

**TOWN OF SHARON**  
**PART 11 - SUBDIVISION REGULATIONS**  
**Updated March 1, 2017**



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## **ARTICLE I - ENACTMENT AND APPLICABILITY**

### **Section 1 - Enactment**

- A. The Planning Board of the Town of Sharon in the County of Schoharie, New York does hereby adopt and the Town Board approve the Town of Sharon Subdivision Regulations under and pursuant to Article 16 of Chapter 62 of the Town Law of the State of New York.

### **Section 2 - Title**

- A. These Regulations shall be known and may be cited as the "TOWN OF SHARON SUBDIVISION REGULATIONS".

### **Section 3 - Purpose**

- A. It is the purpose and intent of these Regulations to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town of Sharon. This means among other things, that:
1. land to be subdivided shall be in accord with the Town Comprehensive Plan including any plan updates;
  2. land 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;
  3. proper provision shall be made for surface and subsurface drainage, water supply, sewerage and other needed improvements;
  4. all proposed lots shall be so laid out and of such size as to be in harmony with the capability of the land and water resources to support such development;
  5. all subdivisions shall be done in a manner to protect the quality surface and groundwater supplies, and protect the integrity of floodplain areas;
  6. the proposed streets shall compose a convenient system conforming to the Town Plan, as such exists at the time, and shall be of such width, grade and location as to accommodate the prospective traffic and to facilitate fire protection and other services that would need to be provided; and
  7. land shall be subdivided or developed with due regard to topography and the environment so that the natural beauty of the land and vegetation shall be protected and enhanced. Adequate sites for open space parks and playgrounds, shall be located so that all residents shall have convenient access; and

8. land shall be subdivided or developed in a manner that protects and maintains the rural character and small town atmosphere of the Town of Sharon while promoting appropriate economic development.

#### **Section 4 - Scope**

- A. Pursuant to Town Law, Sections 265A, 276 as rewritten by Chapter 964 of the Laws of 1972; 277, 278, 281 and 282 and acts amendatory thereto, these Regulations authorize and empower the Planning Board of the Town of Sharon to approve Preliminary and Final Plats according to the process and standards set forth in these regulations.
- B. When ever any subdivision of land is proposed to be made, and before any contract for sale of, or any offer to sell any lots in such subdivision or any part thereof is made, the subdivider or his duly authorized agent shall apply in writing for approval of all such proposed subdivision in accordance with procedures set forth in these Subdivision Regulations. No building permit or certificate of occupancy shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the County Clerk. No excavation of land or construction of any parcel improvements shall take place or be commenced except in conformance with these regulations.
- C. These Regulations shall apply to the division of any parcel of land as herein defined and shall be applicable to any entirely or partially undeveloped plat previously filed with the Clerk of Schoharie County where twenty (20) percent or more of the lots within the plat are unimproved on the effective date of these Regulations.

#### **Section 5 - Definitions**

- A. Terms and words used herein are as defined in Article VI of this Law which is hereby made a part of these Regulations.

### **ARTICLE II - APPLICATION AND REVIEW PROCEDURE**

#### **Section 6 - Pre-application Conference and Sketch Plan for all Subdivisions and Lot Line Adjustments**

- A. Prior to the filing of an application for approval of a Preliminary Plat, the subdivider or his agent shall appear and submit five (5) copies at least ten (10) days prior to the regular meeting of the Board, a Sketch Plan and accompanying information as provided in Appendix 'A' of the Town of Sharon Zoning Law with a request for informal consideration by the Planning Board and for an expression of its views.

- B. The purpose of the sketch plan and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Board with a view toward conserving the time and expense of the subdivider and creating mutual opportunities for an exchange of information that will aid in assuring a desirable subdivision in the public interest. The sketch plan meeting allows the Planning Board to review the basic site design concept, advise the applicant as to potential problems or concerns, and to generally determine the information to be required on the subdivision plan application.
- C. Study of Sketch Plan. Within thirty days after the Pre-application Conference the Board shall inform the subdivider that the Sketch Plan and data as submitted, or modified, do, or do not meet the objectives of these regulations and it shall express its reasons. The Planning Board shall classify the subdivision as a lot line adjustment, or minor, or major subdivision at that time. The Planning Board's review of the sketch plan shall consider, but not be limited to:
1. The location of all areas proposed for land disturbance with respect to natural, cultural, and historic features;
  2. Street connections and road network;
  3. Proposed building density and lot coverage as may be prescribed by the Town of Sharon Zoning Law;
  4. Consistency with all other requirements of the Town of Sharon Zoning Law;
  5. The impact of the proposal on existing agricultural operations in that district.
- D. Lot Line Adjustment Review – Upon determination by the Planning Board that the action proposed in the Sketch plan constitutes a Lot Line Adjustment, the Board shall confirm that decision by resolution that the proposed action does not constitute a Subdivision as defined in the Code. A boundary line adjustment is permitted for lots with pre-existing nonconformities related to lot size, setbacks or other dimensions and an area variance from the Zoning Board of Appeals shall not be required, provided the degree of nonconformity is not increased, or a new nonconformity is not created. A boundary line adjustment shall not create any new lot and shall not impede the maintenance of existing or future access or utility service to any lot that is the subject of a boundary line adjustment. If the Planning Board cannot make such a finding, it shall process the application as a minor subdivision under the procedures set forth in these Regulations. No public hearing is required for a boundary line adjustment. After preliminary acceptance of the proposed action as a Lot Line Adjustment, the Planning Board shall determine the extent of the certified survey to be provided by a licensed New York State Surveyor. Having determined that the certified survey map agrees with the Sketch Plan presented at the Pre-Application Conference, the approved certified map (5 copies) shall be signed by a duly authorized officer of the Planning Board and filed by the applicant or the applicant's designated agent, with the County Clerk within 62 days of the date of such signature. The map to be filed with the County Clerk shall be no larger than 34 inches by 44 inches nor smaller than 8.5 inches by 11 inches. The applicant shall draft and file new deeds with the County

Clerk within ten days of the filing of the approved boundary line survey with the County Clerk. The deed shall contain the survey descriptions of the affected parcels as per the approved boundary line adjustment approved by the Planning Board. Distribution of other authenticated copies shall be determined by the Planning Board.

- E. Subdivision Review - Three (3) lots or Less. Upon approval of the Sketch Plan, the Planning Board has the discretion of determining the extent of the field survey and mapping needed for subdivision review in the case of three lots or less.

## **Section 7 - Formal Application for Minor and Major Subdivisions**

- A. Whenever any subdivision of land as defined in these regulations is proposed to be made and following the Pre-Application Conference and review of the Sketch Plan, the subdivider shall apply in writing to the Planning Board for approval of such subdivision.
- B. There shall be filed with the Planning Board a Preliminary Plat of the entire property for approval. For minor subdivisions, the preliminary plat shall also be considered the final plat. For major subdivisions, a Final Plat for approval or conditional approval and signing is required as specified in Section 9.
- C. Required information to be included in the application for a Preliminary and Final Plat is as stipulated in Appendix 'A' of the Town of Sharon Zoning Law.
- D. All applications for subdivision shall be accompanied by a fee and/or escrow deposit in accordance with the most recent Town of Sharon Fee Schedule. All costs associated with the review of any subdivision application shall be the responsibility of the applicant. The Planning Board shall not proceed until all fees and costs are paid for by the applicant.

## **Section 8 - Preliminary Plat - Submission and Consideration**

- A. Content - Following the Pre-Application Conference, the subdivider shall prepare a Preliminary Plat which shall consist of, as a minimum, those items of information called for in Appendix 'A' of the Town of Sharon Zoning Law unless any of these are specifically waived by the Planning Board.
- B. Submission – Eight (8) copies of the Preliminary Plat and supplementary material required shall be submitted to the secretary of the Planning Board with written application for Preliminary Plat approval not less than ten (10) business days prior to a regularly scheduled Planning Board meeting. The date the Preliminary Plat is so filed shall be the date of submission. No action will be taken to initiate or continue review of a subdivision application unless a duly authorized representative is present at a Planning Board meeting. The date of submission of the Subdivision plat shall be considered to be the date of the scheduled Planning Board meeting at which the Plat is presented, determined complete and the required fee and/or escrow deposit have

been paid, along with completed SEORA forms, and all data required by these regulations and of the Town of Sharon Zoning Law. A determination by the Planning Board that it has received a completed application shall initiate all time frames as set forth in these Regulations.

C. SEQRA, Referral and Response - Shall be according to the following:

1. Whenever any proposed subdivision is located within five hundred (500) feet from any boundary of an adjoining municipality or the boundary of any state or county property or easement, including rights-of-way, a copy of the application for Preliminary Plat approval will be referred to the Schoharie County Planning Commission under the applicable provisions of Section 239-c, and 239 h-n of the General Municipal Law where such is required by this Section.

The County referral shall apply to real property within 500 feet of the following:

1. The boundary of any village or town; or
  2. The boundary of any existing or proposed county or state park or other recreation area; or
  3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
  4. 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
  5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
  6. The boundary of a farm operation located in an agricultural district, as defined by Article 250aa of the Agriculture and Markets Law.
2. In the instance of such referral, the County Planning Commission shall have thirty (30) days in which to report its recommendations to the Board. If the Planning Commission fails to report within 30 days, the Planning Board may take final action on the proposed subdivision without a report from the Commission. However, any County Planning Commission report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the Planning Board, shall require the Planning Board to vote with a majority plus one of all members.
  3. Any application for subdivision approval by the Town of Sharon Planning Board 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.

a. 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.

b. The Secretary of the Planning Board shall refer all applications requiring an Agricultural Data Statement to the Schoharie County Planning Commission as required by sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law.

4. The Planning Board shall comply with all provisions of the State Environmental Quality Review Act (SEQRA).
5. The Planning Board may request an advisory opinion from any Town of Sharon department, agency, consultant, attorney or employee related to the application being considered for subdivision approval. Any advisory opinion must be submitted to the Planning Board so that all procedural time frames shall be met. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant.

D. Public Hearing - The Board shall, within sixty-two (62) days from the time the preliminary plat application is deemed complete, or if an environmental impact statement is prepared and a public hearing held on it, within sixty-two (62) days after the filing of the notice of completion of such impact statement, hold a public hearing on the Preliminary Plat, as submitted. The period within which the Planning Board shall hold a public hearing on the plat shall be coordinated with any hearings the Planning Board may shceulde pursuant to SEQRA. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing.

1. The Planning Board shall cause a written notice of such application and date of public hearing to be mailed to the owners of land as identified by the applicant in the agricultural data statement, if one is required to be submitted.
2. Consistent with the requirements of Section 239-c, and 239-h-n of the New York State General Municipal Law, the Planning Board shall give notice to an adjacent municipality when a hearing is held relating to a minor subdivision review on property that is within 500 feet of the adjacent municipality. Such notice shall be sent by mail or via electronic submission to the Town Clerk in the adjacent

municipality at least ten days prior to the hearing. The adjacent municipality may appear and be heard.

E. Action - Shall be according to the following:

1. Within sixty-two (62) days after the date of such hearing, the Board shall approve, with or without modification, or disapprove the Preliminary Plat. Failure of the Board to act within such sixty-two (62) day period shall constitute approval of the Preliminary Plat. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual, written consent of the applicant and the Board.
2. If the Schoharie County Planning Commission recommends disapproval or modification on any matter referred to them, the Board shall not approve such application other than in accord with the recommendations, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. If the Planning Commission fails to report within 30 days, the Planning Board may take final action on the proposed subdivision without a report from the Commission. However, any County Planning Commission report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the Planning Board, shall require the Planning Board to vote with a majority plus one of all members. Whatever the final action of the Board, where referral under Section Section 239-c, and 239-h-n of the General Municipal Law is called for, the County Planning Commission will be notified of the same within seven (7) days following such action.
3. Any approval, required modification and the reasons therefor, or disapproval and the reasons therefor, shall be stated in the record of the Board, and the applicant so notified with a copy certified to by the Secretary of the Board within five (5) days from the date of action taken. A copy of such certification shall be filed in the office of the Secretary of the Planning Board and a copy of the resolution shall be mailed to the owner.

## **Section 9 - Final Plat - Submission and Consideration**

- A. Content - The Final Plat shall conform substantially to the Preliminary Plat as approved. Application for approval of the Final Plat shall be accompanied by eight (8) copies of the Final Plat as required in Appendix 'A' of the Town of Sharon Zoning Law and shall be submitted to the secretary of the Planning Board at least ten (10) business days prior to a regularly scheduled Board meeting. The date the Final Plat is so filed shall be the date of submission. For minor subdivisions, the preliminary plat shall also be considered the final plat for approval purposes.
- B. Submission - The Subdivider shall, within six (6) months after approval of the Preliminary Plat, file with the Planning Board an application for approval of the Final

Plat; otherwise such approval of the Preliminary Plat shall become null and void unless an extension of time is applied for and granted by the Board. Any approved Preliminary Plat, of which only a portion or section is submitted as a Final Plat, shall not be null and void after six (6) month so long as each subsequent phase is submitted for Final Plat approval in accord with a previously established timetable. The subdivider, or his duly authorized representative shall attend all meetings of the Planning Board at which the final plat is being discussed. No action will be taken unless a duly authorized representative is present.

1. The time of submission of the Final Plat shall be considered to be the date of the regularly scheduled Planning Board meeting at which the Final Plat is presented, complete and the required fee and/or escrow deposit have been paid, and all data required by these regulations and the Town of Sharon Zoning Law, has been filed with the Secretary of the Planning Board. A determination by the Planning Board that it has received a complete application, which includes a negative declaration, or a draft environmental impact statement, shall initiate all time frames as set forth in these Regulations.
2. Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Schoharie County Department of Health and shall comply with applicable State laws and regulations. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the Schoharie County Department of Health shall be secured by the subdivider before official submission of Final Plat with the Planning Board Secretary.

C. Referral and Response - Any proposed subdivision previously referred to the Schoharie County Planning Commission under the General Municipal Law, Section 239-c, and 239-h through n, at the Preliminary Plat stage shall also be referred at the Final Plat stage. In the instance of such referral, the Schoharie County Planning Commission shall have thirty (30) days in which to report its recommendations to the Board. Failure of the agency to report within thirty (30) days may be construed to be approval by that agency. The County referral shall apply to real property within 500 feet of the following:

1. The boundary of any village or town; or
2. The boundary of any existing or proposed county or state park or other recreation area; or
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
4. 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

5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
  6. The boundary of a farm operation located in an agricultural district, as defined by Article 250aa of the Agriculture and Markets Law.
- D. Public Hearing - Within sixty-two (62) days of submission of the Final Plat in proper form, the Planning Board shall hold a public hearing; except that where the Board determines the Final Plat to be in substantial agreement with a previously approved Preliminary Plat, the Board may waive the requirement for a public hearing on the Final Plat. If a public hearing is to be held, it shall be properly advertised in a newspaper of general circulation in the Town at least five (5) days prior to the date of hearing.
- E. Action - Shall be according to the following:
1. The Board shall, by resolution, conditionally approve, with or without modification, or disapprove the Final Plat within sixty-two (62) days of the date of submission if no public hearing is held; or within forty-five (45) days of the hearing, if such hearing is held. Upon failure of the Board to act within the prescribed period of time, the Final Plat shall be deemed approved and the Town Clerk shall issue a certificate indicating the date of submission and the failure of the Board to take action within the prescribed time, such certificate to be sufficient in lieu of written endorsement or other evidence of approval. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual, written consent of the applicant and the Board. If a draft environmental impact statement (EIS) is required, the Planning Board's action on the Final Plat shall include either a negative declaration, or the Final EIS and a statement of findings on the subdivision as required by Article 8 of the New York State Environmental Conservation Law.
  2. If the Schoharie County Planning Commission recommends disapproval or modification, the Board shall not approve such application, other than in accord with the recommendation, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239 of the General Municipal Law is called for the Schoharie County Planning Commission will be notified of the same within seven (7) days following such action.
  3. Upon resolution of the Board to conditionally approve the Final Plat, with or without modification, the Chairman of the Planning Board shall be authorized to sign the Plat subject to such requirements as may be stated in the resolution. The Final Plat shall not be signed by the Chairman until the paragraph F-1 or 2 is complied with as required hereunder.

4. Any conditional approval, required modification and the reasons therefor, or disapproval and the reasons therefor, shall be stated in the records of the Board, and the applicant so notified with a copy certified to by the Secretary of the Board within five (5) days from the date of action taken.

F. Required Improvements - Within one hundred eighty (180) days from the date of any resolution granting conditional approval, the applicant shall either:

1. In an amount set by the Planning Board file with the Town Clerk either a certified check or performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Town Board and the 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 appropriate, not to exceed three (3) years, shall be set forth in the bond within which time required improvements must be completed; or
2. Complete all required improvements to the satisfaction of the Enforcement Officer and the Planning Board and file with the Board a letter and required drawings signifying the satisfactory completion of all such required improvements. For any required improvements not so completed and approved, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved, in accordance with the requirements of paragraph 1 above.

If the subdivider elects to provide a bond or certified check for all required improvements as specified in sub-paragraph F-1., such bond or check shall not be released until satisfactory As-Built Drawings are approved. If however, the subdivider completes all required improvements according to sub-paragraph F-2., then As-Built Drawings shall be submitted and approved prior to signature of the Final Plat by the Planning Board Chairman.

3. Notwithstanding the foregoing, the Planning Board may extend the time in which a conditionally approved Final Plat must be submitted for signature, where, in its opinion such extension is warranted, for a maximum of two (2) additional periods of ninety (90) days each.

G. Signature and Filing - Shall be according to the following:

1. Upon satisfactory completion of the above requirements, the Chairman of the Planning Board shall affix his signature to the Final Plat, which signature shall constitute final approval of the Plat.
2. Within sixty (60) days from the date of such signature denoting final approval, or from the date of issuance of a certificate issued by the Town Clerk noting failure

of the Board to act within the prescribed time, the Final Plat or approved sections thereof shall be duly filed by the applicant in the office of the Schoharie County Clerk.

3. Within thirty (30) days from the date of filing with the Schoharie County Clerk the Final Plat or filed sections thereof shall be filed with the Town Clerk.
4. In the event that the approved Final Plat is filed in sections, each section shall constitute at least ten (10) percent of the total number of lots contained in the Final Plat and all sections subsequent to the first shall be filed prior to the date of expiration of any exemption provided for under Article I, Section 4 of these Regulations.
5. 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, unless 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 this 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 10 - Coordination With Zoning Regulations and Area Variances**

- A. All lots shown on a plat shall at least comply with the requirements and provisions of the Town of Sharon Zoning Law. Any proposed lot that does not comply with area or dimension regulations shall first receive an approved area variance from the Zoning Board of Appeals prior to subdivision approval. In that case, where a plat contains a proposed lot or lots which do not comply with the zoning regulations, application for that area variance may be made to the Zoning Board of Appeals pursuant to Section Article VI, Section 22 (1) (A) (2) without the necessity of a decision or determination of the code enforcement officer charged with the enforcement of the zoning law.

## **ARTICLE III - MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS**

### **Section 11 - General**

- A. 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 and shall be in keeping with the objectives of the Town Plan. All standards set forth herein are required minimum standards and where conditions warrant the Planning Board may call for such additional measures as are reasonable and appropriate under the circumstances.

## **Section 12 - Natural Features**

- A. The utmost consideration shall be given to existing natural features of both the subdivision and adjoining lands and every effort shall be made to preserve and design with appropriate recognition to existing land forms, tree cover, waterways, shorelines, vistas, and other exceptional physical characteristics. These shall be shown as required in Appendix 'A' of the Town of Sharon Zoning Law.
- B. Land identified on the official Town of Sharon Flood Insurance Rate Map (FIRM) map showing flood areas) or land deemed by the Planning Board to be uninhabitable due to flooding 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 as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions. All requirements of the Town of Sharon Zoning Law and Flood Prevention Law shall be met.
- C. Land which the Planning Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, shallow depth to bedrock, utility easements, or other features which will reasonably be harmful to the safety, health or general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider, and approved by the Planning Board, to remediate the harmful conditions imposed by the unsuitable land conditions.
- D. The Town of Sharon encourages identification of the building envelope for lots created within a subdivision. General principals encouraged for the design of a subdivision include, but are not limited to:
  - a. Avoid building in the center of a meadow.
  - b. Reduce visual prominence by building into woodland edges.
  - c. Maintain irregular field edges when they occur.
  - d. Avoid large setbacks from the road if the lot is small or near a village or hamlet.
  - e. Avoid critical wildlife areas and steep slopes.
  - f. Preserve significant site features such as stone walls and large tree stands.
  - g. Provide for road and trail linkages to future subdivisions.
  - h. Steer new development away from areas needed to mitigate flooding.

## **Section 13 - Monuments**

- A. The tract boundary lines, and the lines of all streets or roads shall be monumental with concrete, stone or iron monuments with monument caps. Individual properties

shall be monumental with iron pins or pipe. All monuments shall be in place and capable of being located prior to the Chairman affixing his signature to the Final Plat.

## **Section 14 - Roadways**

A. General - All roadways and related construction whether to be offered for dedication or not shall be the responsibility of the subdivider unless otherwise indicted and shall be in accord with the following criteria:

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Town Comprehensive Plan and Town Zoning Law as such exists at the time, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
2. The arrangement of streets in a subdivision shall provide for the continuation, if appropriate, of residential streets in the surrounding area and be such as to compose a convenient system both for the subdivision and connections to the existing highway system.
3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts, contains or has access to an existing or proposed major traffic artery, the Board may require a frontage street or reverse frontage with screen-planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of both the subdivided properties and the scenic qualities of the Town and to afford separation of through and local traffic.
5. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Town. Street names shall be subject to the approval of the Board.
6. Every street shown on a Plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the Town and formally accepted as a public street by resolution of the Town Board; or alternatively until it has been condemned by the Town for use as a public street.

B. Design Considerations - Shall be as follows:

1. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted.

2. The length of a tangent between reverse curves on major and collector streets shall be a minimum of two hundred (200) feet; and on minor streets a minimum of one hundred (100) feet.
3. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees and all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.
4. Street grades shall conform as closely as possible to the natural topography and further, shall be not less than one-half of one (0.5) percent nor more than ten (10) percent.
5. Dead-end streets shall not be permitted, except as provided herein:
  - a. A closed turn-around or cul-de-sac street may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a street right-of-way line diameter of at least one hundred fifty (150) feet. Hammerhead or 'Y' shaped dead ends are preferred over cul-de-sac's.
  - b. A wye may be used as a temporary measure provided a turning area sixty (60) feet wide and sixty (60) feet deep shall be provided.
  - c. In the case of dead-end streets, the Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets or streets on an approved Subdivision Plat for which a bond has been filed.
6. The classification of roadways shall be as determined by the Planning Board. Street rights-of-way and pavement or improved surface area shall have the following widths:

Classification	Minimum Right-of-Way	Minimum Pavement or Improved Surface Area
Major	75'	40 - 44'
Collector	60'	36 - 40'
Minor	50'	a. 18' + two 5' shoulders (rural) b. 18-28' + curbing or two 5' shoulders (village)

C. Construction Considerations - Shall be as follows:

1. The road bed shall be approved before any gravel is placed upon it and the finished graveled roadway shall be approved before construction of the double surface treatment. The Planning Board may allow construction of unpaved roads

within a major subdivision that serves no more than five residences. The Town of Sharon Superintendent of Highways must approve, in writing, all road types, design and construction plans prior to the Planning Board issuing any approval of a subdivision containing a road. The Planning Board shall submit all road plans to the Superintendent within 30 days of deeming a subdivision application complete. The Highway Superintendent shall reply with his approval, disapproval or approval with conditions within 30 days after receiving the referral.

2. Each street or road shall have been compacted with suitable run-of-bank gravel to a depth of eighteen (18) inches, size of stone not to exceed two (2) inches in diameter, extending fourteen (14) feet in each direction from the center line of said street or road so that each street or road shall have been so constructed that the same is comprised of a bed constructed of compacted gravel to a width of twenty-eight (28) feet. No gravel shall be laid on any roadway unless the type of gravel shall have been approved by the Superintendent of Highways. In addition, the Planning Board may, in any case where the nature of the soil over which a street is to be laid out requires special construction, designate that the subdivider build said carriageway with a base of cinders or gravel or crushed stone and box it with run-of-bank gravel to a greater amount and extent than eighteen (18) inches as above set forth.
3. The surface course shall consist of a double surface treatment of oil and stone (in accordance with New York State Department of Transportation Specification 55B). In addition, the Board may require an asphalted concrete pavement surface when it determines such is needed based on the following:
  - Whether access is to year-round or seasonal uses;
  - The street classification and the type and volume of anticipated traffic; and
  - Schedule for completion in sections and/or in its entirety.
4. Proper drainage facilities shall be installed where required. Corrugated metal pipe other than aluminum shall be used throughout for all culverts or surface drains. Drainage shall be according to one of the following: 1) ditch a minimum of twenty-four (24) inches below the finished center line; 2) a concrete or asphalt gutter; 3) a concrete or asphalt curb with storm sewer; or such combination of the above to be determined by and acceptable to the Board.
5. Catch basins, manholes, seepage drains, reinforced concrete pipe, headers or other drain appurtenances and all under drains shall be installed or constructed in accordance with the direction and requirements of the Board and shall vary in size as conditions may require and shall be connected from basins or manholes to the proper lines and grades in such a manner as directed by the Board and all such under drains shall connect with piping or ditches leading to a live stream, where feasible, as required by the Board.

6. Where curbs exit on abutting properties, their extension by the subdivider shall be required throughout the proposed subdivision. All curbs shall be approved by the Planning Board. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the developer.
7. The shoulder shall be constructed with a one (1) inch per foot pitch and a minimum of five (5) feet in width. The paved area should consist of two (2) nine (9) foot lanes on an eighteen (18) inch gravel base with double surface treatment pitched at a minimum of three-eighths (3/8) inch per foot.
8. No roadside areas within the right-of-way will exceed a one-on-three slope without appropriate provision for stabilization.
9. The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four (4) feet wide and four (4) inches thick shall be installed where required, as specified by the Planning Board.

## **Section 15 - Blocks**

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
  1. The type of development proposed;
  2. Zoning requirements as to lot sizes and dimensions, if any and to the requirements of these Regulations;
  3. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress and egress; and
  4. Limitations and opportunities of topographical and other site characteristics.
- B. Where the subdivision is laid out in conventional block form, block lengths shall generally not exceed fifteen hundred (1,500) feet nor be less than seven hundred fifty (750) feet. Block width shall generally be two lots deep.

## **Section 16 - Lots**

- A. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions, natural conditions, and for the type of development and use contemplated. Lots should not be of such depth as to encourage the later creation of a second building lot at the front

or rear, or to create long, narrow 'piano key' lots. Lot dimensions and lot area shall conform to the standards and regulations set forth in the Town Zoning Law, unless a variance has been granted by the Zoning Board of Appeals. Where variances have been granted, the subdivision plan shall include notes stating the date any variance was approved and a description of said variance.

- B. Minimum lot size and lot width shall be in accord with the requirements of the Town Zoning Regulations, if any. In addition, all lots shall have area and width equal to minimum requirements of the State or County Health Department, as may be applicable.
- C. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street. Driveways and common driveways shall not count as road frontage.
- D. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets in accord with front yard setbacks as established by the Zoning Regulations, if any, or as otherwise stipulated by the Board.
- E. Double frontage lots with access to two streets shall not be approved.
- F. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- G. Off-street parking space shall be required for all uses and shall be consistent with the Town of Sharon Zoning Law parking requirements.

## **Section 17 - Grading and Drainage**

- A. Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision, based on a fifty (50) year storm. No subdivision shall be approved where anticipated runoff incident to the subdivision development will overload existing downstream facilities during a fifty (50) year storm. All stormwater management facilities shall be regulated and designed in accordance with the Town of Sharon Zoning Law and shall be consistent with all DEC required SPDES requirements. Nothing herein shall limit the Planning Board from requiring drainage improvements to be installed in a subdivision which may disturb less than one acre where the Board determines that said improvement is necessary to mitigate potential drainage impacts. The Planning Board shall have the option to also require that the proposed stormwater system shall collect and manage not only the increase in peak rate of runoff but also any increase in the total volume of runoff.

- B. The cost of a facility in excess of that for the particular subdivision shall be as determined by the Board and may be pro-rated among upstream property owners and the Town.
- C. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided, where necessary.
- D. The subdivider shall allow no holes, depressions or other undrained areas to remain, except such wet areas as may be natural features which shall be protected as such at the direction of the Board.

### **Section 18 - Easements**

- A. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of thirty (30) feet is required.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both as will be adequate for the purpose, as determined by the Board.
- C. A pedestrian right-of-way or easement not less than twelve (12) feet wide, in addition to any street, shall be provided where required by the Board to provide safe circulation or access to schools, playgrounds and other community facilities.
- D. 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. Reserve strips controlling access to streets, water or sewage mains, lines or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the Town under conditions approved by the Board.

### **Section 19 - Utilities**

- A. Sewage Disposal System - If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a community system, the developer shall provide sanitary sewers and laterals for each lot for such service. Community disposal systems must conform to standards and inspection by the County or State Health Department, as may be applicable. Where public or community sanitary sewers are not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State and local requirements upon specific approval by the Planning Board.

- B. Water Supply - If, in the opinion of the Board a subdivision can be reasonably served by the extension of a public or community water supply system, the subdivider shall connect each lot at the property line with the public or community supply system. Community water supply systems where provided, must conform to standards and inspection by the State or County Health Department, as may be applicable. Where public or community water supply is not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State and local requirements upon specific approval by the Planning Board.
- C. Other Utilities - Electric, telephone, and other available utilities shall be arranged for by the subdivider and shall be placed underground wherever it is practical to do so.
- D. Utilities shall be located in accord with Public Service Commission guidelines and as approved by the Planning Board. The Board shall require, wherever possible, that underground utilities be placed in the street right-of-way between the street surface and the street right-of-way 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 street is surfaced.

## **Section 20 - Street Lights, Trees, Signs and Screening**

- A. Street lights shall be arranged for by the subdivider, where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Board.
- B. Street trees are to be the responsibility of the subdivider. Preservation of existing trees and location and type of new trees shall be approved by the Board. The Planning Board may require planting of street trees in major subdivisions.
- C. The area between the drainage way and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
- D. Street name signs shall be provided by the Town, unless otherwise agreed upon by the Town and the applicant.
- E. When so required by the Board, screen-planting or other appropriate buffer not less than ten (10) feet wide, may be required along the line of lots between the subdivision and any adjoining industrial, commercial, major street, railroad or other similar use.

## **Section 21 - Public Sites and Open Spaces**

- A. Where a proposed park, playground, school or other public use shown in the Town Plan, or desirable for use as same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public service agency, or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof.
- B. Where a subdivision is of a size and in a location so as to warrant the provision of a park or play ground area to serve such subdivision, the Planning Board may require that up to ten (10) percent of the land area of such subdivision be reserved and improved for open space recreation purposes.
- C. If the Planning Board determines that suitable open space recreation area cannot be located in a given subdivision or it is otherwise not practical to do so, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law, including payment to the Town of an acceptable sum which shall constitute a trust fund to be used exclusively for open space recreational purposes designed to serve such subdivision, including the improvement of existing facilities. In the instance that monetary payment in lieu of land and recreation improvements is made to the Town, such payment shall be based on a formula which considers the following:
  - 1. The area (in square feet or acres) of the subdivision that would otherwise be required to be dedicated to recreation or open space up to a maximum of ten (10) percent of the land area of the subdivision.
  - 2. The estimated dollar value of that amount of land based on the sale value of unimproved lots in the subdivision comparable to the amount of land that would otherwise be dedicated to recreation and open space.
  - 3. The dollar value of initial improvement and installation of facilities to adequately serve and otherwise carry out the intended recreation use for the subdivision to be served.

## **Section 21.1 – Conservation Subdivision Design**

- A. Purpose. A purpose of this section is to plan for the orderly, economic, aesthetic, environmentally sound and efficient development of the Town that is consistent with its community character and the continuing needs of its people for conservation of agriculture, open space, natural and cultural resources, quality residential building sites and enjoyable open space. The Town of Sharon is home to important agricultural lands, significant scenic view sheds, historic architecture, natural beauty, and rural landscapes. This section has been carefully designed in recognition of the need to protect such resources as part of the land development process.

- B. **Applicability.** Any applicant for a minor or major subdivision may voluntarily design a subdivision layout pursuant to Section 21.1. The Planning Board may require a conservation subdivision layout for any proposed major subdivision, when they determine that the project or parcel contains one or more of the following:
1. Any major subdivision that is served by public water and sewer.
  2. Any subdivision defined by New York State as a realty subdivision.
  3. Any major subdivision on lands that have more than twenty five percent (25%) of the site occupied by a floodplain or flood hazard area as mapped by the Federal Emergency Management Agency.
  4. Any major subdivision on lands that have more than twenty five percent (25%) of the site occupied by steep slopes having a grade of fifteen percent (15%) or higher.
  5. Any major subdivision on lands that have more than twenty five percent (25%) of the site occupied by Federal or State wetlands.
  6. Any major subdivision on lands that have more than seven acres of land used for active agricultural operations.
  7. Any major subdivision on lands that have other significant environmental, visual or historic resources including but not limited to stream corridors, Class C(t) or higher DEC regulated streams, groundwater resources, scenic landscapes and ridge tops, archaeological resources, or habitats for rare or listed species, and which would be adversely affected by a conventional subdivision layout.
- C. **Compliance with Other Laws.** This section of the Subdivision Regulations shall function in coordination with all provisions of the Town of Sharon Subdivision Law. Whenever a conservation subdivision is proposed, the Planning Board shall integrate the applicable subdivision procedures and submission requirements.
- D. **Dimensional Standards.** Lot dimensions as required by the Department of Health, or as required by the Town of Sharon Zoning Law, shall be used to determine how many lots a parcel of land may be eligible for. Use of the conservation subdivision technique pursuant to this section does not change the development potential of any parcel.

The Planning Board shall allow alteration of lot dimensions within a conservation subdivision in order to properly accomplish the purposes of the Town of Sharon Comprehensive Plan and these Subdivision Regulations to preserve the maximum amount of open space when a major subdivision is planned. Lots shall be arranged in a way that preserves open space, agriculture, and promotes land conservation as described in this sub-section.

1. A major subdivision must preserve at least fifty percent (50%) of the parcel's acreage as open space land.
2. Minimum road frontage per lot shall be 50 feet; \
3. Minimum lot size. The conservation subdivision technique allows flexibility in lot sizes to result in optimum subdivision layout of lots to meet the goals of the

Town. As such, the minimum lot size can be varied but where individual wells and septic systems are required, shall be at least equal to that required by the New York State Department of Health to meet standards for water and septic system approvals. For lots in major subdivisions that do not need individual well and septic systems, the minimum lot size shall be twenty thousand (20,000) square feet, on average.

4. Maximum impervious surface shall be fifteen (15%) on each lot.
5. A buffer of one hundred (100) feet shall be required between building envelopes in a new subdivision and cropland or pasture land. The buffer from barnyards housing livestock shall be three hundred (300) feet. Other buffers may be required and shall be determined at the time of subdivision.
6. There shall be a minimum twenty five feet (25') vegetated buffer along all streams. The applicant shall submit a plan that details maintenance or creation of this vegetated buffer that preferably includes use of trees. Buffers may also be required to be maintained along wetlands and other hydrologically sensitive areas where there shall be no disturbance.

#### E. Site Design

1. Site Analysis. A site analysis shall be done by the applicant to include an identification of primary and secondary conservation lands within a parcel(s), as defined below. The site analysis shall include a Site Analysis Map with the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, or from aerial photographs. The applicant should review all Sharon maps, plans and studies, including but not limited to the Comprehensive Plan, in conducting its site analysis. The site analysis is not intended to be a highly engineered or exact document, but a general sketch and description illustrating the location and type of environmental features that are present on the site including features such as:
  - a. Areas having slopes greater than fifteen percent (15%).
  - b. Wetlands, areas of hydrological sensitivity including but not limited to aquifer and aquifer recharge areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any. The Site Analysis Map shall delineate the required stream buffers.
  - c. Agricultural lands including farmland within, and adjacent to, a New York State certified Agricultural District, soils classified as being prime farmland or soils of statewide significance, if any.
  - d. Sites where community sewer, community water, or community water and sewer are available or planned, if any.

- e. Lands within, or contiguous to, a Critical Environmental Area designated pursuant to Article 8 of the New York State Environmental Conservation Law, if any.
  - f. Lands contiguous to publicly owned or designated open space areas, or privately preserved open spaces, if any.
  - g. Historic structures or areas of national, state or local importance, if any, and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places.
  - h. Sites in, or bordering on, known scenic locations identified in the Town's Comprehensive Plan, if any.
  - i. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species, or unique natural or geological formations as identified by the New York State Department of Environmental Conservation, if any.
  - j. General description and locations of the vegetative cover on the property according to general cover type including cultivated land, grass land, old field, hedgerow, woodland and wetland, and showing the actual line of existing trees and woodlands.
  - k. Lakes, ponds or other significant recreational areas, or sites designated as such in the Town's Comprehensive Plan, if any.
  - l. Existing trails, bikeways, and pedestrian routes of Town, State or County significance or those indicated in any Town, County or State plan for future trail development, if any.
  - m. Location of all existing streets, roads, buildings, utilities and other man-made improvements.
  - n. All easements and other encumbrances of property which are or have been filed of record with the Schoharie County Clerk's Office.
2. Delineate Open Space Areas. The primary and secondary conservation areas, together, constitute the total open space areas to be preserved, and the remaining land is the potential development area. Proposed open space areas shall be designated as follows:
- a. Primary Conservation Areas shall be delineated and designated on a map. House building envelopes shall not encroach upon Primary Conservation areas.
  - b. Secondary Conservation Areas shall be delineated and designated on a map. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the parcel in terms of their highest to least suitability for inclusion in the proposed open space in consultation with the Planning Board. Secondary Conservation Areas shall be delineated on the basis of those priorities and practical considerations given to the parcel's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives. These features shall be clearly noted, as well as the types of resources included within them, on the map. Calculations shall be provided indicating the

applicant's compliance with the acreage requirements for open space areas on the parcel.

3. Specify Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.
4. Align Streets and Trails. After designating the building envelopes on each lot, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified in these Subdivision Regulations and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to minimizing crossing of environmentally sensitive areas such as wetlands, traversing steep slopes, and splitting access to agricultural lands. Existing and future street connections are encouraged, to eliminate the number of new cul-de-sacs to be developed and maintained, and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate only when they support greater open space conservation or provide extensive pedestrian linkages. All applicable requirements of the Town of Sharon Highway specifications as it may exist, shall be met.
5. Draw Lot Lines. Upon completion of the preceding steps, lot lines are then drawn as required to delineate the boundaries of individual residential lots.

#### F. Site Design Criteria

1. Residential structures in a major subdivision should be located according to the following guidelines, which are listed in order of significance. If any of the guidelines below conflict with each other on a particular site, the Planning Board may use its discretion to resolve such conflicts. The lots, house sites, roads and other infrastructure in a proposed subdivision shall avoid or minimize adverse impacts to the maximum extent by being designed:
  - a. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use.
  - b. Away from the boundaries of any farm preserved with a conservation easement or other permanent protection, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm.
  - c. So that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses.

- d. To cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table by avoiding placement of impervious surfaces where water is most likely to infiltrate and recharge the groundwater.
- e. To avoid disturbance to streams and drainage swales, floodplains, vernal pools, wetlands, and their buffers. Native vegetation shall be maintained to create a buffer of at least twenty five feet (25') of creeks, streams, springs and ponds.
- f. All grading and earthmoving on slopes fifteen percent or less (15%) shall be minimized and shall only be to create a house site, driveway and area for a septic system. Buildable areas shall not include areas exceeding 15% slope. Such grading shall not result in cut and fills whose highest vertical dimension exceeds eight feet (8'). Roads and driveways shall follow the line of existing topography to minimize the required cut and fill.
- g. To avoid disturbing existing cultural and scenic features. Views of house lots from exterior roads and abutting properties should be minimized by the use of changes in topography, existing vegetation, or additional landscaping to the maximum amount feasible. The layout should leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. Where these scenic views or vistas exist, longer setbacks of structures is recommended to allow for more opportunities to view prominent or locally significant vistas.
- h. To be as visually inconspicuous as practicable when seen from state, county and local roads, and, in particular, from designated scenic routes. The subdivision shall preserve woodlands along roadways, property lines, and lines occurring within a site such as along streams, swales, stone fences, and hedgerows to create buffers with adjacent properties. Preservation shall include ground, shrub, understory and canopy vegetation.
- i. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads. House lots shall generally be accessed from interior streets, rather than from roads bordering the parcel. New intersections with existing public roads shall be minimized. Although two (2) access ways into and out of subdivisions containing twenty (20) or more dwellings are generally required for safety, proposals for more than two (2) entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.
- j. On suitable soils for subsurface sewage disposal (where applicable).

- k. Along the far edges of open agricultural fields adjacent to any woodland, or along the edges of woodland to enable new residential development to be visually absorbed by the natural landscape.
  - l. In a manner that allows for the conservation of historic, archeological or cultural locations as may be required by New York State law or to the maximum extent possible to maintain the character of the feature.
  - m. To protect biodiversity and wildlife habitat areas of species listed as endangered, threatened, or of special concern by either the United States Department of the Interior or the New York State Department of Environmental Conservation.
2. Open space standards:
- a. The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed subdivision design shall strictly minimize disturbance of these environmentally sensitive areas. The lot layout shall show how those sensitive areas will be protected by the proposed subdivision plan. Secondary Conservation Areas shall be included in the required open space area to the greatest extent practicable such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of this section.
  - b. Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space, connected agricultural lands, and wildlife corridors.
  - c. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the parcel.
  - d. Open space land shall, to the maximum extent practicable, be contiguous to avoid splitting forest or farmlands by new roads or development, and to create a critical mass of land either available for agriculture or left in a natural state.
  - e. Open space lands shall be designated as one or more individual conservation lots owned in common, or designated and included as part of one or more house lots, or maintained as a separate lot by the landowner. A portion of any house lot five (5) acres or more in size may be used for meeting the minimum required open space land provided that there is a

permanent restriction enforceable by the Town that states the future use on that part of the parcel shall be restricted to open space such as undisturbed wildlife habitat, managed agricultural field, brush-hogged fields, or managed forest, and that prevents development of, that portion of the parcel, and that is contiguous to other lands to form unfragmented open spaces. Any house lot less than five (5) acres does not qualify as contributing to the open space requirement. Designated open space lands shall be identified on the approved plat and protected as such through a deed restriction or conservation easement, with the easement being the preferred method. The Town or a qualified land trust may serve as the conservation easement holder as per New York State law and shall be responsible for enforcement of such easement. (See also sub-section I, below).

- f. Walkways, trails, play areas, drainage ways leading directly to streams, historic sites or unique natural features requiring common ownership protection may be included in the preserved open space lands.
- g. The required open space may be used for community septic systems.
- h. Stormwater management ponds or basins, and lands within the rights-of-way for underground utilities including but not limited to pipelines may be included as part of the minimum required open space.
- i. Recreation lands such as ball fields, golf courses, and parks shall not be considered part of the required open space unless such land is open to the public. Such recreational lands with access only to some residents shall not be counted towards the open space requirements, but shall be counted towards any recreation land requirement as per the Town of Sharon Land Subdivision Regulations.
- j. Open space shall be directly accessible or viewable from as many home sites as possible.

#### G. Streets, Driveways and Trails

- 1. Common driveway access may be provided. A pedestrian circulation and/or trail system shall be sufficient for the needs of residents, unless waived by the Planning Board.
- 2. New streets shall meet the Town Highway Specifications as they may exist. Where appropriate, the Planning Board shall work with the Highway Department to ensure that the Town of Sharon Highway Specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a conservation subdivision.

3. Bike paths and other pedestrian trails are encouraged.

#### H. Protection of Open Space

1. All required open space shall be depicted and noted on the site plan as protected open space and restricted from further subdivision through one of the following methods to be proposed by the applicant and approved by the Planning Board:
  - a. A permanent conservation easement, in a form acceptable to the Town attorney, and approved by the Town Council, and recorded at the County Clerk's Office. Due to the enforcement responsibilities carried out by easement grantees, this is the preferred method of ensuring permanent protection.
  - b. A declaration of covenants or deed restriction, in a form acceptable to the Town attorney, and approved by the Town Planning Board, and recorded in the County Clerk's Office.
2. Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a home or property owners' association (HOA).
  - a. Open space may also be dedicated to the Town, County or State governments, transferred to a qualified non-profit organization including a land trust, or held by single or multiple private owners. The applicant shall provide proof that the receiving body agrees to accept the dedication.
  - b. The Town seeks to ensure long-term maintenance of privately-owned lots dedicated to open space. When open space lands are proposed to be privately owned on a lot dedicated for open space use, and such lands are not subject to a conservation easement or are not to be transferred to a qualified not-for-profit organization or municipality, such lands shall be owned by an HOA, or shall be designated as a house lot allowing only one residence. This house lot shall be considered part of, and not in addition to, the allowed density the parent parcel is eligible for. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
  - c. If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
  - d. If land is held in common ownership by a HOA, such ownership shall be arranged in a manner that real property tax claims may be satisfied against

the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. The Planning Board shall find that the HOA documents satisfy the conditions above.

- e. The home or property owners' association shall be operating before the sale of any dwelling units in the development. The proposed HOA shall be established by the applicant and shall comply with the requirements of Section 352-e of the New York State General Business Law, and have an offering plan for the sale of lots in the subdivision approved by the New York State Department of Law, if required. In the event that the NYS Department of Law grants an exemption from the requirement of an offering plan, the applicant shall have in place a maintenance agreement acceptable to the Town that ensures perpetual maintenance of the open space.
  - f. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.
  - g. The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
  - h. The association shall have adequate resources to administer, maintain, and operate such common facilities.
3. The conservation easement, declaration of covenants or deed restriction, or approved subdivision plan shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation or similar purposes. The Planning Board shall approve the form and content of any easement, declaration, restriction, or subdivision plan. Regardless of which method of protecting the required or designated open space is selected, the restriction shall be made a condition of the final plat approval.
  4. A conservation easement will be acceptable if:
    - a. The conservation organization is acceptable to the Town and is a *bona fide* conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.
    - b. The conveyance contains appropriate provisions for proper reverting or re-transfer in the event that the conservation organization becomes unwilling or unable to continue carrying out its functions.

- c. A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to insure perpetual maintenance of the open space.
- d. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

#### J. Maintenance Standards

- 1. The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space.
- 2. Failure to adequately maintain any improvements located on the undivided open space and keep them in reasonable operating condition is a violation of the Subdivision Regulations. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance/restoration, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or in the case of an HOA, the owners of properties within the development, and if unpaid, shall become a tax lien on such property.

#### I. Future Subdivisions

When an applicant includes only a portion of a landowner's entire parcel, a sketch layout according to this section shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with this section and to allow the Planning Board to adequately assess segmentation under the State Environmental Quality Review Act. Subdivision and review of the sketch plan of those locations at this stage shall not constitute approval of the future subdivision shown thereon.

### **Section 22 - Required Adjustments**

- A. If at any time following approval and filing of the Final Plat it is demonstrated that unforeseen conditions make it necessary or desirable to modify the location or design of any required improvement or installation, the Planning Board may authorized such modification provided it is within the spirit and intent of the original action and does not constitute a substantial departure from the approved and filed Final Plat.

## **ARTICLE IV - ADMINISTRATION**

### **Section 23 - Required Plat Approval**

- A. Upon enactment of these Regulations the Town Clerk shall file a notice of same with the County Clerk who shall thereafter file no subdivision or any part thereof except when approved and signed in accord with these Regulations.
- B. No subdivision or part thereof as herein defined shall be developed or offered for sale nor shall any lot included in such subdivision be recorded with the County until a Final Plat has been approved, signed, and filed in accord with these Regulations.
- C. A fee to be determined by the Town Board shall be paid to the Town Clerk for credit to the account of the Planning Board in the General Fund when the Preliminary and Final Plat is submitted to the Board for action thereon.
- D. Any costs incurred for professional review of Preliminary and/or Final Plat shall be paid by the applicant. Any costs will be paid prior to the Public Hearing.
- E. Approval and filing of the Final Plat shall not constitute acceptance by the Town Board of the dedication of any part of such Final Plat without separate and formal acceptance by the Town Board.

### **Section 24 - Waiver of Non-Applicability**

- A. Where the division of separate, non-contiguous and unrelated tracts of land held in one ownership or the division of property by inheritance or other such devise are clearly not intended to be within the purview and intent of these Regulations, the Planning Board, upon application and in accord with any requirements they may establish, may authorize a waiver of non-applicability which shall release the applicant from compliance with these Regulations or a specified portion thereof for the specific action under consideration.
- B. Where the division of property does not permit the achievement of the standards or required improvements set forth in these Regulations or, where due to the special circumstances of a particular subdivision the provision of certain required standards or improvements is inappropriate and not requisite in the interest of the public health, safety and general welfare, the Planning Board upon application and in accord with any requirements they may establish, may authorize, in writing, a waiver of non-applicability for those specified and applicable portions of the Regulations, provided such departure is within the purpose and intent of the Town Plan and these Regulations.

## **Section 25 - Enforcement; Violation; Appeal**

- A. Enforcement - Pursuant to Town Law, Sections 265A, 276 as rewritten by Chapter 964 of the Laws of 1972, 277,278,281 and 282 and acts amendatory thereto, and in accord with the provisions of the Municipal Home Rule Law, these Regulations authorize and empower the Town Board of the Town of Sharon to enforce and provide penalties for the violation of the Town of Sharon Subdivision Regulations. These Regulations shall be enforced by the "Enforcement Officer", designated by the Town Board, who shall in no case grant any Permit where any proposed subdivision, construction or installation would be in violation of any provision of these Regulations.
- B. Citizen Complaint - Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a written and signed complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement Officer to investigate such alleged violation and to report thereon to the Town Board in a timely manner, which report shall be filed and be part of the public record of the Town. The citizen who filed the complaint shall receive a written response within sixty-two (62) days of the Enforcement Officer's receipt of the complaint.
- C. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board or any officer or department of the Town concerning a Preliminary or Final Plat may have the decision reviewed in the manner provided by Article Seventy-Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Town Clerk. Costs shall not be allowed against the Planning Board, unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- D. Liability - Nothing in these Regulations, including the approval and signature of any subdivision plat, shall be construed to ensure or in any way guarantee any subdivision or building, structure, improvement, installation or use therein against defect, failure or other shortcoming, and the Town shall not be held liable for the same.
- E. Violations and Penalties
  - 1. Any person or persons who commit or permit any acts contrary to the provisions of the Town of Sharon Subdivision Regulations shall be guilty of a violation thereof and, upon conviction, shall be subject to a fine not exceeding two hundred fifty (\$250) dollars or imprisonment for a period not to exceed thirty (30) days, or both.
  - 2. Each week's (7 days) continued violation shall constitute a separate and additional offense.

3. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or restrain by injunction, the violation of the Town Subdivision Regulations.
4. In the event that the Town of Sharon institutes any appropriate action or proceeding, pursuant to this section, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgment and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.

### **Section 26 – Interpretation, Separability, Effective Date, and Amendments**

- A. Interpretation - In their interpretation and application the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard, shall govern.
- B. Separability - The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Effective Date; These regulations shall become effective upon filing with the New York State Department of State.
- D. In the event that the Town of Sharon institutes any appropriate action or proceeding, pursuant to Section 26 herein, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgement and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.
- E. These Regulations may be amended by the Town Board after a public hearing on such amendment. The Planning Board may from time to time propose amendments to the Town Board. Any proposed preliminary subdivision plat which has not received conditional approval prior to the effective date of any amendment to these Regulations, or any conditionally-approved preliminary subdivision plat where an application for Final Plat approval has not been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to these Regulations.

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## **Article V - Definitionst**

A-For the purpose of this code certain words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel."

The word " shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended; arranged, or designed to be used or occupied."

B-Definitions shall include the following terms. The Planning Board or the Zoning Board of Appeals, as the case may be, shall also use the definitions included in the Town of Sharon Zoning Law.

**ACCESS:** Any street, road, intersection, curb cut or other location that offers a means of approach to provide vehicular or pedestrian physical entrance to a property, whether public or private.

**AGRICULTURAL DATA STATEMENT:** A written statement required when certain land use determinations within five hundred (500) feet of a farm operation located in a NYS Agricultural District takes place. The statement must include information about the proposed project, and is included in the application for project approval. A notice of the project application is mailed to owners of land associated with the neighboring farm operation identified in the statement. The Planning Board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations.

**BLOCK:** the length of a street between two street intersections. Where street intersections are at intervals greater than twelve hundred (1,200) feet, 1,200 feet shall be considered the length of a block for purposes of this law.

**BUFFER AREA:** An undeveloped part of a property or an entire property specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties. Natural vegetative

covers existing within the buffer area shall be encouraged to be preserved as part of that buffer to the maximum extent practical.

**BUILDING:** Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building.

**BUILDING LINE:** A line parallel with the front, side and rear lot lines, respectively, beyond which a structure may not extend as determined by this Code.

**BUILDING ENVELOPE:** The area or space contained within a parcel within which a structure and its supporting infrastructure is permitted to be built on a lot and includes the building or structure itself, driveway, and any lands disturbed for well and septic systems.

**CENTER LINE OF STREET OR ROAD:** A line midway between and parallel to two street or road property lines or as otherwise defined by the Planning Board.

**COMPLETE APPLICATION:** An application for development that includes all required documents and submittals pursuant to this law, and where a negative declaration has been made or a draft environmental impact statement has been accepted by the reviewing agency.

**COMPREHENSIVE PLAN:** A long-range plan intended to guide the growth and development of the Town of Sharon which includes inventory and analysis leading to recommendations for the Town's land use, future economic development, agriculture, housing, recreation and open space, transportation, community facilities, and community design, all related to the Town's goals and objectives for these elements and adopted pursuant to New York Town Law 272-a.

**CONDITIONAL APPROVAL:** The approval of a final plan subject to conditions set forth by the Planning Board in a resolution conditionally approving such plan.

**CONSERVATION EASEMENT:** A grant of a property right stipulating that the described land will remain in its natural or agricultural state and precluding future or additional development.

**CONSERVATION SUBDIVISION:** A residential subdivision where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be placed on the parcel in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and where a majority of the remaining land is left in its natural open space condition in perpetuity. Conservation development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the

adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of open lands

**COURT:** An unoccupied open space, other than yards, in the same lot with a building which is bounded on two or more sides by the walls of such building.

**ENFORCEMENT OFFICER:** The duly-designated official responsible for enforcing this Code as prescribed herein and as directed by the Town Board. The duties of such Enforcement Officer may be assigned to the Highway Superintendent, Town Engineer, or others as directed by the Town Board.

**FARM, OPERATING:** An operating farm is one as defined by current Agricultural District Regulations.

**FARM STRUCTURE/USE:** The management and use of land for the raising for compensation of agricultural products, including field crops, produce, horticulture, livestock and dairy products. The term includes the sale of products grown or raised directly on such land and the necessary buildings and appurtenant construction such as barns, silos and fences which are a normal part of such operation. All provisions of this Code with respect to farms shall apply only to operating farms and agricultural practices related to this operation. The minimum area requirements in this Local Law shall apply to the establishment of a operating farm and not the requirement for placement of an individual structure or use in such operating farm.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland areas of water.

**FLOOD HAZARD AREA:** A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded during a 100-year flood as depicted by the U.S. Department of Housing and Urban Development.

**FLOOD, 100 YEAR:** The highest level of flood that on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year).

**FLOOD PLAIN MANAGEMENT:** The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate

flood damage to land, water and sanitary facilities, structures and contents of buildings.

**FLOOD PROTECTION ELEVATION:** The 100-year flood elevation.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land area required to carry and discharge a flood of a given magnitude.

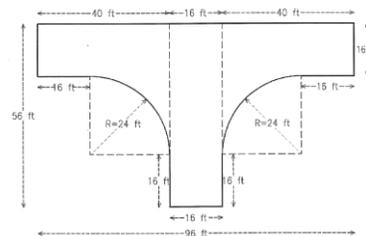
**FLOOR AREA:** The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of the exterior walls or from the center lines of wall separating two buildings.

**FRONTAGE:** That part of a property bounded by either a public or private road, but not a driveway. On corner lots, the frontage may be designated by the owner, but it should be consistent with the orientation of buildings on the other lots and improvements on the same side of the road.

**GRADE:** The slope of a road, street, or other public way specified in percentage terms.

**HAMMERHEAD ROAD:** A design style for a dead end road or driveway as shown in figure:

**Hammerhead Style Turnaround For Driveways**



**HIGHWAY SUPERINTENDENT:** The duly-elected or appointed official responsible for overseeing construction and maintenance of the Town highway system.

**LOT:** A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open space and principal frontage on a public street or roadway as is required by this Code. A separate and distinct lot shall be properly delineated for each separate principal use including the location and permanent recording of front, side and rear lot lines for the purpose of determining compliance with the provisions of this Code.

**LOT, AREA:** The total area included within side and rear lot lines and the street or highway right of way.

**LOT, CORNER:** A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot, if the tangents to the curve at its points beginning within the lot or at the point of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT LINE: Any line dividing one lot from another or from an established right of way.

LOT LINE ADJUSTMENT: 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 lots. A Lot Line Adjustment fee will be added to regular fees.

LOT LINE, FRONT: The lot line adjoining and separating the lot from any street or highway right-of-way line.

LOT, UNIMPROVED: A lot on which no building or structure has been constructed or located and on which no excavation, improved driveway, or the installation of water supply or sewage disposal systems has been initiated with the intent to serve a building or structure allowed for in the zoning district.

LOT WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the zoning district.

LOT OF RECORD: Any lot which has been established as such by plat, survey, record or deed prior to the date of enactment of the Land Use Code, as shown on the records of the Schoharie County Clerk's Office.

LOW IMPACT: Low impact means the cumulative environmental and social impact does not significantly and adversely affect the environment including but not limited to air quality, floodplains, steep slopes, stream corridors, wetlands, groundwater and groundwater recharge areas and other freshwater sources, and critical or rare habitats for plants and animals, Low impact also refers to uses that do not materially and adversely affect neighboring uses, where the impacts related to parking, dreivways, roads, traffic, landscaping, screening, noise, vibration, lighting, odors, and waste disposal are not individually or in the aggregate deemed significant.

MAJOR LAND FORM, ALTERATION OF: The manipulation or movement, whether by dumping, filling or extracting, of an amount of earthen material to a differential of two (2) feet from the natural contour of the land form over an area in excess of 2,500 square feet or 100 linear feet.

MAJOR SUBDIVISION: A subdivision not classified as a minor subdivision, including but not limited to, subdivisions of four (4) or more lots, a planned development, or any size subdivision requiring any new street or extension of water or sewer utilities, or the creation of any public improvements, or any other subdivision classified as major by the Planning Board because of its probable major impact on the surrounding areas. When there have been one to four minor subdivisions of a parcel of land since adoption of this local law, the splitting of a fourth lot shall also result in classification of that subdivision as a major subdivision.

Minor Subdivision: The subdivision of land into two (2) or three (3) lots fronting on an existing road, not including any new street or road, or the extension of utilities, or the creation of any public improvements, and not in conflict with any provision or portion of the Comprehensive Plan or Official Map of the Town.

NON-CONFORMING BUILDING OR STRUCTURE: An established building or structure lawfully existing prior to and at the time of the adoption of this law and its amendments which, because of its inherent nature of construction, does not conform to and with the provisions of this law for the district in which it is located.

NON-CONFORMING USE OF BUILDING OR STRUCTURE OR LAND: An established use of a building or structure or use of land lawfully existing prior to and at the time of the adoption of this law and its amendments that does not conform to and with the permitted use provision of this law for the district in which it is located.

NON-CONFORMING LOT: Any lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated and where the owner of said lot does not own any adjoining unimproved property, the subdivision of which could create one (1) or more conforming lots.

NON-CONFORMING SITUATION: Use of a building or of land that does not comply with the applicable regulations set forth in this Code and where such building or use existed legally on the effective date of the respective Regulations embodied in this Local Law.

OFFICIAL MAP: The map established by the Town of Sharon, if any pursuant to Town Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such approved plats. Streets not accepted by the Town as public streets may be shown thereon, but shall be marked as private streets.

OPEN SPACE: Land left in a natural state for conservation and agricultural purposes or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. It shall also mean land left in a natural state and that is devoted to active or passive recreation. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, used for playgrounds or manicured recreational lands such as golf courses, ball fields, lawns, or occupied by any structure except agricultural buildings. Open space may be included as a

portion of one or more large lots provided the lot(s) are greater than 5 acres in size, and are contiguous to form a larger un-fragmented open space area, or may be contained in a separate open space lot but shall not include private yards within 50 feet of a principal structure.

**OPEN SPACE RECREATION USE:** A recreational use particularly oriented to and utilizing the natural landscape and outdoor character of an area, including hiking, bicycling, equestrian, park, picnic or beach area and similar undeveloped, outdoor are to be used for non-intensive uses.

**PERFORMANCE BOND:** A bond to cover the full cost of any required improvements, the amount of which shall be established upon recommendation of the Town Engineer and as agreed upon by the Town Board, and which shall be further certified to as to form, sufficiency, manner of execution and surety by the Town Attorney.

**PERMANENT FOUNDATION:** A permanent foundation shall consist of:

- a. A masonry wall constructed on a footer placed a minimum of four (4) feet below ground level.
- or
- b. A five (5) inch reinforced concrete pad extending two (2) feet beyond the outer limits of the sides and ends of the portable structure. The pad to be placed on a well drained site containing solid fill.
- or
- c. A series of concrete piers adequate to support the structure not more than eight (8) feet apart under each of the bearing beams of the structure. Piers to be placed a minimum of four (4) feet below ground level.
- or
- d. An approved, engineered, permanent wood foundation. Permanent wood foundations shall be shop engineered and constructed of pressure-permanent-preservative lumber and plywood components. All components shall be marked by an approved inspection agency certified to inspect preservative treated lumber and plywood.

**PHASED SUBDIVISION:** An application for subdivision approval where the applicant proposed to immediately subdivide the property but will develop in one or more individual phases over a period of time.

#### Planning Board

**PLAT,** includes the following terms:

Final plat – means the map of a subdivision to be recorded after approval by the Planning Board and any accompanying material as described in these regulations.

Final plat approval - means the signing of a plat in final form by a duly authorized officer of a planning board pursuant to a planning board resolution granting final approval to the plat or after conditions specified in a

resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the county clerk or register in the county in which such plat is located.

**Preliminary Plat** - Means a drawing prepared in a manner prescribed by local regulation showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

**Preliminary plat approval** - means the approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this section.

**Conditional approval of a final plat** - means approval by a planning board of a final plat subject to conditions set forth by the planning board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor does it authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the planning board and recording of the plat in the office of the county clerk or register as herein provided.

**PRIMARY CONSERVATION AREA:** The area delineated in a conservation subdivision to have priority resource areas to be conserved including, but not limited to streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, and groundwater recharge areas.

**RIGHT-OF-WAY:** The property of a circulatory facility. It is a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, sidewalk, road shoulder, crosswalk, railroad, utility line, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

**SECONDARY CONSERVATION AREA:** The area delineated in a conservation subdivision to have secondary resource areas to be conserved including, but not limited to agricultural lands, healthy woodlands holding important ecological functions such as soil stabilization and protection of streams, hedgerows and other vegetation features representing the site's rural past, historic structures or sites, and visually prominent features such as knolls, or hilltops.

**SEWAGE DISPOSAL SYSTEM:** An approved method and installation of the proper accommodation and disposal of sanitary wastes. Such system may include connection to an approved public, community or individual disposal system as provided for in this Code.

**SEQRA (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: New York State Environmental Conservation Law , Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

**SINKHOLE:** A soil or rock depression, otherwise known as a doline, pit or closed depression; usually closed, circular or oval in shape, from 3 to 3,000 feet in diameter and 3 to 300 feet deep. These are natural formations associated with karst topography.

**SKETCH PLAN:** An informal plan or plat indicating salient existing features of a tract or parcel and its surroundings, and the general layout of a proposed project as required in Appendix A of this Code.

**SPECIAL USE PERMIT-USE:** A use that would not be generally appropriate without restriction within a zoning district, but which, if controlled as to number, area, locations and/or relation to the neighborhood may be permitted if specific provision for such special use permit use is made in this Zoning Local Law, after application to and authorization by the Planning Board of a Special Use Permit therefore.

**SPDES: General Permit for Construction Activities GP-O2-01:** A permit pursuant to the the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate certain disturbances of land

**STORY:** Story shall mean that part of a building, included between any floor, other than a cellar floor, and the floor or roof next above.

**STREETS** Any way, either public or private, dedicated to public travel for vehicular traffic, greater than twenty (20) feet in width, including the following:

- Major streets are those principal through traffic arteries.
- Collector streets are those that interconnect, and carry traffic between, minor residential and major streets.
- Minor streets are those which are used primarily for access to abutting residential properties. A 'cul-de-sac' is a minor street with only one outlet and having a turning loop at the closed end.
- Frontage or access roads are generally parallel with and adjacent to a major street or highway designed to provide access to abutting properties and protection from through traffic.

**STREET LINE:** A street line is the right of way line of a street as indicated by dedication or by deed of record.

**STRUCTURE:** Any facility constructed or used for residential, business, industry or public or private purposes, or accessory thereto, including but not limited to

tents, lunch wagons, dining cars, mobile homes, swimming pools, billboard, signs, satellite dishes and similar facilities, whether stationary or movable.

**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:** The division of any parcel of land into two or more lots, blocks, or sites with or without new or additional roadways, for the purpose whether immediate or future, of transfer of ownership or building development, of one or more of the lots and shall include resubdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped.

**TILE FIELD:** An approved leaching or drainage field which is connected to and part of a septic tank or other approved disposal process and which is located and constructed in accord with the requirements of this Code.

**TOWN ENGINEER:** A licensed professional engineer or other individual duly designated by the Town Board to carry out his duties.

**TOWN PLAN:** A comprehensive plan prepared for and by the Town setting forth the objectives and policies with regard to that general physical development of the Town, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**USE:** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**USGS:** United States Geological Survey.

**VARIANCE:** An authorized departure by the Board of Appeals from the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Local Law would result in practical difficulty or unnecessary hardship as these requirements have been differentiated between and according to the criteria for each established in the respective Regulations and in case law.

**WATERCOURSE:**

- i. Rivers, streams, brooks and waterways which are delineated on the most recent edition of the United States Geological Survey topographic maps of the Town.
- ii. Any other streams, brooks and waterways containing running water for a total of at least three (3) months a year.

- iii. Lakes, ponds, marshes, swamps, bogs, natural springs and all other bodies of water, natural or artificial, which are fed by or have discharge to another wetland, waterbody or watercourse.

**WATER SUPPLY SYSTEM:** An approved source and connecting supply system for the provision of water for any use required to have such system. Such system may include water derived from approved spring or well sources as part of an approved public, community or individual system as provided for in this Code.

**WETLAND:** Land or areas (such as swamps) containing much soil moisture.

**FINAL PAGE**