

TOWN OF TURIN SUBDIVISION LAW

LOCAL LAW NUMBER 2 OF 1998

ADOPTED ON 14 DECEMBER 1998

INCLUDES LOCAL LAW NUMBER 1 OF 2016

(A LOCAL LAW TO AMEND SECTION 515 OF THE SUBDIVISION LAW TO REMOVE
CERTAIN LANGUAGE "IN UNIQUE CIRCUMSTANCES")

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
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(Use this form to file a local law with the Secretary of State.)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Turin

Local Law No. 1 of the year 2016

A local law to amend Section 515 of the Subdivision Law to remove certain language.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Turin

as follows:

Article 1. - Authority. The Town Board of the Town of Turin pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Turin hereby finds that it has previously adopted a subdivision law. The Board further finds that Section 515 of such subdivision law as it relates to substandard parcels contains the following language, "in unique circumstances". It is the finding of the Board that this wording is confusing and does not set an enforceable standard. It is, therefore, the intention of the Town Board of the Town of Turin pursuant to this amendment to remove such language from that section.

Article 3. The Town Board of the Town of Turin hereby amends Section 515 of the Subdivision Law of the Town of Turin and as amended restates the first sentence of that Section as follows:

"All parcels shall comply with the provision of the land use law, except that the Planning Board may approve parcels which are substandard in terms of size or dimensions in the following circumstances:

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Turin Town Board (Name of Legislative Body) on February, 9, 2016, was duly passed by the provisions of law, in accordance with the applicable

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

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

5. (City local law concerning Charter revision proposed by petition.)

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

6. (County local law concerning adoption of Charter.)

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

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

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

Theresa L. Dickinson
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 02/27/16

(Seal)

ARTICLE 1. INTRODUCTION

Section 105. Title

This law shall be known and may be cited as the "Town of Turin Subdivision Law."

Section 110. Purpose

This law has been enacted for the purpose of providing for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

Section 115. Authority

By the authority of Article 2 and 3 of Municipal Home Rule Law and Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Turin is authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, and to approve the development of plats entirely or partially undeveloped, which were filed in the office of the county clerk prior to the appointment of the planning board and the grant to the planning board of the power to approve plats.

Section 120. Previous Regulations

This law shall replace and supersede Part II of the Town of Turin Rural Development Code.

Section 125. Definitions

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

Cluster Development: A form of development for subdivisions that permits a reduction in lot area and dimension requirements for some or all lots in a tract, provided there is no increase in the number of lots permitted under a conventional subdivision, and where the resultant land is either 1) devoted to permanent open space, or 2) is permanently combined with the remainder of the lots, where only some of the lots are reduced in area.

Easement: An authorization by a property owner for the use of any designated part of a property by another, and for a specific purpose.

Land Use Law: The "Town of Turin Rural Development Law," originally entitled the "Town of Turin Rural Development Code," adopted by Local Law No. 1 of 1987, as subsequently amended.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be developed or built upon as a unit.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

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

Planning Board: The Town of Turin Planning Board.

Plat: A map of a subdivision.

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

Reallotment: The relocation of lot lines of any lot or parcel, the deed to which was previously recorded in the office of the county clerk; but not including conveyances made so as to combine existing lots by deed or other instrument.

Resubdivision: The further division of lots or parcels.

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

Road, Public: Any vehicular way which is: 1) an existing state, county or town roadway; 2) shown upon a plat approved pursuant to law as a public road; 3) approved by other official action; or 4) shown as a public road on a plat duly filed in the office of the county clerk prior to the grant of plat approval authority to the planning board. A *public road* includes the land between the road lines, whether improved or unimproved.

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

Subdivision: The division of any parcel of land into two or more lots or parcels, including any remainder of the original parcel, with or without roads, and including reallotment and resubdivision.

Subdivision, Major: A subdivision not classified as a minor subdivision.

Subdivision, Minor: A subdivision containing two to ten lots or parcels, and not involving 1) the creation of any new public road, 2) the dedication of lands or facilities to the public, 3) the extension of municipal facilities or other structural public improvements other than minor drainage facilities, or 4) the set-aside of open space through cluster development.

Town Board: The Town Board of the Town of Turin

Undeveloped Plat: A plat where 20 percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

Section 130. Sketch Plan Conference

All potential subdividers are encouraged to meet with the planning board prior to the submission of a formal application for a subdivision approval. Such a meeting may be used to expedite the review process by allowing the planning board and the applicant to be advised of the following: 1) the potential classification of the subdivision as minor or major, 2) the requirements under the State Environmental Quality Review Act, 3) the possible involvement of other government agencies in the review process, and 4) the determination of wetlands and floodplains.

Section 135. Procedural Waiver

The planning board may waive the application and review procedure as provided for in this law if the planning board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the following findings:

1. The proposed subdivision does not involve the creation of more than four lots.
2. The applicant has provided evidence acceptable to the planning board that all proposed lots conform to the requirements of the land use law. Such evidence may consist of proposed deeds, plot plans or surveys of the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the planning board with evidence sufficient to make a determination.

3. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617.

Section 140. Subdivision Process

Proposed subdivisions shall be determined by the planning board to be either minor or major as defined in this law, and shall follow the procedures as summarized below:

Minor subdivision shall follow the procedures of Article 2 of this law, summarized as follows:

1. Submission of application for final plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on final plat.
5. Filing of plat in office of county clerk by subdivider.

Major subdivisions shall follow the procedures of Article 3 of this law, summarized as follows:

1. Submission of application for preliminary plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on preliminary plat.
5. Submission of application for final plat approval.
6. Planning board review.
7. Public hearing (optional).
8. Planning board action on final plat.
9. Filing of plat in office of county clerk by subdivider.

Section 145. Fees

Fees for subdivision reviews shall be as established by town board resolution. The planning board may retain consulting services from engineers, architects, landscape architects, lawyers, planners or other professional services during the course of subdivision plat reviews conducted pursuant to this law. The subdivider shall pay any actual costs attributable to a consultant's review of an application. The planning board may require a subdivider to deposit such funds as may be necessary to pay for these services with the town in advance.

Section 150. Waiver of Required Improvements

Where the planning board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the land use law. In granting waivers, the planning board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Section 155. Separability

If any clause, sentence, subsection, section, or article of this law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, section, or article thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 160. Violations and Penalties

1. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
2. The town board may institute any appropriate action or proceedings to prevent unlawful division of land, to restrain, correct or abate any violation of this law, or to prevent the use or occupancy of said land; and upon the refusal of the town board to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the land use district wherein the violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such town board is authorized to do.

Section 165. Effective Date

This law shall take effect upon filing in the Office of the Secretary of State and upon filing in the Office of the Town Clerk.

ARTICLE 2. MINOR SUBDIVISION REVIEW PROCEDURE

Section 205. Submission of Application

Applications and fees shall be submitted to the planning board at least 10 days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article 4 of this law.

Section 210. Acceptance of Completed Application--Official Submission Date

The application shall not be considered complete until 1) all information as required in Article 4 of this law is provided, and 2) either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement

has been filed in accordance with the provisions of 6 NYCRR Part 617. Upon acceptance of a completed application, the planning board shall establish the official submission date of the application.

Section 225. Area Variance

Where the application shows lots which are not in compliance with the land use law, the planning board may, at its discretion, refer the application to the board of appeals for the consideration of an area variance review prior to the commencement of the planning board review.

Section 230. Public Hearing

Following the review of the application and supplementary material submitted in conformance with this law, and following negotiations with the subdivider on changes deemed advisable, the planning board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. This hearing may also fulfill the requirements of the State Environmental Quality Review Act for the draft environmental impact statement, where such hearing may be required. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened.

Section 235. Action on Application

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 240 below), or 3) disapprove the application. Such action shall be taken within 62 days of the close of the public hearing. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. The subdivider shall be notified of the final action of the planning board. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

Section 240. Conditional Approval of Application

The application shall be certified by the planning board within five days of conditional approval. A copy shall be filed with the planning board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 245. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 8 (land use law modifications) of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town land use law or map.

Section 250. Modification of Designs After Approval

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

ARTICLE 3. MAJOR SUBDIVISION PROCEDURE

Section 305. Preliminary Plat Procedure

The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in Sections 205 through 230 of this law, and shall then continue with the provisions of this Article as follows.

Section 310. Preliminary Action

Within 62 days of the close of the public hearing, the planning board shall approve, with or without modifications, or disapprove the preliminary application and state its reasons for disapproval. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. Within five days of approval, the action of the planning board shall be noted on three copies of the preliminary plat and reference made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by the planning board.

Section 315. Effect of Approval

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

Section 320. Application--Final Plat

All major subdivisions shall require final application approval by the planning board. If the final application is not submitted for approval within six months of preliminary application approval, the planning board may revoke the preliminary application approval. The subdivider shall file an application with appropriate fees for final application approval, accompanied by documentation as specified in Article 5 of this law, with the planning board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the planning board.

Section 325. Official Submission Date

The planning board shall establish an official submission date for the major subdivision final application. Such date shall be the date that the planning board determines the application to be complete, including all information required in Article 4 of this law.

Section 335. Public Hearing

A public hearing may be held by the planning board after a complete application is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened. The public hearing may be waived by the planning board if the final application is in substantial agreement with the preliminary application. If the final application is not in substantial agreement with the approved preliminary application, then the public hearing shall be conducted.

Section 340. Guarantees for Required Improvements

In order that the town has the assurance that construction and installation of public improvements will be guaranteed, the applicant shall either 1) construct all improvements as required by this law, and by the planning board, prior to final

approval of the application, or 2) furnish guarantee as provided in Article 6 of the Town of Turin Rural Development Law.

Section 345. Final Action

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 350 below), or 3) disapprove the application; within 62 days of the close of the public hearing. If the public hearing has been waived, the planning board shall act within 62 days of the final application official submission date. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. The subdivider shall be notified of the final action of the planning board. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

Section 350. Conditional Approval

The application shall be certified by the planning board within five days of conditional approval. A copy shall be filed with the planning board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 355. Approval of Plats in Sections

Prior to granting conditional or final approval of a plat in final form, the planning board may permit the plat to be divided into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the planning board chairman. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the planning board, shall be granted concurrently with conditional or final approval of the plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, two copies of the entire approved plat shall be filed within 30 days of the filing of such section with the town clerk. 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 in the office of the county clerk within three years of the filing of the first section with the county clerk.

Section 360. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 8 (land use law modifications) of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town land use law or map.

Section 365. Modification of Designs After Approval

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

Section 370. Public Acceptance of Improvements

The approval by the planning board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the town of any road, park, playground, recreation area, easement, public utility, or any other improvement. The plat shall be endorsed with appropriate notes to this effect. The planning board may also require the filing of a written agreement between the applicant and the town board covering future deed and title, dedication, and provision for the costs of developing and maintaining any such improvements.

ARTICLE 4. DOCUMENTS TO BE SUBMITTED

Section 410. General Application Requirements

All applications for minor subdivisions and preliminary plats for major subdivisions shall include the following:

1. Three copies of the application form.
2. A nonrefundable application fee.
3. A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
4. Three copies of the plat prepared at a scale of not more than 100 feet to the inch.
5. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
6. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

Section 420. Minor Subdivision Plat Requirements

All minor subdivision plats shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
3. The locations of all land use law front, side and rear yard lines; district lines and the names of all applicable districts; floodplains; wetlands; and easements.
4. The words "final plat."
5. Any other specifications required by the planning board.

Section 430. Preliminary Plat--Major Subdivision Application Requirements

Preliminary plat applications for major subdivisions shall contain the following:

1. All items specified in Section 410 above.

2. If the application is for a subdivision in sections, covering only a part of the subdivider's entire holding, a map of the entire subdivision, drawn at a scale of not less than 300 feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the subdivision and the probable future drainage layout of the entire subdivision shall be submitted. The section submitted shall be considered in the context of the entire subdivision.

Section 440. Preliminary Plat--Major Subdivision Plat Requirements

The preliminary plat for major subdivisions shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
3. The locations of all land use law front, side and rear yard lines, district lines and the names of all applicable districts.
4. The parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. The location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, floodplains, and other significant existing features for the proposed subdivision and adjacent property.
6. The location of existing wells, on-site sewage disposal systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of 5 feet or less, or as required by the planning board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than 2 feet.
8. The width and location of any roads or public ways or places shown on the comprehensive plan, within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire-alarm boxes; and connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
10. A storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and connection to existing lines or alternate means of disposal.
11. Plans and cross-sections of the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
12. Preliminary designs of any bridges or culverts which may be required.
13. The words "preliminary plat."
14. Any other specifications required by the planning board.

Section 450. Final Plat--Major Subdivision Application Requirements

Final plat applications for major subdivisions shall contain the following:

1. Three copies of the application form.
2. A nonrefundable application fee.
3. Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made therefor.
4. Offers of cession and covenants governing the maintenance of unceded open space, bearing the certificate of approval of the town attorney as to their legal sufficiency.
5. A map indicating the location of monuments marking all underground utilities as actually installed.
6. Three copies of the plat prepared at a scale of not more than 100 feet to the inch.

Section 460. Final Plat--Major Subdivision Plat Requirements

The final plat shall be prepared and drawn in conformity with Appendix A of this law and show:

1. Sufficient data from an actual field survey to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground.
2. The length and bearing of all straight lines; the radii, length, central angles and cord bearings for road curves; the dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
3. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
4. The locations of all land use law front, side and rear yard lines; district lines and the names of all applicable districts; floodplains; wetlands; and easements.
5. Public open spaces for which deeds are included, and those spaces title to which is reserved by the developer.
6. Lots and blocks numbered and lettered in accordance with the prevailing town practice.
7. Permanent reference monuments.
8. The words "final plat."
9. Any other specifications required by the planning board.

Section 470. Plat to be Filed

The plat to be filed with the county clerk shall be printed upon linen or acceptable equal or be clearly drawn in India ink upon tracing cloth, and shall comply with the requirements of Real Property Law Section 334.

Section 480. Waiver of Submission Requirements

The planning board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

ARTICLE 5. GENERAL DESIGN STANDARDS

Section 505. General

Land to be subdivided shall be of such character that it can be used safely for development without danger to public health or safety; the subdivision plan shall be in harmony with the comprehensive plan for the community; and all required improvements shall be constructed and installed in conformance with town specifications.

Section 510. Future Resubdivision

Where land is subdivided into lots substantially larger than the minimum size required in the land use law district in which the subdivision is located, the lots and roads shall be laid out so as to permit future resubdivision in accordance with the requirements contained in this law.

Section 515. Approval of Substandard Parcels

All parcels shall comply with the provisions of the land use law, except that the planning board may, in unique circumstances, approve parcels which are substandard in terms of size or dimension in the following circumstances:

1. for road or access rights-of-ways,
2. where the parcel is intended to be used permanently for nonstructural recreational purposes,
3. where land is intended to be conveyed to an adjacent landowner for purposes of combination with an adjacent parcel,
4. where the land is intended to be left permanently undeveloped, or
5. where land is to be used for essential facilities as defined by the land use law.

Section 520. Lot Arrangement

1. The lot arrangement shall be such that in constructing a building in compliance with the land use law there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.
2. All lot dimensions and areas shall conform to the requirements of the land use law, except where such requirements have been modified pursuant to Article 8 of this law.
3. Lots fronting on two roads, other than corner lots, shall be avoided.
4. Corner lots shall have sufficient width to allow appropriate building setbacks from, and orientation to, all abutting roads.
5. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be avoided.
6. Side lot lines shall be approximately at right angles to straight roads or radial to curved roads. Lot lines shall generally not joint at less than a 75 degree angle or greater than a 105 degree angle. Lot lines shall be straight on large lots, except where the topography of the site would make this impractical.

7. Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for such on-site sanitary disposal systems as are required by the New York State Health Department.

Section 525. Lot Access

1. Each lot shall directly abut a public or approved private road meeting the requirements of this law, as required by Town Law Section 280-a. This abutment shall include at least 15 feet of road frontage suitable for access by emergency vehicles. Easements may be considered for access.
2. All lots shall be designed so as to allow for safe access.
3. All lots shall be designed so as to allow for the construction of driveways within the road right-of-way not exceeding a 10 percent grade.
4. Where a watercourse separates a road from abutting lots, provision shall be made for access to all lots by means of culverts or other structures.
5. At least one 50 foot right-of-way shall be reserved at a location suitable to the planning board, allowing access to land behind road frontage lots.
6. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.

Section 530. Monuments

Permanent monuments shall be set at the subdivision boundaries at all corners, and at such other points as required by the planning board. Such monuments shall be of either iron rods or pipes, or concrete.

Section 535. Water Supply and Sewage Disposal

All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State Health Department.

Section 540. Preservation of Natural Features

Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings. Existing vegetation should be conserved by the subdivider where possible. Care shall be exercised in construction so as to avoid damage to existing trees and shrubs. Streams, lakes, ponds, and wetlands shall be left unaltered unless such alteration would serve to enhance the utility and quality of the subdivision. Easements along water courses as a part of a comprehensive recreational and open space plan for the development are encouraged. Unique physical, historical, and cultural sites which add value to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets shall be preserved where possible.

Section 545. Park and Recreation Areas

Upon a finding by the planning board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the planning board may require that the developer satisfactorily develop any such area shown on the plat. Any such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision will contribute. Upon such finding, the planning board shall require that not more than 10% of the total area of the subdivision be allocated for park or recreational use. Such area may be dedicated to the town by the subdivider if the town board approves such dedication. Alternatively, park or recreational space may be conveyed to a homeowners association for control and joint private ownership and maintenance.

Section 555. Flood Hazard Areas

These areas are shown on the Flood Insurance Rate Map for the Town of Turin published by the Federal Emergency Management Agency. All activity in such areas shall conform to regulations of the local law entitled "Flood Damage Prevention," Local Law No. 2 of 1994, adopted on July 29, 1994, as it may be subsequently amended.

Section 560. Steep Slopes

Development of steep slope sites of over 15% grade will be conditionally accepted only if there is no prudent or feasible alternative site, erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by the U.S. Soil Conservation Service.

ARTICLE 6. ROAD STANDARDS

Section 605. General

Public roads shall be of sufficient width, suitably located, and adequately constructed to conform to the comprehensive plan, and to accommodate the prospective traffic and afford access for fire fighting, snow removal, school buses, and road maintenance equipment. The arrangement of roads shall be in harmony with surrounding areas and adjoining properties, and shall be coordinated so as to compose a convenient system. Public roads shall be graded and improved in accordance with the Town of Turin Road Standards. Storm drainage facilities, water mains, sewers, lights, signs, trees and fire hydrants shall be provided as required.

Section 610. Road Grades

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads. Road grades shall conform as closely as possible to the original topography, and shall not be greater than 10 percent. No grade shall be more than 3 percent within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of length and radius such that clear visibility shall be provided for a safe distance. A combination of steep grades and curves shall be avoided.

Section 620. Road Connections to Adjacent Properties

The arrangement of roads shall provide for the continuation of principal roads of adjoining subdivisions, and for the proper projection of principal roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Stub roads providing access to parcels adjacent to the subdivision may be required. Turnarounds may not be required for stub roads which do not provide access to dwellings within the subdivision.

Section 625. Dead-end Roads

1. The creation of dead-end roads may be allowed whenever such type of development will not interfere with normal traffic circulation in the area.
2. A 20 foot wide easement may be required to provide for the continuation of pedestrian traffic and utilities to the next road or public property.

3. Roads designed to be permanently dead-ended shall not generally exceed 800 feet in length or 20 dwelling units. Such roads shall be terminated in a circular turn-around having a minimum right-of-way radius of 75 feet and a pavement radius of 50 feet.
4. Roads designed to be dead-ended shall have a "No Outlet" or "Dead End" sign at the entrance.

Section 630. Intersections

1. In general, all roads shall join each other so that for a distance of at least 100 feet the road is approximately at right angles to the road it joins. Roads shall not intersect at angles of less than 60 degrees.
2. Intersections of minor roads with collector or major roads shall, in general, be at least 500 feet apart.
3. Road jogs with centerline offsets of less than 125 feet shall be avoided.
4. All road rights-of-ways at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.
5. All corner lots shall be cleared of all growth and other obstructions, except for isolated trees, a level of three feet or higher above the centerline of the road, so as to achieve safe visibility for traffic entering the intersection.
6. No intersection of more than two roads is allowed.

Section 635. Curve Radii

In general, road lines shall be connected with a curve, the radius of which for the centerline of road shall not be less than 200 feet on collector roads, and 100 feet on minor roads.

Section 640. Partial Roads

Partial roads of less than full width are prohibited

Section 645. Road Names

All roads shall be named and the names placed on the plat. Road names shall not be numbers or letters. Road names shall be selected so as not to be confused in sound or spelling with existing or platted road names. Roads that join or align with roads of an abutting or neighboring property shall bear the same name. Signs bearing road names shall be erected by the subdivider at all intersections.

Section 650. Treatment Along Major Highways

In order to minimize driveway entrances onto major highways, the planning board may require marginal access roads parallel to major highways, or reverse frontage lots. Marginal access roads shall be separated from major highways by a distance which allows for an appropriate use of the intervening land. Where reverse frontage lots are required, an access control easement of up to ten feet in width may be required along major highways, sufficient to prohibit access to the highway from rear yards.

Section 655. Underground Utilities

Underground utilities shall be placed, wherever possible, in the road right-of-way between the paved roadway and the road line to simplify location and repair of utilities. Underground service connections shall be installed to the lot line of each lot for all required utilities prior to road pavement. Where topography is such as to make impractical the inclusion

of underground utilities within the road right-of-way, perpetual unobstructed easements at least 15 feet wide shall be provided with satisfactory access to the road. Such easements shall be cleared and graded where required.

ARTICLE 7. PERMISSIBLE MODIFICATION REGULATIONS OF LAND USE LAW

Section 710. Authority

The planning board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the land use law as allowed by this article, simultaneously with the approval of any subdivision application within the town.

Section 720. Applicable Provisions

The planning board may consider, or require, applications for major subdivisions which include the following deviations from the land use law for any one of the following purposes:

1. to eliminate side and rear yard requirements to allow for innovative attached housing types;
2. to reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
3. to reduce road frontages to allow cul-de-sacs;
4. to reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

Section 730. General Criteria for Cluster Development

The planning board may allow, or require, cluster development when the proposed development:

1. will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law;
2. complies with all applicable provisions of the land use law, except as modified pursuant to the authority of this law;
3. will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
4. will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
5. will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Section 740. Required Clustering

Cluster development may be required by the planning board to meet any one of the following objectives:

1. The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the comprehensive plan for the community;
2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the comprehensive plan for the community;
3. The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

Section 750. Determination of Overall Development Density

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the district in which it is located. The purpose of this sketch plat shall be to aid the planning board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the land use law. All lots on the sketch plat shall be buildable lots. The planning board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

Section 760. Approval of Cluster Open Space

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the planning board.

Section 770. Use of Cluster Open Space

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the planning board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

Section 780. Undedicated Cluster Open Space

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning board; and any other specifications deemed necessary by the planning board.

Town of Turin Subdivision Law Appendix A

I. **PURPOSE:** The purpose of this appendix is to set forth the plat requirements for both minor and major subdivisions, and shall be provided by the subdivider to the surveyor performing the work.

II. **PLAT REQUIREMENTS:** The plat shall contain the following information:

A. A *title block* containing subdivision name, name of town and county, date (different for each revision), scale, surveyor's name/company.

B. A *certification block* with the following statement:

As owner I hereby certify that I have caused the land described by this plat to be surveyed, divided, mapped, dedicated, and access rights reserved as represented on the plat.

Date

Owner Signature

C. A *stamp or seal* from the surveyor (and engineer if appropriate) showing license number.

D. The following *statement* for signature by the planning board chairman:

Plat Approved: _____

Town of Turin Planning Board Chairman

Dated

E. *Notes* containing any covenant and deed restrictions.

F. The plat itself should cover all of the land being subdivided, at a scale of not more than 100 feet per inch and not less than 50 feet per inch, including any residual land retained by the owner, and shall include the following:

1. The name of all subdivisions and owners of record for lots immediately adjacent to the parcel being subdivided.
2. The following boundaries, if they exist, in the area adjacent to the subdivision or on the parcel: land use law districts, municipal boundaries, flood hazard areas, wetlands, property boundaries, easements, rights-of-way.
3. Parcels to be dedicated to public use and conditions.
4. Buildings, water courses, wells, septic systems and sewer lines, wooded areas, and other significant features on the parcel and adjacent parcels.
5. Contour intervals of five feet (or two feet when required by the planning board).
6. Width and location of streets and roads, and shall indicate the names of all existing and proposed streets and roads.
7. Location of all proposed facilities.

8. Storm drainage, culverts (with sizes indicated) and arrows indicating direction of flow.
9. Details such as cross-sections, plans, drains, etc.
10. Lot lines of all proposed lots, including bearings, distances, corners, and monuments (with descriptions).
11. Area of each lot (not to include area inside public rights-of-way).
12. North point prominently indicated on the plat and oriented to coincide with the locator map.

G. **Additional Markings Required to be Displayed on the Plat.** One or more may be selected as determined by the planning board.

1. **WETLANDS RESTRICTIONS APPLY**
Lot(s) _____ subject to any development, housing, building and use restrictions under Article 24, State of New York Environmental Conservation Law.
2. **FLOODPLAIN RESTRICTIONS APPLY**
Lot(s) _____ subject to any development, housing, building and use restrictions under National Flood Insurance Program.
3. **SUBDIVISION RESTRICTIONS APPLY**
Further Subdivision of Lot(s) _____ prohibited as an agreed-on condition for approval of this plat.
4. **BUILDING RESTRICTIONS APPLY**
Lot(s) _____ subject to building restrictions as an agreed-on condition for approval of this plat. Restriction is as follows:
5. **WATER SUPPLY/SANITATION CERTIFICATION**
All sanitation and water supply facilities are designed to meet the minimum specifications of the County Department of Health.

Licensed Engineer Name _____
 License Number _____
 Date _____
6. **CERTIFICATION OF MONUMENTATION**
Surveyor certifies that monuments have been set as shown on the plat.

H. **Special Marking Required.** Refer to Section _____ of the Subdivision Law.

Where applicable, a note, duly acknowledged by signature of the subdivider, stating:

Approval of this plat does not constitute town acceptance of the indicated, stated, or referenced improvements.

Owner

Date

- I. **Locator Maps:** One or more locator maps shall be included on the plat to clearly locate the subdivision of interest. As a minimum, the Town of Turin map shall be used in all cases (see example

in Figure 1). If additional detail is required, then a secondary locator map may be required (see example in Figure 2).

- J. ***Conflicts of Requirements:*** If conflicts between this appendix and the primary subdivision law occur, the planning board shall be contacted for resolution.
- K. ***Waiver of Plat Requirements:*** The planning board may waive any of the requirements in this appendix in the event that the information is not applicable or necessary.

EXAMPLES OF LOCATOR MAPS

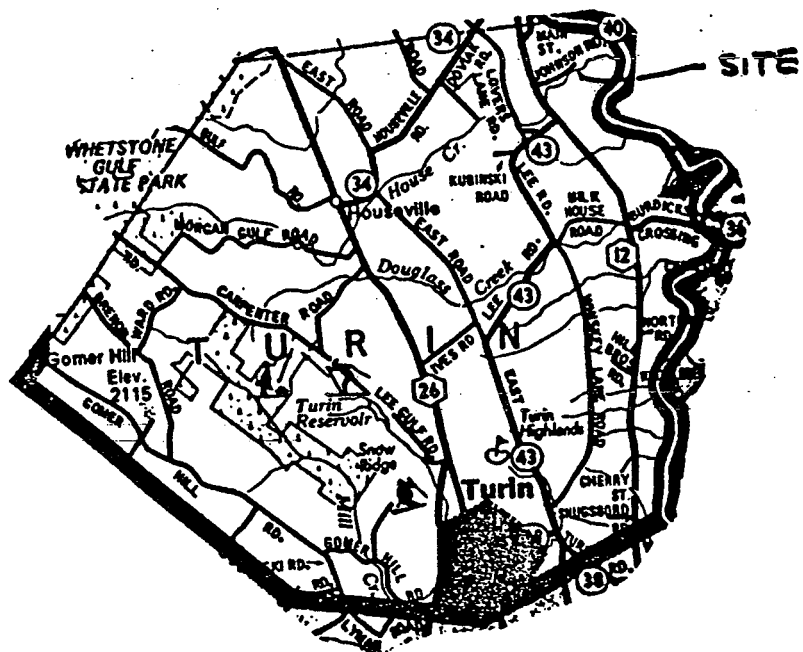


Figure 1. Town Locator Map

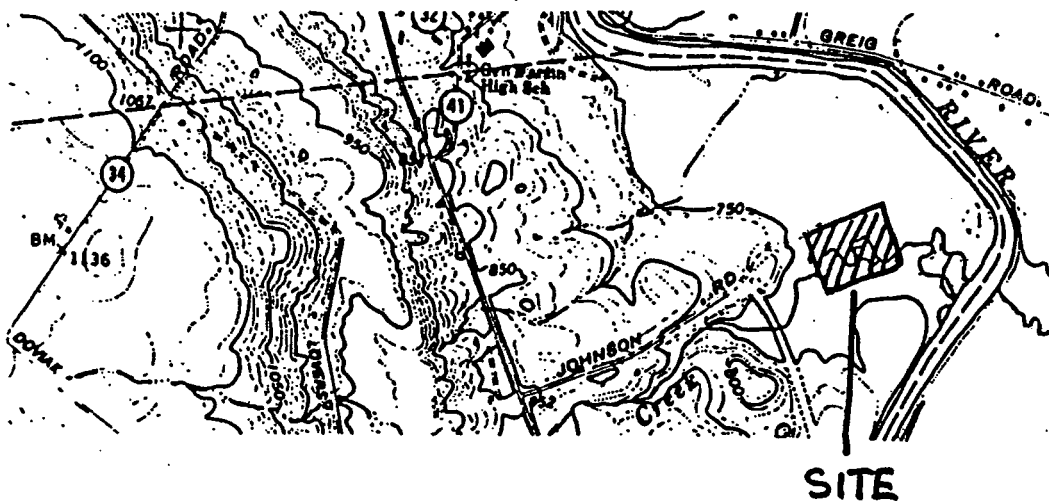


Figure 2. Detailed Locator Map
(supplement to Figure 1, if required)