

TOWN OF IRA SUBDIVISION REGULATIONS

Section 1. Purpose

These Regulations are hereby adopted by the Planning Board of the Town of Ira as to achieve the purposes intended by the Town Board of the Town of Ira in its resolution dated March 29, 1989 authorizing the Planning Board to review and approve subdivisions. These purposes are enumerated in Section 276 part 1 of the Town Law of the State of New York.

Section 2. Definitions

A. **Subdivision:** The division of any parcel of land into any number of lots, blocks, or sites with or without streets, for the purpose of sale, transfer of ownership, or development. The term "subdivision" shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat on file in the Cayuga County office of Real Property Services. The term "subdivision" is further defined as either a "minor" or "major" subdivision.

1. **Minor Subdivision:** Any subdivision of a parent parcel of land into less than five (5) lots, unless it meets the definition of a major subdivision.

2. **Major Subdivision:** Any subdivision of a parent parcel of land into five (5) or more lots, or a subdivision of any number of lots to be serviced by new public roads or other new public infrastructure.

B. **Parent parcel:** The plot as on file in the Cayuga County office of Real Property Services five (5) years previous to the subdivision application.

C. **Preliminary plat:** A drawing prepared in accordance with Section 6 A and C of these Regulations showing the layout of the subdivision including the layout and dimensions of roads, approved driveways, lots, topography, drainage, existing and proposed public or private infrastructure (unsized).

D. **Preliminary plat approval:** The approval of the layout as shown on the preliminary plat but, subject to the approval of the plat in final form.

E. **Final plat:** A drawing prepared in accordance with Section 6 B and C of these Regulations showing all information shown on the preliminary plat and the modification of such information as was required by the Planning Board at the time it approved the preliminary plat if it in fact did approve said preliminary plat.

F. Other words and terms used herein that are defined in the town zoning law shall have the same meaning as assigned by the zoning law.

Section 3. Procedures

A. Final plats required: Only plats submitted in final form may be approved by the Planning Board. However, in order to provide an applicant with an opportunity to discuss his or her development concept with the Planning Board and to make plan preparation as cost efficient as possible, these Regulations offer the option of submitting a Subdivision Application and/or a Preliminary Plat to the Planning Board prior to submitting a Final Plat.

B. Subdivision Application.

1. The applicant shall submit the following forms: Subdivision Application, Ag Data Statement, and Environmental Assessment Form. Forms are available from the town offices.
2. The applicant shall complete the forms and return them to the town offices.
3. At the first Planning Board meeting following the receipt of an application, the Planning Board will review the application and discuss the development concept with the applicant. Following this review and discussion, the Planning Board shall make the following determinations:
 - a. the proposal shall be classified as either a major or minor subdivision;
 - b. a preliminary determination regarding potential environmental issues shall be made.
4. The Planning Board may determine that the proposal is a minor subdivision. (as defined in Sec. 2, A, 1). Such determination shall be based upon the following findings:
 - a. if there are no environmental issues;
 - b. the proposal presents no apparent impediments to the continuation of viable agricultural activity when the proposal is located within a portion of the Town of Ira included in an Agricultural District established under NYS Agriculture and Markets Law;
 - c. the proposal would establish lots that comply with the minimal dimensional standards of the town zoning law for the activity and location intended;
 - d. the proposal would establish lots that make efficient use of land by avoiding lot layouts which are excessively long and narrow, minimize the number of access points (driveways) to the public road network, and minimize the need to alter the physical and natural features of the site. A lot layout which proposes lots with a ratio between length and width greater than 2.5 to 1 will generally be found to be inefficient, except in the case of a flag lot where this ratio would only be applied to the buildable portion of the lot;

e. Should the Planning Board find circumstances that prevent granting a minor subdivision, the applicant shall follow the procedures for the review of a major subdivision.

5. Procedures for minor subdivisions.

a. The applicant shall submit the following forms: Subdivision Application, Ag Data Statement, and Environmental Assessment Form. Forms are available from the town offices.

- i. Name of record owner and subdivider;
- ii. Name and seal of registered professional engineer or surveyor;
- iii. Subdivision tract boundaries and proposed lot lines, with bearings and distances.
- iv. Proposed use of subdivided parcels.

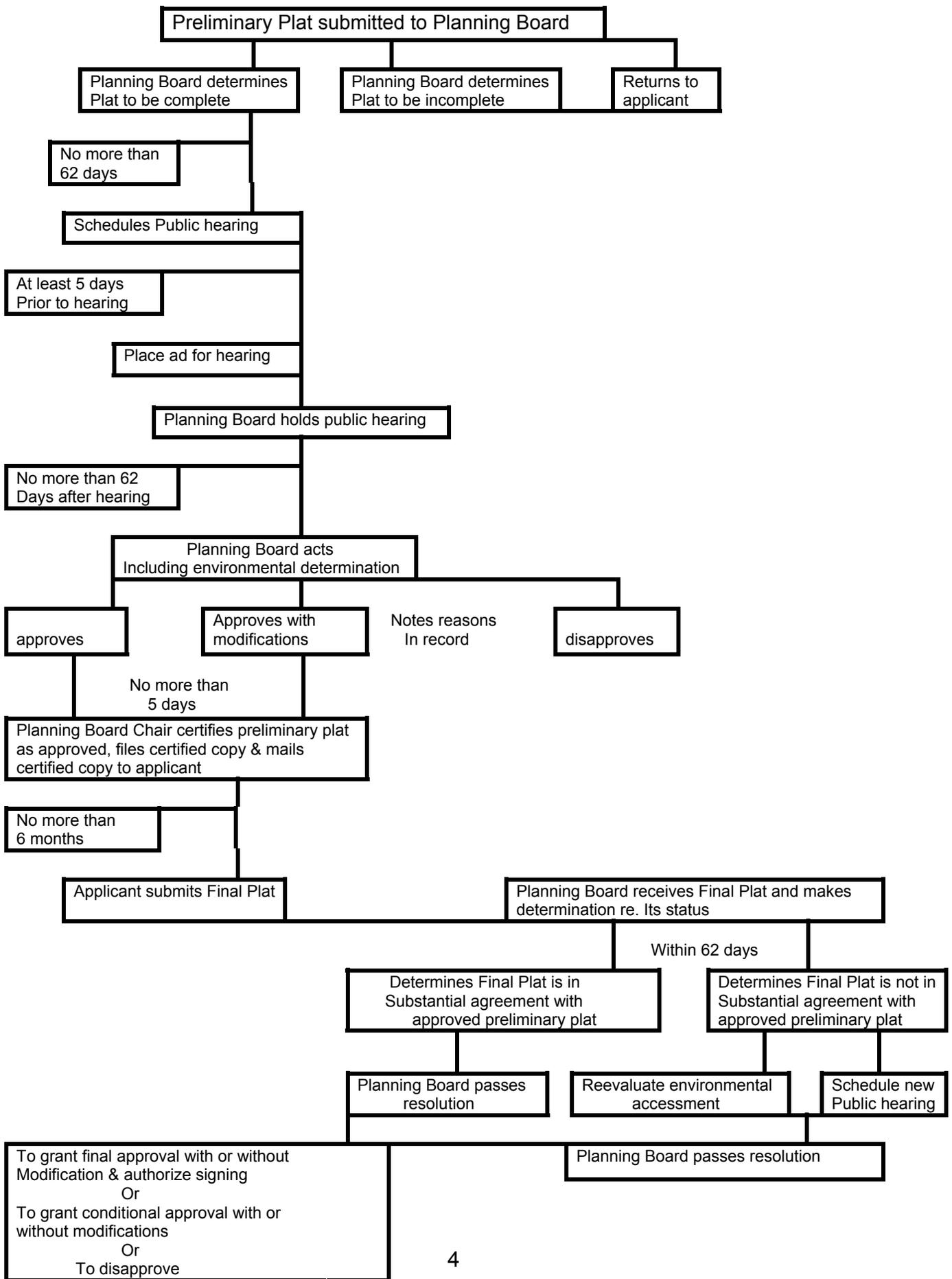
b. Action on Final Plat.

- i. Approved;
- ii. Approved with modifications;
- iii. Denied.

C. Preliminary Plat. The applicant may choose to submit a preliminary plat prior to submitting a final plat for Planning Board approval. The purpose of this step is to provide the applicant with a means by which he/she can obtain an indication from the Planning Board as to any elements of the proposal that may prevent the proposal's approval or require its modification prior to submission of a final plat. The steps for the submission and review of a preliminary plat shall be those set forth in Section 276 of the Town Law of the State of New York which are also outlined in part (E) of this section of these Regulations.

D. Final Plat. The applicant must submit a final plat in order to obtain Planning Board approval for a subdivision. The steps for the submission and review of a final plat shall be those set forth in Section 276 of the Town Law of the State of New York which are also outlined in part (E) of this section of these Regulations.

E. Procedures outline. The steps for Planning Board review and approval of a preliminary and/or final plat shall be those set forth in Section 276 of the Town Law of the State of New York. An outline of these procedures follows. Should a dispute arise as to the meaning or intent of this outline or its consistency with the provisions of Section 276, the text of said Section shall supersede this outline and govern.



F. Other procedural issues.

1. The constraints set forth in the preceding outline and Section 276 of the Town Law of the State of New York may be modified by mutual agreement between the applicant and the Planning Board. Absent such agreement, failure of the Planning Board to act within the designated time frame shall result in a default approval of the proposal and, in such case, the Town of Ira Clerk shall certify the proposal in accordance with Section 276 of the Town Law of the State of New York.
2. The Planning Board may issue a conditional approval of a final plat. Such an approval will authorize the Planning Board Chairperson to sign the plat at such time as the conditions established have been met, for example installation of a required improvement. A conditional approval shall expire in 180 days from its being granted, however, the Planning Board may extend a conditional approval for up to two 90 day periods.
3. The Planning Board may approve a plat in sections.
4. All submissions must be clearly identified as being an application, preliminary plat, or final plat.

Section 4. Requisites for approval

A. Prior to granting approval of a subdivision, at any stage in the review process, the Planning Board shall determine the following. First, that the plat as presented shows that the land depicted thereon is of a character that would allow it to be used for building purposes. Second, the subdivision poses no danger to health or peril from fire, flood, drainage, or other menace. Third, the subdivision will not cause such danger to neighboring properties or the general public health, safety, and welfare.

B. In addition to the general determination made in accordance with Section 4 part (A) above, the Planning Board shall reach the following specific determinations prior to granting approval of a proposed plat at any stage in the review process.

1. Streets and highways will be of sufficient width and suitable grade and be suitably located to: accommodate prospective traffic; facilitate fire protection and provide access for fire fighting equipment to buildings; afford adequate light and air; and be consistent with the objectives of any applicable Town of Ira plans or official maps.
2. Suitable monuments have been placed at block corners and at any other necessary points identified by the Planning Board.

3. Streets or other public places shown have been suitably graded and paved. Street signs, sidewalks, street lights, curbs, gutters, street trees, water mains, fire alarm signal devices and hydrants, sanitary sewers, and storm drainage management facilities, to the extent such are required by the Planning Board or proposed by the applicant and approved by the Planning Board, have been installed in accordance with the standards, specifications, and procedures of the Town of Ira agency having jurisdiction over such facilities. As an alternative to installation prior to approval of the plat, the applicant may post a performance bond or other security or request a conditional approval in accordance with Section 3(F 2) of these Regulations.

4. If required by the Planning Board, a park or parks suitable for playground or other recreational purposes is shown on the plat. A park may only be required when the Planning Board reaches a determination that such is needed in accordance with the provisions of Section 277 (a,b,c) of the Town Law of the State of New York.

5. Any required improvements are appropriate for the prospective character of the development. Character includes, for example, high or low density residential, business, or industrial use.

6. The proposed lots meet the dimensional requirements of the town zoning law. Should one or more lots fail to meet said requirements the applicant may request an area variance from the Zoning Board of Appeals (ZBA) without having first applied to the enforcement officer. The ZBA shall apply its usual standards and criteria for granting or denying such a request, however, it shall also request a written recommendation from the Planning Board regarding the request.

7. The proposal is consistent with the planning objectives of the Town of Ira.

C. Any improvement required by this regulation may be waived by the Planning Board subject to appropriate conditions when the Planning Board finds that such improvement is not requisite to protecting the public health, safety and general welfare or inappropriate due to inadequacy or lack of connecting facilities adjacent to or near the subdivision under review.

Section 5. Performance bond or other security

A. The objective of this section is to provide means by which the Town of Ira can be assured that any improvements required as a requisite to the development of a proposed subdivision are installed in an appropriate manner, consistent with any required standards.

B. The objective of this section may be met by the developer installing all required improvements prior to Planning Board approval. Usually this will occur between the preliminary and final plat reviews, but may follow the Planning Board's approval of a final plat prior to the signing of it by the Planning Board Chairperson.

C. As an alternative to Section 5 (B) a performance bond or other security to cover the full cost of required improvements shall be furnished to the Town of Ira by the owner of the property being subdivided. The costs of required improvements shall be estimated by the Planning Board or such other Town of Ira department as the Planning Board may authorize to provide it with this information.

D. When a plat is proposed to be approved in sections and the Planning Board has agreed to such a procedure, this section shall apply to the portion of the plat to be filed in the office of the Cayuga County Clerk. No building shall be permitted within any portion of a plat not so filed. No building shall be permitted in a portion of a plat filed until the required improvements have been made to that portion or alternative arrangements have been made to assure that such improvements are installed.

E. The form, terms, and other conditions, including default, of a required security shall be as set forth by Section 277 part 9 of the Town Law of the State of New York.

F. The Town of Ira Board may adopt a resolution whereby sidewalks, water mains, sanitary sewers, and/or storm drains that may be required by the Planning Board shall be installed by the Town of Ira as a town expense as authorized by Article 3 A and 12 C of the Town Law of the State of New York, or at the expense of an existing improvement district within which the plat is located. Such improvements may also be acquired by the Town of Ira Board on behalf of the Town of Ira or an improvement district as authorized by Articles 3 A, 12, 12 A or 12 C of the Town Law of the State of New York. Any such resolution shall be consistent with the requirements and provisions of Section 277 part 10(b i and ii) of the Town Law of the State of New York.

Section 6. Plat Requirements

A. A preliminary plat shall be at a scale not more than 100 feet to the inch and show the following information.

1. Proposed subdivision name or identifying title.
2. North point, scale and date.
3. Name of the owner of the property.
4. Name and seal of the registered engineer, surveyor or architect responsible for the plan.
5. Tract boundaries with bearings and distances.
6. Contours at vertical intervals of five (5) feet or, in the case of relative level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
7. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.

8. All existing watercourses, tree masses and other significant natural features.
9. All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
10. All existing property lines; easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
11. Location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use. Proposed streets shall be named by the developer with approval from Cayuga County Planning Board E-911 and Town of Ira Planning Board.
12. Wherever practicable, the preliminary plan shall show the names of owners of all abutting unplatted land and the names of all abutting subdivisions.

B. A final plat shall be at a scale not more than 100 feet to the inch, be a clear and legible white print or an ink drawing suitable for filing in the office of the Cayuga County Clerk, be on sheets 20 inches by 20 inches overall and show the following information.

1. Subdivision name of identifying title.
2. North point, scale, date.
3. Name of the record owner and subdivider.
4. Name and seal of the registered professional engineer, architect or surveyor responsible for the plan.
5. Boundaries of the tract.
6. Street lines, lot lines, rights-of-way, approved driveways, easements, and areas dedicated or proposed to be dedicated to public use.
7. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line and to reproduce such lines on the ground.
8. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
9. All dimensions and angles or bearings of the lines of each lot and each area proposed to be dedicated to public use.
10. The proposed building setback line for each street.
11. Location and width of private driveways emanating from corner lots.
12. All dimensions shall be shown in feet and in hundredths of a foot.

13. Lot numbers.
14. Names of streets within and adjacent to the subdivision.
15. Permanent reference monuments shall be shown.
16. Names of any adjoining subdivisions shall be shown.
17. Names of the owners of any unplatted land shall be shown.
18. Certificate of dedications of streets and other public property.

C. Attached to the final plat, and if appropriate, the preliminary plat, the following shall be included:

1. An affidavit that the applicant is the subdivider of the land proposed to be subdivided.
2. Certification by the Town of Ira Board that the installation of water, sewer and street facilities (if proposed) is both practical and feasible.
3. Certification by the New York State Department of Health and/or Cayuga County Department of Health when individual sewage disposal or water systems are adequate.
4. Certification by the Town of Ira Board that the subdivider has met the requirements of Section 5 of these Regulations.
5. Protective covenants, if any, in proper form for recording.
6. The subdivider shall tender offers of cession in a form certified as satisfactory by the corporation counsel of all land included in streets, highways or parks, water systems, not specifically reserved, but approval of the plan by the Planning Board shall not constitute an acceptance, by the Town of Ira, of the dedication of any street, highway or park or other open public areas.
7. Bonds. The Developer shall post bond to cover the cost of public improvements.
8. Liability Insurance. The developer shall present a Certificate of Liability Insurance to protect the municipality with coverage of at least one million dollars (\$1,000,000). The insurance shall be of such duration until the project is completed and the public improvements are accepted by the municipality. A copy of the insurance policy shall remain at all times at the Town of Ira Clerk's Office.
9. Title Insurance. The developer must provide evidence of that title insurance in the amount of not less than the cost of lands to be dedicated as shown and approved on the final plan.

Examples of sketch plans preliminary plans and final plans

Three different plans may be presented for a project at different points in the review process. A sketch plan may be offered at the very earliest stage, a preliminary plan is one that is almost complete, a final plan reflects any suggested changes made by the Planning Board and is at sufficient detail to be filed. The difference among these is most notable, and the usefulness of preparing each greatest, when the proposed project is fairly large scale.

Figure A illustrates a sketch plan. This is not a formal requirement or part of the review process. It is usually presented by an applicant informally in order to receive input from the Planning Board as to how best to comply with applicable Regulations. Note how the Planning Board has written its comments on the plan in this example.

Figure B depicts a preliminary plan. It contains far more detail than the sketch and reflects the requirements of Section 6 A.

Figure C is the final plat. It reflects the elements of the preliminary plan that were approved and any changes that were required. The preliminary plan approval was sufficient to allow the applicant to go to the Cayuga County Health Dept. and seek approval of sewer and water systems, this approval is shown on the final plan. Names for new roads appear on this version and the lots have now been numbered, this is the plan that will be filed and actually serve as the basis for the sale of these properties. This illustrates the requirements of Section 6 B.

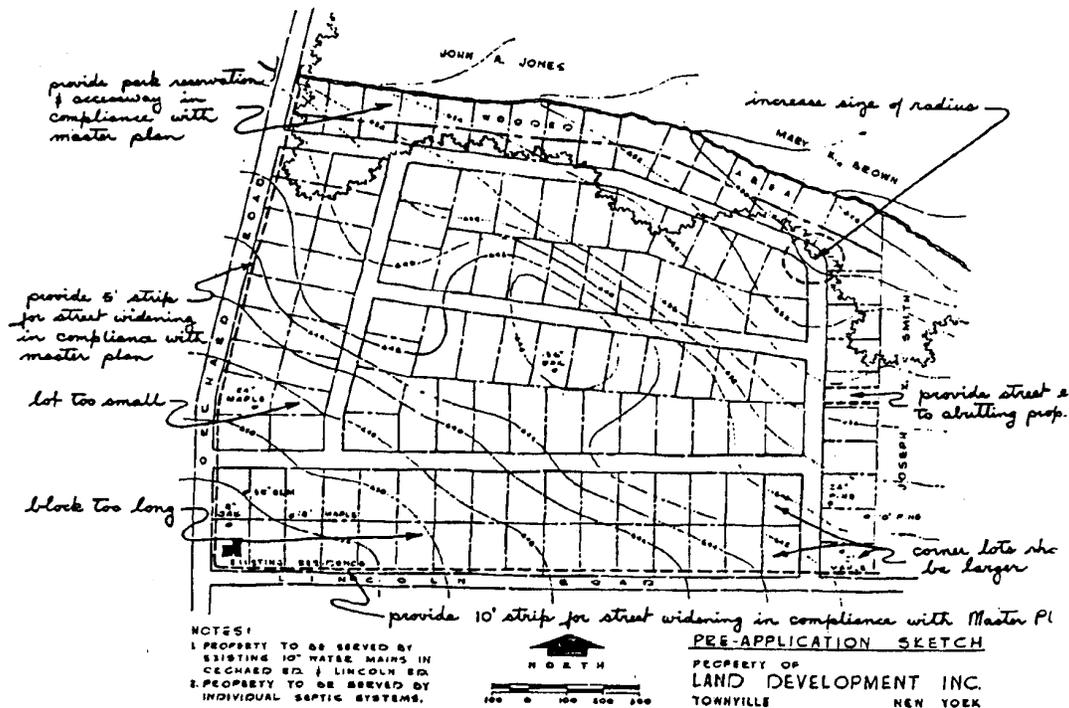


FIGURE A—A pre-application sketch of a subdivision with the planning board's review comments added.

Section 7. Required Improvements

A. Streets (width, location, and construction)

1. All streets, whether intended for dedication as public streets or not, shall be of sufficient width, suitably located and adequately constructed to accommodate prospective traffic and afford access for fire fighting, snow removal, and road maintenance equipment. Streets should be located so as to compose a convenient overall street system within the proposed subdivision and in relationship to the overall area or neighborhood.
2. All streets, whether intended for dedication as public streets or not, shall be located within a right-of-way of at least 60 feet width. Unless exceptional circumstances can be demonstrated the center of a street shall be located at the center of the right-of-way within which it is located.
3. All streets intended for dedication as public streets, and all non-residential streets (part 5 of this section) shall be constructed in accordance with the most current specifications of the Town of Ira Highway Superintendent and shall only be eligible for dedication upon determination by the Town of Ira Highway Superintendent that said specifications were employed.
4. When deemed appropriate the Planning Board may permit a subdivision to be served by a private residential street. In such cases any plans filed or offerings made to sell the lots served by such private street shall clearly label the street as private, not eligible for dedication to the town as a public street, and contain an explanation as to the manner by which the private street shall be maintained and kept free of snow or other blockage.
5. The width of a residential street, may vary depending upon the number of dwelling units served by the street and other streets feeding traffic onto it, the width of lots abutting the street, and the design speed of the street. This section applies only to residential streets and any street not meeting the definitions below shall be deemed a non-residential street. The following definitions, chart and explanatory material shall be used to determine a particular street width.
6. To the extent feasible based upon the geography of the site, provision shall be made for the extension of roads to adjoining areas at future dates. When a proposed street is continued to the edge of a presently undeveloped area a temporary turnaround shall be provided. (Figure 3)

7. Unless there is an existing or proposed street to be extended, it shall generally be undesirable to terminate a street at a property line. When this creates a problem in providing access to corner lots an "eyebrow" may be used or other technique employed. (figure 4)

8. When a subdivision abuts New York State Routes. 370, 34, or 176 special measures may be required by the Planning Board to minimize traffic impact on these major arterials. Such measures may include requiring a marginal access road, requiring reverse frontage lots with screen planting and no vehicular access, limiting points of access or other means of preventing excessive private vehicle access to the arterial. (figures 5,6,7)

9. Dead-end-streets or cul-de-sac streets may be employed where appropriate to the geography of the area and density of development. When permitted, unless other standards are set by the general standards for roads issued by the Town of Ira Highway Superintendent, a cul-de-sac (figure 8) shall have a paved turn around area at its point of termination with a right-of-way radius of 60 feet. A dead-end-street when permitted shall have a hammer head at its point of termination sufficient to permit a vehicle to reverse direction in three maneuvers.

10. Taken as whole the streets within a proposed subdivision shall form a system of blocks. No single block shall be less than 400 feet nor greater than 1200 feet in length.

11. In order to provide for traffic visibility, a combination of steep grades and curves shall be avoided. Also, that portion of a corner lot shall be kept free of any obstruction greater than 3 feet in height and depicted upon any approved plan as so restricted.

12. All intersections shall be rounded and curve radius shall be at least 20 feet (Figure 9).

13. Streets should intersect at right angles and not acute angles. Centerlines of street intersections should be offset far enough to deter traffic cutting diagonally across them. Intersections should be located on straight sections of streets rather than slopes. Four-way-intersections should be avoided except at the crossing of major streets where traffic signals are or will be installed.(Figures 10,11.)

14. Street names shall be included on the final plat as approved by the Cayuga County Planning Board (E-911) and the Town of Ira Planning Board. Names shall be substantially different from those in the Town of Ira or in other towns near the subdivision.

B. Utilities

1. Where available all subdivisions shall include public water and public sewer service. Lines for these services and any other public utilities serving the subdivision, shall be installed underground and in street right-of-way between the street and property lines. Connections to the property line of each lot shall be installed by the developer prior to street surfacing.
2. Fire hydrants and street lighting shall be installed by the developer in accordance with the standards of the Town of Ira. Fire hydrants shall meet the requirements of the fire department having jurisdiction. Street lights shall meet the requirements of the electrical utility having jurisdiction.

C. Watercourses (including flood prone areas), wetlands

1. An effort should be made to avoid locating lots so that they can only be accessed by crossing a watercourse. Where this cannot be avoided and a watercourse separates a proposed street from abutting property provision shall be made to access lots by means of culverts or other structure designed by a licensed engineer and approved by the Town of Ira Planning Board. Where a watercourse, drainage way, channel or stream traverses the subdivision a storm water easement or drainage right-of-way shall be provided of not less than 20 feet in width. (figures 12,13,14,15)
2. Lots shall be laid out so as to locate areas included in a storm water or drainage easement along property lines. While easements are not required for flood prone or protected wetland areas, areas designated on FEMA Flood Insurance Maps as prone to flooding and areas identified by State or Federal authorities as protected wetlands shall generally be located along property lines. (figure 16)

3. Where a lot includes a flood prone or wetland area, or storm water or drainage easement the approved plat shall clearly identify such portions of the lot as unbuildable. If necessary, the size of such a lot shall be increased to provide sufficient area for construction.

D. Drainage

(note: this section is intended to comply with the requirements of the Federal Clean Water Act of 1987, rules issued by NYS DEC and the Town of Ira Stormwater Management and Erosion Control Local Law, #1, 1993 thereunder as they may be amended.)

1. All subdivision proposals shall demonstrate by narrative and drawings that the proposed project when complete will not result in a greater quantity or rate of storm water runoff (drainage) from the site than occurred prior to development, nor change the quality of such runoff. Where actions such as the construction of structures, retention ponds, detention ponds or other devices must be taken by the developer in order to achieve this standard such actions shall be shown on the preliminary plat and incorporated into the final plan as a permanent element of the project. A separate drainage management plan may be submitted by the developer, or required by the Planning Board as part of the subdivision proposal.
2. All subdivision proposals shall demonstrate by narrative and drawings that during the construction phase appropriate methods will be employed to control erosion. Generally acceptable methods will be those recommended in the most current edition of "New York Guidelines for Urban Erosion and Sediment Control" published by the Soil and Water Conservation Service.
3. The means employed to control drainage shall be designed to provide the greatest community benefit while achieving the primary objective of storm drainage control. Such measures may include protecting open space, increasing recreational opportunities, enhancing landscaping, or similar amenities.

E. Preservation of natural and aesthetic elements

1. Whenever possible all natural features that add to the value and appearance of the residential setting or contribute to the rural character of the Town of Ira shall be preserved. Such elements include 'but are not limited to large trees or groves, watercourses, historic spots, vistas, stone walls, etc.
2. No tree with a diameter of 8 inches or more as measured 3 feet above the base shall be removed except within a street right-of-way without Planning Board approval. All such trees shall be shown on the preliminary plat and it shall be indicated which, if any, are to be removed.

3. In the event trees are removed or not found upon the site the Planning Board may require that one tree per lot be planted by the developer in accordance with a plan to be submitted by a licensed landscape architect or qualified nursery.
4. When a significant natural feature(s) is identified such shall be shown on the plat and the plat shall clearly indicate that such an area is not to be built upon so as to preserve the feature.

F. Lot layout

1. Generally lots shall have dimensions that allow compliance with the dimensional standards of the Town of Ira Zoning Law by a residence to be constructed upon same. For this reason corner lots shall generally be larger than interior lots in order to accommodate the frontage requirements of the zoning law applicable to corner lots.
2. Side lot lines shall generally be at right angles to straight street lines and radial to curved street lines. Exceptions may be allowed when it is demonstrated to the satisfaction of the Planning Board that an overall better design is achieved by an alternative. (Figures 18,19,20,21,22,23)
3. Driveway grades between the street and the setback line of a lot shall not exceed 10%.

Section 8. Cluster Development

- A. Cluster development shall mean, as a condition of approval of a subdivision plat, applicable zoning provisions are modified so as to allow all of the development that could occur on a particular parcel of land to occur upon only a portion of that parcel.
- B. In no case may the total number of lots or dwelling units that could be permitted on the particular parcel by the general application of the minimum lot size and density standards of local zoning be exceeded by the application of cluster development standards.
- C. In conjunction with approval of a subdivision plat the Planning Board may modify provisions of the zoning law, except those related to use, so as to achieve flexibility of design and development in order to promote the most appropriate use of land, facilitate the adequate and efficient provision of streets and utilities, and preserve natural and scenic qualities. The Planning Board may exercise this authority in all areas of the Town of Ira.
- D. The Planning Board's judgement shall be the sole determinant of the maximum number of lots, dwellings, or other structures that may be established on a particular parcel by the general application of the zoning law, and the decision to apply this section (cluster development) is left solely to the discretion of the Planning Board. Such decision shall be based upon a determination that the procedure would benefit the Town of Ira at large.
- E. Should the plat include lands that are in two or more zoning districts with different density and/or lot size requirements, the Planning Board may approve in any one such district a cluster development representing the cumulative density as derived from the sum of all units allowed in all involved districts.
- F. Within a cluster development units to be permitted may be detached, semi-detached, or attached and density shall be determined by the number of units, not the number of buildings
- G. Should lands suitable for park, open space, recreational, or other municipal purposes directly related to the subdivision being considered as a cluster development be identified, the Planning Board may establish conditions regarding ownership, use, and maintenance to insure the preservation of such lands for the intended purpose. Such conditions shall be approved by the Town of Ira Board.
- H. All provisions of the cluster development shall be subject to review at a public hearing in accordance with the procedures applicable to the approval of subdivision plats.
- I. Once approved and filed with the Cayuga County Clerk, a copy of the approved and filed plat shall be filed with the Town of Ira Clerk, who shall make appropriate notations and references to the zoning law and map.
- J. Should a dispute arise as to the intention of any part of this section it is hereby stated that it is the intention of the Planning Board to adhere to the standards set forth in Section 281 of the Town Law of the State of New York and said section shall supersede any disputed provision of this section.

Section 9. Rezoning

A. In reviewing a subdivision proposal the Planning Board is authorized to recommend to the Town of Ira Board the rezoning of the property for which the subdivision is proposed to a zoning designation more appropriate to the character of the subdivision once it is built.

1. Frequently a subdivision will be proposed upon lands that have been zoned as Agricultural or Agricultural Residential. These Districts vary from Residential districts, not only in the dimensional standards but in the types of permitted uses. The uses permitted in these zones may not all be appropriate in a developed subdivision, for example the keeping of livestock or operation of a junkyard.
2. The Planning Board may recommend that a zoning designation that prevents potential land use conflicts be applied to the property in question. For example, in the circumstance illustrated in part 1 above, a rezoning from Agricultural to Residential would address the concern raised regarding junkyards.
3. If the Planning Board determines that no suitable zone presently exists in the Town of Ira it may recommend creation of a new zoning designation.

B. When the Planning Board recommends rezoning it shall be undertaken in accordance with applicable provisions of the zoning law and the NYS Town Law of the State of New York and, to the extent practical, concurrent with the procedures of the subdivision review.

Section 10. Administration

The Planning Board shall administer these Regulations.

A. Recording of Plat. No plat of any subdivision of land showing lots, blocks, or sites, with or without streets or highways, shall be filed or recorded in the office of the Cayuga County Clerk or have any validity until it has been approved in the manner prescribed herein. It shall be the duty of the Cayuga County Clerk or registrar to notify the Planning Board in writing within three days of the filing or recording of any plat approved by such Planning Board, identifying such plat by its title, date of filing or recording, and official file number.

B. Sale of Land in Subdivision. No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provision of this Section is void. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

C. Revision of Plat after Approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing, on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the Cayuga County Clerk.

D. Fees. Plan Checking and Field Inspection Fees. At the time such plans, profiles, and specifications are submitted for review, the Town of Ira Engineer or Highway Superintendent shall prepare an estimate of cost for all improvement plans. The subdivider shall thereupon deposit an amount of money equal to said estimated cost. All work done by the Town of Ira Engineer in connection with checking, computing, and correcting such plans for improvements shall be charged against such deposit. If, during the progress of the work, the cost thereof appears to exceed the amount so deposited, the Town of Ira Engineer shall notify the subdivider, and Planning Board of this fact and shall do no further work in connection with such review until the subdivider has deposited such additional sum of money determined necessary by the Town of Ira Engineer to cover the cost of the work. The subdivider shall also pay the total cost of field inspection of the improvements. The inspection fee shall be determined by the Town of Ira Engineer. The performance bond posted by the subdivider guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full.

E. Penalties. A violation of these Regulations is declared to be an offense punishable by a fine, not to exceed one hundred dollars (\$100) or imprisonment for a period not to exceed twelve (12) months, or both. Each day that such violation continues to exist may further be declared to constitute a separate and additional violation.

F. Modifications. The Planning Board may grant modifications from those Regulations where unusual or exceptional factors or conditions require such modification provided that the Planning Board shall:

1. Find that unusual topographical or exceptional physical conditions exist.
2. Find that strict compliance with these Regulations would create an extraordinary hardship in the face of exceptional conditions.
3. Permit any modification to depart from these Regulations only to the extent necessary to remove the extraordinary hardship.
4. Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations.
5. Require such other conditions to be met by the proposed plat as the Planning Board may find necessary to accomplish the purposes of these Regulations when modified.

G. Appeals. Rights of appeal shall be as set forth in Section Two Hundred Eighty Two (282) of Town Law of the State of New York and other applicable Sections of the New York State Law.

H. Amendments. These Regulations may be amended from time to time as prescribed by local and state laws.

I. Separability Clause. If any part of provisions of this article or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances.

J. Repeal. All prior Town of Ira Subdivision Regulations and Amendments thereto are hereby repealed.

K. Effective Date. This Local Law shall become effective upon the filing of a certified copy thereof in the Office of the Secretary of State of the State of New York.

Date filed 3-20-01