

# Subdivision



The Basics

# What is a “subdivision” ?

## ∞ Definition of Subdivision

“...the division of any parcel of land into number of lots, blocks, or sites as specified in a local ordinance, law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development”

- *NYS Town Law §276.4(a)*

# Review Authority

- ∞ Town Law § 276, Village Law § 7-728, General City Law § 32
- ∞ Planning Boards may be authorized to perform subdivision review
- ∞ May use the State Standards or adopt local subdivision standards
  - All local subdivision regulations MUST be “in accordance” with an adopted comprehensive plan.

# Purpose of Subdivision Review

- ∞ **Guides the systematic development of community**
  - Lot configuration
  - Street Patterns
  - Sidewalks & Curbs
  - Utility infrastructure & access
  - Drainage
- ∞ **Protects health, safety and welfare**
- ∞ **Protects from uneconomical development**

# Subdivision Vs. ZONING

- ⌘ Subdivision regulation can exist without zoning
- ⌘ Components of subdivision may be dictated by zoning
  - Use, intensity, height
  - setback, lot sizes
  - Parking, landscaping

# Subdivision Options

- ∞ Subdivisions may be defined and delineated by local regulation as either “major” or “minor”
  - However, all divisions of land should be regulated
- ∞ Typical thresholds used for local classification:
  - Number of proposed lots
  - Construction of new street(s)
  - Extension of municipal infrastructure
  - Configuration of proposed lots
  - Transfer of land from adjacent parcel(s)

# Subdivision Overview

Sketch Plan

Preliminary  
Plat

Final Plat

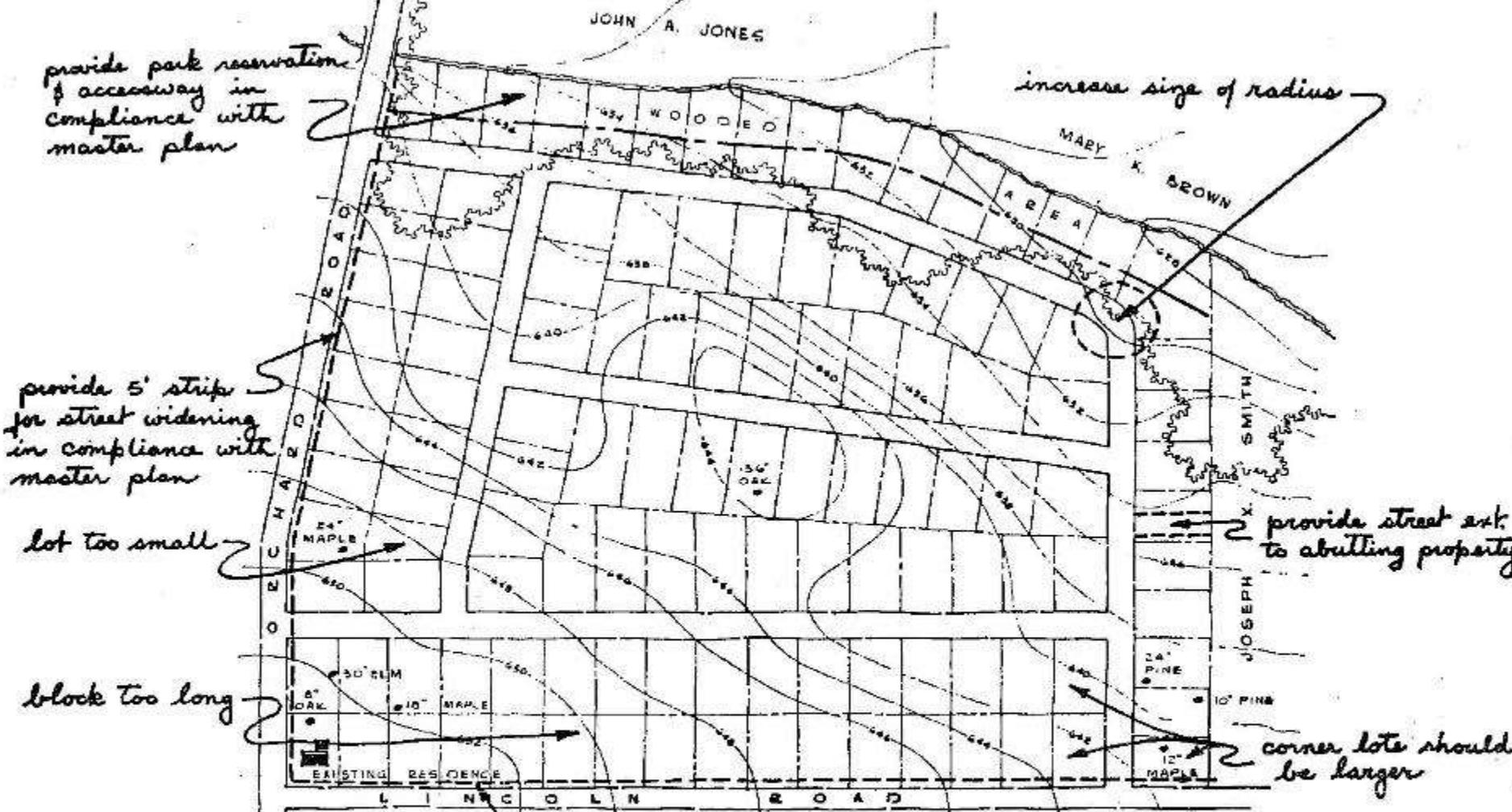
Decision &  
Filing

# Sketch Plan Review

## ∞ Pre-Application Meeting

- Informal
- Identify requirements
- Identify involved agencies
- Discuss options

∞ Influences design BEFORE major investments are made



- NOTES:
1. PROPERTY TO BE SERVED BY EXISTING 10" WATER MAINS IN ORCHARD RD. & LINCOLN RD.
  2. PROPERTY TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS.



PRE-APPLICATION SKETCH  
 PROPERTY OF  
 LAND DEVELOPMENT INC.  
 TOWNVILLE NEW YORK

FIGURE 23—A pre-application sketch of a subdivision with the planning board's review comments added.

# Subdivision Standards

- ✎ **Must set clear and objective review standards**
- ✎ **Must require that land be accessible**
  - Provide safe ingress and egress
- ✎ **Infrastructure must be installed in compliance with service provider's standards and government regulations**
  - Particularly important for onsite septic and wells
- ✎ **Subdivision Applications should be detailed enough to answer the Planning Boards questions and concerns**

# Application Contents

- ⌘ Plat map with contour lines, showing all boundaries, proposed lots, existing and proposed buildings, existing and proposed streets, access and easements, water and sewer facilities and stormwater management plan
- ⌘ Adjacent land uses and ownership
- ⌘ Natural resource constraints, such as floodplains, wetlands, and streams, steep slopes
- ⌘ Environmental and cultural features, such as prime farm soils, mature trees, habitat, and historic buildings
- ⌘ Design Specs for all improvements
- ⌘ Environmental Assessment form (SEQR)

# SEQR

- ∞ **State Environmental Quality Review**
- ∞ **Must be performed for Subdivision review**
- ∞ **Full or Short EAF depending on size of project**
  - should accompany subdivision application
- ∞ **Determination of significance made within 20 days of reception of COMPLETE Assessment Form**
- ∞ **Positive or Negative Declaration made**
  - Positive Declaration – requires preparation of EIS
  - Negative Declaration – no EIS
- ∞ **Subdivision Application can not be acted upon until all requirements of SEQR have been met,**
- ∞ **SEQR can be reopened at any point , prior to a decision, if new information is discovered**

# Additional Agencies

- ∞ **Compliance with GML 239, l, m or n**
  - **Subdivisions within 500 feet of :**
    - A municipal boundary, boundary of recreation areas, county or state roads, waterways, publicly-owned land, and a farm operation located in an agricultural district.
  
- ∞ **Many communities in Cayuga County Have inter-municipal agreements that exempt certain actions from County review.**

# Additional Agencies

## ☞ Cayuga County Environmental Health

- Realty Subdivision – 5 or more parcels, 5 acres or less in size, within a 3 year period
- Private septic or well

## ☞ NY DEC

- Approval of public sewers or SPDES permits ( >1 acre of land disturbance)
- Wetland or stream disturbance (also ACOE)

☞ Subdivision must be referred to the 239 Review Committee for review – (minimum of 5 days prior to public hearing)

## ☞ NY DOH

- Public water supplies/extensions

## ☞ NY DOT

# Preliminary Plat Requirements

- ∞ General layout
  - Accessibility
  - Safety/circulation
- ∞ Zoning Compliance
  - Lot dimensions
  - Density
- ∞ Infrastructure
  - Septic/sewer
  - Wells/water supply
  - Stormwater
  - Roads
  - Utilities / rights of way
- ∞ Constraints
  - Streams/watercourses
  - Wetlands
  - Slopes
  - Cultural resources
  - Endangered Species

# Preliminary Plat Continued.....

- ∞ Topography
- ∞ Compatibility with adjacent uses
- ∞ Proposed streets and names
  - Addresses
  - Highway access/curb cuts
- ∞ Signs
- ∞ Street trees
- ∞ Sidewalks
- ∞ Emergency Services
  - access,
  - Hydrants
  - Turn-arounds
- ∞ Recreational areas
  - If there is a demonstrated need
  - May impose a fee in lieu of

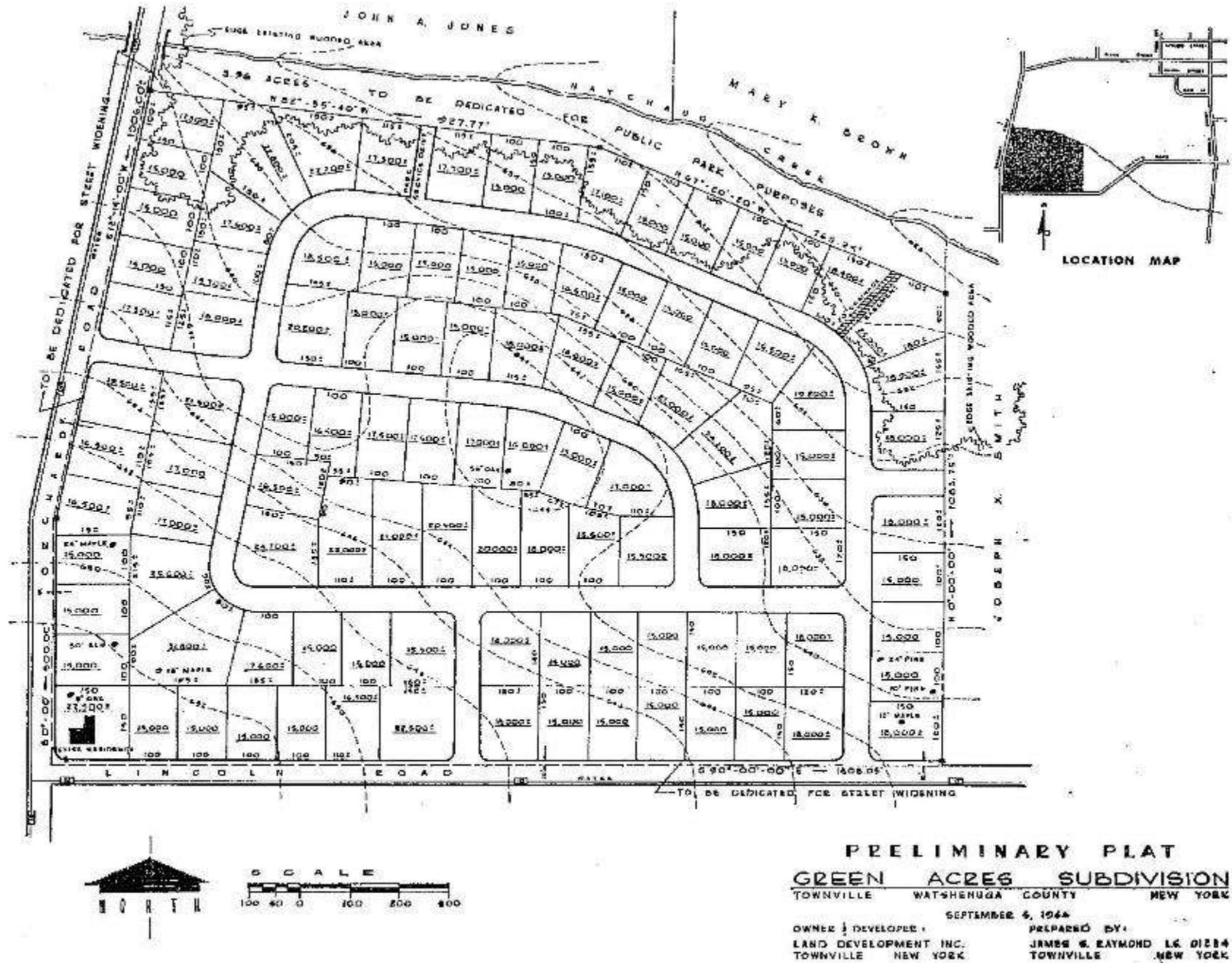


FIGURE 24—A preliminary plat.

# Preliminary Plat Approval Process

- ∞ Public Hearing REQUIRED within 62 Days of receipt of complete application.
- ∞ A Preliminary Plat shall not be considered complete until a negative declaration has been filed or a notice of completion of a DEIS has been filed in accordance with SEQR provisions
- ∞ Planning Board Decisions
  - Approve
  - Disapprove
  - Approve with modification
- ∞ Approval with Modification allows applicant to submit final plat (with modifications) within 180 days

# Final Plat

- Review to assure that conditions of Preliminary Approval are met
- Must take action....approve, deny, approve with conditions, within 62 days of receipt
- The grounds for a modification or the grounds for a disapproval shall be stated upon the records of the planning board
- Public Hearing not required by state statute if in substantial agreement with preliminary plat
- Planning Board must act within time periods specified or subdivision plat shall be deemed approved

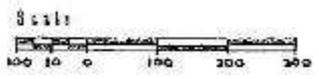


107 lots

LOCATION MAP

■ BYOND MONUMENT  
 1" O.D. IRON LOT PINS TO BE  
 INSTALLED AT ALL LOT CORNERS

JOSEPH X. SMITH



Refer to Subdivision Application Order 70  
 on file with the Townville Planning Board  
 for all correspondence and additional data  
 relative to approval of this plat.

WATCHEUNG COUNTY DEPARTMENT OF ZONING

This is to certify that the proposed subdivision  
 has been approved and approved for GREEN ACRES  
 in the town of Townville are approved subject to the  
 conditions stated on a letter of this date, and in  
 accordance with Article 4 of the Watchung County  
 Sanitary Code. Consent is hereby given for the posting  
 of this map in the office of the County Clerk.

Done Dec 13, 1966 Ed H. Jones C.E.  
 By E.T.D. J.E. & P.E. Director, Division  
 Environmental Health  
 Services

Approved By  
**THE TOWN PLANNING BOARD**  
 Town of Townville  
 Watchung County New York  
Arthur A. O'Brien Dec 16, 1966  
 Chairman date

subdivision plat  
**Green Acres Subdivision**  
 TOWNVILLE WATCHUNG COUNTY NEW YORK

Owner & Developer:  
**LAND DEVELOPMENT INC.**  
 TOWNVILLE NEW YORK

NOVEMBER 3, 1966

Prepared By:  
**JAMES S. HAYMOND L.S. 01234**  
 TOWNVILLE NEW YORK

FIGURE 25—A subdivision plat.

# Filing of Decision

- Board decisions must be filed with municipal clerk within 5 days of adoption  
*-NYS Town Law §276.9*
- A copy of the resolution must be mailed to the owner  
*-NYS Town Law §276.7 (a)*
- Conditional approval of Final Plat shall expire with 180 days after the resolution granting approval. Planning Board may extend for periods of 90 days if warranted by circumstances  
*-NYS Town Law §276.7(c)*
- Approved Final Plat must be in the office of the County Clerk within 62 day from the date of final approval  
*-NYS Town Law §276.11*

# Filing of Decision Continued

- ⌘ No plat of a subdivision of land showing lots, blocks, or sites, shall be filed or recorded in the office of the county clerk until it has been approved by a planning board which has been empowered to approve such plats. Further, such approval must be endorsed in writing on the plat in such a manner as the planning board may designate

*- NYS Town Law §279.1(a)*

- ⌘ Signature of duly authorized officer of the planning board constitutes final approval

*-NYS Town Law §276.11.*

# A Warning about “Default Approval”

- ⌘ Statutes provide that Planning Boards must conduct hearings and decide applications within certain periods of time.
- ⌘ If the Planning Board misses ANY of the different periods the preliminary or final plat under consideration is deemed approved by “default”.

*-NYS Town Law §276.8*
- ⌘ Strict procedural compliance with subdivision statutes is critical.
- ⌘ Time periods for subdivision review do not begin until the application is “complete”.

Questions?

