

SUBDIVISION REGULATIONS

TOWN OF SPAFFORD,
NEW YORK

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Article I **Purposes**

Section I: Purposes

- A. It is hereby declared to be the policy of the Town of Spafford that the subdivision and development of land for residential purposes, (year round or seasonal), shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth. Land to be sub divided or developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood erosion, excessive noise or smoke, or other menace. Proper provisions shall be made for drainage, water supply, sewage disposal, and other appropriate utility services. Proposed streets shall provide a safe, convenient and functional system for vehicular circulation, and shall be properly related to current master plans for the affected area of the Town. Streets shall be of such width, grade, and location as to accommodate prospective traffic as determined by existing and probable future land building uses. Buildings, lots, blocks and streets shall be so arranged as to afford adequate light, view and air, to facilitate fire protection, and to provide ample access for fire-fighting equipment to buildings. Land shall be sub divided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced.

Article II **Definitions**

Section I: Definitions

For the purposes of these regulations, certain words used herein are defined as follows:

- A. Subdivision – The division of land into five (5) or more lots or parcels for purposes of sale, lease, rental, or development for residential uses. The term “subdivision” shall also include resubdivision as defined herein. The term subdivision shall further include the development of land into five or more condominium units.
- B. Resubdivision – Alteration of the size, shape or orientation of lots, lot lines, parcels or rights-of-way, or other elements which are contained within a subdivision or result fro a previous subdivision process.
- C. Streets – The term “street” means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, drive, place or other similar designation.
1. Cul-de-sac Streets – Minor streets with one end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround. The length of a cul-de-sac street shall be measured along the center line from its intersection with the center line of the street from which it runs to the center of the cul-de-sac turnaround.
2. Multiple Frontage – A lot with frontage on two or more existing or proposed rights-of-way.

D. Plats

1. Preliminary Plat – A drawing prepared by a registered engineer or surveyor in a manner prescribed herein showing the layout of a proposed subdivision including but not restricted to: road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as required herein – (see Article VI, Section I).
2. Final Plat – The preliminary plat and the modifications, if any, required by the planning board at the time of approval of a preliminary plat such proposed subdivision if such preliminary plat has been so approved. (see Article VI, Section II).
3. Preliminary Plat Approval – The approval of the planning board of the layout of proposed subdivision as set forth in a preliminary plat, but subject to the board’s conditions and recommendations and subject to approval of the plat in final form in accordance with the provisions of subdivision seven Article 16 & 276 Town Law, (said provisions being restated in Article III herein).
4. Final Approval of a Plat in Final Form – the signing of a final plat by a duly authorized officer of the planning board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the County Clerk.
5. Planning Board – The Planning Board of the Town of Spafford.

Article III Procedure

Section I Preliminary Plat Procedure

- A. Consultations with Government Agencies – The owner shall consult with the Onondaga County Department of Health with regard to water supply and sewage disposal. If the subdivision is to utilize a form of sub-surface leaching for waste disposal, percolation tests shall be made before the owner proceeds to the preparation of the Preliminary Plat. If the installation of a sewer system is involved, the owner shall consult with the Onondaga County Department of Drainage and Sanitation.
- B. Submission of Application – The owner shall submit to the Planning Board a Preliminary Plat, clearly marked “Preliminary Plat”, together with supplementary materials as specified in Article VI. Such Preliminary Plat shall conform to the definition provided in Article II.

- C. Referral to the Onondaga County Planning Board – Any Preliminary Plat of a subdivision showing proposed new streets or building sites having frontage, or access to, or otherwise directly related to any existing or proposed right-of-way shown on the County Official Map (Highways) shall be submitted by the Planning Board to the Onondaga County Planning Board for review as provided by Section 239-k of the General Municipal Law.
- D. Public Hearing – Within forty-five days after the receipt of the preliminary plat by the clerk of the Planning Board, the Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full consideration of such preliminary plat.
- E. Planning Board Decision – Within forty-five days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove the preliminary plat, and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form.
- F. Certification of Preliminary Approval – Within five days of the approval of the preliminary plat it shall be certified by the clerk of the Planning Board as granted preliminary approval and a copy filed in his office and a certified copy mailed to the owner.
- G. Limitation of Approval – Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If a plat in final form is not so submitted, approval of the preliminary plat may be revoked by the Planning Board.
- H. Failure of the Board to Take Action - In the event the Planning Board fails to take action on a preliminary plat within the time prescribed therefore, such plat shall be deemed granted preliminary approval. The certificate of the clerk of the town as to the date of submission and failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

Section II Final Plat Procedure

- A. Public Hearing – Within forty-five days of the submission of the plat in final form for approval by the Planning Board a hearing shall be held by the Planning Board, which hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing, provided, however, that when the Planning Board deems the final plat to be in substantial agreement with the approved preliminary plat and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive requirement for such public hearing.

- B. Planning Board Decision – The Planning Board shall by resolution conditionally approve, conditionally approve with or without, disapprove, or grant final approval and authorize the signing of such plat, within forty-five days of its receipt by the clerk of the Planning Board if no such hearing is held, or in the event such hearing is held, within forty-five days after the date of such hearing. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action on the plat, may be extended by mutual consent of the owner and the Planning Board.

- C. Failure of Board to Take Action – In the event the Planning Board fails to take action on a final plat within the time prescribed therefore, the plat shall be deemed approved and a certificate of the clerk of the town as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

- D. Authorization for Signature – Upon resolution of conditional approval of such final plat the Planning Board shall empower the duly authorized officer to sign the plat subject to completion of such requirements as may be stated in the resolution.

- E. Certification of Conditional Approval – Within five days of such resolution the plat shall be certified by the clerk of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the owner including a certified statement of such requirements which when completed will authorize the signing of the conditionally approved final plat.

- F. Signing of Final Plat – Upon the completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board.

- G. Expiration of Conditional Approval – Conditional approval of a final plat shall expire within one hundred eighty days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. Notwithstanding the foregoing provisions, the Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature, if in its opinion such intention is warranted by the particular circumstances thereof, for not to exceed two additional periods of ninety days each.

- H. Subdivision Sections – Prior to granting conditional or final approval of a plat in final form the Town Planning Board may permit the plat to be subdivided into two or more sections and in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

- I. Time by Which Plat of Section Thereof Must be Filed – The signature of the duly authorized officer of the Planning Board constituting final approval by Planning Board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval by the Board of the development of a plat or plats already filed in the office of the County Clerk if such plats are entirely or partially undeveloped, or the certificate of the town as to the date of the submission of the final plat and the failure of the Planning Board to take action thereon within the time prescribed, shall expire within sixty days from the date of such approval, or from the date such certificate is issued, unless within such sixty day period such plat or a section thereof shall have been duly filed or recorded by the subdivider in the office of the County Clerk.

- J. Filing Sections - In the even the subdivider shall file only a section of such approved plat in the office of the County Clerk, the entire approved plat shall be filed with the town clerk within thirty days of the filing of such section. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265A Subdivision 2 of the Town Law.

Note: The Planning Board is reminded that the subdivision review must comply with the applicable provisions of the State Environmental Quality Review Regulations, Part 617 of Title 6NYCRR (State authority: Environmental Conservation Law, Article 8).

Article IV Development Standards

Section I Streets – General Planning Standards

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and the Master Plan, if any, and shall be considered in relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- B. No dead-end streets shall be permitted without a suitable turn-around.

Section II Lots

A. Design Standards

1. Lot dimensions shall conform to the requirements of the Zoning Ordinance.
2. Excessive depth in relation to the width shall be avoided. A proportion of 2 ½ to 1 will normally be considered maximum.

Section III Trees and Natural Features

- A. Reasonable requirements for the preservation of outstanding natural features may be specified. These include large trees or groves, water courses and falls, historic spots, exceptional views, and similar irreplaceable assets in which there is general public interest.
- B. No trees shall be planted within the street right-of-way nor within fifteen feet of the right-of-way.

Section IV Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where they are anticipated.
- B. Permanent utility easements normally need not exceed 20 feet in width; although exceptional circumstances may require additional width.

Section V Storm Drainage

- A. All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development, and shall comply with the requirements of the town engineer and highway superintendent, and the County Department of Drainage and Sanitation, where applicable.
- B. Where a subdivision is traversed by a water course, drainage-way, channel, or stream, there shall be provided a storm water drainage easement or right-of-way conforming substantially with the lines of such water course, and of such width as to encompass the 25 year flood area of such water course, if such data are available; or to encompass the flood of record plus three feet in elevation.
- C. Easements or rights-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated run-off that will occur when the property at a higher elevation in the drainage basin is developed.

Article V Required Improvements

The following improvements shall be installed by the owner prior to the approval of the final plat, or alternatively, he shall post a performance bond as provided in Article VI, Section II, sufficient in amount to cover the estimated full cost of such construction as determined by the Planning Board. (At the discretion of the Town Board, the developer may secure the formation of a special district to install such utility and street improvements pursuant to the laws of the State.)

Section I Monuments

- A. For subdivisions with new streets, monuments shall be placed at all block corners, angle points, or curvature in streets, and points of tangency or horizontal curves, and at such intermediate points as shall be required by the town engineer. Monuments shall be of granite or concrete with an iron pin in the center.

Section II Utility and Street Improvements

- A. Utility and street improvements shall be provided in accordance with the following:
 - 1. Community water supply, if to be provided, and sanitary sewer system, where required, in accordance with procedures and standards of the Onondaga County Department of Health.
 - 2. All roads and streets shall comply with New York State Highway Department specifications.
 - 3. Storm sewer system and other drainage improvements in accordance with applicable standards of the County Departments of Health and Drainage and Sanitation.
 - 4. Street name signs at all intersections, the design of which shall be by the Highway Superintendent.
- B. Street constructions shall meet the specifications set forth in Geometric Design Guide for Local Roads and Streets prepared by the committee on Planning and Design Policies, American Association of State Highway Officials, Copyright 1971.

Where natural conditions of subgrades, slope and drainage are other than favorable, the Planning Board, after consultation with the Town Highway Superintendent, may require reasonable higher standards for gravel base and pavement and may specify special treatment of the subgrade.
- C. Where any subdivision lies contiguous to existing public park lands, the developer shall, at the discretion of the Planning Board, be required to provide screening and/or fencing of a suitable nature to be determined by the Board between such subdivision and the park land.

Article VI Plans and Date to be Submitted

Section I Preliminary Plat

- A. Four (4) copies of the Preliminary Plat map and all required supplementary material, together with two (2) copies of the application shall be submitted; together with a fee of One Hundred Dollars (\$100.00) plus Ten Dollars (\$10.00) per lot.

- B. Certification from a registered land title insurance company licensed to do business in New York State that the applicant is the owner in fee of the property which is the subject of the application.

- C. Preliminary Plat Map:
 - 1. Title, scale, north arrow and date.

 - 2. Minimum sheet size – less than ten (10) acres 17” x 22” , scale 1” = 50’ ; ten (10) or more acres 20” x 40”, scale 1” = 100’.

 - 3. Bearings and distance of tract boundary lines and reference to control points. (Boundaries of lands by owners names are not to be considered as bearings or control points.)

 - 4. Location and dimensions of existing and proposed:
 - a. Lots, streets, public facilities or land easements, and similar features.
 - b. Facilities or land dedicated or reserved for public use.
 - c. Utilities, if any, on and adjacent to the tract, including invert elevation of sanitary, storm, and combined sewer or water mains; gas lines, fire hydrants, electric and telephone facilities and street lights; invert elevation of sanitary, storm, direction and distance of sewers not adjacent to tract to which connections are proposed and invert elevations at points of connection.

 - 5. Location of percolation test sites, if required.

 - 6. Names or numbers of:
 - a. Owners of adjoining land.
 - b. Adjoining subdivisions.
 - c. Proposed subdivision.
 - d. Proposed streets.
 - e. Blocks and lots.
 - f. Owner.

7. Location Inset Map:
 - a. Subdivision location and boundaries.
 - b. Location of adjoining tracts and subdivision and existing and planned streets, public facilities, water courses within four hundred (400) feet of any part of the subdivision.
 - c. Scale of not more than 1" = 400'; nor less than 1" = 200'.

D. Developmental Data:

1. Total acreage of subdivision and number of lots proposed.
2. Results of any percolation tests.
3. Drawings showing:
 - a. Tentative street cross-sections and centerline profiles.
 - b. Preliminary sketches of any bridges or culverts.
 - c. Storm water drainage.
 - d. General design of any sewers.
4. Time schedule of operation.

D. Legal Data:

1. Draft of restrictions of all types which will run with the land and become covenants in the deed for lots.
2. Draft of offers of cession as required.

Section II Final Plat

A. Application Requirements – The Final Plat shall conform substantially to the Preliminary Plat, as approved, (including such modifications as required by the Planning Board in its approval). Four (4) cloth-backed copies of the Final Plat, and all required supplementary material as specified in this Article, together with two (2) copies of the application for final approval shall be submitted. This application, copies of the Final Plat, and supplementary material shall not be accepted if approval of the Preliminary Plat has been revoked. At the time of filing the Final Plat, the Subdivider shall also submit the following:

1. A certificate by the Onondaga County Department of Health as to adequacy of the proposed water supply and sewage disposal.

2. A certificate by a licensed professional engineer that any required improvements constructed by the owner have been designated and inspected and meet the minimum standards in these regulations, or as otherwise required by law.
3. A performance bond, approved by the Planning Board and the Town Board as to form, sufficiency, manner of execution and surety, for the completion of such required improvements as have not been constructed.
4. Offers of cession, in a form certified as satisfactory by the Town Attorney, of all land to be dedicated for streets, highways, easements, or other public facilities.
5. A certified check, in the amount to be determined by the Planning Board, to meet the costs of inspection by an Engineer selected by the Planning Board, of required improvements, unless the improvements are to be provided by special district.
6. Drawings, certified by a licensed Land Surveyor, showing the location of all improvements as may have been constructed prior to Final Plat submission.

B. Final Plat Map:

1. Title, scale, north arrow and date.
2. Sheet size: Less than 10 acres – 17” x 22”, scale 1” = 50’;
ten or more acres - 20” x 40”, scale 1” = 100’.
3. Ink drawing on tracing cloth or a transparent reproduction with black line on cloth or stable plastic base film.
4. Corrected and final planimetric data from Preliminary Plat, except as modified below:
 - a. For all street rights-of-way and property lines, the following shall be shown:
 1. accurate dimensions, bearings or deflection angles of all straight lines, except interior parallel lines bound by outermost parallel lines which are prescribed by dimension and bearings; error of closure may not exceed one (1) foot in five thousand (5,000); and
 2. radii, arcs, and central angles of all curves.
 - b. For other rights-of-way, and easements, the name, bearings and width are required.
5. Survey date – primary control points, or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on map are referred. (Lands by owner’s name are not to be considered as bearing or control points).

6. Information beyond subdivision boundary required for preliminary plan need not be shown except for boundary streets.
 7. Location Inset Map:
 - a. Corrected and updated from Preliminary Plat.
 - b. If Final Plat is drawn in two or more sections, locations of the areas should be indicated.
- C. Development Data:
1. Corrected and updated development data from Preliminary Plat.
 2. Detailed drawings and specifications for:
 - a. All improvements shown on Preliminary Plat development data drawings.
 - b. Sanitary sewage disposal system.
 - c. Water supply system.
- D. Legal Data:
1. Corrected and updated legal data from Preliminary Plat.
 2. Such other certificates, affidavits, endorsements, or agreements as may be required by the Planning Board in enforcement of these regulations.

Section III Requirements After Filing Final Plat

- A. Within thirty (30) days from the recording of the Final Plat or any approved section thereof, the subdivider shall file with the Planning Board a photostat copy of the Plat certified by the County Clerk to be a true copy of the recorded Plat. Drawings showing the location of all required improvements as built shall be certified by a Licensed Land Surveyor or licensed engineer and filed with the Planning Board within thirty (30) days prior to the acceptance of the improvements by the Town. Until such as built plans are filed, no performance bond guaranteeing the completion of such improvements shall be released. Performance Bonds may be changed only under the provisions of Section 277 of the Town Law.

Article VII Waivers and Modifications

The Planning Board may waive, subject to appropriate conditions, the provisions of any or all such improvements and requirements, set forth in Article IV and V of these regulations, as in its judgement of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgement are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

Article VIII Enforcement, Violations and Penalties

Section I Building Permits

- A. Before such permit shall be issued such street or highway shall have been suitably improved to the satisfaction of the Town Board, if empowered by the Town in accordance with standards and specifications approved by the Town Board, as adequate in respect to the public health, safety and general welfare for the special circumstances of the particular street or highway. Alternatively, and in the discretion of such Board, a performance bond sufficient to cover the full cost of such improvements as estimated by such Board shall be furnished to the Town by the owner. Such performance bond shall be issued by a bonding or Surety Company approved by the Town Board or by the owner with security acceptable to the Town Board, and shall also be approved by such Town Board as to form, sufficiency and manner of execution. The term, manner of modification and method of enforcement of such bond shall be determined by the appropriate Board in substantial conformity with Article 16, Section 277 of the Town Law.

Section II Action to Prevent or Abate Violations

- A. The Town Board may, by ordinance, provide for additional remedies to prevent or abate violations and to establish penalties for violations, as provided by law.

Section III Penalties

- A. The Town Board may, by ordinance, provide that a violation of these regulations is declared to be an offense, punishable by a fine and/or imprisonment.

Article IX Miscellaneous

Section I Conflict with Other Regulations

- A. Whenever there may be a conflict between the standards specified in these regulations and those of other codes, ordinances, or regulations of the Town of Spafford the most restrictive of highest standard shall apply.

Section II Separability

If any section, paragraph, clause, phrase or provision of these regulations shall be adjudged invalid or held unconstitutional, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part so held to be invalid or unconstitutional.

Section III Short Title

These regulations shall be known and may be cited as “Subdivision Regulations of the Town of Spafford”.

Section IV Effective Date

These regulations shall be effective in accordance with Section 133 of the Town Law on and from the 4th day of May, 1982.

Town Board of the Town of Spafford