PROPOSED CHANGES RECOMMENDED BY THE PLANNING BOARD TO
LOCAL LAW NUMBER 2 OF 2008

SUBDIVISION RULES AND REGULATIONS OF THE TOWN OF LANSING

History – This Local Law hereby supersedes prior Rules and Regulations pertaining to subdivisions as previously adopted by the Town of Lansing and the Town of Lansing Planning Board. This Local Law was originally adopted May 18, 2005, amended April 16, 2008, by Local Law Number 2 of 2008, and amended again by Local Law Number 4 of 2014.

The Town Board of The Town of Lansing, New York, pursuant to Resolutions dated July 21, 2014, does hereby adopt and pass a Local Law as follows:

ARTICLE 1. AUTHORITY & PURPOSE: This Local Law is adopted pursuant to the authority granted the Town of Lansing by Section 10 of the Municipal Home Rule Law, Sections 130 and 276 of the Town Law, and Article 16 of the Town Law. It is declared to be the policy of the Town of Lansing to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the Town of Lansing. Subdivision classification and development should be consistent with the Town of Lansing's Comprehensive Plan, and accordingly, the purpose of the rules, regulations and standards contained in this Local Law are (1) to promote the safe, sanitary and efficient subdivisions of land within the Town of Lansing; (2) regulate such subdivision of land in a manner which will result in orderly growth and development, the adequate provision of municipal services, and the safe movement of vehicular and pedestrian traffic; and (3) to establish minimum standards and requirements by which land in the Town of Lansing is to be subdivided. Pursuant to the New York State Town Law Sections 271 and 276, the Town of Lansing hereby empowers the Town of Lansing Planning Board, and other Town of Lansing officials, to act pursuant to this Local Law and to review and, where appropriate, approve the subdivision of land in the Town of Lansing.

ARTICLE 2. TITLE: This Local Law shall be known as the "Town of Lansing Subdivision Law."

ARTICLE 3: CONSTRUCTION & DEFINITIONS:

Sec. 301 **Conflict of Standards**: Should any provision, clause, requirement, or term of this Local Law conflict with or be inconsistent with any provision of the New York State Town Law, this Local Law shall apply and shall be deemed to supersede the New York State Town Law pursuant to the powers granted to the Town of Lansing by the New York State Constitution, Article IX, and the

Municipal Home Rule Law, including § 10 thereof. Despite such supersession, the Town may apply and/or rely upon the authority and requirements of Town Law as it pertains to the subdivision of land. . Pursuant to Municipal Home Rule Law, § 22, the Town hereby states that its intent is: (1) to supersede, by amending and replacing, existing Town Local Law Number 3 of 2005, adopted May 18, 2005 as Local Law Number 3 of 2005, and Local Law Number 2 of 2008, adopted April 16, 2008, as Local Law Number 2 of 2008; and (2) to supersede, to the extent of any conflict in definitions, procedures, or filing and approval requirements: (i) New York State Town Law §276 (adopted as Laws of 1992, Chapter 727, §1, and amended by Laws of 1994, Chapter 486, §§ 10 to 13, Laws of 1995, Chapter 423, § 7 to 11, Laws of 1996, Chapter 235, §6, Laws of 1997, Chapter 458 §25), and Subdivisions 4, 5, 6, 7, 8 and 11 of such §276, mainly to the extent that the Town has adopted different definitions, different timelines, additional or differing requirements and responsibilities of Town employees and the Town Planning Board relative to the review of subdivision and related applications, the creation of an exempt subdivision category, additional and/or different requirements for subdivisions and related applications, and differing standards of review, approvals, and approval procedures; and (ii) New York State Town Law §277 (adopted as Laws of 1997, Chapter 485 and Laws of 1992, Chapter 727, and Subdivision 7 thereof, and also including the supersession of Subdivision 2 to the extent that the Town has added additional requirements. Though not a matter of supersession addressed by the Municipal Home Rule Law, the Town has also added and referenced SEQRA requirements within this Local Law so as to provide a single source document for the convenience of its citizens and applicants.

Sec. 302 **Definitions**: Certain specific words and terms hereafter used in this Local Law are to be interpreted in accordance with the definitions hereafter set forth, including the plural versions of such words. Whenever such a defined term appears in this Local Law, the capitalization of that word indicates that the meaning of such term is based upon the definitions set forth herein.

Boundary Change: Any change in the boundary of any Lot or parcel not creating a new or additional parcel and not creating a non-conforming parcel.

Conditional Negative Declaration: A determination after an environmental review, including SEQRA, that any action may include the potential for at least one significant adverse environmental impact, but that the mitigation measures identified and/or required by the Lead Agency will modify the proposed action so that no significant adverse environmental impacts will result from the proposed action.

Date of Certification: The date upon which a Final Plat is certified.

Date of Presentment: The date upon which a Subdivider submits a completed Preliminary Plat.

Date of Submission: The date upon which a Subdivider submits the completed Final Plat of all or a portion of a Subdivision, with all the required data, documentation and approvals.

DEIS: A Draft Environmental Impact Statement as defined and/or required by SEQRA.

Double Frontage Lot: Any lot, other than a corner lot, that has frontage on more than one road right-of-way.

EAF: An Environmental Assessment Form as defined and/or required by SEQRA.

Easement: A permanent authorization affecting real property, given by a property owner, for the use of a designated portion of property by another for a specific purpose.

EIS: an Environmental Impact Statement as defined and/or required by SEQRA.

Enforcement Officer: Any person designated by the Town to make any determinations permitted, authorized, or required in this Local Law, specifically including the Town's Zoning and Code Enforcement Officer.

Environmental Review: Any review mandated by law, and including, but not limited to, a review pursuant to the New York Environmental Conservation Law and 6 NYCRR Part 617, commonly known as SEQRA.

Exempt Subdivision: Means (1) any Subdivision that is exempt by the express terms of this Local Law, and/or, (2) any Subdivision that qualifies for and is granted a waiver from the formal requirements of this Local Law pursuant to Article 9 of this Local Law.

FEAF: A "Full Environmental Assessment Form" or environmental impact form required for Type I actions and certain unlisted actions as defined in or as required by SEQRA or the Planning Board.

Fee Schedule: Any Town fee schedule then or currently in effect.

FEIS: A "Final Environmental Impact Statement" as defined by or required by SEQRA.

Final Plat: The final map of all or a portion of the Subdivision, with all required supporting data, documentation, and approvals, which, if approved, could be endorsed by the Planning Board and filed in the County Clerk's office.

Flag Lot: A flag lot is a building lot of the required size and area that exists or is created on back acreage or landlocked acreage that would lack the minimum road frontage for a normal building lot. Shapes of flag lots are generally in the shape of a fag with flagpole, with the pole being the driveway.

Infrastructure: Roads, drainage, culverts, bridges and utilities, stormwater facilities, and other and similar appurtenances designed, built, installed or used to support development of Lots and Subdivisions.

Lead Agency: The Person designated pursuant to SEQRA who is generally responsible for conducting an Environmental Review and coordinating, together with other involved agencies (and/or, if applicable, other interested agencies) the SEQRA review process.

Lot: Any parcel, plot, site, gore (an irregular piece or tract of land, often isolated) or tract of land separated from other parcels, plots, sites gores, or tracts of land by description or law, such as may be shown upon a subdivision map, a Survey map, tax maps, or by other metes and bounds.

Major Subdivision: The Subdivision of land into 5 or more Lots ~~in any consecutive 3 year period,~~ whether or not there are Roads or Infrastructure that need to be developed, built and/or dedicated for use.

Minor Subdivision: The Subdivision of land into not more than (2) 4 Lots where there are no Roads or Infrastructure that need to be developed, built and/or dedicated for use. Once a Lot has been subdivided pursuant to Minor Subdivision classification, no further Lots shall be created pursuant to the Minor Subdivision provisions, whether by the same or any other subdivider, and regardless of the timeframe within which such Subdivision is proposed. Infrastructure that relates to Stormwater facilities that is (i) not significant in terms of structural complexity, and (ii) not significant in terms of land area disturbance, and/or (iii) which is privately maintained will not, standing alone, convert a Minor Subdivision into a Major Subdivision. The Enforcement Officer shall make an initial determination in this regard, and may seek the input of the Planning Board in relation thereto.

Negative Declaration: A determination, after an Environmental Review, that there are no significant adverse environmental impacts as defined in and by SEQRA.

Performance Guarantee: A form of security approved by the Town that has the effect of providing a guarantee that all improvements to be made by the Subdivider will be made and constructed in accord with the requirements of this Local Law, the requirements of the Town, and the terms and requirements of any approved subdivision or plat. A Performance Guarantee may include performance bonds, escrow agreements, letters of credit, cash, and other or similar collateral or surety agreements.

Person: Any individual, firm, partnership, agency, association, corporation, company, board, official, or entity or organization of any kind.

Planning Board: The Planning Board of the Town.

Positive Declaration: A determination, after an Environmental Review, that an action or a proposed project will result in significant adverse environmental impacts as defined in and by SEQRA thus requiring an EIS.

Preliminary Plat: Drawing(s) submitted for Planning Board review clearly marked "Preliminary Plat" that show the proposed layout of the Subdivision and that (i) meet the requirements of this Local Law, and (ii) contain(s) all the supplementary data required by this Local Law.

Private Road(s): A road, street, avenue, lane, alley or other way which is intended to provide non-public access to any Lot(s), whether improved or unimproved. A Private Road shall, at all times and in regard to all references thereto in this Local Law, meet minimum vehicle and emergency vehicles access and construction requirements as set forth or required by the Town Highway Superintendent.

Road: Any street, avenue, highway, boulevard, lane, parkway, alley or other way which is an existing State, County, or Town roadway, or a proposed State, County, or Town roadway as shown on the Town Master Plan, any Preliminary Plat or Final Plat, or as duly filed and recorded in the office of the County Clerk. Roads include all land in rights-of-way identified or earmarked as present, to-be-built, or future street, avenue, highway, boulevard, lane, parkway, alley or other way, whether improved or unimproved. As used in this Local Law, a Road does not include Private Roads.

SEQRA: The New York State Environmental Quality Review Act and the regulations promulgated there under or in association therewith, such as, but not limited to, the SEQRA implementing regulations at 6 NYCRR Part 617.

Sketch Plan: Any drawing(s) of a proposed Subdivision made with sufficient accuracy and detail as to substantially comply with Section 601 of this Local Law and submitted to the Planning Board for the purpose of discussion and classification in accordance with the provisions of this Local Law.

Subdivider: Any person or entity, and any agent thereof, who seeks to or does subdivide any Lot or land, or proposes to subdivide any Lot or land.

Subdivision: The division of any lot, tract or parcel of land into two or more parcels, lots, plots, tracts, sites, and including any other form of division of land for any purpose, including leasing, whether immediate or future, and whether or not new buildings or development is planned or may occur.

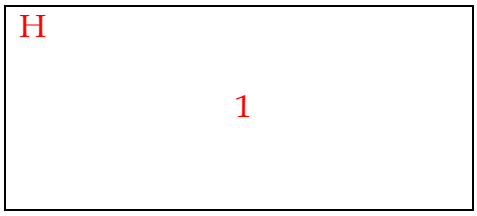
Survey: A map with key features and boundaries identified as to real property, Lots, or improvements, existing and/or proposed, with all lines and boundaries described by metes and bounds and prepared by a Person authorized under the Education law of the State of New York to certify such map, including, but not limited to engineers, architects, and licensed land surveyors.

Town: The Town of Lansing, Tompkins County, New York, and whenever applicable or the context so permits or requires, the elected officials, officers, superintendents, assistant superintendents, employees and agents of the Town.

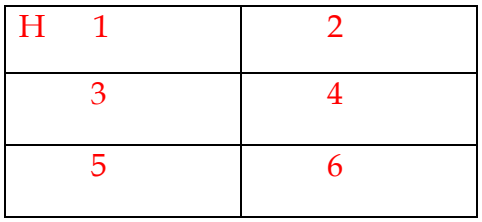
Town Board: The Town Board of the Town.

Sec. 303. How to Count Lots: For purposes of this local law, the total number of lots existing after a sought approval for subdivision shall be the number of lots counted for purposes of classifying a subdivision under this Local Law, regardless of whether such lots are for sale, proposed for development, or already developed. Thus a 12-acre parcel proposing 8 new 1-acre lots is commonly called an "8-Lot Subdivision" even though under this Local Law that would be 9 lots (the 8 newly created lots and the remaining parent lot, now being 4 acres). For this purpose, and as illustrative only, the following diagrams shall be used to help resolve ambiguities:

A single parent parcel of 12 acres with an existing home at the "H" looks as follows:

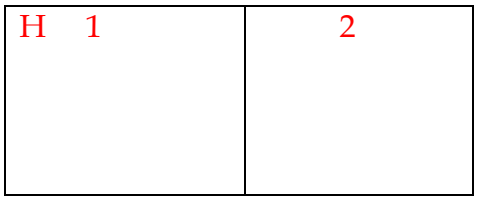


If the landowner wants to create 6 equally-sized 2 acre lots by subdivision, then the drawing looks thusly:



Thus, there is a 5-lot subdivision from the parent parcel, for a total of 6 lots for purposes of classification, and a major subdivision thus proposed. If there was no existing home and the developer wanted to sell 6 lots, you still have a lot that you start with, you are still subdividing 5 lots off that parent parcel, and you thus still end-up with 6 lots for purposes of classification.

If the landowner wanted to create but 2 equally-sized lots of 6 acres apiece, the drawing would look thusly:



In this example, there would be a 1-lot subdivision from the parent parcel, for a total of 2 lots for purposes of classification, and thus a minor subdivision assuming no new roads or required infrastructure.

If the owner wanted to create 4 lots of 2 acres apiece, and keep 4 acres for his home lot, the drawing would look thusly:

<table>
<tr><td rowspan="2">H 1</td><td>2</td></tr>
<tr><td>3</td></tr>
<tr><td>4</td><td>5</td></tr>
</table>

Thus, here you would have a 4-lot subdivision off the parent parcel, for a total of 5 lots for purposes of classification, and thus a major subdivision, even though there are only 4 new lots created, and regardless of the number of existing improvements upon such other lots.

Subdivision lots are thus counted by counting the total number of lots created in relation to any project, with due regard for, and the proper application, of timing rules relative to whether any subsequent subdivision or re-subdivision occurs.

~~ARTICLE 4: EXEMPT SUBDIVISIONS:~~

~~**Sec. 400. Exempt Subdivisions**: Subdivisions involving the subdividing of a Lot into 4 or fewer Lots, where each Lot is not less than 1 acre and has not less than 150 feet of frontage on a public highway, are exempt from the formal subdivision procedures of Article 5 of this Local Law, so long as (1) no new public Roads or Private Roads are proposed, required or created; and (2) no extensions of public water or sewer mains or other Infrastructure are proposed, required or created, and (3) there have not been, and will not be, 5 or more Lots created or previously created within any 3 year consecutive period upon, adjacent to, or in relation to the proposed Exempt Subdivision, whether by the same or any other Subdivider, and (4) the Town's Enforcement Officer reviews a Sketch Plan of the proposed Subdivision and places a seal thereupon. If the Enforcement Officer believes, for any reason, that there are special circumstances involved with granting Exempt Subdivision status, including, but not limited to, topography, prior subdivisions of any one or more involved, adjacent, or related Lots, the effects upon agricultural districts, the effects upon Cayuga Lake and its tributaries, highway safety, and/or any hazard or potential hazard to life, property or public peace or welfare, the Enforcement Officer may refuse Exempt Subdivision status and refer the proposed Subdivision and Sketch Plan to the Planning Board for review and classification. The Enforcement Officer's summary determination that the proposed Subdivision does not qualify as an Exempt Subdivision is binding upon the Planning Board, but does not prevent the Planning Board from making an independent declaration that the subdivision is an Exempt Subdivision pursuant to the provisions of Article 9 of~~

~~this Local Law. An Exempt Subdivision is not exempt from Stormwater requirements, SEQRA, or the requirements of any other applicable laws, regulations, or rules.~~

ARTICLE 4: EXEMPT SUBDIVISIONS:

Sec. 400. **Exempt Subdivisions**: Subdivisions involving the subdividing of a Lot into not more than **3** Lots, where each Lot is not less than 1 acre and has not less than 150 feet of frontage on a public highway, are exempt from the formal subdivision procedures of Article 5 of this Local Law, so long as (1) no new public Roads or Private Roads are proposed, required or created; and (2) no extensions of public water or sewer mains or other infrastructure are proposed, required or created; and (3) once a Lot has been subdivided pursuant to Exempt Subdivision status, no further Lots shall be created under the Exempt Subdivision provisions, whether by the same or any other Subdivider, and regardless of the timeframe between any such proposed Subdivisions; and **(4) If there's and approved minor or major Subdivision, no further lots shall be created under Exempt Subdivision status; and** (5) the Town's Enforcement Officer reviews a Sketch Plan of the proposed Subdivision and places a seal thereupon. If the Enforcement Officer believes, for any reason, that there are special circumstances involved with granting Exempt Subdivision status, including, but not limited to, topography, prior subdivisions of any one or more involved, adjacent, or related Lots, the effects upon agricultural districts, the effects upon Cayuga Lake and its tributaries, highway safety, and/or any hazard or potential hazard to life, property or public peace or welfare, the Enforcement Officer may refuse Exempt Subdivision status and refer the proposed Subdivision and Sketch Plan to the Planning Board for review and classification. The Enforcement Officer's summary determination that the proposed Subdivision does not qualify as an Exempt Subdivision is binding upon the Planning Board, but does not prevent the Planning Board from making an independent declaration that the subdivision is an Exempt Subdivision pursuant to the provisions of Article 9 of this Local Law. An Exempt Subdivision is not exempt from Stormwater requirements, SEQRA, or the requirements of any other applicable laws, regulations, or rules.

Sec. 401. **Notice to the Planning Board:** Upon making any determination relating to an Exempt Subdivision application the Enforcement Officer shall give prompt notice of such determination to the Planning Board. If any Exempt Subdivision status was granted, the Enforcement Officer shall deliver a copy of the sealed drawing, map, sketch, Sketch Plan and/or Survey to the Planning Board.

ARTICLE 5: PROCEDURES FOR FILING A SUBDIVISION APPLICATION:

Sec. 500. **Purpose & Applicability**: The purpose of this Article is to set forth the step-by-step actions that shall be followed for a Subdivision of land in the Town of Lansing. All Subdivisions shall require Town approval. Town approval may be provided by the Enforcement Officer, the Planning Board, and/or the Town Board, depending upon the classification of the proposed Subdivision.

Sec. 501. **Informal Consideration – Developer's Conference**: Prior to developing plans or submitting any Sketch Plan, the Subdivider may wish to discuss with the Enforcement Officer and/or the Planning Board the scope and intent of the proposed Subdivision. The purpose of such a meeting is to give the Subdivider an opportunity to consult with the Town informally at an early stage.

Sec. 502. **Sketch Plan Submission**:

A. APPLICATION MATERIALS: Prior to subdividing or re-subdividing any Lot, the Subdivider shall submit (i) 14 copies (reduced to approximately half size) of a Sketch Plan of such proposed Subdivision, (ii) all supplementary material specified in Section 601, (iii) a written request for approval, and (iv) a Sketch Plan submission fee computed in accordance with the Fee Schedule then in effect. Such items shall be submitted to the Enforcement Officer. Such items shall be submitted at least 10 business days prior to the Planning Board meeting at which the Sketch Plan may be considered. No Sketch Plan application will be or be deemed complete until all requirements of this Section 502(A) have been met. Once all such requirements are met and such fee paid, the Enforcement Officer shall promptly transmit the Sketch Plan application and materials to the Planning Board. Prior to reviewing any Sketch Plan and/or referring any Subdivision or Sketch Plan to the Planning Board, the Enforcement Officer shall require that the Subdivider pay a deposit to cover the reasonable estimated future legal and engineering expenses of the Town. With the approval of the Town Supervisor, the Enforcement Officer may waive this deposit requirement. Any unused deposit shall either be refunded by the Town or applied to any other obligation of the Subdivider.

B. SKETCH PLAN MEETING: The Planning Board will discuss the Sketch Plan with the Subdivider, and will address issues such as existing development, public facilities and services, the Town Comprehensive Plan, Zoning, and adjacent landowners, community concerns and issues, site issues, and any requested, potential, and/or required changes to the

Sketch Plan. The meeting may be adjourned to allow the Subdivider to develop final Sketch Plans and to submit any additional data deemed necessary by the Planning Board.

C. CLASSIFICATION OF SKETCH PLAN: Once a final Sketch Plan has been developed and submitted, the Planning Board shall classify the Sketch Plan. The Planning Board must classify a Sketch Plan as either ~~(1) a one lot Subdivision,~~ (1)~~(2)~~ a Minor Subdivision, (2)~~(3)~~ a Major Subdivision, or (4) pursuant to Article 9, an Exempt Subdivision. Such classification shall be based on, but need not be limited to, the following criteria: location in the Town, frontage on Roads, the creation of new Roads or Private Roads, and/or the need for additional Infrastructure. Any Subdivision that possesses any one or more characteristics of a Major Subdivision, or that may be classified as a Major Subdivision, shall require a public hearing. Any other Subdivision is not required to have a public hearing, but the Planning Board may opt to conduct a public hearing if it desires.

D. NOTIFICATION OF CLASSIFICATION: The Planning Board shall notify the Subdivider of any classification decision within 10 business days of such decision. If the Subdivision is classified as a major Subdivision, Preliminary Plat and Final Plat approval, as described in this Article 5, shall be mandatory.

E. NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS: In the event of the scheduling of any public hearing, the Enforcement Officer shall notify all Persons residing or owning land within 600′ of the boundary of any Lot proposed to be subdivided. The determination of which Persons are entitled to notification of any public hearing shall be based upon the records of land ownership possessed by the Tompkins County Assessment Office. All public notice publication, posting and mailing fees and expenses incurred by the Town, together with all mailing charges to any Persons entitled to notice hereunder, shall be the responsibility of the Subdivider. The minimum fee for such notification services (will be determined by the Planning Department Fee Schedule). ~~is $45.00.~~ All public hearings shall require the publication and posting of ~~notice~~ thereof at least 14 days in advance of the public hearing in accordance with applicable law.

~~**Sec. 503.** **One Lot Subdivisions**: One lot Subdivisions that do not require the building or dedication of Roads or other Infrastructure may be approved and sealed by the Planning Board immediately after or during the Sketch Plan Conference.~~

Sec. ~~504.~~ (503) **<u>Minor Subdivisions</u>**: Minor Subdivisions that require the building of Roads and infrastructure that do not require public dedication (such as, but not limited to, Private Roads, water service not requiring a district or district boundary extension, etc.) may be approved and sealed by the Planning Board once the requirements of a Sketch Plan are met and the boundaries of each Lot are set forth upon a Survey displaying metes and bounds descriptions for each Lot.

Sec. ~~505~~. (504) **<u>Major Subdivision - Preliminary Plat Submission</u>**:

A. APPLICATION MATERIALS: Following Planning Board action on a Sketch Plan, the Subdivider shall submit 2 full size and 14 reduced copies of a Preliminary Plat and supplementary material as specified in Section 602, along with a written request for approval, to the Enforcement Officer. The Preliminary Plat shall be submitted at least 10 business days prior to the Planning Board meeting at which it is to be considered. All drawings shall be clearly marked "Preliminary Plat". Submissions shall be accompanied by a fee in accordance with the Fee Schedule then in effect. No Preliminary Plat application will be or be deemed complete until all requirements of this Section 503(A) have been met. Once all such requirements are met and such fee paid, the Enforcement Officer shall promptly transmit the Preliminary Plat application and materials to the Planning Board.

B. PRELIMINARY PLAT MEETING: The Preliminary Plat drawing shall be reviewed by the Planning Board for compliance with any Sketch Plan conditions or requirements, and for compliance with the provisions, conditions and requirements of this Local Law. In the event the Planning Board determines that there is any missing or incomplete information or data, or that any provision, condition, or requirement is missing, incomplete, or inadequately addressed, the Planning Board may return the Preliminary Plat drawing and/or application materials to the Subdivider. The Planning Board may also, but is not required to, make or provide suggestions as to how to bring the Preliminary Plat drawings or materials into compliance.

C. FINAL PRELIMINARY PLAT/DATE OF PRESENTMENT: If or once the Preliminary Plat has been declared by the Planning Board as a final Preliminary Plat, such date of declaration shall be and be deemed the Date of Presentment. A final Preliminary Plat shall not be a complete or completed Preliminary Plat until, in accordance with Town Law Section 276(5)(c), the final Preliminary Plat has been subjected to the requirements

of SEQRA and a Negative Declaration or Conditional Negative Declaration is filed, or until a notice of completion of a DEIS has been filed and a FEIS has been reviewed and approved in accordance with the requirements of SEQRA. All time periods for review of a completed Preliminary Plat shall not begin to run until these Section 276(5)(c) requirements have been fulfilled.

D. REFERRAL OF PRELIMINARY PLAT: The Enforcement Officer shall forthwith and promptly refer the completed Preliminary Plat (1) to the County Planning Department, in compliance with Section General Municipal Law Sections 239-k, 239-l, 239-m, 239-n and/or 239-nn, as applicable, and (2) to the Town Board, for a review of the Roads and Infrastructure so as to assure compliance with Town specifications, planning, and requirements. If the Subdivision is also located in or partially in a designated Agricultural District, any applicable requirements of the Agriculture and Markets Law shall apply, together with any rules or regulations of the New York State Commissioner of Agriculture.

E. PREREQUISITES TO APPROVAL OF PRELIMINARY PLAT: The Planning Board shall not approve any preliminary Plat until each and all of the following prerequisites have been adequately met:

1. The Town Board has approved the specifications, locations, and plans for each and all proposed Roads and Infrastructure;

2. The Planning Board has scheduled and held a public hearing on the completed Preliminary Plat (such public hearing may, in the discretion of the Planning Board, run concurrently with SEQRA public hearings as required by Subparagraph F below). Public hearing(s) must be held within 45 days of the Date of Presentment. The public hearing shall be advertised in a newspaper of general circulation in the Town at least 14 days before such hearing. In all cases, the Planning Board shall close such hearing upon motion within 120 days of the date the hearing was first opened. The Enforcement Officer shall notify all Persons residing or owning land within 600′ of the boundary of any Lot proposed to be subdivided. The determination of which Persons are entitled to notification of any public hearing shall be based upon the records of land ownership possessed by the Tompkins County Assessment Office. All public notice publication, posting and mailing fees and expenses incurred by the Town, together with all mailing charges to any Persons entitled to notice hereunder, shall be the

responsibility of the Subdivider. The minimum fee for such notification services (will be determined by the Planning Department Fee Schedule) ~~is $45.00.~~

3. The Planning Board, or applicable Lead Agency, shall have conducted an Environmental Review and issued a Negative Declaration or a Conditional Negative Declaration. If a Positive Declaration is declared, the Preliminary Plat shall not be approved until the EIS is submitted and reviewed, and a FEIS is submitted and approved.

F. SEQRA: A SEQRA hearing shall be required for all Preliminary Plats.

1. It shall be the responsibility of the Planning Board (i) to identify all involved and interested agencies, (ii) to identify, nominate, and select a Lead Agency, (iii) to issue, as applicable a Notice of Intent to act as Lead Agency, (iv) to notify all interested and involved agencies of the proposed action, and (v) when applicable, to conduct independent and coordinated Environmental Reviews.

2. It shall be the responsibility of the applicant to submit a proper and complete EAF or FEAF, as applicable or required.

3. The Planning Board shall schedule and open the SEQRA public hearing within 45 days of the Date of Presentment and within 30 days of determining that the EAF or FEAF is accurate and complete. The public hearing shall be advertised in a newspaper of general circulation in the Town at least 14 days before each hearing, and any continuation of any public hearing.

4. In all cases, the Planning Board shall close such public hearing, upon motion therefor, within 120 days of the date the hearing was first opened.

5. All public notice publication, posting and mailing fees and expenses incurred by the Town, together with all mailing charges to any Persons entitled to notice hereunder, shall be the responsibility of the Subdivider. The minimum fee for such notification services (will be determined by the Planning Department Fee Schedule).~~is $45.00~~.

6. If the Planning Board determines that an EIS is required and holds a public hearing upon the DEIS, the FEIS must be filed within 45 days of the close of the public hearing. If no public hearing is held on the DEIS, the FEIS shall be filed within 45 days of the close of the public hearing on the Preliminary Plat.

G. DETERMINATION DEADLINES: Within 62 days after the date of the close of the SEQRA public hearing, the Planning Board shall either approve the Preliminary Plat, approve the Preliminary Plat with conditions, or reject the Preliminary Plat. Such determination shall be made in accord with this Local Law, the laws of the State of New York, the Land Use Ordinance then in effect in the Town, the Town Comprehensive Plan, and the following additional considerations and factors:

1. If any of the Prerequisites listed in Section 503(E) are not met, then the Planning Board shall reject the Preliminary Plat.

2. If the Lead Agency makes a Positive Declaration, then the Preliminary Plat shall be deemed rejected until the requirements of SEQRA are met, including but not limited to the completion, submission and review of any DEIS, EIS and/or FEIS. If an EIS is required, the Lead Agency must make its findings statement on a FEIS and make its determination upon the Preliminary Plat no sooner than 10 days after receipt of the FEIS from the applicant and no later than 30 days after receipt of the FEIS from the applicant, pursuant to Town Law Section 276(5).

3. If the Lead Agency makes a Negative Declaration, the Planning Board may reject the Preliminary Plat, approve the Preliminary Plat, or approve the Preliminary Plat with conditions. All grounds for rejection, and the terms and grounds of any conditional approval, shall be stated in the records of the Planning Board.

H. AUTOMATIC APPROVAL: In the event the Planning Board fails to take action on the Preliminary Plat within 45 days of the Presentment Date, such Preliminary Plat shall be deemed to have received preliminary approval, subject to the requirements of SEQRA. This deadline may be extended by the written mutual agreement of the Subdivider and the Planning Board.

I. APPROVAL PROCEDURES: The Planning Board shall state the conditions of such approval, if any, with respect to (1) any changes or

conditions required before the Preliminary Plat may be submitted for consideration as a Final Plat, and (2) the character and extent of the required improvements for which variances have been granted. The action of the Planning Board, as recorded in its minutes, plus any changes, conditions, waivers, or variances shall be noted on, or attached to, three copies of the Preliminary Plat. One copy shall be returned to the Subdivider, one retained by the Planning Board, and one retained by the Enforcement Officer. A copy of the Planning Board Resolution granting approval of the Preliminary Plat, together with a copy of the final Preliminary Plat, shall be filed in the Office of the Town Clerk within 5 days of adoption, and a copy of such Resolution shall be mailed to the applicant pursuant to Town Law Section 276(7).

J. LIMITATIONS UPON APPROVAL: Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed (i) an expression of general approval of the design and layout of the proposed Subdivision submitted, and (ii) as a guide to the preparation of the Final Plat. Prior to approval of the Final Plat, the Planning Board may require additional changes as a result of further study of the Subdivision, or as a result of any change in law or any new information discovered, disclosed, or obtained.

K. WAIVER OF APPROVAL BY SUBDIVIDER: A completed Final Plat application must be submitted within 6 months of the date of approval of the Preliminary Plat. If the Subdivider fails to meet this deadline, then the approval of the Preliminary Plat is and shall be automatically revoked, without need of any formal action by the Town. The Subdivider may request and be granted an extension of such deadline by the Town pursuant to Article 9 of this Local Law. The Town may withhold its consent for a deadline extension for any or no reason, without recourse by the Subdivider or any Person.

Sec. ~~506.~~(505) **<u>Final Plat Submission</u>**:

A. TIMING & APPLICATION REQUIREMENTS: The proposed Final Plat for the Subdivision shall be submitted to the Enforcement Officer for transmittal to the Planning Board within 6 months from the date of approval of the Preliminary Plat. No action on a Preliminary Plat shall be taken until the Code Officer declares that the application is complete and final. All proposed Final Plats shall be prepared, signed, and sealed by a land surveyor licensed in the State of New York. The proposed Final Plat shall be submitted to the Enforcement Officer at least 10 business days

prior to the Planning Board meeting at which it is to be considered. Two full size and 14 reduced copies of the proposed Final Plat drawing, the written request for approval, and all supporting documents as specified in Section 603 of this Local Law shall be submitted. All submissions shall be accompanied by a fee in accordance with the Fee Schedule then in effect. No Final Plat application will be or be deemed complete until all requirements of this Section 506(A) have been met. Once all such requirements are met and such fee paid, the Enforcement Officer shall promptly transmit the proposed Final Plat application and materials to the Planning Board. The date that the completed Final Plat application, fee, and materials are submitted to the Enforcement Officer shall be and be deemed the Date of Submission.

B. FINAL PLAT REQUIREMENTS: The Final Plat shall conform substantially to the approved Preliminary Plat. If the Subdivider so desires, and upon approval by the Planning Board, the Final Plat may consist of only that portion of the Preliminary Plat that is to be developed and recorded at the time, provided that the Planning Board is satisfied that approval by phases will lead to the orderly development of the entire plat. Each subsequent phase shall be reviewed under and pursuant to the then current Town requirements at the time the subsequent phases are submitted. If any subsequent phase is submitted for Final Plat approval more than 2 years after any prior Final Plat for any phase was approved, the Planning Board may require that the prior Preliminary Plat be re-submitted for review under Section 505 hereof as if the prior approval of the Preliminary Plat had not occurred.

C. PUBLIC HEARING: Within 45 days of the Date of Submission, a second public hearing may be held by the Planning Board. This hearing, if held, shall be advertised in a newspaper of general circulation in the Town at least ten 10 days before such hearing. All public notice publication, posting and mailing fees and expenses incurred by the Town, together with all mailing charges to any Persons entitled to notice hereunder, shall be the responsibility of the Subdivider. The minimum fee for such notification services (will be determined by the Planning Department Fee Schedule). ~~is $45.00~~. However, if a Final Plat submitted to the Planning Board is determined not to be in substantial compliance with the approved Preliminary Plat, the Planning Board shall hold a public hearing on the Final Plat, and the Final Plat must undergo a *de novo* review pursuant to SEQRA. Such public hearing(s) shall be scheduled and conducted within 62 days after receipt of the proposed Final Plat.

D. DETERMINATION DEADLINE: The Planning Board shall act on a Final Plat within 62 days of the later of either the Date of Submission of the Final Plat or the close of any SEQRA public hearing upon the Final Plat, if required. By resolution, the Planning Board may approve, conditionally approve, or disapprove the Final Plat. Any resolution to conditionally approve a Final Plat shall only authorize the sealing and endorsement of said Plat when (1) each and all of the conditions stated in the resolution have been met, and (2) all required changes have been made to, referenced and/or completed upon the plat. This deadline may be extended by the written mutual agreement of the Subdivider and the Planning Board.

E. AUTOMATIC APPROVAL: If the Planning Board fails to act upon the Final Plat within the time period specified above, the Final Plat shall be deemed approved, subject to SEQRA. In such case, the Enforcement Officer shall issue a certificate as to such failure to take action. Such certificate shall be sufficient, in lieu of approval and endorsement of the Final Plat, and shall enable the Subdivider to file the Final Plat in accordance with Section 505 of this Local Law, subject to SEQRA.

F. CERTIFICATION OF FINAL PLAT: Within 7 business days from a Planning Board resolution of approval, the Final Plat shall be certified by the Chairman of the Planning Board (or by any other Person so designated by the Planning Board). A copy thereof shall be delivered to the Subdivider together with a copy of that section of the minutes that contains the approval or conditional approval of the Final Plat. The date that the Chairman (or other approved Person) certifies the Final Plat shall be the Date of Certification.

Sec. ~~507~~.(506) <u>Filing of Approved and Endorsed Final Plat</u>:

A. ENDORSEMENT DEADLINE: Within 180 days after the Date of Certification all conditions are required to be fulfilled and all improvements shall be made or suitably guaranteed pursuant to Section 803 of this Local Law. If the Subdivider fails to fulfill such conditions or make or guarantee such improvements within such 180 days, the Final Plat may not be endorsed unless the Subdivider re-submits the proposed Final Plat for review under this Local Law or obtains a variance or waiver pursuant to Article 9 of this Local Law. If the Subdivider fulfills all required conditions and makes or suitably guarantees all improvements, then the Final Plat, or any section thereof, shall be endorsed by the Chairman of the Planning Board (or a duly authorized Person appointed by the Planning Board). If for any or no reason a Final Plat is not

endorsed within 180 days of the Date of Certification, any approval or conditional approval shall expire. The Planning Board may extend this time period, but such extension shall not exceed two consecutive 90-day periods.

B. ENDORSEMENT REQUIREMENTS: The endorsement of the Final Plat shall not occur until:

1. The Town Board has reviewed and/or accepted: (i) all land and areas of use proposed to be deeded or dedicated to the Town for roads, parks, playgrounds, recreation areas, open spaces, or other public purposes, and (ii) all easements and rights-of-way for any or all utilities and Infrastructure.

2. The Planning Board has reviewed and approved any covenants or deed restrictions that the Subdivider proposes to apply to the Subdivision. Planning Board review shall include any Town Board comments or recommendations upon such covenants or deed restrictions.

C. FILING REQUIREMENTS: Endorsed Final Plats must be filed by the Subdivider with the Planning Board, the County Assessor, and the County Clerk within 60 days of the Date of Endorsement (or within 60 days of the certification of the Planning Board's failure to act, as referenced in Section 504(E) of this Local Law). Any Final Plat not filed within 60 days of the Date of Endorsement (or the date of certification pursuant to Section 504(E-). of this Local Law) shall be null and void, and the Subdivider must again submit any proposed subdivision for review under this Local Law, unless a waiver or variance is or has been granted pursuant to Article 9 of this Local Law. The Subdivider shall notify the Enforcement Officer, in writing, when the Final Plat has been filed with the County Clerk.

D. ENDORSEMENT REQUIRED FOR FILING: No plat, Preliminary Plat, Final Plat, map, Survey, Sketch Plan, drawing, or like document, that shows or displays any subdivision of Land shall be accepted for filing by the County Clerk unless it has been duly approved by the Enforcement Officer or endorsed by the Planning Board. No Person may rely upon any unendorsed plat, Preliminary Plat, Final Plat, map, Survey, Sketch Plan, drawing, or like document for any reason, and any such plat, Preliminary Plat, Final Plat, map, Survey, Sketch Plan, drawing, or like document shall be invalid.

E. ALTERATIONS PROHIBITED: No document shall be altered or revised after it has been approved, conditionally approved, certified, sealed or endorsed by the Enforcement Officer or the Planning Board. Any such alterations or revisions shall cause said document to be, become, and remain invalid, null and void.

F. BUILDING PERMITS: The Town shall not issue any building permits for any construction in any Subdivision unless (i) the subdivision has been duly approved and sealed by the Planning Board or the Enforcement Officer, and (ii) the subdivision Final Plat or map has been duly and properly filed in the office of the County Clerk, and (iii) the Final Plat or map has not been invalidated for any reason, including, but not limited, unlawful alterations or revisions.

Sec. ~~508.~~(507) Completion of the Subdivision: In the event a Subdivider elects to construct a Subdivision in phases, each phase shall be separately submitted for Final Plat approval and each phase shall be substantially completed (or have approved and accepted performance guarantees for completion) within 2 years from the date of Preliminary Plat approval. Phases that do not comply with this completion schedule may, by resolution of the Planning Board and with the concurrence by the Town Board, have the Preliminary Plat approval withdrawn and cancelled. In such cases, the Subdivider shall begin the Subdivision approval process anew.

Sec. ~~509.~~(508) Amending Final Plats: An amendment to any endorsed and filed Final Plat may only be allowed for good cause, and any such amendment that proposes any further Subdivision or the creation of any Lot(s) shall be classified as a Major Subdivision.

Sec. 509. Expiration of Approved and Filed Final Subdivision Plats: In addition to any other provisions of law governing expiration of subdivision approvals, including those provisions which provide the subdivision approval expires if the approved subdivision map is not filed with the Tompkins County Clerk within a specified time of approval, a subdivision approval will also terminate under the circumstances set forth below.

A. If the proposed subdivision requires construction of any facilities such as roads, drainage courses, permanent stormwater practices, water or sewer lines, or other similar facilities, unless within 3 years of the date the Planning Board gave final subdivision approval:

1. Work has materially commenced on such facilities in accordance with the finally approved subdivision plat; or

2. One or more lots have been transferred from the developer and the deeds for same duly recorded in the Tompkins County Clerk's Office;

Then the subdivision approval(s) (both final and preliminary) shall expire and the permissible uses and construction on the property shall revert to those that would otherwise be in effect in the absence of such subdivision approval. Notwithstanding the foregoing, if final subdivision approval was granted prior to December 1, 2014, the time for work to materially commence or lots to be sold shall be extended to December 1, 2017.

B. For the purposes of this Section 510 work will not have "materially commenced" unless, at a minimum:

1. A building permit, if required, has been obtained for at least one structure in the subdivision; and

2. Construction equipment and tools consistent with the size of the proposed work have been brought to and been used on the site; and

3. Significant construction of roads or utilities, or significant framing, erection, or construction of a material structure, has been started and is being diligently pursued

C. For the purposes of this Section 510 a lot will not have been "transferred" unless conveyed by a deed, duly executed and recorded in the Tompkins County Clerk's Office, to:

1. A person unrelated to the subdivider in a bona fide transaction for value; or

2. A person related to the subdivider or for less than reasonable value in accordance with the circumstances related to the Planning Board as part of the subdivision approval (e.g., a subdivision where the intention is to convey a lot to a relative or to convey a lot to an adjacent landowner for less than full value).

D. If the proposed subdivision does not require the construction of any facilities, the subdivision approval (both final and preliminary) shall expire within the time limits set forth above with the consequences set

forth above and subject to the ability to obtain extensions as set forth below, unless at least one lot of the subdivision has been transferred.

E. In addition to the foregoing, a subdivision approval for a subdivision requiring construction of facilities shall likewise terminate as to any untransferred lots in the event that the facilities are not substantially completed within 3 years of the date of final subdivision approval.

F. The Planning Board, upon the request of the subdivider, after a public hearing, may extend the time limits for such additional periods and upon such conditions as the Planning Board may reasonably determine. An application for such extension may be made at the time of filing of the original application or at any time thereafter up to, but no later than, six months after the expiration of the time limits set forth above. The Planning Board shall grant the request for such extension if the Board finds:

1. The imposition of the time limits set forth above in Subsections B, D and E would create significant hardship on the subdivider; and

2. There has not been a significant change in zoning, subdivision, engineering, stormwater, environmental, or other relevant review requirements or standards since the initial approval or any subsequently granted extensions.

G. For the purposes of this section, a "significant hardship" includes, but is not limited to:

1. A significant economic loss that the subdivider would suffer if an extension were not granted; or

2. The subdivider's inability to timely proceed because of:

i. A generally adverse economic climate; or

ii. The subdivider's own economic circumstances have changed detrimentally; or

iii. An adverse event or events in the subdivider's personal affairs.

H. In the event of any termination of subdivision approval pursuant to these provisions, the Planning Board, Code Enforcement Officer, or Town Planner shall cause a notice of such termination to be delivered personally to the subdivider, or forwarded by certified mail, return receipt requested, to the subdivider at the last address for the subdivider on file at the Town of Lansing Planning or Code Office and shall cause a copy of such notice, together with an affidavit of service (personally or by mail) to be recorded in the Tompkins County Clerk's Office in Miscellaneous Records or other appropriate location.

I. Any subdivider who believes the termination of approval pursuant to this section is not warranted may file an application for a hearing before the Planning Board. Such application shall be filed within 30 days of the delivery of the notice referred to above (for this purpose "delivery" shall be deemed to occur on the date the notice is personally delivered or the day it is delivered to the postal service for mailing). The Planning Board shall hold a public hearing on such application on at least five days prior notice given in the same manner as required for subdivision approvals, within 60 days of receipt of such application. The burden of establishing that the approval should not be terminated shall rest upon the applicant. If the Planning Board determines that the approval was improperly terminated, it shall render a decision so stating and shall cause a notice to that effect to be forwarded to the Tompkins County Clerk's Office for recording in the same location as the notice previously effecting such termination. Any determination of the Planning Board regarding such termination may be reviewed by a proceeding brought pursuant to Article 78 of the Civil Procedure Law and Rules. Such proceeding shall be commenced no later than 30 days after the decision being reviewed has been filed by the Planning Board with the appropriate Town Clerk.

J. Nothing in this Section 510 is intended to alter the effect of NYS Town Law Section 265-a on lots in a subdivision when zoning is changed to increase lot sizes or other requirements thereby rendering an existing subdivision's lots nonconforming.

ARTICLE 6: PLAT DETAILS:

Sec. 600. **Purpose**: The purpose of this Article is to establish a uniform format for the submission of all Subdivision materials, and to specify the information that must be included on and with all Subdivision submissions.

Sec. 601. **Sketch Plans**: The following information shall be submitted with all Sketch Plans:

A. A location map identifying and showing (1) the subdivision by name, and (2) the owner of record, and (3) existing roads and utility rights-of-way, and (4) the names of adjacent property owners on all sides and within 600 feet.

B. A sketch drawing (1) of the proposed layout of roads, lots, easements, Infrastructure, driveways, and any other features, (2) indicating lot dimensions and the general location of size of Roads, easements, rights-of-way and lighting, if and as applicable. The Sketch Plan shall also indicate the scale, date, north arrow and acreage of each area and Lot.

C. A general indication of existing natural features, including topography, streams, water bodies, ditches, buildings, and large trees and tree masses.

D. In all cases, except as to proposed Subdivisions that will not require Stormwater review under and pursuant to the Town Stormwater and Erosions Control Local Law, general information regarding proposed storm-water detention and drainage plans, an identification of water supply sources and sewage treatment plans, and any proposed protective covenants or deed restrictions proposed to affect any Lots.

E. A properly completed EAF or FEAF, as required by SEQRA or the Planning Board.

Sec. 602. **Preliminary Plat**: A Preliminary Plat shall be submitted at a scale of one inch equals 100 feet or one inch equals 50 feet, or another scale approved by the Planning Board, whichever most clearly illustrates the Subdivider's proposal. The Preliminary Plat shall contain sufficient information to establish the design, arrangement, location, and dimensions of all Roads, Lots, driveways and other features proposed by the Subdivider or required by the Planning Board as a result of the Sketch Plan review. The Preliminary Plat shall also include all the information listed below.

A. **Identification**: The name of the Subdivision, the name and address of the owner of record of all affected real property, the names of all abutting property owners, a scale legend, a north arrow, and the date of the Preliminary Plat drawing/Survey.

B. **Topography**: The preliminary Plat shall identify contours for the entire area to be subdivided (or for the phase to be submitted for Final Plat approval) with contour intervals of 2 feet on slopes of less than 10% and 5 feet on slopes of 10% or greater.

C. **Property Boundary**: A boundary Survey for the area proposed to be subdivided must be provided. Such Survey must contain or provide (1) an accurate metes and bounds description of the boundaries of the proposed Subdivision, and (2) all course bearings and distances, and (3) a calculation of the total affected area to the nearest hundredth of an acre. All boundary Surveys must be prepared and sealed by a licensed land Surveyor.

D. **Soils**: An analysis of existing soils in the development area is required. Such analysis shall include (1) a disclosure of any indicators of the existence or potential existence of any permanent or intermittent wetlands, and (2) a disclosure of any floodable or intermittently flooded areas, and (3) a statement as to the depth to bedrock, and (4) a statement as to the depth to any seasonal water table. Percolation and deep hole test results may be required by the Planning Board for review and approval by the Tompkins County and/or New York State Health Departments. The Planning Board may require that the Tompkins County Health Department (or its equivalent) certify the proposed Preliminary Plat.

E. **Existing Features**: Location and dimension of (1) all existing roads, easements and utility rights-of-way, and (2) all existing culverts, ditches, streams, water bodies, large trees or tree masses, and (3) all property lines, buildings, and improvements, including wells, septic systems, and related appurtenances.

F. **Proposed Features**: The Subdivider must supply a general layout of the proposed Subdivision, including (1) Lot lines, courses and distances, and (2) approximate area and frontage dimensions for each Lot, and (3) the approximate location and size of all easements, and (4) for all Roads, (i) the lines, courses, and distances of all right-of-way lines, (ii) the proposed names of such Roads, (iii) the cross-section and approximate grade of all proposed Roads, (iv) the approximate elevations at all intersections, and (v) the location and points of access of all driveways, private access driveways, and Private Roads.

G. **Open Space**: The location and approximate area of all land proposed to be reserved for recreation or open space use.

H. **Utilities**: The Subdivider must supply (1) the proposed source of any water supply, and (2) the method of sewage disposal, and (3) the approximate location, size and profile of all water and sewer lines, including those proposed to be connected to any public utility system.

I. **Drainage**: A completed Stormwater Pollution Prevention Plan that is consistent with The Town's Local Law for Stormwater and Erosion Control.

J. **Other Features**: Other features shall be included as may be required by the Planning Board, including but not limited to proposals for public use areas, fire protection, street lighting, street trees and other forms of landscaping or public use areas.

K. **Environmental Assessment**: A properly completed EAF or FEAF, as required by law or the Planning Board.

L. **Covenants**: A statement of covenants or deed restrictions that are proposed to apply to the Subdivision.

M. **Phasing**: If the Subdivision is to be developed in phases, the Preliminary Plat shall indicate such phasing and the approximate timing for each phase.

Sec. 603 **Final Plat**: The Final Plat shall be drawn at a scale of one inch equals 100 feet or one inch equals 50 feet, or another scale approved by the Planning Board, whichever most clearly illustrates the Subdivider's proposal. All maps and supplementary data shall be submitted for that portion of the Subdivision for which final approval is requested. Such Final Plat submission shall be prepared by a licensed land surveyor or engineer, and shall include all relevant identification and location information shown on the Preliminary Plat (or the Sketch Plan Survey in the case of a Minor Subdivision). In addition, the Final Plat shall include, or be accompanied by, the following information:

A. **Boundary**: The Subdivider shall submit a Survey showing the exact boundary lines of the tract to be subdivided that shows all dimensions to the nearest one-hundredth of a foot, all angles to the nearest one-half minute (if required), and all bearings. Such Survey must also contain or provide a calculation of the area of each proposed Lot to the nearest hundredth of an acre. All Surveys must be prepared and sealed by a licensed land surveyor.

B. **Roads**: Road drawings, Surveys, and specifications shall be provided that show (1) all right-of-way lines with center lines showing angles of deflection, (2) angles of intersection, (3) radii, (4) lengths of tangents and arcs, and (5) degree of curvature, with the basis of curve data. Lengths and distances shall be to the nearest one-hundredth foot and angles shall be to the nearest half-minute. All new Roads shall be named. Wherever practical or convenient, Roads and Private Roads (and their related turnarounds) shall be extended to the boundaries of the Subdivision, in part, so as to facilitate connections to potential future Roads and Private Roads.

C. **Lot Lines**: Sufficient data shall be provided to readily determine the location, bearing, and length of all Lot lines, so as to be able to reproduce such Lot lines on the ground.

D. **Drainage**: A completed Stormwater Pollution Prevention Plan that is consistent with (1) the Town's Local Law for Stormwater and Erosion Control and (2) with the terms of any Preliminary Plat approval or conditional approval.

E. **Health Department**: The Subdivider shall provide all necessary, required, or requested approvals from the New York State and/or Tompkins County Health Department relative to the proposed water supplies and sewage disposal systems to be used in the Subdivision.

F. **Water and Sewer Details**: When connection to an existing public water or sewer system is proposed, construction details showing the following items shall be included: (1) the location, size, invert elevations, type, and class of pipes on all sanitary and storm sewers and manholes; (2) the location, sizes, and type of pipes for all water mains; (3) the location of all valves, hydrants, blowoffs, etc.; (4) the profiles with detailed information on all storm sewers, sanitary sewers and water main crossings. All such details, drawings, specifications, and plans shall conform to Town requirements and shall be subject to the approval of the Town's engineer.

G. **Dedicated Land**: An accurate Survey and layout of all property that is (1) to be offered for dedication for public use, with the purpose indicated thereon, and (2) to be held in private ownership but permanently dedicated for recreation or open space use shall be provided. Additionally, all deed covenants, legal agreements, or other easements or restrictions that legally create or dedicate such public use or rights of use shall be supplied.

H. **Construction Details**: Construction details for sidewalks, street lighting, driveways, and fire protection, as required, shall be provided. All such details are subject to the approval of the Town's engineer, or other designated official, as appropriate. Access points, curb cuts, and driveways of all types shall be designed to provide safe access to Roads and Private Roads with adequate line-of-sight distances.

I. **Easements**: The location, dimensions, and purposes of all easements and rights-of-way proposed by the Subdivider or required by the Planning Board shall be supplied. All such easements and rights-of-way are subject to the approval of the Town's attorney, or other designated official, as applicable.

J. **Environmental Assessment**: The Subdivider shall supply an accurate and completed EAF or FEAF, as required by law or the Planning Board.

K. **Covenants**: The final form of all covenants or deed restrictions that will be applied to the Subdivision and/or any Lot shall be supplied. Such covenants and restrictions are subject to the approval of the Town Board.

L. **Liens**: The Subdivider shall supply a currently-dated certificate and paid tax bill receipts verifying that there are no taxes due or tax liens upon the property proposed to be subdivided.

M. **Offers of Cession**: Formal offers of cession to the public of all streets, recreation areas, or open spaces that are proposed to be public property, in a form acceptable to the Town Board, are required. Each street, recreation area, or open space shown on the Final Subdivision Plat shall be deemed to be private until such time as (1) it has been formally offered for dedication and cession to the public, and (2) it has been formally accepted by resolution of the Town Board. The Subdivider shall, for all Lots or areas marked for future use or dedication, provide to the Town an easement and right-of-way acceptable in form to the Town's attorney.

N. **Agency Approval**: Approval of the proposed plan, as appropriate, by all agencies having approval jurisdiction, is required.

Sec. 604. **Endorsement**: Prior to endorsement of any conditionally approved Final Plat, the Planning Board shall be provided with:

A. Statements from the Town's attorney that the forms of all deed transfers and easements required in the Subdivision are satisfactory; and

B. Statements from the Enforcement Officer and the Town's engineer that any conditions have been met and that all required improvements have been installed in accordance with approved specifications; or,

C. A Statement from the Town Board that a satisfactory guarantee for completion of all required improvements has been provided by the Subdivider.

Sec. 605. **"As Built" Plans**: As a condition of Final Plat approval, the Planning Board shall require the Subdivider to file with the Town Clerk a certified "as built" plan of all public utilities and Roads within the Subdivision. Information to be shown on the "as built" plan shall be in accordance with requirements of the Town's engineer.

Sec. 606. **Flag Lots:** Driveways may not be considered in any required area calculations for Flag Lots. All Flag Lots must meet the following minimum requirements:

A. Flag Lots must be connected to a public Road by a strip of land at least 30 feet wide containing viable private access.

B. Flag Lots must equal 1.5 times the minimum required Lot size for the applicable land use classification in which any portion of the Flag Lot is located as determined in accordance with the Town's land use or zoning ordinance or law. For purposes of this calculation, the access strip (the "flagpole") may not be taken into consideration in calculating compliance with this minimum standard.

C. Minimum width of the access strip along a Road shall be 40 feet in any area where municipal sewers exist or are planned. Where there are no sewers and no planned sewers, a 30 foot wide access strip is permitted.

D. No more than 2 contiguous Flag Lots may be allowed
(per tax parcel with a shared driveway agreement if needed.)

~~E. No Flag Lots shall have a driveway over 500 feet long.~~

E. Flag Lots may have a driveway of any length so long as the driveway complies with: (i) New York State Building and Fire Codes for emergency vehicle access, driveways, turnarounds, roadway access, and

surface dimensions and stability; and (ii) any recommendations of the Lansing Fire Department as to the suitability of the proposed driveway, including its construction, location, and course.

F. All proposed Flag Lots shall undergo Site Plan Review and are subject to the requirements of a Public Hearing. The Enforcement Officer shall notify all Persons residing or owning land within 600′ of the boundary of the proposed Flag Lot. The determination of which Persons are entitled to notification of any public hearing shall be based upon the records of land ownership possessed by the Tompkins County Assessment Office. This hearing shall also be advertised in a newspaper of general circulation in the Town at least 14 days before such hearing. All public notice publication, posting and mailing fees and expenses incurred by the Town, together with all mailing charges to any Persons entitled to notice hereunder, shall be the responsibility of the Subdivider. The minimum fee for such notification services (will be determined by the Planning Department Fee Schedule) ~~is $45.00.~~

***** Planning Board recommends Removing Flag Lots from Public Hearing Requirements.*****

G. Flag Lot driveways may be required to be 60 feet wide to accommodate easements to extend access or roadways to remaining back lands or other parcels.

ARTICLE 7: DEVELOPMENT STANDARDS:

Sec. 700. **Purpose**: The purpose of this Article is to establish design principles and minimum standards that shall be applied to all Subdivisions in the Town. These principles and standards are intended to promote and ensure sound, consistent, efficient, and safe long-range development throughout the Town. All Subdividers in the Town shall observe the following requirements and guiding principles of land subdivision in the design of each subdivision or portion thereof.

Sec. 701. **General Considerations**: Subdivision plats shall be designed so as to promote efficient and beneficial land development patterns within the Town. Plats shall conform to the proposals and conditions shown on the Comprehensive Plan and official map of the Town. Roads, drainage ways, rights-of-way, school sites, public playgrounds and open spaces shown on any Comprehensive Plan of the Town shall be considered in review of Subdivisions.

Sec. 702 **Roads**: For the purposes of this Local Law, and unless otherwise indicated in the Town Comprehensive Plan, Roads shall be classified as follows:

Primary Roads - Through Roads used primarily for faster and heavier traffic;

Secondary Roads - Roads which collect traffic from local Roads and carry it to primary Roads, but do not carry heavy volumes of fast or through traffic;

Local Roads - Roads which are used principally to provide access to abutting land, primarily of residential character;

Dead-End Roads - Roads with a vehicular traffic outlet at one end and a Town approved turnaround at the opposite end.

Private Roads As defined above, but mainly, those roads which are used to provide generally residential access to Lots and which are not to be dedicated to, or accepted or maintained by, the Town.

Private Access Drives – Those roads that are used to provide access only to one or two Lot(s) and which are not to be dedicated to, or accepted or maintained by, the Town.

A. The layout of new Roads or Private Roads in any Subdivision shall be designed to provide for the appropriate extension of existing Roads or Private Roads and, roadways, and utilities, and shall take into consideration topography, drainage, views, public convenience and safety, and the proposed uses of the land to be served by such Roads and Private Roads. All Roads and Private Roads shall require the permanent dedication of easements, in a form approved by the Town, so as to permit utilities and related appurtenances and Infrastructure to be provided for the benefit of each Lot and adjacent owners.

B. Roads whose primary function is to provide access to abutting residential property shall be designed to discourage through traffic.

C. Subdivisions that abut Primary Roads, as designated in the Comprehensive Plan, shall be designed to provide an adjacent service road, or reverse frontage, or to otherwise minimize the number of lots that will require direct access to said Primary Roads.

D. Road right-of-way widths shall not be less than 60 feet. Those Roads that are designated in the Comprehensive Plan as primary Roads shall have a 75-foot right-of-way to accommodate future widening.

E. In general, all Roads shall be centered in the right-of-way. Road grades shall not exceed 10% for primary roads, and 12% for secondary and local Roads. Except as may be necessary at the bottom or crest of a vertical curve no Road shall have a grade less than 0.5%.

F. Horizontal and vertical curves shall be designed with a minimum radius of 150 feet to provide a safe sight distance.

G. Permanent dead-end Roads shall, in general, be no longer than 10 times the narrowest frontage of lots along such dead-end Road. All permanent dead-end Roads shall provide a turnaround at the end with a pavement radius or design that meets current Town specifications. The distance from the edge of pavement to the right-of-way shall be no less than 15 feet. Alternative designs for a turnaround that are equally effective may be considered by the Planning Board. Roads that are to be continued at a later date shall provide a temporary turnaround.

H. Insofar as possible, all proposed Subdivisions shall be designed to allow for future access to adjacent properties. If a Subdivision shows a reserve strip at the end of any Road or roadway, or elsewhere, controlling access to adjacent land or control of such reserve strips shall be placed with the Town under conditions approved by the Planning Board.

I. Proposed Road and roadway systems shall be designed, when possible, to provide for access to Roads in adjacent subdivisions. When adjacent land is undeveloped, the Planning Board may require the establishment of permanent rights-of-way connecting to such undeveloped land (such as, but not limited to "Future Road" designations) or, at the request or as required by the Planning Board, the Subdivider may be required to build and extend all or some Roads and roadways to the property lines.

J. Subdivisions that include or continue existing Roads which do not conform to the minimum right-of-way width as specified in this Local Law are not permitted. In such cases, the Subdivider shall dedicate additional width along either or both sides of said Roads to bring them into compliance. If the Subdivision is located along only one side of an existing narrow Road, one-half of the required total extra width shall be dedicated.

K. Half-width roads shall not be permitted. Access to Flag Lots or other private parcels will be private.

L. No Road shall have a name that will duplicate or so nearly duplicate the name of any existing Road within Tompkins County as to cause or potentially cause any confusion. Any continuation of an existing Road shall have the same name.

M. No Road in any Subdivision shall be deemed a public Road until it has been formally offered for dedication and cession to the Town and formally accepted by resolution of the Town Board.

N. No Private Roads, driveways, water supply systems, septic or sewerage systems, and no utilities, may or shall be shared by different lots or owners absent a variance therefor.

Sec. 703. **Intersections**:

A. All Roads shall intersect as nearly at right angles as possible, and in no case shall they intersect at an angle of less than 60 degrees.

B. At intersections, Roads shall form a cross or a "T-intersection". If T-intersections are used, center lines shall be offset by a minimum of 150 feet.

C. Intersections of local Roads with primary Roads shall be kept to a minimum in Subdivision design so that hazards and delays to traffic movement on the primary Road can be reduced.

D. Road grades at intersections shall not exceed 5% for a distance of 80 feet from the center of the intersection.

E. Turning lanes shall be provided when determined to be necessary by the Planning Board, whether due to any finding or recommended remediation pursuant to any SEQRA review, the recommendations or requirements of any other governmental entity, or the recommendations of the Town Highway Superintendent, or otherwise.

F. All intersections of state and local Roads shall comply with New York State Department of Transportation requirements.

G. All intersections of county and local Roads shall comply with any Tompkins County Highway Department requirements, when so determined or required by the Planning Board.

Sec. 704. **Blocks**:

A. The size and shape of blocks shall be determined on the basis of convenient circulation, traffic and pedestrian control, the safety of vehicular and pedestrian traffic, and pleasing physical design.

B. Insofar as practical, block lengths should not exceed 1,500 feet, nor be less than 400 feet.

C. In general, the length, width, and shape of blocks shall be determined with due regard to:

1. The limitations and opportunities of topographical and other natural features.

2. The provision of attractively laid out building sites suitable to the land uses proposed.

3. The need for (i) convenient circulation, and (ii) control and safety of street traffic, and (iii) reducing the potential conflict between local and through traffic.

4. The provision of utilities and public services.

Sec. 705. **Lots**:

A. Each Lot must have satisfactory access to a public Road or to a Private Road. Notwithstanding, Flag Lots may be approved at the discretion of the Planning Board without recourse.

B. Minimum lot dimensions and areas shall be determined by the Town's land use or zoning ordinance or law. In the event a cluster plan is proposed to be used as or in the Subdivision, the Planning Board may use its discretion in determining minimum lot dimensions and lot areas, with such determination being related to reasonableness, public health and safety, and innovations of design.

C. Insofar as practical, side lot lines shall be perpendicular or radial to Road lines.

D. Double Frontage Lots and Lots with extreme lot depth (3 or 4 times width) shall be avoided if possible.

E. Corner Lots shall have extra width to permit front yard setbacks from both streets.

F. Where there is a question as to the suitability of a Lot for its intended use due to factors such as slope, rock formations, flooding or wetland conditions, sight distance from obstructions, or similar circumstances, the Planning Board may require modification of the design of such Lots.

Sec. 706. **Preservation of Natural Features**:

A. All natural features such as trees, streams, hilltops, and views shall be preserved whenever possible in designing and laying out any Subdivision. The Planning Board may require changes in the layout to assure that natural features will be preserved, undisturbed, and/or incorporated into the Plat or design.

B. Topsoil moved during the course of construction shall be redistributed so as to provide at least 6 inches of cover to all areas of the Subdivision. Topsoil shall not be removed from the site without Planning Board approval and compliance with the Town and New York State Laws and requirements relating to Stormwater and sediment control.

C. To the fullest extent possible, existing trees that are greater than four inches in diameter, measured at a height of 4 feet above the ground, shall be conserved by the Subdivider. Where any land other than that included in a public right-of-way is proposed to be dedicated to public use, the developer shall not remove any trees from such area without approval from the Planning Board.

D. Where a Subdivision contains a pond or stream that is not a DEC or U.S. Army Corps of Engineers designated wetland, the natural flow and course of said body of water shall be preserved unless the Planning Board determines that realignment will enhance the Subdivision without adverse impacts to adjoining properties, the environment, and flora and fauna.

Sec. 707. **Easements**: Easements across lots shall be provided for utilities and Infrastructure where necessary or desired by the Town. Wherever possible,

electrical and communications service shall be located underground or along rear property lines. Where a Subdivision contains a drainage right-of-way, there shall be provided a stormwater easement that must comply with the Town's Stormwater and Erosion Control Local Law (and related laws and regulations of other governmental entities with jurisdiction). All easements are and shall be subject to the approval of the Planning Board and the Town's attorney.

Sec. 708. **Environmental Protection**: Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for any other use that may increase danger to life or property or that may aggravate the flood hazard. Such land may be used, however, for such uses, or in such a way, that the flood danger to the property and other upstream or downstream properties will not be increased, and periodic or occasional inundation will not be a threat to life or property. The provisions of this Section 708 shall apply, *inter alia*, to all land designated as a 100-year flood plain area, as determined by the Department of Housing and Urban Development or the U.S. Army Corps of Engineers, and shown on appropriate flood hazard boundary maps. Any Subdivision that contains, borders, or is adjacent to designated Department of Conservation or Corps of Engineers wetlands or protected wetland areas shall, to the extent required by law or the Planning Board, obtain any build or fill permits from any authority having jurisdiction.

Sec. 709. **Modification of Standards**: The Planning Board may modify the specific requirements set forth in this Article 7 pursuant to the variance or waiver requirements set forth in this Local Law. All such modifications shall be recorded in writing and filed with the records of the Subdivision.

ARTICLE 8: IMPROVEMENTS:

Sec. 800. **Purpose**: The purpose of this Article is to establish the minimum installation and construction standards for those improvements that all Subdividers are required to install when land in the Town is subdivided. Proper initial installation is necessary to prevent excessive future public maintenance and replacement costs, to preserve property values in the Town, and to provide for the safety, health and welfare of residents of the Town.

Sec. 801. **Subdivider's Responsibility**: Prior to requesting approval of a Final Plat, the Subdivider shall have made or furnished a Performance Guarantee to make and install each and all of the following improvements:

A. **Monuments**: Permanent monuments (1-1/2" galvanized pipe, 1" iron pins, or their equal, each being a minimum of 36" long) shall be set at all block corners or, if no complete blocks are involved, at each corner of

the Subdivision. Each corner of each Lot in the Subdivision shall also be marked by iron pipes or pins. Placement of such markers shall be shown on the Final Plat and their existence and locations shall be verified and approved by the Enforcement Officer.

B. **Roads**: All Roads shall be constructed in accordance with Town specifications, and shall be subject to review and approved by the Town Board, the Town Highway Superintendent, and the Town's engineer.

C. **Curbs, Gutters and Sidewalks**: In general, curbs, gutters and sidewalks will not be required except as may be necessary, desirable or required by the Town's stormwater and erosion and sediment control laws and rules. Where heavy traffic may be or become a hazard for pedestrians, curbs, gutters, and/or sidewalks may be required on one or both sides of new or existing Roads.

D. **Water and Sewer Facilities**: In areas where public water and sewer lines exist, the Subdivider shall install all necessary lines and connections as required and approved by the Town's engineer. Installation of water and sewer lines may be required in areas where water or sewer districts have been established or where the Town Board has determined that such districts can reasonably be expected.

E. **Fire Hydrants**: If a Subdivision is located in an existing or proposed water district, the Subdivider shall install fire hydrants no more than 400-600 feet apart with 1 at every intersection, or as may be otherwise specified by the Town's engineer.

F. **Drainage**: All drainage improvements shall be constructed in accordance with an approved Stormwater Pollution Prevention Plan.

G. **Road Signs**: All road signs shall be provided and installed by the Town at the Subdivider's expense upon approval of the Town Highway Superintendent.

H. **Recreation Areas and Open Spaces**: Land shall be reserved for parks, playgrounds, open spaces, or other recreational purposes, in all locations so designated in the Town Comprehensive Plan, or elsewhere when the Planning Board deems that such reservation would be appropriate. Such reservation shall be of an area equal to approximately 5 percent of the gross area of the Subdivision. Land reserved for recreation purposes shall have physical characteristics suitable for such intended purpose. If the reservation of land for recreation or open space purposes

is deemed to be inappropriate by the Planning Board, or the Town Board declines to accept such reserved land, the Subdivider shall make a payment, in lieu of land, in accordance with the Fee Schedule, with such funds to be used for the acquisition or upkeep of park, recreation, and open space facilities in the Town. When the Planning Board requires land to be reserved for recreational purposes, the Planning Board may require that the site be suitably developed. When land for recreation areas or open space is required to be shown on the Subdivision plat, the approval of any plat shall not constitute an acceptance by the Town of such land.

Sec. 802. **Installation**: Unless otherwise specified, all improvements listed in this Article shall be installed by the Subdivider, at the Subdivider's expense, and said installation shall be subject to approval by the Enforcement Officer or other appropriate Town officials.

Sec. 803. **Performance Guarantee**: Before any Final Plat is endorsed by the Planning Board, the Enforcement Officer and other appropriate Town officials shall estimate the cost of completion of Roads and Infrastructure, and the Subdivider shall submit to the Town Board a Performance Guarantee that will assure completion of said improvements. The type and amount of this performance guarantee shall be determined by the Town Board.

Sec. 804. **Acceptance of Roads and Other Public Spaces**: No new Road, recreation area, easement, or other proposed public space shown on an approved Final Plat shall become Town property until formally dedicated and accepted by the Town Board. Prior to final acceptance, the Highway Superintendent and Town Engineer shall certify to the Town Board that all public utilities, Roads, and required improvements have been completed in accordance with the approved plans and specifications.

ARTICLE 9: VARIANCES AND MODIFICATIONS:

Sec. 900. **Purpose & General Requirements**: The purpose of this Article is to set forth those conditions and circumstances under which the requirements of this Local Law may be modified or waived by the Planning Board (or, where applicable, the Town Board). Where the Planning Board finds that, due to the special circumstances of a particular case, a waiver of certain requirements or procedures is justified, a waiver may be granted. In all cases, no waiver shall be granted unless the Planning Board finds and records in its minutes that: (1) granting the waiver would be keeping with the intent and spirit of this Local Law, and is in the best interests of the community; (2) there is no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; (3) there are special circumstances involved in the particular case; (4) denying the

waiver would result in undue hardship, provided that such hardship has not been self-imposed; and (5) the waiver is the minimum necessary degree of variation from the requirements of this Local Law.

Sec. 901. **Special Circumstances**: When the Planning Board finds that due to the special circumstances of a particular area, the provision of certain required improvements is not necessary in the interest of public health, safety, and general welfare, or is inappropriate due to the inadequacy or lack of existing or proposed connecting facilities in the area of a proposed Subdivision, the Planning Board may waive such requirements subject to appropriate conditions it may wish to impose.

Sec. 902. **Design Innovations**: It is not the intent of this Local Law to effect uniformity or standardization in the development of Subdivisions in the Town. When imaginative and beneficial design concepts are proposed by a Subdivider, the Planning Board may grant a variance to permit the accomplishment of such concepts as long as such variances do not violate any other applicable laws or regulations.

Sec. 903. **Cluster Subdivision**: After approval by resolution of the Town Board, and pursuant to Article 16 of Town Law, the Planning Board may require that a Subdivider apply the cluster technique to all of a portion of the land to be subdivided. To determine how many lots may be included in a cluster subdivision, the Planning Board may require the preparation and submission of a Sketch Plan for the area using the minimum lot sizes specified in the Town's zoning or land use ordinance or law.

Sec. 904. **Stormwater and Other Requirements:** An exemption or waiver granted under this Article 9 shall not exempt the Subdivision or Subdivider from meeting the requirements of Stormwater laws and requirements, SEQRA, nor from the requirements of any other applicable law, regulation or rule.

ARTICLE 10: VIOLATIONS AND PENALTIES:

Sec. 1000 **Enforcement and Penalties:** The violation of this Local Law shall be deemed an offense. When any term, provision, or requirement of this Local Law is violated, the Enforcement Officer may issue a written notice of violation to the Subdivider (or other Person in violation hereof). The notice of violation shall contain (a) the name and address of the Person alleged to have violated this Local Law, (b) the address, when available, or a description of the building, structure or parcel upon which the violation occurred or is occurring, (c) a brief statement specifying the nature of the violation, (d) a statement of the fine or penalty that may or could be assessed against any Person to whom the notice of

violation is directed, and (e) a clear statement identifying whether the notice commences or will commence a civil or criminal proceeding.

Sec. 1001 **Stop Work Orders**: The Enforcement Officer may issue a stop work order for any violation of this Local Law. Any Person receiving a stop work order shall be required to halt all clearing, grading, and construction until the Enforcement Officer or a court of competent jurisdiction allows work to re-commence.

Sec. 1002 **Violations**: In addition to any other right or remedy allowed by law or in equity, the Town may also maintain actions or proceedings in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision or requirement of this Local Law.

Sec. 1003 **Penalties & Fines**: All provisions of New York law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this Article, and/except that each and any misdemeanor shall be deemed an unclassified misdemeanor. The following civil and criminal fines and penalties shall apply to any violation of the requirements or terms of this Local Law:

A. First Violation: Any Person that violates any of the provisions of this Local Law shall be (1) guilty of an unclassified misdemeanor and subject to a fine of not more than $1,500.00, or (2) subject to a civil penalty of not more than $2,500.00 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and/or be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.

B. Second Violation: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any other violation of this Local Law shall be deemed a second violation. Any Person that commits any second violation shall be (1) guilty of an unclassified misdemeanor and subject to a fine of not more than $5,000.00, or (2) subject to a civil penalty of not more than $7,500.00 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Similarly, a separate civil penalty shall apply and/or be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

C. Third and Subsequent Violations: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any

second violation of this Local Law shall be deemed a third or subsequent violation, as applicable. Any Person who commits a third or subsequent violation of this Local Law shall be (1) guilty of an unclassified misdemeanor and subject to a fine not more than $10,000.00 and a period of incarceration not to exceed 120 days, or (2) subject to a civil penalty of not more than $15,000.00 to be recovered by the Town of Lansing in a civil action. Every such Person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and/or be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

Sec. 1004 **Withholding of Certificate of Occupancy, Endorsement, Etc.**: Upon any violation of this Local Law by a Subdivider or any Person, the Enforcement Officer may decline and refuse to issue any approvals, endorsements, certifications, building permits, certificates of occupancy, certificates of compliance, and any similar or other document or approval until the Subdivider or Person rectifies and cures such violation.

Sec. 1005 **Restoration of Lands**: Any violator of this Local Law may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid. In addition, the Town may commence any one or more civil proceedings in the Town Court, or any other court of competent jurisdiction, to recover the costs of such restoration.

Sec. 1006. **Cumulative Remedies**: Each and all remedies and rights provided to the Town under this Article shall be cumulative. The Town's pursuit of any one right or remedy does not effect a waiver or an election of remedies, and the Town may thereafter pursue or continue to pursue any other right or remedy it may have in law, equity, or in admiralty. The rights and remedies herein stated are not the exclusive rights and remedies of the Town.

ARTICLE 11: **SAVING CLAUSE:** If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such judgment or determination shall not affect, impair or invalidate the remainder of this Local Law, and shall be confined in its operation and interpretation only to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment or determination shall have been rendered.

ARTICLE 12: **COURT REVIEW:** Any Person aggrieved by any decision or determination of the Town or the Planning Board under this Local Law may have said

decision reviewed by the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules. The Town does not, either in this Article or in this Local Law, waive any claims, rights, or defenses it may have regarding questions of law or fact pertaining to the judicial and legal concepts of ripeness, standing, timeliness, governmental immunities, or of any other matter.

ARTICLE 13: LIMITATION OF LIABILITY AND INDEMNITY: The Town shall not be liable or responsible for any injury to persons or damage to property due to the Town's actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town. All Persons working upon or engaged in any clearing, grading, excavation, construction, cleanup, remediation, or restoration work shall indemnify, keep and save harmless the Town from and against any and all losses, costs, damages, expenses, judgments, claims, or liabilities of any kind whatsoever which may accrue against or be charged to or recovered from the Town from or by reason of or on account of accidents, injuries, damages, and/or losses to persons or property. This indemnity provision shall be construed and applied to the maximum extent permitted by law. The Town may require that any Person or Subdivider procure liability insurance in a minimum amount of $1,000,000.00 per incident per person, and that the Town be named an additional insured there under.

ARTICLE 14: EFFECTIVE DATE: These Rules and Regulations shall take effect immediately.

SCHEDULE I

SPECIFICATIONS FOR TOWN HIGHWAYS

DESIGN SPECIFICATIONS

General**:** Any variation or deviation from these minimum Specifications must be approved by the Town Board and Town Highway Superintendent in writing prior to taking any action.

1. Road rights-of-way shall be a minimum of 60 feet in level terrain. The radius for intersecting right-of-ways shall be 25 feet. Additional right-of-way may be required where deep cuts and fills exist or adjacent to drainage structures.

2. Total roadway width shall be a minimum of 32 feet. Total driving lane width shall be 20 feet centered within the R.O.W., and shoulder width shall be 6 feet. Refer to Typical Pavement Cross-sections attached.

3. Geometric design features should be consistent with a minimum design speed of 30 mph.

4. Stopping sight distance shall be at least 300 feet (back from the intersection).

5. The minimum radius for horizontal and vertical curves shall be 150 feet and 100 feet, respectively. The minimum radius for intersecting edges of shoulder and driving lanes shall be 40 feet.

6. Unless hydraulic calculations indicate otherwise, the minimum culvert diameter is 15 inches.

7. Perforated underdrain pipe, wrapped in geotextile fabric, may be required by the Highway Superintendent for low wet areas, where side hill seepage is encountered, or in any other area where groundwater may impair the integrity of the roadway.

8. Dead-end road designs will terminate with a "T" turn-around, designed in accordance with Detail 3.

9. Based upon hydraulic and hydrogeologic calculations, dry rip rap, of the weight and diameter required, shall be designed in all drainageways with grades exceeding 5 percent and shall extend up the slopes of the drainageway to the height of the 10 year rainfall event.

10. Ditches shall be designed to the minimum dimension shown on Detail 1, and shall have a minimum grade of 0.5%.

11. In rock cut sections, the backslope beyond the right-of-way shall be a minimum of 1:1.

MATERIAL SPECIFICATIONS

GEOTEXTILE FABRIC – Provide a soil stabilization geotextile fabric, subject to the acceptance of the Highway Superintendent, with the following certifiable property values:

Fabric Property	Value
Puncture Strength (lb)	125 (min.)
Mullen Burst Strength (psi)	430 (min.)
Grab Tensile Strength (lb)	220 (min.)
Apparent Opening Size (Sieve)	40-80 (max.)

SUBBASE COURSE MATERIAL – Provide evenly-graded bank-run gravel which is sound, durable, free of organic and other deleterious materials, and free of boulders in excess of 3 inches along the longest dimension, with no more than 8 percent by weight finer than the No. 200 sieve.

BASE COURSE MATERIAL – Provide a naturally or artificially graded crusher-run stone, which is sound, durable and free of organic and other deleterious material. Material shall have a Plasticity Index of 5 or less for material passing No. 40 sieve, shall have less than 20 percent loss based on the NYSDOT Magnesium Sulfate Soundness Test (STM II), and shall have gradation conforming to the following limits:

Percent Passing by Weight	Sieve Size
100	2″
30-65	¼″
5-40	No. 40
0-8	No. 200

PRIME COAT – Provide a slow setting asphalt emulsion meeting the requirements specified for NYSDOT Material Designation 702-3501 or 702-3601.

BITUMINOUS SURFACE TREATMENT MATERIALS – Provide one of the following bituminous materials, subject to the acceptance of the Highway Superintendent, for pavement and shoulders and conforming with the latest edition of NYSDOT Standard Specifications, Section 410:

702-3101 – RS-2 – Rapid Setting Asphalt Emulsion
702-3102 – HFRS-2 – High Float Rapid Setting Asphalt Emulsion
702-4101 – CRS-2 – Cationic Rapid Setting Asphalt Emulsion

Submit to Highway Superintendent certifications from supplier for all asphalt emulsions.

Provide coarse aggregate sizes as specified. Aggregate shall be crushed limestone or dolomite that has an acid insoluble content of not less than 10%. Coarse aggregate shall not contain more than 5% chert and no more than 1.0% dust.

CONSTRUCTION SPECIFICATIONS

ROADWAY EMBANKMENT

1. Obtain subgrade elevation by compacting on-site soils in maximum 8 inch horizontal lifts. Use on-site soils as embankment fill that do not contain organic or deleterious materials, are not excessively wet or frozen, or that has cobbles in excess of 6 inches along the longest dimension.

2. If on-site soils are not available, a well-graded bank-run gravel shall be imported. Bank-run gravel shall be approved by the Highway Superintendent, subject to a sieve analysis from the source of supply. Bank-run gravel shall be sound, durable, free of organic or other deleterious material, with no more than 10 percent by weight finer than the No. 200 sieve.

3. Adjust the moisture content of embankment fill to within 2 percent of optimum by either air drying or through the addition of water prior to compaction. Spread wet fill in an 8 inch loose lift and disc to expedite air drying.

4. Compact embankment fill to or above 95 percent 'Modified Proctor' maximum density with a smooth drum roller, or other sufficient compaction equipment, weighing at least 7 tons and operating in the vibratory mode.

5. Slope the subgrade as shown on Detail 1. Proof roll the final subgrade to avoid ponding of surface water.

ROADWAY EXCAVATION

1. Excavate subsoil to the depth required to provide a uniform surface of solid and undisturbed ground for the placement of aggregate subbase course.

2. Excavate ditches, if applicable, to the minimum depth shown below the centerline finish grade elevation.

3. Where the bottom of the roadway excavation is found to be unstable or to include deleterious material, which in the judgment of the Highway Superintendent should be removed, excavate and remove and backfill the over-excavation with compacted bank-run gravel.

4. Compact the subgrade to or above 95 percent 'Modified Proctor' density with a smooth drum roller, or other sufficient compaction equipment, weighing at least 7 tons. Operate compactor in the static mode for compaction of silty soils and in the vibratory mode for soils containing larger fractions of sand and gravel.

5. Slope the subgrade as shown on Detail 1. Proof roll the final subgrade to provide drainage of groundwater and surface water to ditches.

6. Install underdrains wherever groundwater seepage is encountered or in low, wet areas.

ROADWAY SUBBASE COURSE

1. Prior to placing the geotextile fabric and aggregate subbase course, verify that the Highway Superintendent has observed proof rolling of the subgrade. Proof rolling shall be accomplished with a smooth drum roller weighing at least 7 tons and operating in the vibratory mode. Any settlement or movement of the subgrade ahead of or under the roller that indicates a potential soft area will require removal and replacement with suitable compacted granular material.

2. Place the geotextile fabric across the width of the roadway and lap in accordance with manufacturer's instructions. Remove any rocks or debris from subgrade surface that could puncture the fabric.

3. Lap underdrain fabric with subgrade fabric where subdrains are indicated to be installed.

4. Place subbase course material in layers of uniform thickness, conforming to indicated cross-section and thickness. Maintain optimum moisture content for compaction. When a compacted subbase course is indicated to be more than 6 inches thick, place material in equal layers, except no single layer more than 6 inches or less than 3 inches in thickness when compacted.

5. Compact subbase course to 95 percent 'Modified Proctor' maximum density.

6. Slope the subbase as shown on Detail 1. Proof roll the final subbase to provide drainage of surface water to ditches.

ROADWAY BASE COURSE

1. Prior to placing the aggregate base course, verify that the Highway Superintendent has observed proof rolling of the subbase course. Proof rolling shall be conducted in the same manner as for the subgrade.

2. Place base course material in layers of uniform thickness, conforming to indicated cross-section and thickness. Maintain optimum moisture content for compaction. When a compacted subbase course is indicated to be more than 6 inches thick, place material in equal layers, except no single layer more than 6 inches or less than 3 inches thickness when compacted.

3. Provide a compacted base course at 95 percent maximum dry density.

4. Slope the base as shown on Detail 1. Proof rolling the final base to provide drainage of surface water to ditches.

ROADWAY PAVEMENT

1. Prior to applying the bituminous double surface treatment, verify that the Highway Superintendent has observed proof rolling of the base course. Proof rolling shall be conducted in the same manner as for the subgrade. Any voids or settlements shall be filled and compacted to grade with base course material.

2. Apply prime coat after reshaping base course and if possible before recompacting. Apply at a rate between 0.2-0.5 gallons per square yard depending upon compacted/uncompacted base course and dense/porous aggregate surface. Avoid 'flooding' base course with excessive emulsion.

3. Bituminous material shall not be applied on a wet surface, when the ambient temperature is below 50 degrees F in the shade or greater than 95 degrees F, or when weather conditions would prevent the proper construction of the surface treatment.

4. The following equipment shall be required - a bituminous material distributor, a pneumatic rubber tire roller, aggregate spreader, a rotary power broom, all of which shall conform to NYSDOT specifications.

5. The surface shall be free from irregularities to provide a reasonably smooth and uniform surface to receive the treatment. Areas which are stable and firm and require one inch or less to patch or shape the surface may be patched with surface treatment materials. Unstable corrugated areas shall be removed and replaced. Areas requiring replacing, patching or shaping in excess of one inch in thickness shall be constructed with base course materials. A power broom shall be used to clean any loose material from the pavement surface before the bituminous material is applied. Manhole covers, drop inlets, catch basins, curb and any other structure within the roadway area shall be protected against the application of the surface treatment materials.

6. Bituminous material shall be applied by means of a pressure distributor in a uniform, continuous spread over the section to be treated. The quantity of base course bituminous material shall be 0.50 gallons per square yard. The length of spread of bituminous material shall not be in excess of that which trucks loaded with cover coat material can immediately cover or which can be satisfactorily compacted. The spread of the bituminous material shall not be more than 6 inches wider than the width covered by the cover coat material from the spreading device. Under no circumstances shall operations proceed in such a manner that bituminous material will be allowed to chill, set up, dry, or otherwise impair retention of the cover aggregate. The distributor, when not spreading, shall be parked so that the spray bar or mechanism will not drip bituminous material on the surface of the traveled way.

7. Immediately following the application of the bituminous material, the base cover aggregate of No. 1 crushed stone shall be spread at a rate of 30 pounds per square yard. Spreading shall be accomplished in such a manner that the tires of the trucks or aggregate spreader at no time contact the uncovered and newly applied bituminous material. Immediately after the cover aggregate is spread, any deficient areas shall be covered by additional material. If uniform, the Highway Superintendent may order the contractor to use a drag broom before rolling. Pneumatic tire rolling shall begin immediately and shall be continued until a minimum of 3 complete passes are obtained. Any free bituminous material on the surface caused by a deficient amount of cover material shall be covered in such a manner so as not to displace imbedded material. Excess material shall be swept from the entire surface by means of brooms.

8. An additional application of bituminous material over the No. 1 stones at the rate of 0.40 gallons per square yard shall be applied as per the procedures stated above. This is to be immediately followed by the application of No. 1ST stone at the rate of 25 pounds per square yard and rolled into the bituminous material in the manner stated above.

DRAINAGE

1. Culverts shall be placed in natural waterways and low points in the roadway grade. Where culverts cross the roadway, the top of culvert shall not extend above the elevation of the roadway subgrade.

2. Install culverts beginning at the low point of the drainage system, true to grades and alignment with unbroken continuity of the invert. Join and install pipe and couplings in accordance with manufacturer's instructions.

3. All culverts, including driveway culverts, shall be installed with galvanized flared end sections at the inlet and outlet.

4. Driveways shall be graded so that runoff from the driveways will not sheet across the road surface.

5. Provide temporary soil erosion control devices in accordance with standards of the New York "Guidelines for Urban Erosion and Sediment Control." Remove any silt or debris periodically from drainageways to avoid a backup of storm water. Maintain devices until drainageways are firmly established with vegetation or lined.

6. Design, install, and build all drainage and stormwater control facilities in accord with the Town's Stormwater and Erosion Control Local Law and any approved SPPP.

TOPSOILING AND SEEDING

1. All disturbed natural areas within the road right-of-way or proposed drainage easements shall be restored with a minimum 4 inches of topsoil and reseeded with a grass mixture compatible with the surrounding environment.

2. For late fall construction and prior to winter, seed rough graded areas with a temporary conservation mix of winter rye, winter wheat and annual ryegrass.

QUALITY ASSURANCE

1. Materials Source for Roadway Subbase and Base Course: Submit name and address of imported aggregate materials suppliers. Provide materials from the same source throughout the construction. Change of source requires approval by the Highway Superintendent. Submit test reports directly to the Highway Superintendent. Analysis of aggregate materials performed in accordance with ASTM C136 and within past three months.

2. Schedule inspections of the road construction in accordance with Exhibit A. Notify the Highway Superintendent a minimum of 24 hours in advance of each inspection. Such inspection by the Town Highway Superintendent, or designated representative, does not obligate the Town to accept the road upon offering for dedication, nor does it relieve the builder, Subdivider, and/or developer from complying with the requirements of these specifications.

3. All road right-of-ways, easements, and above and below grade improvements therein shall be guaranteed against defects and poor workmanship for a period of two years from the time of acceptance by the Town.

4. Prior to acceptance by the Town, the Developer shall deliver to the Town a complete release of all liens arising out of the construction of the dedicated improvements, or receipts in full payment in lieu thereof, and if required in either case, an affidavit that so far as the Subdivider, developer, and/or builder has personal knowledge or information, the releases and receipts include all labor and materials for which a lien could be filed.

EXHIBIT A - INSPECTION SCHEDULE FOR PROPOSED TOWN ROADS

Each phase of the road construction listed below must be inspected by the Highway Superintendent, or designated representative, prior to commencing the next phase. All information must be provided and the inspection sheet signed. The original will be retained by the Developer, or assigned agent, with a copy of each inspection submitted to the Town Highway Superintendent. A minimum of 24 hours notice of inspection must be given.

SUB-GRADE:

Inspection by: _____Date_____
Location: _____
Section: _____
Weather (conditions): _____
Notes: _____
_____
_____

SUB-BASE COURSE:

Inspection by: _____Date_____
Location: _____
Section: _____
Weather (conditions): _____
Notes: _____
_____
_____
Sieve Analysis Received: _____Date_____

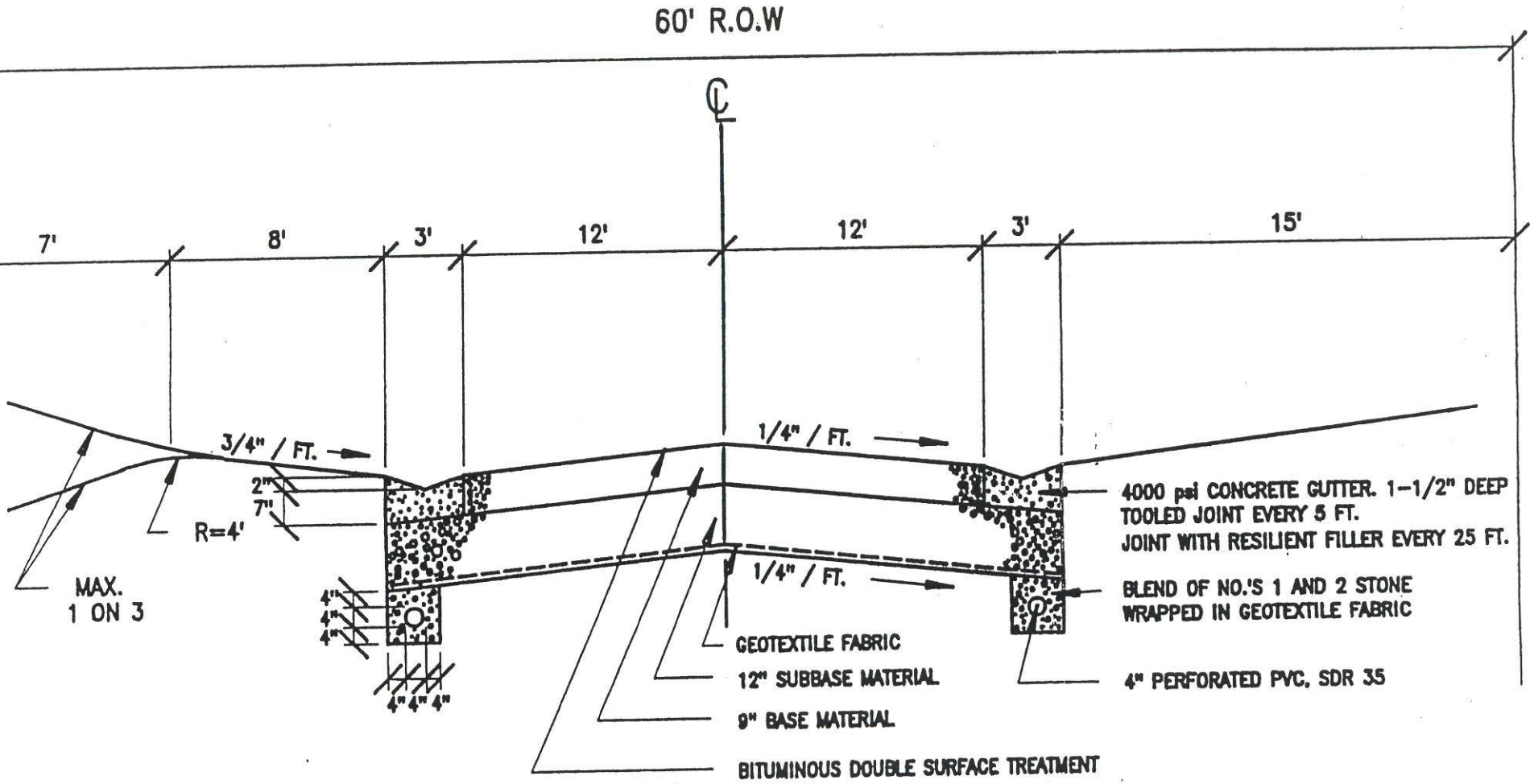
BASE-COURSE:

Inspection by: _____Date_____
Location: _____
Section: _____
Weather (conditions): _____
Notes: _____
_____
_____
Sieve Analysis Received: _____Date_____

SURFACE COURSE:

Inspection by: _____Date_____
Location: _____
Section: _____
Weather (conditions): _____
Notes: _____
_____
_____

SUPERINTENDENT APPROVAL: _____Date_____



2 ALTERNATE ROADWAY CROSS-SECTION

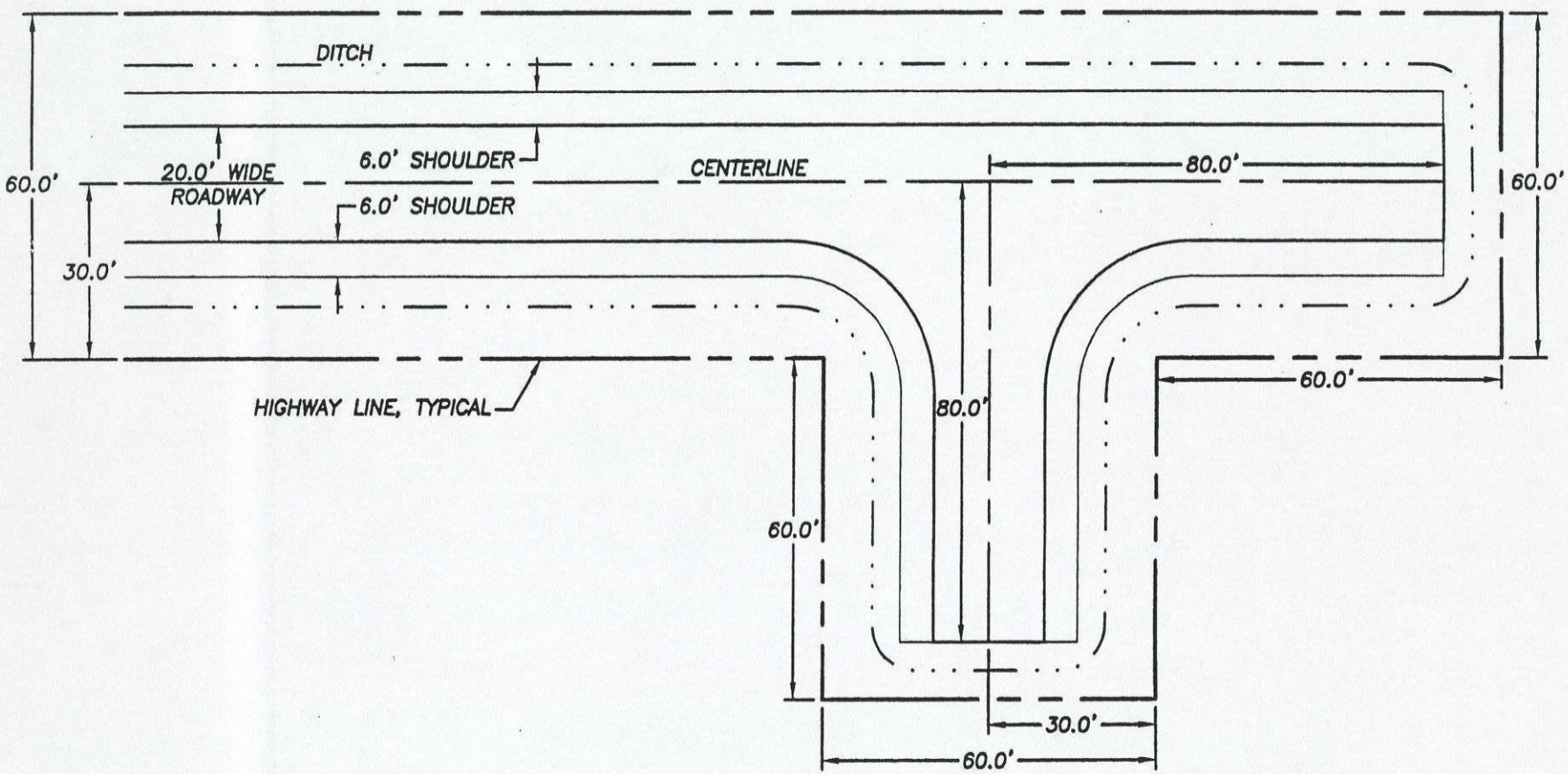
NOT TO SCALE

Roadway cross section, not to scale

Cross Section*	Primary Road	Secondary Road	Local Road
(A) Right-of-way:	75 feet min.	60 feet min.	60 feet min.
(B) Total Pavement:			
(C) Traffic paving:			
(D) Shoulder:			
(binder only):			
(E) Subgrade Crown:			
(F) Subsurface Crown:			
(G) Shoulder Crown:			
(H) Berm Slope:			
(I) Inside Slope:			
(J) Outside Slope:			
(K) Base Gravel Depth:			
(L) Total Depth:			
Road Grade (Section 602.E.)	10 percent max.	12 percent max.	12 percent max.

***Cross section specifications to be provided by the Town Engineer.**

1. **Curve Radii** - Horizontal and vertical curves shall be designed with a minimum radius of 150 feet.
2. **Dead-end Road/Turn Around** - In general, no longer than 10 times the narrowest lot frontage ("X" below") along such road leading to a turnaround at the end.


DITCH
60.0'
20.0' WIDE
ROADWAY
6.0' SHOULDER
6.0' SHOULDER
CENTERLINE
80.0'
60.0'
30.0'
HIGHWAY LINE, TYPICAL
80.0'
60.0'
60.0'
30.0'
60.0'