a subdivision abuts or contains an existing or proposed major arterial road, the Board may require service access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

## 5. PROVISION FOR FUTURE RE-SUBDIVISION

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district, if such exists, in which a subdivision is located, the board may require that roads and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations, including provisions for extension of roadways to future developments.

## 6. DEAD-END ROADS

The creation of dead-end or loop residential roads will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in

the area. In the case of dead-end roads, where needed or desirable, the Board may require the reservation of a twenty-five (25) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next road. Subdivisions containing twenty (20) lots or more should have at least two (2) road connections with existing public roads, or roads shown on the official map, if such exists, or roads on an approved subdivision plat for which a bond has been filed.

#### 7. WALKS

Within hamlet areas, curbs and pedestrian walks shall be provided on both sides of major and minor roads.

#### 8. BLOCK SIZE

Blocks generally shall not be less than four hundred (400) feet nor more than one thousand two hundred (1200) feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding eight hundred (800) feet length, the Planning Board may require the reservation of a twenty-five (25) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide paved walk be included.

#### 9. INTERSECTIONS WITH COLLECTOR OR MAJOR ARTERIAL ROADS

Minor or secondary road openings into such roads shall, in general, be at least five hundred (500) feet apart.

#### 10. ROAD JOGS

Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.

#### 11. ANGLE OF INTERSECTION

In general, all roads shall join each other so that for a distance of at least one hundred (100) feet, the road is approximately at right angles to the road it joins.

#### 12. RELATION TO TOPOGRAPHY

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged such that as many of the building sites as possible are at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography.

## SECTION 3 – ROAD DESIGN

### 1. ROAD DESIGN

All roads must meet the specifications of existing road, highway and driveway laws, as they exist at the time of dedication.

### 2. IMPROVEMENTS

Streets shall be graded and improved in accordance with Town specifications, as they exist at the time of dedication. Storm drainage facilities, water mains, sewers, road lights and signs, road trees, and fire hydrants shall be provided, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Planning Board. Such grading and improvements shall be approved as to design and specifications by the Highway Superintendent.

#### (a) FIRE HYDRANTS.

Spacing and installations of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating organization and the Division of Fire Safety of the State of New York. An official from the local fire district shall review the plat design for proper fire protection facilities.

#### (b) ROAD LIGHTING FACILITIES.

Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.

#### (c) UTILITIES IN ROADS

The Planning Board shall, wherever possible, require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Such installation shall be in complete compliance with the requirements of the jurisdictional utility.

#### (d) UTILITY EASEMENTS

Where topography is such as to make impractical the inclusion of utilities within the road right-of-way, perpetual unobstructed easements at least twenty-five (25) feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

(e) WATERCOURSES

When a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent and also be in compliance with the Town Flood Damage Prevention Law. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Flood Damage Prevention Law and in no case less than twenty-five (25) feet in width.

SECTION 4 – ROAD NAMES

1. TYPE OF NAME

All road names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters.

2. NAMES TO BE SUBSTANTIALLY DIFFERENT

Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change directions by ninety (90) degrees without a change in road name.

SECTION 5 – LOTS

1. LOTS TO BE SUITABLE FOR BUILDING

The lot arrangement shall be such that in constructing a building in compliance with the Zoning ordinance, if one exists, and the dwelling and sanitation law, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such an arrangement, depth or otherwise as to encourage the late creation of a second building lot at the front or rear.

2. SIDE LINES

All side lines of lots shall be at right angles to straight road lines and radial to curved lines, unless a waiver from this rule will give a better road or lot plan.

### 3. CORNER LOTS

In general, corner lots should be larger than interior lots to provide for proper building setback from each road and provide a desirable building site.

### 4. DRIVEWAY ACCESS

Driveway access and grades shall conform to specifications of the Town Highway and Driveway Law.

### 5. ACCESS FROM PRIVATE ROADS

Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with the Highway and Driveway Law.

### 6. MONUMENTS AND LOT CORNER MARKERS

Permanent monuments meeting specifications described in ARTICLE V Section 3 (d) shall be set at all block and lot corners. Permanent markers, angle points, points of curves in roads and other points shall be shown on the subdivision plat.

## SECTION 6 – DRAINAGE IMPROVEMENTS

### 1. REMOVAL OF SPRING AND SURFACE WATER

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that, may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width and will comply with the Town Flood Damage Prevention Law.

### 2. DRAINAGE STRUCTURE TO ACCOMMODATE POTENTIAL DEVELOPMENT UPSTREAM

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Planning Board shall approve the design and size of facility based on the standards of the Town Flood Damage Prevention Law and under conditions of total potential development permitted by the Zoning Ordinance, if one exists, in the watershed.

### 3. RESPONSIBILITY FROM DRAINAGE DOWNSTREAM

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision, this study shall be reviewed by the Planning Board. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility based on the standards of the Town Flood Prevention Law the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

#### 4. LAND SUBJECT TO FLOODING

Land subject to flooding or land deemed by the Planning Board to be 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, but such land within the plat shall be set aside for such uses that shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

#### SECTION 7 – RESERVATION OF PARK LAND

##### 1. Reservation of park land on subdivision plats containing residential units:

(a) Before the planning board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for play ground or other recreational purposes.

(b) Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitable located for playgrounds or other recreational purposes within the town. Such finding shall include an evaluation of the present and anticipated future needs for park and recreational facilities in town based on projected population growth to which the particular subdivision plat will contribute.

(c) In the event the planning board makes a finding pursuant to paragraph (2) of this subdivision that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the planning board may require a sum of money in lieu thereof, in an amount to be established by the town board. In making such determination of

suitability, the board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the planning board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.

#### SECTION 8 – RESERVE STRIPS PROHIBITED

1. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.

#### SECTION 9 – PRESERVATION OF NATURAL FEATURES

1. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets.

### ARTICLE IV

#### SECTION 1. PROCEDURE IN FILING SUBDIVISION APPLICATIONS

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

#### SECTION 2 SUBMISSION OF SKETCH PLAN

1. Any owner of land shall, prior to subdividing or re-subdividing land, submit to the secretary or Chairman of the Planning Board at least ten (10) days prior to the regular meeting of the Board, five (5) copies of a Sketch Plan of the proposed subdivision, which

shall comply with the requirements of these regulations for the purposes of classification of the subdivision and preliminary discussion of the application.

2. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at scale preferably not less than four hundred (400) feet to the inch to enable the entire tract to be shown on one sheet.

3. All proposed lots shall conform to the Town of Carlisle Dwelling and Sanitation Law, and the depth of each lot shall not be more than four (4) times its width.

4. This plan must be submitted on a sheet of paper no smaller than 8.5 x 11 inches.

5. The sketch plan shall be submitted, showing the following information

- (a) A location map to indicate the relationship of the proposed subdivision to existing community facilities which will serve or influence the layout, such as existing road patterns, schools, parks and other public lands, local hamlets, and special districts, including school, fire, agricultural, etc.
- (b) All existing structure, existing property lines, wooded areas, streams or watercourses, and other significant physical features within the area to be subdivided and within five hundred feet (500') thereof.
- (d) The kind of development proposed ie: residential, commercial, etc.
- (f) The proposed pattern and approximate dimensions and areas of lots (including lot width and depth), building sites, systems of drainage, within the subdivided area scale, north arrow and acreage involved.

### SECTION 3. SKETCH PLAN MEETING

1. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for road improvements, drainage, sewage, water supply, fire protection, and similar aspects as well as the availability of existing services and other pertinent information.

2. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific

recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

3. Upon acceptance of the sketch plan, the Planning Board will determine whether it is a minor or major subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions.

4. All costs for outside expertise deemed necessary by the Planning Board, such as engineering studies or archeological surveys, for either a minor or a major subdivision, shall be borne by the applicant. All outside expertise shall be obtained from sources acceptable to the Planning Board, which will provide notice in writing of such acceptance to the applicant.

5. Within six (6) months after classification of the sketch plan, the subdivider shall submit an application for approval of a Minor or Major subdivision preliminary plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board.

#### SECTION 4. STATE ENVIRONMENTAL QUALITY REVIEW

1. Coordination with the state environmental quality review act.

The planning board will comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

2. Receipt of a complete application and preliminary plat.

An application and preliminary plat, or final plat where a preliminary plat is not required shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act.

### ARTICLE V

#### SECTION 1. APPROVAL OF MINOR SUBIDIVISION

1. Within six months of the classification of the subdivision as MINOR the subdivider shall submit an application together with five copies of a preliminary plat to the Chairman or the clerk of the planning board. The plat shall conform to the general layout shown on the sketch plan and shall incorporate recommendations made by the Planning Board as a result of discussion of the sketch plan. Said application shall also conform to the requirements listed in Section 276 and 277 of the Town Law and these regulations, except where a waiver may be specifically authorized in writing by the planning board. All applications for plat approval shall be accompanied by the required fee.

## SECTION 2. PRELIMINARY MINOR SUBDIVISION PLAT

1. The following documents shall be submitted with the application
- (a) A certificate by the owner stating “As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat. “This certificate shall be executed as a conveyance is executed.
  - (b) A certificate issued by the authorized County and town Officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.
  - (c) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, or a statement by the owner that no such restrictions exist.

## SECTION 3. FIELD SURVEY

1. (a) An actual field survey of the boundary lines of the all lots, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor.
- (b) The survey also will include topographical lines of no greater than twenty (20) foot increments in elevation.

(c) The survey shall also include the location of any existing easements, buildings, water courses, marshes, rock outcrops, springs, sinkhole's, wooded areas, and other significant existing physical features in the proposed subdivision.

(d) The corners of each lot shall be marked by monuments and shall be referenced and shown on the plat. The Corner monuments to be:

- (i) of concrete with metal reinforcement rod embedded, placed to a depth of – 4 feet and protruding to grade level with a minimum diameter or side of 4 inches, or
- (ii) secure, permanent markers such as Feno brand, Polyrock or Surv-Kap Power Grip, or
- (iii) of a design and construction technique approved by the Town Board.

Permanent markers as described in (i) and (ii) must be embedded at least 24 inches.

Installation of monuments must be overseen and certified by a licensed surveyor.

(e) This law requires a survey for all subdivisions for the purpose of meeting the mandate of the Real Property Law Section 334, with the understanding that where an application is made to subdivide one small parcel off a large parcel, for example ten or less acres from one hundred plus acres, the planning board may require that only the smaller parcel be platted, if in the opinion of the planning board, such action is warranted by the particular circumstances.

2. All on-site sanitation and water supply facilities shall be designed to meet the minimum of the current Schoharie County sanitation laws. The feasibility data on sanitation facilities including percolation test, water and storm water drainage, including documentation from on-site investigation provided by Schoharie County Department of Health or Licensed Engineer shall be noted on the plat and signed by the County Licensed Engineer.

3. Proposed subdivision name, name of the Town and County in which it is located.

4. The date, north point, map scale, name and address of record owner and subdivider.

5. The plat to be filed with the County Clerk shall be printed upon lines or Mylar. The size of the sheet shall be no larger than twenty-four (24) inches by thirty-six (36) inches.

#### SECTION 4. SUBDIVIDER TO ATTEND PLANNING BOARD MEETING

1. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

#### SECTION 5. WHEN OFFICIALLY SUBMITTED

1. The time of submission of the subdivision plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by these regulations, has been filed with the Clerk or Chairman of the Planning Board.

#### SECTION 6. CONSIDERATION

The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot size and arrangement, the future development of adjoining lands as yet not subdivided, and the requirements of the comprehensive plan, the official map, and zoning regulations, if such exist.

#### SECTION 7. REFERRAL TO THE COUNTY PLANNING AND DEVELOPMENT AGENCY

1. Whenever any proposed subdivision is located within five hundred (500) feet of the following

- (i) Any boundary of any city, village or town, or
- (ii) the boundary of any or existing or proposed county or state park or any other recreation area, or
- (iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or
- (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

(v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

(vi) the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agricultural and markets law, then, a copy of the complete application file for Preliminary Plat approval will be referred to the Schoharie County Planning and Development Agency under the applicable provisions of Section 239-h, 239-k and 239-n of the General Municipal Law where such is required by this section.

2. In the instance of such referral, the County Planning and Development Agency shall have thirty (30) days in which to report its recommendations to the Board. Failure of the County Planning and Development Agency to report within thirty (30) days may be construed to be approval by that Agency.

3. Extraordinary vote upon recommendation of modification or disapproval. If the county agency recommends modification or disapproval of a referred plat, the planning board shall not act contrary to such recommendation except by a vote of a majority plus one of all members thereof.

4. Report of final action. Within thirty days after the final action, the planning board shall file a report of the final action it has taken with the county planning agency. A planning board which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

## SECTION 8. AGRICULTURAL DATA STATEMENT

1. Any application for subdivision that would occur on property within an Agricultural District containing a farm operation or on property within five hundred (500) feet of a farm operation located in an Agricultural District, shall include an Agricultural Data Statement. The Planning Board shall evaluate and consider the Agricultural Data Statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such Agricultural District.

2. Upon receipt of such application by the Planning Board the Secretary of such Board shall mail written notice of such application to the owners of land as identified by

the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for said project. The cost of mailing said notice will be borne by the applicant.

3. The secretary of the Planning Board shall refer all applications requiring an Agricultural Data Statement to the Schoharie County Planning and Development Agency as required by Sections 239m and 239n of the general municipal law.

## SECTION 9. HIGHWAY REFERRAL

1. In any application for a subdivision that will require access from a state, county, or town highway, the secretary of the Planning Board will forward copies of the Preliminary Plat to the appropriate agency for review and comment.

## SECTION 10. PUBLIC HEARINGS

### 1. Planning Board as Lead Agency

(a) The time within which the planning board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows

(i) If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two days after receipt of a complete preliminary plat by the clerk of the planning board, or

(ii) If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat shall be held within sixty-two days of filing the notice of completion.

2. Public hearing, notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most

appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

3. Decision. The planning board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(a) If the planning board determines that the preparation of an environmental impact statement on the preliminary plat is not required such board shall make its decision within sixty-two days after the close of the public hearing; or

(b) 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 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 draft environmental impact statement, the final environmental statement shall be filed within forty-five days following the close of the public hearing on the preliminary plat. Within thirty days of the filing of such final environmental impact statement, the planning board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(c) The time in which the planning board must take action on such plat may be extended by mutual written consent of the subdivider and the planning board.

(d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be state upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modifications it deems necessary for submission of the plat in final form

2. Planning board not as lead agency

(a) Public hearing on preliminary plats. The planning board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the planning board shall hold the public hearing on the preliminary within sixty-two days after receipt of a complete preliminary plat by the clerk of the planning board.

(b) Public hearing, notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(c) Decision. The planning board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

(1) If the preparation of an environmental impact statement on the preliminary plat is not required, the planning board shall make its decision within sixty-two days after the close of the public hearing on such preliminary plat.

(2) If an environmental impact statement is required, the planning board shall make its own findings and its decision on the preliminary plat within sixty-two days after the close of the public hearing on such preliminary plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer.

(d) The time in which the Planning Board must take action on such plat, may be extended by mutual written consent of the subdivider and the Planning Board.

(e) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modification it deems necessary for submission of the plat in final form.

## SECTION 11. ACTION ON MINOR SUBDIVISION PRELIMINARY PLAT

1. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the final subdivision plat, the Planning Board

may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

2. Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval or conditional approval of the preliminary plat, the plat shall be certified by the clerk of the planning board as having been granted preliminary approval or conditional approval and a copy of the plat and the resolution shall be filed the office of the clerk. A copy of the resolution shall be mailed to the owner. Within five business days from the date of such filing the chairman or other duly authorized member of the planning board shall cause a copy of such resolution to be filed in the office of the town clerk.

3. Revocation. Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the planning board.

## SECTION 12. APPROVAL OF FINAL PLATS

1. Final plats shall conform to the definition provided in these regulations. Final plats may require further review under the state environmental quality review act.

2. When a final clearly marked "Final Plat" plat is submitted which the planning board deems to be in substantial agreement with the preliminary plat previously approved, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted, 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 days of its receipt by the clerk of the planning board. Failure of the planning board to act within such time shall constitute approval of the plat.

3. When a final plat is submitted which the planning board deems not to be in substantial agreement with the preliminary plat previously approved or when no preliminary plat is required to be submitted, the Public Hearings as described in Section 10 of this Article shall be complied with.

4. Approval and certification of final plats. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final 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 with the clerks in such clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by such duly authorized officer of the planning board and copy of such signed plat shall be filed in the office of the clerk of the planning board or filed with the town clerk as determined by the town board.

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

### SECTION 13. BONDING & FINAL PLAT SUBMISSION

1. Upon receiving conditional approval for a preliminary plat, the subdivider shall post a bond or certified check payable to: The Town of Carlisle, in the amount specified by the Planning Board. Any such bond shall comply with the requirements of Section 277 of the Town Law as the same now exists or may hereafter be amended and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. Failure to post bond within thirty (30) days of preliminary plat approval shall void approval of the plat.

2. Conditional approval of the final plat shall expire within one hundred and eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The planning board may extend by not more than two additional periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances. Upon completion,

the subdivider will request the person designated by the Town to inspect the improvements and report to the planning board that satisfactory completion of required improvements has been made and bond will be returned to subdivider.

3. Upon failure of the subdivider to complete conditions, the Town shall seize the bond and contract for their completion.

4. The final plat shall be submitted within ninety (90) days of preliminary approval. Within sixty-two (62) days of receiving the final plat the Planning Board may authorize the Chairman to sign the plat, provided there have been no changes therein. Any major changes will require an additional public hearing. The approved final plat or a section of such plat shall be filed with the County Clerk by the subdivider within sixty-two (62) days of the date of final approval or such approval shall expire.

## ARTICLE VI

### SECTION 1. APPROVAL OF A MAJOR SUBDIVISION

1. Within six months of the classification of the subdivision as MAJOR the subdivider shall submit an application together with five copies of a preliminary plat to the clerk of the planning board. The plat shall conform to the general layout shown on the Sketch Plan and shall incorporate recommendations made by the planning board as a result of the discussions of the sketch plan. Such preliminary plat shall be clearly marked "Preliminary Plat" and shall be in the form described hereof. The preliminary plat shall, in all respects comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law and these regulations, except where a waiver may be specifically authorized in writing by the Planning Board. Preliminary plat shall be submitted with appropriate fee.

### SECTION 2. MAJOR SUBDIVISION PRELIMINARY PLAT

1. The following documents shall be submitted with the application:

(a) A certificate by the owner stating: "As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access rights

reserved as represented on the plat.” This certificate shall be executed as a conveyance is executed.

(b) A certificate issued by the authorized County and town Officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.

(c) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, or a statement by the owner that no such restrictions exist.

### SECTION 3. FIELD SURVEY

1. The preliminary plat for a major subdivision shall be prepared at a scale of not more than one (100) feet to the inch. The plat shall include the following information:

(a) Proposed subdivision name, name of Town and County in which it is located, date, true or magnetic north point, scale, name and address of record owner, subdivider and engineer and/or surveyor, including license number(s) and seal(s).

(b) The name of all subdivisions immediately adjacent and within 200 feet and the name of the owners of record of all adjacent property including opposite side of roads or highways.

(c) Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning ordinance text applicable to the area to be subdivided.

(d) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

(e) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas and other significant existing physical features for the proposed subdivision.

(f) Location of existing and proposed sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

- (g) Contours with intervals of ten (20) feet or less as required by the Board, including elevations of existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
- (h) All existing and proposed roads or public way or places shown on the official map or the master plan, if such exists, within the area to be subdivided, including width, location, grades, road profiles and cross sections of all roads or public ways as proposed by the developer.
- (i) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- (j) Sufficient data acceptable to the Planning Board to readily determine readily the location, bearing and length of every road line, lot line, boundary line, including chord bearing, curve radii and arc length or central angle and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event, should be tied to reference points previously established by a public authority.
- (k) The length and bearing of all straight lines, radii, chord bearing, arc and/or central angles of all curves, shall be given for each road. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true or magnetic north point.
- (l) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- (m) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of discharge.
- (n) Plans and cross-sections showing the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, and including the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, catch basins and underground conduits i.e. telephone, catv, power, gas, etc.
- (o) Preliminary designs of any bridges or culverts which may be required.

- (p) The proposed lot lines with approximate dimensions and area by each lot.
- (q) Where topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
- (r) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be marked by monuments of such size and type as provided for in Article V Sec. 3 1.(d) of these regulations.
- (s) All on-site sanitation and water supply facilities shall be designed to meet or exceed the minimum of the current State/County sanitation laws. The feasibility data on sanitation facilities including percolation test, water and storm water drainage, including documentation from on-site investigation by the Schoharie County Department of Health or a licensed engineer shall be noted on the plat and signed by a duly appointed agent of the County or licensed engineer.

2. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system. The part of the subdivider's holding submitted shall be considered in the light of the entire holdings.

#### **SECTION 4. SUBDIVIDER TO ATTEND PLANNING BOARD MEETING**

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

#### **SECTION 5. WHEN OFFICIALLY SUBMITTED**

The time of submission of the preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by

the required fee and all data required by these regulations, has been filed with the Clerk or Chairman of the Planning Board.

#### SECTION 6. CONSIDERATION

The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet not subdivided, and the requirements of the master plan, the official map, and zoning regulations, if such exist.

#### SECTION 7. REFERRAL TO THE COUNTY PLANNING & DEVELOPMENT AGENCY

1. Whenever any proposed subdivision is located within five hundred (500) feet of the following:

- (i) Any boundary of any city, village or town, or
- (ii) The boundary of any or existing or proposed county or state park or any other recreation area, or
- (iii) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or
- (iv) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or
- (v) The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- (vi) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agricultural and markets law, then, a copy of the complete application file for Preliminary Plat approval will be referred to the Schoharie County Planning and Development Agency under the applicable provisions of Section 239-h, 239-k and 239-n of the General Municipal Law where such is required by this section.

2. In the instance of such referral, the County Planning and Development Agency shall have thirty (30) days in which to report its recommendations to the Board. Failure of the County Planning and Development Agency to report with thirty (30) days may be construed to be approval by that Agency.

3. Extraordinary vote upon recommendation of modification or disapproval. If the county agency recommends modification or disapproval of a referred plat, the planning board shall not act contrary to such recommendation except by a vote of a majority plus one of all members thereof.

4. Report of final action. Within thirty days after the final action, the planning board shall file a report of the final action it has taken with the county planning agency. A planning board which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such a report.

#### SECTION 8. AGRICULTURAL DATA STATEMENT

1. Any application for subdivision that would occur on property within an Agricultural District containing a farm operation or on property within five hundred (500) feet of a farm operation located in an Agricultural District, shall include an Agricultural Data Statement. The Planning Board shall evaluate and consider the Agricultural Data Statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such Agricultural District.

2. Upon receipt of such application by the Planning Board the Secretary of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required state or local law, ordinance, rule or regulation for said project. The cost of mailing said notice will be borne by the applicant.

3. The secretary of the Planning Board shall refer all applications requiring an Agricultural Data Statement to the Schoharie County Planning and Development Agency as required by Sections 239-m and 239-n of the general municipal law.

## SECTION 9. HIGHWAY REFERRAL

1. In any application for a subdivision that will require access from a state, county, or town highway, the secretary of the Planning Board will forward copies of the Preliminary Plat to the appropriate agency for review and commenting compliance with General Municipal Law 239-m.

## SECTION 10. PUBLIC HEARINGS

### 1. Planning Board as Lead Agency.

(a) The time within which the planning board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows:

(i) If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two days after receipt of a complete preliminary plat by the clerk of the planning board; or

(ii) If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two days after filing of the notice of completion of such draft environmental statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within sixty-two days of filing the notice of completion.

2. Public hearing, notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

3. Decision, the planning board shall approval with or without modification, or disapprove such preliminary plat as follows:

(i) If the planning board determines that the preparation of an environmental impact statement on the preliminary plat is not required such board shall make its decision within sixty-two days after the close of the public hearing; or

(ii) 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 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 draft environmental impact statement, the final environmental shall be filed within forty-five days following the close of the public hearing on the preliminary plat. Within thirty days of the filing of such final environmental impact statement, the planning board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

4. The time in which the Planning Board must take action on such plat, may be extended by mutual written consent of the subdivider and the Planning Board.

5. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modifications it deems necessary for submission of the plat in final form.

2. Planning board not as lead agency.

(a) Public hearing on preliminary plats. The planning board shall, with the agreement of the lead agency, hold the public on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, or if no public hearing is held on the draft environmental impact statement, the planning board shall hold the public hearing on the preliminary plat within sixty-two days after receipt of a complete preliminary plat by the clerk of the planning board.

(b) Public hearing, notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board

may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(c) Decision. The planning board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

(1) If the preparation of an environmental impact statement on the preliminary plat is not required, the planning board shall make its decision within sixty-two days after the close of the public hearing on such preliminary plat.

(2) If an environmental impact statement is required, the planning board shall make its own findings and its decision on the preliminary plat within sixty-two days after the close of the public hearing on such preliminary or within thirty days of the adoption of findings by the lead agency, whichever period is longer.

(d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modification it deems necessary for submission of the plat in final form.

#### SECTION 11. ACTION ON MAJOR SUBDIVISION PRELIMINARY PLAT

1. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the final subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision or as a result of new information obtained at the public hearing.

2. Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of the preliminary plat, the plat shall be certified by the clerk of the planning board as having been granted preliminary approval and a copy of the plat and the resolution shall be filed in the office of the clerk. A copy of the resolution shall be mailed to the owner. Within five business days from the date of

such filing the chairman or other duly authorized member of the planning board shall cause a copy of such resolution to be filed in the office of the town clerk.

4. Revocation. Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the planning board.

## SECTION 12. APPROVAL OF FINAL PLATS

1. Final plats shall conform to the definition provided in these regulations. Final plats may require further review under the state environmental quality review act.

2. When a final plat clearly marked "Final Plat" is submitted which the planning board deems to be in substantial agreement with the preliminary plat previously approved, the planning board shall by resolution conditionally approve with or without modifications, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days of its receipt by the clerk of the planning board. Failure of the planning board to act within such time shall constitute approval of the plat.

3. When a final plat is submitted which the planning board deems not to be in substantial agreement with the preliminary plat previously approved, the Public Hearings as described in Section 10 of this Article shall be complied with.

## SECTION 13. FINAL SUBDIVISION PLAT

1. The final plat for a major subdivision to be filed with the County Clerk shall be printed upon linen or Mylar. The size of the sheets shall be no larger than thirty four (34) inches by forty four (44) inches. The plat shall be drawn at a scale of no more than one hundred (100) feet nor less than fifty (50) feet to the inch and oriented with the north point at the top of the map. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:

(a) Surveyors' certificate showing date of completion of survey and making of the map, the name of the subdivision and the original signature of the surveyor must appear on the map[. The surveyor stamp or seal must appear on the map(s).

(b) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

2. 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.

4. Upon resolution of conditional approval of such final plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy files in his/her office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, or bonded will authorize the signing of the final plat.

2. Conditional approval of the final plat shall expire within one hundred and eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The planning board may extend by not more than two additional periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the planning board opinion, such extension is warranted by the particular circumstances.

#### SECTION 14. IMPROVEMENTS AND PERFORMANCE BOND

1. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall complete all improvements (including roads and highways) or follow the procedure set forth in sub-paragraph (a) below:

(a) In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law as the same now exists or may hereafter be amended and shall be

satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year or such other period as the Planning Board may determine in writing to be appropriate, not to exceed three (3) years shall be set forth in the bond within required improvements must be completed.

2. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Planning Board may, upon approval by a majority of the members of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Planning Board shall issue any authorization under this Section in writing.

3. At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause review to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

4. If the Planning Board shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, they shall so report to the Town Board and Building Inspector. The Town Board than shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond.

#### SECTION 14. FILING OF APPROVED SUBDIVISION PLAT

1. Upon completion of the requirements in Section 14, and above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and shall be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or

recorded by reasons of the failure of the subdivider to act, within sixty-two (62) days of the date upon which such plat is approved or considered approved shall become null and void.

2. 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, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with its requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

#### SECTION 15. PUBLIC ROADS, RECREATION AREAS

1. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other open space shown on such subdivision plat.

2. When a park, playground, or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. 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 cost of grading, development, equipment, and maintenance of any such recreation area.

#### SECTION 16. PHASING OF MAJOR SUBDIVISIONS

1. In granting conditional or final approval of a plat in final form, the planning board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the planning board. Conditional or final approval of the sections of a final plat may be granted concurrently

with conditional or final approval of the entire plat, subject to any requirements imposed by the planning board.

## ARTICLE VII

### SECTION 1. WAIVERS

1. Where the Planning Board finds that, because of the special circumstances of a particular case, extraordinary hardship may result from strict compliance with these Regulations, the Planning Board shall have the authority to vary or modify the application of any of the requirements herein, not requisite in the interest of public health, safety and general welfare provided, however, that any such waiver will not have the effect of nullifying the spirit and intent of these standards, the Comprehensive Plan, the Official Map, or any other regulations or ordinance, if such exists.

2. In granting a waiver to any of these regulations, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

## ARTICLE VIII

### SECTION 1. SEPARABILITY

1. If any clause, sentence, subdivision, paragraph, section or part of these Regulations 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, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

## APPENDIX A

### DEFINITIONS

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

**Applicant** – the person(s), corporation, agency, or other legal entity responsible for submitting subdivision applications for review by the Planning Board.

**Aquifer** – an underground geologic formation that contains and transmits significant quantities of groundwater.

**Area, Lot** – the total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

**Average Daily Traffic** – the average number of vehicles per day that enter and leave the premises or travel over a specific section of road.

**Average Peak Hour Traffic** – the average number of vehicles per hour, at the time of peak traffic volume, that enter and leave the premises or travel over a specific section of road.

**Base Floodplain** – see “100 Year Flood Area.”

**Building** – a structure or dwelling designed to be used as a place of occupancy, business, storage, or shelter. The term “building” shall include the term “structure” as well as receiving and transmitting commercial, radio, television, telephone and other utility communication towers, mobile homes, and modular homes.

**Clerk** – A person designated to perform the duties of the clerk of the Planning Board for the purposes of these regulations.

**Cluster Housing** – dwellings so situated on a parcel or tract (no less than 20 acres in area) so as to leave a minimum of 50% of the parcel or tract in open space.

**Comprehensive plan** – the Plan, adopted by the Town Board pursuant to Section 272-a of the Town Law which indicated the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

**Curb-cut** – a defined opening to provide vehicular access from a public highway to a lot or property.

**Drainage** – a system of swales, ditches and culverts, catch basins and piping to convey storm water runoff to retention areas and stabilized discharge points.

**Driveway** – any road that services no more than three residences.

(See Local Law “Town of Carlisle Driveway Law”)

**Easement** – An authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Engineer – or licensed professional engineer** – A person licensed as a professional engineer by the State of New York.

**Environmental Impact Statement (EIS)** – a document prepared pursuant to SEQR, subsequent to a determination of potential adverse impacts that examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

**Erosion** – the wearing away of surface soils by action of wind or water.

**Fire Lane** – access for emergency fire-fighting vehicles.

**Frontage** – that part of a property bounded by either a public or private road.

**Flood Hazard, Area of** – land within a community subject to a one percent (1%) or greater chance of flooding in any given year. Also commonly referred to as base floodplain or 100-year flood area.

**Floodway** – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

**Lot** – a parcel of land whose boundaries are established by some legal instrument, such as a recorded deed or map, and which is recognized as a separate, legal entity for the purpose of transfer of title.

**Mobile Home** -

(See Town of Carlisle Regulation for Mobile Homes)

**Mobile Home Park** -

(See Town of Carlisle Regulation for Mobile Homes)

**Official map** – a map established by the Town Board pursuant to Section 270 of the Town Law, showing roads, highways, and parks and drainage, both existing and proposed.

**Parcel** – see Lot

**Person** – any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

**Phased Development** – development that occurs in defined stages.

**Planning Board or Board** – The Planning Board of the Town of Carlisle.

**Plat, Preliminary** – A drawing or drawings clearly marked “Preliminary Plat” size not greater than 24 inches by 36 inches, scale no more than 100 feet nor less than 50 feet to the inch showing the layout of a proposed subdivision, as specified in these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**Plat, Final** – A drawing clearly marked “Final Plat” size not greater than 24 inches by 36 inches, scale no more than 100 feet nor less than 50 feet to the inch showing the layout of the proposed subdivision, as specified in these regulation, containing in such additional detail all information required to be shown on a preliminary plat and the modifications, if any, required by the planning board at the time of approval of the preliminary plat if such preliminary has been so approved.

**Road** – A public or private way which affords the principal vehicular access to abutting property. Public roads are streets, road, avenues, lanes or other traffic ways, between right-of-way lines.

**Road, dead-end or cul-de-sac** – A road or a portion of a road with only one vehicular traffic outlet.

**Road, Major** – A road which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**Road, pavement** – The wearing or exposed surface of the roadway use by vehicular traffic.

**Road width** – The width of right-of-way, measured at right angles to the center line of the road.

**Road, Primary** – where the subject property has frontage on two or more roads, this refers to the road that is used most intensively (e.g. has the greater volume of vehicular traffic). This usually corresponds to the public road classification and size, assuming county roads receive greater traffic than local roads, and that state highways have greater traffic volumes than county roads.

**Road, Right-of-Way** – an area defined by a boundary which provides for road construction, maintenance, improvement and/or widening.

**Road, Secondary** – where the subject property has frontage on two or more roads, this refers to the second (or least) most intensively used road (See Road, Primary).

**Runoff** – surface water that flows onto, within, and/or off of the site area.

**Sediment** – soils or other surface materials transported by surface water as a product of erosion.

**Sedimentation (Siltation)** – the deposition of sediment and silt in drainage ways, watercourses and water bodies which may result in pollution, murkiness, accumulation, and blockage.

**Separation Distance** – distance between the two closest points of reference between two facilities, structures, uses or properties (e.g. the distance between an on-site septic system absorption field and a well).

**Septic System** – a sewage disposal system designed and built in compliance with state and county regulations.

**SEQR (State Environmental Quality Review)** – review of an application according to the provisions of the State Environmental Quality Review Act, 6 NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making process of state, county and local government agencies.

**Setback** – a minimum horizontal distance from a given point or line of reference, such as from a road edge or right-of-way, within which development is restricted.

**Sight Distance** – the length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

**Siltation Control** – placement of siltation barriers such as sod, matting, hay bale barriers, or silt fencing or other methods to prevent pollution and blockage of watercourses and water bodies by silt and other sediment.

**Sketch plan** – A sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to reach general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

**Sketch Plan Conference** – initial Planning Board review of the project proposal with the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what the subdivision submission requirements will be prior to submitting the plat.

**Start of Construction** – the initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling; installation of roads, excavation for a basement, footings, foundations or the erection of temporary forms. Start of construction also includes the placement and/or installation on the property of accessory buildings, storage trailers and building materials.

**Structure** – anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting outdoor areas such as paved areas and walkways.

**Subdivider** – Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

**Subdivision** – Subdivision means the division of any parcel of land into two or more lots, blocks, or sites, with or without roads or highways and includes re-subdivision.

**Subdivision, Major** – Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of five or more lots, or any subdivision requiring any new road or extension of municipal facilities.

**Subdivision, Minor** – Any subdivision to create not more than four lots that 1) fronts on an existing road, 2) does not involve any new street or road or the extension of municipal facilities, 3) does not adversely affect the development of the remainder of the parcel or adjoining property and 4) is not in conflict with any provision or portion of the Land Development Plan, Official Map, Site Plan Review Regulations, or Zoning Ordinance, if such exists, or these regulations.

**Surveyor** – A person licensed as a land surveyor by the State of New York.

**Town Engineer** – The duly designated engineer of the Town, licensed by the State of New York.

**Tract** – An area of land composed of two or more contiguous lots.

**Water body** – any natural or man-made body of water, such as a pond, lake, wetland or wet area which does not necessarily flow in a definite direction or course.

**Watercourse** – a channel in which a flow of water occurs either continuously or intermittently.

**Water, Groundwater** – the water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

**Water, Potable** – Water safe for human consumption.

**Watershed** – the area which is a drainage basin for a particular freshwater body.

**Water, Surface** – water contained in streams, rivers, ponds, wet areas, lakes and other water bodies and watercourses, or that drains across land.

**Wetlands** – lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic or semi-aquatic vegetation, as determined by federal and/or state environmental agencies.

**100 Year Flood Area** – area where there is a one percent (1%) or greater chance of flooding in any given year.

**TOWN OF CARLISLE  
LOCAL LAW NO. 6 - 2001**

**AMENDING LOCAL LAW NO. 1 - 1998  
REGULATIONS FOR THE REVIEW  
OF SUBDIVISIONS**

BE IT ENACTED by the Town Board of the Town of Carlisle as follows:

Section 1. This local law shall be known as Amending Local Law No. 1-1998 – Regulations for the Review of Subdivisions.

Section 2. That a new Section 3 (6) under Article IV is hereby added to read as follows:

If the Planning Board determines that the Sketch Plan is a Lot Line Adjustment, it shall determine by motion that the proposed lot line adjustment does not constitute a Subdivision as defined in this law, and shall empower a duly authorized officer to make a notation to that effect upon the Sketch Plan and to sign such plan which may then be filed by the applicant in the Office of the County Clerk. A certified survey by a New York State Surveyor may be required at the discretion of the Planning Board. The Sketch Plan to be filed with the County Clerk shall be no larger than 34 inches by 44 inches and no smaller than 8.5 inches by 11 inches.

Lot Line Adjustment (Definition):

A modification of lot boundaries in which a portion of one or more lots is added to an adjoining lot or lots without increasing the total number of buildable lots.

Section 3. This Local Law shall become effective upon filing with the New York State Secretary of State's Office.

Enacted: September 5, 2001, by the Town Board of the Town of Carlisle.

(SEAL)

**TOWN OF CARLISLE  
LOCAL LAW NO 6-2005**

**AMENDING LOCAL LAW NO. 1 – 1998 – ADOPTING REGULATIONS FOR THE  
REVIEW OF SUBDIVISIONS**

BE IT ENACTED by the Town Board of the Town of Carlisle as follows:

Section 1. This Local Law shall be known as Amending Local Law No. 1-1998 – Adopting Regulations for the Review of Subdivisions.

Section 2. That Article III Section 5(1) is hereby amended by adding the following sentence as the last line: No percolation test shall be required by the Planning Board.

Section 3. That Article IV Section 2(3) is hereby amended by adding the following sentence as the last line: No percolation test shall be required by the Planning Board.

Section 4. That Article V Section 3(2) is hereby amended by deleting the words: percolation test.

Section 5. That Article VI Section 3(1)(s) is hereby amended by deleting the words: percolation test.

Section 6. This Local Law shall become effective upon filing with the New York State Secretary of State's Office.

Enacted: October 05, 2005, by the Town Board of the Town of Carlisle.

(SEAL)