

ARTICLE 1

INTRODUCTION

Section 1.01 **Title**

This law shall be known and may be cited as the “Town of West Monroe Subdivision Law.”

Section 1.02 **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 1.03 **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 West Monroe 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 1.04 **Previous Regulations**

This law shall replace and supersede Article X adopted April 11, 2012, Town of West Monroe Zoning Law, as subsequently amended; and any other local law, ordinance, resolution, or regulation heretofore adopted in conflict with this local law.

ARTICLE 2

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 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.

Flag Lot – (Also known as Back Lot) Any lot behind an existing lot with sufficient road frontage for access and egress through an existing lot. Such access and egress cannot make the existing lot substandard. See Description.

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.

Lot Line Adjustments- means the relocation of one or more common boundary lines between two contiguous parcels that does not create additional parcels nor create non-conforming parcels

Merge –The relocation or removal 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.

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 West Monroe 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.

Resubdivision - The further division of lots or parcels.

Road - Any vehicular way which is: 1) an existing state, county or town roadway; 2) shown upon a plat approved pursuant to law as a road; 3) approved by other official action; or 4) shown as a 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.

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 reallocation and resubdivision.

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

Subdivision, Minor - A subdivision containing two to four 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 West Monroe

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.

Zoning Law - Zoning Law of the Town of West Monroe.

ARTICLE 3

PROCEDURES

Section 3.01 **Preapplication 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 3.03 **Procedural Outline**

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 4 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 5 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 3.04 **Fees**

Fees for subdivision reviews shall be as established in the Town of West Monroe Fee Schedule, as established by town board resolution and may be modified from time to time by further resolution of the Town Board.

ARTICLE 4

MINOR SUBDIVISION REVIEW PROCEDURE

Section 4.01 **Submission of Application**

Applications and fees shall be submitted to the Town Clerk at least ten days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article 6 of this law.

Section 4.02 **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. After acceptance of a completed application, a planning board review shall establish the official submission date of the application.

Section 4.03 **Agricultural Data Statement**

The planning board shall mail written notice of the application to land owners as required by Town Law Section 283-a for any subdivision on property in an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation within an agricultural district. Such notice shall be mailed to any farm operation within an agricultural district which is within 500 feet of the proposed subdivision.

Section 4.04 **Area Variance**

In order to expedite the review process, where the application shows lots which are not in compliance with the zoning law, the planning board may, at its discretion and upon agreement with the applicant, stay the review process and refer the application to the zoning board of appeals for the consideration of an area variance review without the necessity of disapproving the application and requiring its resubmission.

Section 4.05 **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 or their representative shall attend the hearing. This hearing shall 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. Notice shall be given to the municipal clerk of any municipality bordering the town and within 500 feet of the project at least ten days prior to the hearing. The hearing shall be closed within 120 days after it has been opened.

Section 4.06 **Action on Application**

The planning board shall by resolution 1) grant final approval by the signature of the authorized planning board member on the plat, 2) conditionally approve, with or without modifications (see Section 4.07 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. A certified copy of any resolution granting conditional or final approval shall be filed with the board, with the town clerk, and mailed to the applicant within five business days of the action. 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 4.07 **Conditional Approval of Application**

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. 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 4.08 **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 Town Clerk for approval before filing in the office of the county clerk.

Section 4.09 **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 board may authorize such modifications, provided these modifications are within the spirit and intent of the 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 entered into the record of the board with copies also provided to the Tax Assessor and Town Clerk.

ARTICLE 5

MAJOR SUBDIVISION PROCEDURE

Section 5.01 **Preliminary Plat Procedure**

The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in Sections 4.01 through 4.05 of this law, and shall then continue with the provisions of this article as follows.

Section 5.02 **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 5.03 **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 5.04 **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 6 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 5.05 **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 6 of this law.

Section 5.06 **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 or their representative 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. Notice shall be given to the municipal clerk of any municipality bordering the town and within 500 feet of the project within ten days of 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 5.07 **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 Town Law Section 277 and Article 9 of this law.

Section 5.08 **Action on Application**

The planning board shall by resolution 1) grant final approval by the signature of the authorized planning board member on the plat, 2) conditionally approve, with or without modifications (see Section 5.09 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. A certified copy of any resolution granting conditional or final approval shall be filed with the board, with the town clerk, and mailed to the applicant within five business days of the action. 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 5.09 **Conditional Approval**

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. 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 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 5.10 **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 authorized planning board member. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the planning board, may be granted concurrently with conditional or final approval of the entire plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, 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 5.11 **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 Town Clerk 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 (Cluster Development) of this law, a copy of the plat shall be filed with the town clerk and town assessor (with a copy going in the file) who shall make appropriate notations and references thereto in the town zoning law or map.

Section 5.12 **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 board may authorize such modifications, provided these modifications are within the spirit and intent of the 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 entered into the record of the board.

Section 5.13 **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 6

DOCUMENTS TO BE SUBMITTED

Section 6.01 **Information required for all plat submissions**

1. Name and address of subdivider and professional advisers, including license numbers.
2. Map of property proposed by a licensed land surveyor drawn to scale, at the scale of one inch to 100 feet, showing:
 - a. Subdivision name, scale, north arrow and date.
 - b. Subdivision boundaries.
 - c. Contiguous properties and names and owners.
 - d. Existing and proposed roads, streets, sidewalks, utilities, structures, drainage systems and drain ways.
 - e. Water courses, marshes, wooded areas, wetlands, FEMA floodways or flood zones, public facilities and other significant physical features on or near the site.
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewerage, and water supply.
 - g. Land contours at ten foot intervals, or other suitable indicators of slope, except that contours shall be mapped with intervals of not more than five feet where the slope is greater than ten percent.
 - h. Proposed alterations of existing topography.
 - i. Updated erosion and grading plan on sites with slopes greater than 15%.
3. Copy of tax maps with proof of ownership.
4. Existing restrictions on the use of land including easements and covenants.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost.
7. An agricultural data statement pursuant to Town Law Section 283 a, when applicable.
8. 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.
9. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.
10. A nonrefundable application fee.

Section 6.02 **Minor Subdivisions**

The following shall be submitted with all applications for approval of a minor subdivision:

1. One copy of the plat to be submitted to the county clerk, drawn with ink, plus a minimum of three paper copies.
2. Information specified under Section 6.01, updated and accurate.
3. Sufficient data acceptable to the planning board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
4. A statement to the effect that any on-site sanitation and water supply facilities shall be designed to meet the specifications of the Oswego County Department of Health shall be made on the application and compliance with Local Law No. 1 of 2002, The Regulation of the Installation of Individual Sewage Disposal Systems, as subsequently amended.
5. Stormwater Pollution Prevention Plan consistent with the requirements Local Law Stormwater Management and Erosion and Sediment Control, as subsequently amended.
6. Additional requirements and/or information as deemed necessary by the planning board.

Section 6.03 **Preliminary Plat, Major Subdivision**

The following shall be submitted with all applications for approval of a preliminary plat for a major subdivision:

1. Four copies of the plat map, drawn to scale. The map scale shall be one inch to 100 feet unless otherwise specified by the planning board.
2. All information specified under Section 6.01, updated and accurate.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
6. The approximate location and size of all proposed waterlines, hydrants and sewer lines showing connection to all existing utilities.
7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase, the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate dimensions and area of each lot
11. An actual field survey prepared by a licensed surveyor of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the planning board, shown on the plat.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the planning board.
14. Stormwater Pollution Prevention Plan consistent with the requirements Local Law No.1 of 2007, Stormwater Management and Erosion and Sediment Control, as subsequently amended.
15. Additional requirements and/or information as deemed necessary by the planning board.

Section 6.04 **Final Plat, Major Subdivision**

The following shall be submitted with all applications for approve of a final plat for a major subdivision:

1. One copy of the plat to be submitted to the county clerk, drawn with ink, plus a minimum of three copies. The map scale shall be one inch to 100 feet unless otherwise specified by the planning board.
2. Proposed subdivision name and the name of the town and county in which the subdivision is located; the name and address of record owner and subdivider; name, address, license number and seal of the surveyor.
3. Road lines, pedestrian ways, lots, easements and area to be dedicated to public use.
4. Sufficient data acceptable to the planning board to determine readily the location, bearing and length of every road lie, lot line, boundary line and to reproduce such line on the ground.
5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
6. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the town attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown and constructed in accordance with planning board specifications.
8. Approval by the Oswego County Health Department of sewage and water supply systems proposed or installed.
9. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.
11. Evidence of legal ownership of property.
12. A certificate by the code enforcement officer certifying that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accord with requirements of these regulations and with the action of the planning board giving approval of the preliminary plat, or
 - b. A performance guarantee has been posted in sufficient amount to assure such completion of all required improvements.
13. Stormwater Pollution Prevention Plan consistent with the requirements Local Law No.1 of 2007, Stormwater Management and Erosion and Sediment Control, as subsequently amended.
14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the planning board in enforcement of these regulations.

Section 6.05 **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 7

GENERAL DESIGN STANDARDS

Section 7.01 **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 7.02 **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 zoning 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 7.03 **Future Resubdivision**

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

Section 7.04 **Approval of Substandard Lots**

All lots shall comply with the provisions of the zoning law, except that the planning board may 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,
5. where land is to be used for essential facilities as defined by the zoning law, or
6. where such requirements have been modified pursuant to Article 8 (Cluster Development) of this law.

Section 7.05 **Lot Arrangement**

1. The lot arrangement shall be such that in constructing a building in compliance with the zoning 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. Corner lots shall have sufficient width to allow appropriate building setbacks from, and orientation to, all abutting roads.
3. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be avoided.
4. 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.
5. Lots fronting on two roads other than corner lots shall be discouraged.

Section 7.06 **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.
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.

Section 7.07 **Flag Lot**

Flag lot development-An existing flag lot can be developed if the following stipulations are met

1. Must have a minimum 60 feet of road frontage on a public road.
2. The lot must contain a minimum of 40,000 sq.ft in the flag portion of the lot.
3. If more than one dwelling is to be developed on the flag lot then the access road/driveway with a minimum of 20 feet wide must be brought up to the Town Of West Monroe minimum road specifications with no less than a 60 foot deep by 60 foot wide hammer head at the end of the road for snowplow turn around.
4. For any future subdivisions, flag lots will not be allowed.
5. Subdivisions should be formed in such a manner so as to not to create any flag lot situations.

Section 7.08 **Lot Line Adjustment)**

1. Lot Line Adjustments shall be reviewed and approved by the Code Enforcement Officer.
 - a. Must not create non-conforming lot
 - b. Assessor notification required
 - c. Deed filing required
2. If the line lot adjustment is more significant, it may be referred to the planning board for review and approval.
3. If submitted to the Planning Board, documents to be submitted shall be in accordance with Section 6.01 Submission Requirements.

Section 7.09 **Road Construction Standards**

Road improvements shall be installed at the expense of the subdivider. Roads shall be built in conformance with the Minimum Construction Requirements and Rules for the Construction and/or Improvement of Streets and Roadways within the Town of West Monroe, New York.

Section 7.10 **Sidewalks**

Sidewalks shall be installed at the expense of the subdivider, at such locations as the planning board may deem necessary. Sidewalks must be constructed in accordance with New York State codes. Sidewalks shall be concrete or other approved material, and have a minimum width of four feet in residential areas, and five feet in commercial and industrial areas.

Section 7.11 **Utilities**

1. Fire Hydrants: Shall be of size, type and location specified by appropriate state law and with approval of the local volunteer fire department.
2. Street Lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.
3. Electricity: Power lines may be placed underground and shall conform to applicable local utility standards.
4. Utility Services: Shall be located from six to eight feet from the front property line to the center line of the utility service, between the sidewalk and curb line.

Section 7.12 **Unique and Natural Features**

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six months of completion of subdivisions so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

Section 7.13 **Public Open Spaces and Sites**

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the comprehensive plan and be made available by one of the following methods:

1. Dedication to the town.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the town does not proceed with the purchase.

The planning board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the town as water plants, sewage treatment plant and other community purposes not anticipated in the comprehensive plan.

Section 7.14 **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 7.15 **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 7.16 **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 and County Health Department. 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 10 NYCRR Appendix 75-A, Wastewater Treatment Standards – Individual Household Systems.

Section 7.17 **Storm Water Management**

Stormwater management shall be consistent with the requirements Local Law No.1 of 2007, Stormwater Management and Erosion and Sediment Control, as subsequently amended.

Section 7.18 **Development in Floodplains**

All subdivisions shall comply with the provisions of the Flood Damage Prevention Law, Local Law No. 1 of 2013, as subsequently amended.

Section 7.19 **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, and erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development consistent with the requirements Local Law No.1 of 2007, Stormwater Management and Erosion and Sediment Control, as subsequently amended.

ARTICLE 8

CLUSTER DEVELOPMENT

Section 8.01 **Authority**

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

Section 8.02 **Applicable Provisions**

The planning board may consider applications for major subdivisions which include the following deviations from the zoning 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 8.03 **General Criteria for Cluster Development**

The planning board may allow 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 zoning 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 8.04 **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 zoning 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 zoning 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 8.05 **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 8.06 **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 8.07 **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.

ARTICLE 9

FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 9.01 **Required Public Improvements**

All public improvements required pursuant to this law shall be constructed and completed to the standards required by state and local laws, rules, and regulations. Applicants for subdivision plats shall provide the town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public required improvements.

Section 9.02 **Time Limit on Installation of Improvements**

The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this article shall be completed within one year from the date of the approval of the subdivision plat. Road improvements shall be completed within two years from the date of approval of the subdivision plat. At the end of such time, if the required public improvements are not completed and accepted by the town, the town may use as much of the financial security required by this article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

Section 9.03 **Extension of Time Limit**

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

Section 9.04 **Inspections of Improvements**

At least five days prior to commencing construction of required public improvements the applicant shall pay to the town clerk the inspection fee required by the municipality and shall notify the town board or an official designated by the town board in writing of the time when the construction of such improvements will be commenced so that the town board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the planning board.

Section 9.05 **Financial Security Options**

Acceptable financial security shall be provided to the town in the form of a bond executed by a surety company, a certified check, or an irrevocable letter of credit drawn in favor of the town. Any such financial security shall be presented to the town clerk in an amount equal to the cost of construction of the public improvements required by the planning board pursuant to this law.

Section 9.06 **Review of Proposed Financial Security**

All required public improvements shall be shown on subdivision plats and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the town board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The town board and the town attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 9.07 **Schedule of Improvements**

When a guarantee agreement has been approved by the town board and the required surety bond, certified check, or letter of credit has been received by the town clerk, the town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 9.08 **Staged Refunding of Financial Guarantees**

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the town fiscal officer. If the statement is approved by the town fiscal officer, the statement shall be forwarded promptly to the town clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the town clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

Section 9.09 **Acceptance of Required Public Improvements**

When the project inspector, following final inspection of the project, certifies to the planning board and the town board that all required public improvements have been completed in accordance with all applicable requirements, the town board may act by resolution to accept the public improvements.

ARTICLE 10

VIOLATIONS AND PENALTIES

Section 10.01 **Penalties**

Any violation of this law is an offense punishable by a fine to be stipulated by the Town Board. 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.

Section 10.02 **Other Proceedings**

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 zoning 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.

ARTICLE 11

MISCELLANEOUS PROVISIONS

Section 11.01 Separability

The provisions of this law are separable and the invalidity of a particular provision shall not invalidate any other provision.

Section 11.02 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.