

LOCAL LAW OF THE TOWN OF SENECA, NEW YORK,

SUBDIVISION OF LAND

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**ARTICLE I. GENERAL PROVISIONS****§ 1. AUTHORITY.**

**PLANNING BOARD AUTHORITY.** The Town Board of the Town of Seneca, in accordance the provisions of the Town Law of the State of New York, has heretofore created a Planning Board and has assigned to it the responsibility and authority to review and approve, modify and approve or disapprove plans for land subdivision.

**UNDEVELOPED PLATS.** Pursuant to the above authority, using procedures set forth in these regulations, the Planning Board has the power and authority to pass and approve the development of plats already filed in the Clerk of Ontario County if such plats are entirely or partially undeveloped.

**SECTION 278 AUTHORITY.** The Town Planning Board is also granted the authority to allow an applicant to either propose a clustered subdivision layout or require an applicant to provide a clustered subdivision layout as provided in Section 278 of the Town Law of the State of New York.

**§ 2. PURPOSE AND INTENT**

The purpose and intent of the Subdivision Regulations of the Town of Seneca is to provide for the orderly growth and development of the Town as has been expressed in the Town of Seneca Comprehensive Plan and the Town of Seneca Zoning Law.

The purpose of these subdivision regulations is to provide for adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and welfare of the Town's population and protection of the Town's natural, cultural, historical and agricultural resources. The natural and agricultural resources within the town are an irreplaceable asset which shall be preserved to the extent possible while considering subdivision applications.

These regulations establish requirements for action on subdivision plats, including a description of maps and supporting materials that the Planning Board requires to carry out its responsibilities under these regulations. The review and approval procedures contained herein are designed to safeguard the community.

### § 3. TITLE.

In order that the land may be subdivided in accordance with this purpose and intent, these regulations are hereby adopted and shall be known and cited as the “Subdivision Regulations of the Town of Seneca”

### § 4. JURISDICTION

Upon the adoption of these regulations by the Town Board, subdivisions within the Town of Seneca but outside the limits of any incorporated village shall be designed and submitted for approval in compliance with the standards and procedures set forth herein.

### § 5. CONFLICT WITH EXISTING REGULATIONS.

Where these regulations impose greater restrictions than are imposed by the provision of any law, ordinance, regulation or private agreement, these regulations shall control. Where greater restrictions are imposed by any law, ordinance or regulation than are imposed by these regulations, such greater restrictions shall govern.

### § 6. GENERAL POLICY FOR SUBDIVISION DESIGN AND REVIEW

It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town and in a manner that is reasonable and in the best interests of the community. The Planning Board will be guided in its consideration of an application for the subdivision of land by the following general requirements:

- A. PHYSICAL CHARACTERISTICS - Land must be build able and free of hazard. The physical characteristics of the land to be subdivided shall be such that it can be used for natural resource conservation or building purposes without danger to health and safety or peril from fire, flood or other menace. Proper provision shall be made for stormwater management, water supply, sewage and other needed improvements and, consideration be given to the future development of adjoining lands. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement and the future development, and, natural and

cultural resources of adjoining lands. All parcel developments shall meet Town, County, State, and Federal regulations and requirements.

- B. **NATURAL AND HISTORIC FEATURES** - Insofar as possible, all existing features of the landscape, such as large trees, vegetative communities, rock outcrops, important ecological communities, surface and ground water resources, unusual glacial formations, flood courses, cultural and historic sites and other such irreplaceable assets shall be preserved thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.
- C. **CONFORMITY** – Subdivision plans shall be properly related to and conform to the Town Comprehensive Plan, Subdivisions shall conform to the streets, parks and other public ways or spaces shown on the Official Map of the town, if any. They shall be in conformance with Town of Seneca Zoning Laws. The proposed streets shall compose a convenient system conforming to the Official Map, as it may be adopted by the Town Board.
- D. **TRAFFIC SAFETY AND STREETS** – Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection. The location of access points to parcels from public streets shall ensure minimal interference with, and by, traffic movements, and reduce congestion on Town, County, State and Federal streets and highways.
- E. **PARKS AND OPEN SPACE** – Park areas of suitable location, size and character for playground and other recreational or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board.
- F. **PROTECTION OF AGRICULTURAL INFRASTRUCTURE AND SIGNIFICANT AGRICULTURAL LANDS** – Consideration will be given to maintaining agricultural viability and protecting significant agricultural lands by minimizing adverse impacts on agricultural land remaining from the subdivision, prime and unique agricultural soils, adjoining or nearby agricultural land and operations, existing natural buffers, and agricultural infrastructure including but not limited to surface and subsurface agricultural drainage systems, farm equipment access points, equipment lanes.

**§ 7. SUBDIVISIONS STRADDLING MUNICIPAL BOUNDARIES.**

Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Seneca Town Attorney, the Seneca Town Engineer, and the Highway Superintendent of the adjoining municipality, that the access road is adequately improved or that a performance security, as specified in Article III §19, has been duly executed and is sufficient security to ensure access has been constructed. In general, lot lines shall be laid out so as not to cross municipal boundary lines.

**§ 8. SEPARABILITY.**

If any section, subsection, paragraph, sentence, clause or other part of these regulations, are, for any reason, held invalid, the remaining portion of these regulations shall not be affected.

**§ 9. STATE ENVIRONMENTAL QUALITY REVIEW ACT**

The planning board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.

**§ 10. EFFECTIVE DATE**

For the purpose of this section, each lot shall be identified by the Tax Map of the Town Seneca dated May 18, 2010, and single ownership shall be determined by deed filed as of May 18, 2010. It is the express intent of this chapter that no parcel as defined herein may be changed or reconfigured after May 18, 2008, for the purposes of applying or avoiding the restrictions of this article. All lot area requirement calculations established in the Zoning Law of the Town of Seneca shall be based on the lot as identified by the Tax Map of the Town of Seneca dated July 15, 2008. This parcel shall be identified as the parent parcel.

## ARTICLE II. DEFINITIONS

## § II. DEFINITIONS.

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

APPLICANT – See Subdivider

CLUSTER DEVELOPMENT – A subdivision plat or plats, approved pursuant to Section 278 of the Town Law of the State of New York, in which the applicable zoning district is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to enable and encourage flexibility of design and development that preserves the unique features and the natural, cultural, agricultural and/or scenic qualities of the land while maintaining the density limitations imposed by said minimum lot area in the applicable zoning district.

CUL-DE-SAC -- A short street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

DOUBLE FRONTAGE LOT. A lot, which has a pair of opposite lot lines abutting two (2) streets, and which is not a corner lot.

DWELLING -- Any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto.

EASEMENT -- The lands created through authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

PERFORMANCE SECURITY -- Any security in a form allowed by New York State Town Law Section 277. 9. guaranteeing that certain or all improvements will be made in accordance with the approved plans.

LOT -- A piece, parcel or plot of land intended as a unit for transfer of ownership or for development. A parcel of land considered as a unit, devoted to a certain use and occupied or capable of being occupied by a building or group of buildings that are united by common interest or use, and the customary accessory uses and open spaces belonging to the same.

MINOR DIVISION OF LAND -- A minor division of land is any subdivision creating not more than two lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property. The Town Planning Board may, at its discretion, refer the proposal to the Ontario County Planning Board for advisory review.

MAJOR DIVISION OF LAND -- Any subdivision of land not classified as a minor subdivision, including but not limited to subdivisions of three or more lots. If a second application for a minor subdivision from a parcel as defined on May 18, 2010 or created subsequent there to, takes place in a five year period the proposed subdivision will be considered a major subdivision of land.

OFFICIAL MAP -- The map established by the Town Board under § 270 of the Town Law showing the streets, highways and parks heretofore laid out, adopted and established by law, and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

OFFICIAL SUBMISSION DATE -- The date when a subdivision plat submitted to the Planning Board shall be considered complete as provided in § 276 5. (c) of the Town Law.

PARCEL LINE ADJUSTMENT -- A transfer of land from one parcel to another parcel without creating any new parcels or a consolidation of two parcels into one.

PARENT PARCEL -- A lot as identified by the Tax Map of the Town of Seneca dated July 15, 2008.

PLANNING BOARD -- The Town of Seneca Planning Board as established pursuant to the provisions of Article 16 of the Town Law.

PRE-APPLICATION MEETING -- A meeting held with the Code Enforcement Officer and a member of the planning board with an applicant prior to submitting an application. The purpose of the meeting is to review all the application requirements, regulations, timeline, and any other information that will assist the applicant in preparing a complete application for submission.



PRIVATE DRIVEWAY – An undedicated access that is used as an ingress or egress to up to four (4) properties with reciprocal easements and a common maintenance agreement.

PRIVATE ROAD--An undedicated thoroughfare used as an ingress or egress to five (5) or more properties with reciprocal easements and a common maintenance agreement and built to town road construction standards.

PRELIMINARY PLAT -- The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for its consideration and meeting the requirements of Article VI.

RESUBDIVISION -- Revision of all or part of an existing filed plat, including consolidation of Lots.

SKETCH LAYOUT – Any plan or drawing prepared in accordance with Article VI, §29 of this Chapter.

STORMWATER MANAGEMENT RIGHT-OF-WAY -- The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

STREET -- Any street, avenue, boulevard, road, lane, parkway, alley or other way which is an existing or proposed state, county or town roadway or way shown upon a plat theretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the County Clerk of Ontario County prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking area and other areas within the street lines or right-of-way.

STREET PAVEMENT -- The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH -- The distance between property lines or right-of-way lines.

SUBDIVIDER -- Any person, firm, corporation, partnership or association who shall lay out, for

the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself, herself, or others.

**SUBDIVISION** -- The division of any parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development and shall include re-subdivision; provided, however, that the public acquisition by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor subject to these regulations.

**SUBDIVISION PLAT OR FINAL PLAT** -- A drawing, in final form, showing a proposed subdivision, containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the Ontario County Clerk.

**TOWN COMPREHENSIVE PLAN** – The materials, written and /or graphic prepared pursuant to NYS Town Law §272-a including but no limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Town of Seneca.

**TOWN ENGINEER** -- The duly designated engineer of the Town of Seneca.

**ZONING LAW** -- The officially adopted Zoning Law of the Town of Seneca, together with any and all amendments thereto.

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**ARTICLE III, PROCEDURE FOR FILING SUBDIVISION APPLICATIONS****§ 12. GENERAL PROCEDURE.**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, before any permit for the erection of a permanent building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Ontario County Clerk, the applicant or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

For the purpose of this section, each lot shall be identified by the Tax Map of the Town Seneca dated May 18, 2010, and single ownership shall be determined by deed filed as of May 18, 2010. It is the express intent of this chapter that no parcel as defined herein may be changed or reconfigured after May 18, 2010, for the purposes of applying or avoiding the restrictions of this article. All lot area requirement calculations established in the Zoning Law of the Town of Seneca shall be based on the lot as identified by the Tax Map of the Town of Seneca dated July 15, 2008.

**§ 13. PRE-APPLICATION MEETING**

- A. The purpose of the pre-application meeting is to provide the applicant with the necessary information in order to save the applicant time and money and to make the most of opportunities for a desirable development.
- B. The applicant is required to attend a pre-application meeting with the Code Enforcement Officer and a member of the planning board to review all the application procedures, requirements and regulations prior to submission of a Sketch Layout, Preliminary Plat Submission or Final Plat Submission. Items to be reviewed include, but are not limited to, general requirements as to design of streets, reservations of land, stormwater management, wastewater disposal, water supply, fire protection and other improvements.
- C. A general timeline for the application approval process, and any other information that will assist the applicant in preparing a complete application for submission will be provided.
- D. The applicant will be advised that there may be other local, state, or federal agencies or departments which should be consulted such as the Town Engineer, New York State Department of Transportation, Ontario County Highway Department, New York State Department of Conservation or other agencies.

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**§ 14. APPLICATION COMPLETENESS**

- A. An application for sketch layout, preliminary plat, or final plat shall be considered complete for the purposes of initiating review and further processing if it is submitted in the required form and includes all mandatory information and the application fee has been paid. A determination of application completeness shall be made within fifteen business days by the Code Enforcement Officer from date of submission.
- B. If an application is determined to be incomplete, the Code Enforcement Officer shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur and no public hearings shall be scheduled until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within sixty days, the application shall be considered withdrawn and the application shall be returned to the applicant. By mutual agreement of the applicant and the Code Enforcement Officer, an extension may be granted.
- C. Application fees are not refundable.

**§ 15. SKETCH LAYOUT PROCEDURE.**

- A. The purpose of this step is to afford the applicant an opportunity to have an informal review of the proposed subdivision with the Planning Board and to determine if a clustered subdivision layout will be required.
- B. Whenever a proposed subdivision involves the layout of a new street or the extension of an existing one, or, a major subdivision is proposed, the applicant shall prepare and submit to the Planning Board seven copies of a sketch layout of the proposed subdivision. For minor subdivisions this step is optional.
- C. A sketch layout shall comply with the requirements set forth in Article VI §29 of these regulations.

**§ 16. PRELIMINARY PLAT SUBMISSION.**

- A. A pre-application meeting as described in §13 is required prior to submission of an application.
- B. The application shall:
  - 1. Be made on forms available at the office of the Town Clerk; and
  - 2. Include all land which the applicant proposes to subdivide as well as all lands owned by the applicant adjacent to the area proposed for subdivision; and
  - 3. Be accompanied by ten (10) copies of the preliminary plat, as described in Article VI, § 30, of these regulations; and
  - 4. Be submitted to the Clerk of the Board and accompanied by the fee established by the Town Board, thirty days prior to a regular meeting of the Planning Board; and

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5. Be referred to the Ontario County Planning Board for review in accordance with the provisions of NYS General Municipal Law, Article 12-B, Sections 239 and the By-Laws of the Ontario County Planning Board.
- C. The Town Engineer may report to the Planning Board, at the Planning Board's discretion, concerning the adequacy of engineering features shown on the preliminary subdivision plat.
- D. The Planning Board will review the application according to §2 Purpose and Intent, and §6 General Policy for Subdivision Design and Review. Consideration will be given to the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, sewerage disposal, stormwater management, lot sizes and arrangement, the future development of adjoining lands as yet un-subdivided and the requirements of the Town Comprehensive Plan and the Zoning Law as they may be adopted.
- E. The applicant should be prepared to attend the next regular meeting of the Planning Board and any subsequent meetings deemed necessary by the Chairman of the Planning Board to discuss the preliminary plat.
- F. The Planning Board shall hold a hearing and approve, approve with modification or disapprove the preliminary plat in conjunction with the requirements of the State Environmental Quality Review Act and in accordance with the provisions outlined in Town Law § 276, Subdivision.
- G. Pursuant to General Municipal Law Article 12-B Section 239-nn, the Planning Board shall send notice of a scheduled public hearing to the adjacent municipality at least ten days prior to the public hearing for a subdivision on a property that is within five-hundred (500) ft. of an adjacent municipality.
- H. Pursuant to General Municipal Law Section 239-m, the County Planning Board shall have thirty days to make a recommendation. This review period may be extended by mutual agreement. The town planning board is required to consider the County Planning Board's recommendations as well as any attached comments. If the County Planning Board recommends modification or disapproval of a proposed action, the town planning board shall not act contrary to such modification or disapproval except by a vote of a majority plus one of all the members thereof.

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**§ 17. CONSIDERATION OF A PRELIMINARY PLAT FOR APPROVAL AND COORDINATION WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.**

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act and its implementing regulations and the provisions of Town Law §276 Subdivision 5.

A. Consideration of a Preliminary Plat for Approval. A preliminary plat shall not be considered for approval until a Negative Declaration has been filed or until a Notice of Completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such Negative Declaration or such Notice of Completion.

**B. PLANNING BOARD AS LEAD AGENCY.**

1. PUBLIC HEARING ON PRELIMINARY PLATS. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows.

- a. If such board determines that the preparation of an Environmental Impact Statement on the preliminary plat IS NOT REQUIRED, the public hearing on such plat shall be held within sixty-two days after the receipt of complete preliminary plat by the Clerk of the Planning Board; or
- b. If the planning board determines that an Environmental Impact Statement is required, and a public hearing on the Environmental Impact Statement is held, the public hearing on the preliminary plat and the Draft Environmental Impact Statement shall be held jointly within sixty-two days after the filing of the notice of completion of such Draft Environmental Impact Statement in accordance with the provisions of the State Environmental Quality Review Act.
- c. If no public hearing is held on the Draft Environmental Impact Statement, the public hearing on the preliminary plat shall be held within sixty-two days of filing notice of completion.

2. PUBLIC HEARING NOTICE

- a. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the Draft Environmental Impact Statement, or fourteen days before a hearing held jointly therewith.

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- b. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such preliminary plat.
      - c. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one-hundred and twenty days after it has been opened.
  3. **DECISION.** The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:
    - a. If the Planning Board determines that the preparation of an Environmental Impact Statement on the preliminary plat IS NOT REQUIRED, such board shall make its decision within sixty-two days after the close of the public hearing; or
    - b. If the Planning Board determines that an Environmental Impact Statement IS REQUIRED, and a public hearing is held on the Draft Environmental Impact Statement, the Final Environmental Impact Statement shall be filed within forty-five days following the close of such public hearing on the preliminary plat in accordance with the provisions of the Environmental Impact Statement.
    - c. Within thirty days of the filing of such Final Environmental Impact Statement, the Planning Board shall issue a STATE ENVIRONMENTAL QUALITY REVIEW ACT Findings Statement of the Final Environmental Impact Statement and make its decision on the preliminary plat.
  4. **GROUND FOR DECISION.** The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state, in writing, any modifications it deems necessary for submission of the plat in final form.
  5. **CERTIFICATION AND FILING.** Within five (5) business days of the adoption of the resolution granting approval of the preliminary plat, it shall be certified by the clerk of the planning board as having been granted preliminary approval. A copy of the plat and resolution shall be filed in the clerk of the planning board's office and a copy of the resolution shall be mailed to the applicant. A copy of the resolution shall be filed with the office of the town clerk.

#### C. PLANNING BOARD NOT AS LEAD AGENCY.

1. **PUBLIC HEARING ON PRELIMINARY PLAT.** The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat. Failing such agreement or if no public hearing is held on the Draft Environmental Impact Statement, the Planning Board shall

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hold the public hearing on the preliminary plat within sixty-two days after the receipt of a complete preliminary plat by the Planning Board Clerk.

2. PUBLIC HEARING NOTICE.

- a. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the Draft Environmental Impact Statement, or fourteen days before a hearing held jointly therewith.
- b. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.
- c. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one-hundred and twenty days after it has been opened.

3. DECISION. The Planning Board shall approve with or without modification or disapprove the preliminary plat as follows:

- a. If the preparation of an Environmental Impact Statement on the preliminary plat is not required, the Planning Board shall make its decision within sixty-two days after the close of the public hearing on the preliminary plat.
- b. If an Environmental Impact Statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within sixty-two days after the close of the public hearing on such preliminary plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer.

4. GROUNDS FOR DECISION. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

5. FILING AND CERTIFICATION REQUIREMENTS. The filing and certification requirements are the same as in Section 17 B. 5.



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**§ 18. FINAL PLAT SUBMISSION.**

A. Preliminary approval of a subdivision plat is required prior to a Final Plat Submission.

- 1) **APPLICATION PROCEDURE.** Within six months of the approval of the preliminary plat, the applicant shall file with the Planning Board an application for approval of a subdivision plat. The application shall:
  - i) Be made on forms provided by the Planning Board at the time of conditional approval of the preliminary plat and available at the office of the Town Clerk; and
  - ii) Include the entire subdivision; and
  - iii) Be accompanied by ten copies of the subdivision plan and conform to Article VI, § 31 of these regulations; and
  - iv) Comply in all respects with the preliminary plat as conditionally approved; and
  - v) Be presented to the Clerk of the Planning Board at least two weeks prior to a regular meeting of the Board in order that a public hearing may be scheduled and the required notice given.
- 2) **REVOCATION OF APPROVAL OF A PRELIMINARY PLATS.** Within six months of the approval of the preliminary plat, the applicant must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.

**OFFICIAL SUBMITTAL DATE.** The subdivision plat shall be considered officially submitted only at the regular meeting of the Planning Board following completion of the application procedure outlined above. If upon the submission of the subdivision plat, the Planning Board finds that the subdivision plat is in substantial agreement with the approved preliminary plat, the hearing requirement in Article III, § 16 E. may be waived. If no final hearing is held, the time in which the Planning Board must approve the subdivision plat begins on the date of the receipt of the final plat by the Clerk of the Planning Board.

**TOWN ENGINEER REPORT** The Town Engineer shall report to the Planning Board, at the Planning Board's Discretion, concerning the adequacy of engineering features shown on the final subdivision plat.

**ENDORSEMENT OF STATE HEALTH DEPARTMENT.** The proposed subdivision plat shall be properly endorsed by the New York State Department of Environmental Conservation (NYSDEC) and State Health Department as meeting the standards of the State Sanitary Code,

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Public Health Law or other applicable health code before any public hearing is scheduled. The plat should be in final form before NYSDEC and State Health Department approval.

COUNTY OFFICIAL MAP NOTIFICATION. The Planning Board will also, if the county has established a County Official Map, notify the Ontario County Planning Board and the County Superintendent of Highways or Commissioner of Public Works, if the subdivision plat proposes structures or new streets having frontage on, access to, or is otherwise directly related to any county road, existing or proposed, as shown on the County Official Map.

**ACTIONS ON A PROPOSED SUBDIVISION PLAT.**

1. The Planning Board shall, within sixty-two days after the date of the hearing, approve, conditionally approve with or without modification, or disapprove the final plat. "Conditional approval" is defined as the approval of the final plat subject to the conditions that may be set forth by the Planning Board in its resolution conditionally approving the plat.
2. If such plat is conditionally approved by the Planning Board, the Chairman of said Board shall be empowered and required to sign the final plat when the completion of all requirements stated in the conditional approval have been satisfactorily met.
3. The applicant shall have one-hundred and eighty days to satisfy the requirements of the conditional approval and to obtain the signature of the Chairman of the Planning Board as is heretofore required. This period may be extended by the Planning Board, if, in its opinion, the circumstances warrant this for up to two ninety-day periods beyond the one-hundred and eighty days.

PLAT VOID IF REVISED AFTER APPROVAL. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the 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 Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

FINAL PLATS NOT IN SUBSTANTIAL AGREEMENT WITH APPROVED PRELIMINARY PLAT When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, it shall be reviewed and

considered by the procedures outlined in §17 of this Article with the documents identified as a Final Plat.

SIGNING OF PLAT Every subdivision plat submitted to the Board for its approval shall carry the following endorsement:

Approved by Resolution of the Planning Board of the Town of Seneca, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by

\_\_\_\_\_  
Chairman Planning Board

\_\_\_\_\_  
Town Engineer

\_\_\_\_\_  
Highway Superintendent

\_\_\_\_\_  
Code Enforcement Officer

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Water District Superintendent

In the absence of the Chairperson, the Acting Chairperson may sign in their place. If there is a County Official Map, such endorsement shall stipulate that the plat does not conflict with the County Official Map or, in cases where the plat does front on, or have access to, or is otherwise related to roads or stormwater management systems shown on the county map, that such plat has been approved by the County Planning Board.

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**§ 19. REQUIRED IMPROVEMENTS AND AGREEMENTS.**

- A. **IMPROVEMENTS AND PERFORMANCE SECURITY.** Prior to an action by the Planning Board approving a subdivision plat, the applicant shall be required to guarantee completion in accordance with the Planning Board's decision and to the satisfaction of the appropriate town departments, all the street, sanitary and other improvements specified in the action approving said plat.
1. The applicant shall post with the town a performance security in the form required by the Town, which may include but is not limited to an irrevocable letter of credit, a performance bond, or a cash deposit, sufficient to cover the full cost of the improvements as approved by the Town Engineer. Such performance security shall be subject to approval by the Town Board in accordance with § 277 Subsection 9. of Town Law and shall run for a term to be fixed by the Planning Board. Upon posting of such performance security and compliance with all other requirements, the Chairman shall sign the subdivision plat as evidence that it complies in full with the subdivision regulations and has been approved.
  2. Prior to release of the performance security and acceptance of any offer of dedication, it shall be the responsibility of the applicant to provide the town a maintenance bond, satisfactory to the town as to form, sufficiency and manner of execution, for a period of not less than two years after satisfactory completion of the project to assure its quality.
  3. All required improvements shall be made by the applicant at his expense without reimbursement by the town or any district therein. Said improvements shall include the following:
    - (a) Streets.
    - (b) Street signs, paint striping of center line, shoulder line or other required paint striping as approved by the town highway superintendent
    - (c) Curbs and gutters.
    - (d) Monuments.
    - (e) Storm water runoff system.
    - (f) Sanitary sewage collection system.
    - (g) Water supply system.
    - (h) Park and recreation facilities.

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- (i) Electrical, telephone, other telecommunication or information transmission infrastructure, and utility lines.
  - (j) Plantings and ground cover.

B. INSPECTION OF IMPROVEMENTS. The town may employ its Engineer as an inspector to act as agent of the Town Board for the purpose of assuring the satisfactory completion of improvements required by the Planning Board and shall determine an amount sufficient to defray costs of inspection.

1. It shall be the responsibility of the applicant to bear any and all inspection costs incurred by the town or its agents in connection with the applicant's project and have moneys included in the letter of credit.
2. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with Planning Board recommendations or the approved construction details, the applicant and the issuer of the security will be severally and jointly liable for the costs of completing said improvements according to specifications.

C. OFFERS OF DEDICATION AND RELEASE. The plat shall be endorsed with the necessary agreements in connection with required easements or releases.

1. Formal offers of dedication to the town of all streets and parks, not marked on the plat with notation to the effect that such dedication will not be offered, shall be filed with the Planning Board prior to plat approval.
2. If the owner of the land or his agent who files the plat does not add as part of the plat a notation to the effect that no offer of dedication of such streets, highways or parks or any of them is made to the public, the filing of the plat in the office of the County Clerk or register shall constitute a continuing offer of dedication of the streets, highways or parks or any of them to the public and said offer of dedication may be accepted by the Town Board at any time prior to revocation of said offer by the owner of the land or his agent.
3. Upon completion of all requirements set forth in the action approving the subdivision plat and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be signed by the Chair of the Planning Board and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed and recorded within sixty-two days of the date upon which said plat is approved or considered approved by reasons of the failure of the Planning Board to act shall become null and void.

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**D. OTHER REQUIRED DOCUMENTS**

Approved copies of any waivers, variances, special districts, special district extensions, permits and/or covenants required by the Planning Board, these regulations, and/or another agency having jurisdiction shall be included in a form acceptable to the Planning Board and the Town Attorney.

**§ 20. RESUBDIVISION PROCEDURE.**

For a re-subdivision, the same procedure, rules and regulations apply as for a subdivision.

**§ 21. PUBLIC STREETS, PARKS AND PLAYGROUND AREAS.**

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the town of any street, park, playground or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect.

**§ 22. TIME OF CONSTRUCTION.**

- A. Upon posting of the performance security in accordance with Article III, § 19, and after approval and filing of the subdivision plat, the applicant may initiate land sales or construction of the subdivision itself.
- B. The developer shall construct the project in an orderly manner to comply with the time schedule presented to the Planning Board and in accordance with the security guaranty period.

**§ 23. PARCEL LINE ADJUSTMENTS**

Whenever any parcel line adjustment or parcel consolidation is proposed, before any contract is made for the sale of any part thereof, and before any parcel line adjustment plat may be filed in the office of the Ontario County Clerk, the applicant or his or her authorized agent shall apply for and secure approval of such proposed adjustment in accordance with the following procedure.

- A. The landowner(s) shall submit to the Planning Board on forms available from the Town Clerk with the fee established by the Town Board. The requirements of §14 Application Completeness shall apply to this section. The application shall contain the following information:
  - 1. Existing description of the metes and bounds of all parcels affected by the proposed adjustment;
  - 2. A plat or map of all parcels affected by the proposed adjustment;
  - 3. The location of existing utility or other easements, wells, and septic lines;

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- 4. Proposed description of the metes and bounds all lots affected by the proposed parcel line adjustment; and
  - 5. Proposed plat or map sealed by a surveyor licensed in the State of New York of all parcels affected by the proposed adjustment.
- B. The Planning Board may require the Town Engineer and/or the Town Attorney to review any, or, all proposed parcel line adjustments for utility easements, proximity to existing septic lines, existing wells, compliance with setback requirements, and all other engineering and legal consideration.
  - C. The Planning Board, after review of the application may approve the parcel line adjustment as long as:
    - 1. It does not create a nonconforming parcel or cause any other parcel to become nonconforming as a result of the adjustment;
    - 2. It complies with all applicable zoning requirements and Applicable NYS Department of Health regulations pertaining to well and septic system distances from parcel boundaries; and
    - 3. It does not create a landlocked parcel.

D. **SIGNING OF PLAT** Every parcel line adjustment plat submitted to the Planning Board for its approval shall carry the following endorsement:

Approved by Resolution of the Planning Board of the Town of Seneca, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by

\_\_\_\_\_

Planning Board Chair

\_\_\_\_\_

Town Engineer

In the absence of the chairperson, the Acting Chairperson may sign in their place.

E. **CERTIFICATION AND FILING.** Within five (5) business days of the adoption of the resolution granting approval of the parcel line adjustment, it shall be certified by the clerk of the planning board as having been granted approval. A copy of the plat with the boundary line adjustment and resolution shall be filed in the clerk of the planning board’s office and a copy of the resolution shall be mailed to the applicant. A copy of the resolution shall be filed with the office of the town clerk.

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**ARTICLE IV. DEVELOPMENT STANDARDS****§ 24. STANDARDS GUIDING PLANNING BOARD REVIEW.**

The Planning Board, in considering an application for the subdivision of land, shall be guided by Article I §6 of this section and the following considerations and standards.

**§ 25. CHARACTER OF LAND - UNIQUE FEATURES.**

- A. **CHARACTER OF LAND.** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menaces.
- B. **TREATMENT OF UNIQUE FEATURES.** Existing features of the site which would add value to residential or other development, such as desirable trees, water bodies and watercourses, historic spots and similar irreplaceable assets should be preserved through harmonious design of the subdivision. The measurements of these areas shall be removed from the total acreage of the land to be subdivided prior to calculating the allowable acreage to be subdivided. The net area shall be used to calculate the allowed subdivision density.
- C. **CONFORMITY TO ZONING LAW AND TOWN COMPREHENSIVE PLAN.** Subdivisions shall conform to the streets and parks shown on the Zoning Law of the town as may be adopted and shall be properly related to the Town Comprehensive Plan as it is developed and adopted by the Town Board.

**§ 26. DESIGN STANDARDS.**

- A. **STREETS.** The following regulations shall govern the layout of streets:
  - 1. Subdivisions shall be so designed as to provide a street pattern which is curvilinear in design. The design of the street pattern shall be based upon a local residential or minor street pattern connected to a residential collector street system.
  - 2. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, at the same or greater width insofar as such may be deemed necessary for public requirements.
  - 3. All right-of-way street widths and street pavements shall be measured at right angles or radial to the center line of the street and shall be designed according to requirements set forth by the Town of Seneca Highway Superintendent



4. Whenever possible, roads should intersect at right angles and not intersect at angles of less than 80° unless approved by the Planning Board.
5. The grades of streets shall be in accordance with the design criteria and construction specifications established. Such grades as submitted on subdivision plats shall be approved by the Town Engineer prior to final approval by the Planning Board.
6. All proposed subdivisions shall be designed to provide access to adjacent properties. When a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or "stub" streets of the existing subdivision.
7. The following standards shall apply to cul-de-sac streets:
  - a. A cul-de-sac should be located, if possible, so that it drains toward its entrance.
  - b. Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should never be brought to the property boundary line, but should be placed so that the lots can back on the property line of the subdivision except when a future extension is anticipated.
  - c. No cul-de-sac shall exceed 500 feet in length.
  - d. All cul-de-sacs shall have a turnaround at the end of the street which shall have a right-of-way radius of 60 feet, the outer curb at the turn shall have a minimum radius of 50 feet and a twenty-foot paving width which will permit a turning radius of 25 feet at the inner curb.
8. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.
9. New half or partial streets shall not be permitted except that wherever a proposed subdivision borders a half or partial street, the Planning Board may require that the other part of the street be platted in the proposed tract if it is found that such a requirement would increase the effectiveness of the circulation system in the area.
10. Multiple intersections involving a junction of more than two streets shall be prohibited.
11. Local residential streets and residential collector streets shall not intersect with arterial streets less than 800 feet apart, measured from center line to center line.
12. The minimum distance between center line offsets at street jogs shall be 150 feet.
13. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name. This

shall be done in accordance with the Ontario County enhanced 9-1-1- System Policy and Forms Manual for Town and Village Addressing Officials.

14. The minimum radius of horizontal curve, minimum length of vertical curves and minimum length of tangents between reverse curves shall be in accordance with design criteria and construction specifications. Said items shall be approved by the Town Engineer prior to final approval of the subdivision plat by the Planning Board.

B. LOTS. The following regulations shall govern the layout of lots:

1. The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. All lots shown on the subdivision plat must conform to the minimum requirements of Town Zoning, as to area and dimensions for the zone in which the subdivision is located. However, in the event of utilizing § 278 of the Town Law, the Planning Board may use its discretion in determining lot sizes.
3. Each lot shall abut or access by means of a private driveway, a street or a private road built to the town's specifications.
4. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by The Town of Seneca Zoning Law.
5. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
6. Side lines of lots shall be at right angles to straight streets and radial to curved streets.
7. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, require modification of such lots.
8. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by The Town of Seneca Zoning Law, and to provide for convenient access, circulation control and safety of street traffic.
9. Blocks intended for commercial or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
10. Double frontage lots will not, in general, be approved.
11. Where lots abut existing town, county, state or federal streets, marginal access roads or reversed frontage approach shall be used with a minimum number of driveways and/or streets entering on to these roads.

**C. EASEMENTS.**

1. An easement to the Town shall be provided for all natural drainage ways and all utility lines when such utility line or lines do not fall within a dedicated right-of-way.
2. All easements shall be plotted on the preliminary plat and subdivision plat. A clause shall be inserted in the deed of each lot affected by an easement indicating that the easement exists and its purpose.
3. Except as further required in this section, easements shall have a minimum width of 20 feet.
4. Where a subdivision is traversed by a drainage way, channel or stream, a stormwater management way easement conforming substantially to the lines of such watercourse shall be provided. The easement shall be 20 feet wide or such width as will be adequate to preserve natural stormwater management and provide sufficient width for maintenance.
5. Where it is found that additional easement width is needed, such width shall be determined by the Planning Board in consultation with the Town Engineer.
6. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
7. All utility lines which are primarily intended to provide service to the lots within the subdivision shall be installed underground at a depth and at such locations as will minimize the risk of interruption of service.

**D. LANDSCAPING AND GROUND COVER.**

1. All lot areas which are not covered by structures or paving shall be properly seeded and stabilized by the developer in accordance with NYS Department of Environmental Conservation SPDES General Permit No. GP-02-01 or successor regulations.
2. All disturbed undeveloped lot areas shall be seeded and stabilized by the developer in accordance with NYS Department of Environmental Conservation SPDES General Permit No. GP-02-01 or successor regulations.
3. When a proposed subdivision borders agricultural land, an existing natural buffer may be required to be maintained.

**E. PRESERVATION OF NATURAL FEATURES.**

1. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting. At no time shall topsoil be removed from the site without written permission from the Planning Board.
2. To the fullest extent possible, all existing trees and shrubbery shall be conserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end.

- a. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads.
  - b. Where there is a question as to the desirability of removing a group of trees which serve to add interest and variety to the proposed subdivision in order to allow for use of the land for a lot or lots, the Planning Board may, after proper investigation, require modification of such lots.
  - c. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the developer shall not remove any trees from the site without written permission from the Planning Board.
3. All proposed changes in watercourse alignment shall be done in accordance with the New York State Department of Environmental Conservation or other state or federal regulations.
  4. Unique physical features such as historic landmarks and sites, rock outcroppings, hilltop lookouts, desirable natural contours and similar features shall be preserved to the maximum extent possible.
  5. The subdivider shall not be permitted to leave any surface depressions which will collect pools of water except when specifically designed for the purpose of retaining water.
  6. The subdivider shall not be permitted to leave any hills or mounds of dirt around the parcel and shall be in compliance with the Soil and Erosion Control Plan and the NYS Department of Environmental Conservation SPDES General Permit No. GP-02-01 or successor regulations.

#### F. FLOODPLAIN.

1. **MAPPING.** If any portion of the land within the subdivision is subject to inundation or flood hazard by storm water, such fact and portion shall be clearly indicated on the preliminary plat and the prominent note on each sheet of such map whereon any such portion shall be shown.
2. **USE.** Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate the flood hazard.
3. **SELF-IMPOSED RESTRICTIONS.** The owner may place restrictions on the development greater than those required by The Town of Seneca Zoning Law. Such restrictions, if any, shall be indicated on the preliminary and final subdivision plat.
4. **MODIFICATION OF STANDARDS.** The Planning Board, by resolution, may modify the specified requirements in any individual case where, in the Board's judgment, such modification is in the public interest. All modifications shall be shown on the final subdivision plat.

#### G. PARKS, PLAYGROUNDS OR OPEN SPACE.

1. Land shall be reserved for park, playground, open space or other recreational purposes in locations designated on the Town Comprehensive Plan or elsewhere where the Planning Board deems that such reservations would be appropriate. The area to be preserved shall possess the suitable topography, general character and adequate road access necessary for its recreational purposes.
2. Where the Planning Board requires land to be set aside for parks, playgrounds or other recreational purposes, the Board shall require that the site be graded, topsoil, fertilized as required and seeded and may require it to be fenced.
3. When area for park, playground, recreational purposes or open space shall have been required on the subdivision plat, the approval of said subdivision plat shall not constitute an acceptance by the town of such an area.

H. SIDEWALKS/Trails. All plans for major subdivision which involve the construction of new roads for within the subdivision shall include the construction of sidewalks/trails throughout the subdivision. Sidewalks shall be placed to the intersection of the existing collector roads and new subdivision entrances to allow extension to other subdivisions, services, or community resources. The Planning Board may determine the type of sidewalk/trail based on the size, type, and location of the subdivision and its proximity to services, roads, and other subdivisions.

I. OTHER STANDARDS. Final subdivision plans shall conform to the current design criteria and construction specifications for land development for the Town of Seneca.

J. WETLANDS. All wetlands and related buffer area shall be shown. The developer shall comply with all federal and NYSDEC regulations and obtain the necessary Article 24 permits.

K. STORMWATER MANAGEMENT REQUIREMENTS. The regulations, requirements, and standards of any applicable town, county, state and/or federal laws shall be followed.

L. EXISTING LAND DRAINAGE SYSTEMS. To the extent possible all surface and subsurface drainage systems shall be identified on the subject property and surrounding property within 1500 feet of the subdivision perimeter and shown on submitted plans. Any surface or subsurface drainage systems affected by the proposed development shall be replaced, relocated, or repaired to the same condition as existing prior. All proposed replacement, relocation, or repair of existing surface and subsurface drainage systems shall be shown on submitted plans.

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**ARTICLE V. IMPROVEMENTS****§ 27. REQUIRED IMPROVEMENTS.**

The developer, before the approval of the subdivision plat, shall post a letter of credit sufficient to insure the satisfactory completion of the following required improvements, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general welfare.

- A. **STREETS.** All streets shall be constructed, graded and paved in accordance with the design criteria and construction specifications on file in the Town Clerk's office.
- B. **STORMWATER MANAGEMENT STRUCTURES.** Storm drains, culverts, catch basins and other stormwater management structures shall be installed in accordance with the Town of Seneca design criteria and construction specifications. If unusual conditions are discovered at the time of construction which is not provided for on the plans, the Town Engineer shall determine the type and extent of construction required to overcome such conditions.
- C. **CURB AND GUTTERS OR ENGINEERED STORMWATER DRAINAGE.** Curb and gutters or other engineered stormwater drainage shall be constructed on both sides of all streets shown on all proposed subdivision plats and in accord with the construction standards on file in the Town Clerk's office. See design criteria for collector, minor, or other public or private roads).
- D. **DRIVEWAY APRONS** shall be required meeting the specifications established for § 27 C.
- E. **STREET SIGNS** shall be of metal and shall be installed at the intersection of all streets in conformity with town specifications at the locations approved by the Planning Board and Town Highway Superintendent.
- F. **GRASS STRIPS** shall be provided within the portion of the street right-of-way beyond the curb line and shall be properly graded and seeded.
- G. **SANITARY SEWERS AND TREATMENT DISPOSAL FACILITIES** shall be required. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the town and state health official(s) and be in accordance with other requirements of law. Special Town Sewer and Improvement Districts may be required.
- H. **WATER** Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with town standards, procedures and supervision. Fire hydrants shall be required and shall be installed in the locations approved by the Town Engineer.

I. UTILITIES Underground gas, electric and telephone utilities shall conform to public utility regulations.

J. MONUMENTS.

1. Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, PC and PT of curves, though the P1 of short curves may be used instead, where such is practical, at the discretion of the Town Superintendent of Highways and/or the Town Engineer. Monuments shall be placed on one side of the street only and at only one corner of intersecting streets. Adjacent monumented points shall be inter-visible.
2. Monuments shall be tied into the New York State Coordinate System, or other acceptable datum where practical at the discretion of the Town Superintendent of Highways and/or the Town Engineer. Monument locations shall be shown on the subdivision plat; and field notes of ties to monuments or a tie sheet shall be submitted to the Town Engineer after installation of monuments.
3. Monuments shall be of stone or concrete and not less than four inches in diameter or square, and not less than 42 inches long or from the top of underlying rock. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate or pin shall serve as the point of reference. If stone, a drilled hole shall serve as the point of reference and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.
4. Subdivision plat. Iron pipes shall not be considered permanent monuments for the purpose of these regulations.

K Drainage Systems Underground land drainage systems, e.g.: field tiles, shall be repaired to satisfactory working condition

§ 28. PERMITTED MODIFICATIONS.

A. Individual sewage disposal systems (septic tanks and leach or absorption field) may be provided in lieu of facilities connected to a public sanitary sewage disposal system where such system is not reasonably available. Such on-site disposal systems shall be subject to the provisions of these regulations regarding subdivision control and all other applicable laws and regulations of the town, county and state. Sewerage lagoons shall be prohibited.

## ARTICLE VI. SPECIFICATION FOR PREPARING SKETCH LAYOUTS, PRELIMINARY LAYOUTS AND SUBDIVISION PLATS

### § 29. SPECIFICATIONS FOR SKETCH LAYOUT.

- A. REQUIREMENTS FOR DRAWINGS AND MAPS The sketch layout shall be drawn on paper or other suitable material at a standard scale of not more than 100 feet to one inch. It shall show the following information:
1. Title of the sketch, including name and address of the subdivider.
  2. North point, scale and dates.
  3. Boundaries of the parcel to be subdivided, plotted to scale. If the subdivider intends to develop the parcel in stages, the entire parcel shall be included in the sketch layout.
  4. A topographic survey showing ground contours of the parcel and extending 100' from the parcel subdivided at intervals of no more than five feet of elevation and all pertinent topographic and planimetric features of the parcel and extending 100' from the parcel. The following existing features shall be shown:
    - a. streets,
    - b. location map showing the boundaries of the parcel in relation to adjoining streets
    - c. existing buildings,
    - d. watercourses and their one-hundred-year flood limits,
    - e. water bodies,
    - f. wetlands,
    - g. wooded areas,
    - h. existing rights of way
    - i. location of abandoned railroad right-of-ways.
    - j. location of surface and subsurface land drainage systems
  5. For proposed development, the following features shall be shown:
    - a. The approximate lines of proposed streets, sidewalks, lots, neighborhood recreation areas or other permanent open space.
    - b. Natural, historic and cultural resources to be retained in the subdivision.
    - c. Schematic indication of proposed system for stormwater management.
    - d. The approximate location of water and sewer lines,
    - e. A statement as to proposed source of water supply and method of sewage treatment.



- f. Indication of the zoning of the parcel and adjoining parcels and any other legal restrictions of use.
6. Name or names of the landscape architect and/or licensed professional engineer and licensed land surveyor responsible for the preparation of the sketch layout and preliminary information shall be included.
  7. The map key and signature block shall be located in the lower right hand corner.
- B. SITE CONTEXT MAP: The purpose of the site context map is to show the location of the proposed subdivision within its town context.
1. The following elements are to be included on the map:
  2. Location of the affected tax parcel showing nearby creeks, roads, zoning districts, NYS Agricultural Districts, adjacent properties, public buildings such as schools and hospitals, public land such as parks, within a half mile of the parcel, with twenty foot (20') contours and other appropriate information to orient the Planning Board.
  3. Title of the sketch, including name and address of the subdivider, north point, scale, and date.
  4. The map shall be prepared to these specifications:
    - a. For sites under 100 acres in area, such maps shall be at a scale not less than 1"=200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site.
    - b. For sites of 100 acres or more, the scale shall be 1"=400' and shall show the above relationships within 2,000 feet of the site.
- C. EXISTING RESOURCES AND SITE ANALYSIS. The purpose of this analysis is to provide the subdivider and the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site which may be described on the basis of existing published data from governmental agencies, and aerial photographs. It shall show the following information:
1. A vertical aerial photograph (enlarged to a scale not less than 1"=400'), with the site boundaries clearly marked overlaid by tax parcel boundaries noting the following:
  2. Vegetative cover conditions on the property such as cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, Vegetative types shall be described by plant community, relative age and condition, if known.
  3. USGS published topographic maps with 10 foot contour intervals. Interpolated or appropriate contour intervals shall be determined by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flats sites.

4. Soils mapping, soil series, types and phases, as mapped by the USDA Natural Resources Conservation Service in the published Soil Survey for Ontario County, and accompanying data published for each soil relating to its suitability.
5. Water bodies showing acreage and elevation, streams and water courses and their 100 year flood limits, and wetlands identified in the National Wetland Inventory or those regulated under state or federal law. Common names and identification numbers as may be assigned by a state or federal agency shall be included for all water bodies, water courses, and wetlands.
6. Agricultural infrastructure including surface and subsurface stormwater management systems, equipment lanes, cross field access points, etc.
7. Any portion of the site that includes slopes of 15-25%, and, slopes greater than 25%.

### § 30. PRELIMINARY PLAT.

A. REQUIREMENTS FOR DRAWINGS AND MAPS. Maps and drawings submitted for preliminary plat approval to the Planning Board shall be drawn to a scale of not more than one inch equals 50 feet, and shall show the following information:

1. The location of the property with respect to surrounding property and streets.
2. The date, source of the North point and scale.
3. A key map at a scale of one inch equals 500 feet showing all streets, streams, utilities, and property within 1,500 feet of the applicant's property.
4. All property held by the applicant in the area.
5. Zoning district of subject parcel and all adjoining parcels.
6. Utilities including:
  - (a) sanitary and storm sewers,
  - (b) water and gas lines,
  - (c) electric and telephone cables, and
  - (d) any other public service.
7. The location and approximate dimensions of all existing property lines including the entire area proposed to be subdivided and remainder of the parcel owned by the subdividing owner.
8. All pertinent features such as
  - (a) existing structures,
  - (b) streets,
  - (c) water bodies,
  - (d) streams,

- (e) Wetlands,
  - (f) Surface and subsurface land drainage systems
  - (g) large trees that may influence the design of the subdivision, and
  - (h) topography at a contour interval of not more than five feet, unless waived by the Planning Board.
9. The location, width and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.
  10. The approximate location, dimensions and area of all proposed or existing lots.
  11. The approximate location and dimensions of all property proposed to be set aside for playground or park use.
  12. The names of all property owners of record, or the names of developments within 500 feet.
  13. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor.
  14. Acreage of parcel to be subdivided to nearest tenth of an acre.
  15. Proposed provision of water supply, fire protection, treatment of sanitary waste, stormwater management and street signs (data on which must be available for consideration at this stage).
  16. Approval of New York State Board of Health when applicable.
  17. Each block shall be numbered and the lots within each block shall be numbered consecutively in accordance with the procedure established by the town. The total number of residential lots shall be noted on the plat.
  18. The map key and signature block shall be located in the lower right hand corner.
    19. A Site Context Map and an Existing Resources and Site Analysis as specified in §24 is required if a sketch layout was not prepared.

### § 31. REQUIRED DRAWINGS FOR FINAL SUBDIVISION PLANS.

- A. In preparing the detailed subdivision plans the developer shall subdivide the project into four major sets of plans as follows:
1. Subdivision plat record plan.
  2. Subdivision grading, drainage, erosion and sediment control plan and stormwater management plan.
  3. Subdivision utility and street plan.
  4. District maps for any required special districts.

B. SUBDIVISION PLAT RECORD PLAN The drawings shall include, but not be limited to, the following:

1. Unless the County Clerk specifies otherwise, the record sheet shall be 17 inches by 22 inches or 34 inches by 44 inches in size and shall be drawn at a minimum scale of 50 feet to one inch unless otherwise approved. Where more than one sheet is required to show the entire development, a key map showing all sections shall be provided. The following information shall be clearly shown. In the case of a minor division of land for one single-family home, the three required drawings may be waived by the Planning Board and the applicant may submit only the plat record sheet with contours, lot grading and utilities included thereon.
2. Title of the sheet, including name and address of the subdivider and all required signatures.
3. North point, graphic scale and date.
4. The boundaries of the subdivision and information to show the location of the subdivision in relation to surrounding property and streets, including names of owners of adjacent land or names of adjacent subdivisions.
5. In whatever manner that is practical, the subdivision boundary shall be referenced from two directions to establish United States Coast and Geodetic Survey monuments or New York State Plane Coordinate monuments. In the event that such monuments have been obliterated, the subdivision boundary shall be referenced to the nearest highway intersection or at least two previously established monuments of subdivisions of public lands. Any combination of types of reference ties may be accepted which would fulfill the requirement of exact measurements from the subdivision boundary to reference points previously established.
6. The lines of existing and proposed streets within the subdivision and the lines of existing or approved streets on adjoining properties.
7. The names of existing and proposed streets.
8. The lines and dimensions of proposed lots, which shall be numbered and shall have its area in square feet indicated as well.
9. The lines and purposes of existing and proposed easements immediately adjoining and within the subdivision.

10. The lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.
11. The location of monuments to be placed within the subdivision.
12. The locations of any municipal and zoning boundary lines within the subdivision.
13. Statements as to:
  - a) The zoning of the property within the subdivision and adjoining parcels.
  - b) Compliance of the proposed lots with zoning requirements. If any lots do not comply but are covered by zoning variances, the statement should include reference to such variance.
14. Certification by a licensed professional engineer and a licensed land surveyor as evidence of professional responsibility for the preparation of the record sheet and a place for the liber and page where filed.

**C. SUBDIVISION GRADING, DRAINAGE, EROSION AND SEDIMENT CONTROL PLAN AND STORMWATER MANAGEMENT PLAN.** This plan shall be on a separate sheet of the same size and scale as the record sheet and provide the following information:

1. Contours of existing grade at intervals of not more than five feet. Intervals less than five feet may be required depending on the character of the topography. Contour to extend a minimum of 300 feet beyond property limits.
2. Location of all buildings proposed.
3. Number of each lot.
4. Final grades and/or contours at intervals of not more than two feet; less intervals may be required depending on topography.
  - a) Location of all swales, creeks, ponds, stormwater management outfalls, etc.
  - b) All grades shall be established from United States Coast and Geodetic Survey datum.
5. Location and means of controlling erosion within the project limits.
6. Slope stabilization details.
7. Flood hazard prevention.
8. Storm water detention basins.
9. Location of all underground drainage systems

**D. SUBDIVISION UTILITY AND STREET PLAN.**

1. This plan shall be on a separate sheet(s) of the same size and scale as the record sheet and provide the following details:
  - a) Complete plans and profiles of all proposed sanitary and stormwater management facilities.
  - b) Including invert grades, original and finished ground profiles above these sewers and top of manhole grades.
  - c) Plans and profiles of onsite wastewater treatment system(s) and facilities.
  - d) Type material, class, etc. used and proposed grades.
2. Location and details of all other facilities, including water mains, gas mains, telephone, etc.
3. Location of all existing utilities in and adjacent to the site to be developed.
4. Location of all existing wastewater treatment systems and wells within 200ft. of subject parcel.
5. A statement as to:
  - a) The flow available or existing water mains.
  - b) The proposed number of units and anticipated sanitary sewer flow.
  - c) The available stormwater facilities downstream of this project.
6. Details of erosion and slope stabilization measures where applicable.
7. Any other details pertinent to site construction.

#### E. SPECIAL DISTRICT MAP

1. Detailed map(s) of all required special districts.

**§ 32. OTHER REQUIRED INFORMATION**

In addition to the subdivision plat as described above, the following shall also be presented to the Planning Board:

- A. A certificate that there are no tax liens on the property being subdivided.
- B. A performance security as specified by the Town pursuant to §19. in such amount as is necessary to complete specified improvements.

**ARTICLE VII. WAIVERS****§ 33. WAIVER OF REQUIREMENTS**

The Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event of any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.



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