

TOWN OF GRANVILLE

LOCAL LAW #1 OF 2013

A LOCAL LAW ENTITLED: "TOWN OF GRANVILLE LAND SUBDIVISION LAW AND REGULATIONS"

Be it enacted by the Town Board of the Town of Granville (the "Town Board") as follows:

SECTION ONE: TITLE.

The title of this local law shall be "Town of Granville Land Subdivision Law and Regulations", and may be cited as "Town of Granville Local Law #1 of 2013" or "TOG LL1-2013."

SECTION TWO: AUTHORITY.

This local law is enacted pursuant to the authority of: (a) Municipal Home Rule Law ("Mun H R") Section 10(1)(i), which authorizes a Town to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; (b) Mun H R Section 10(1)(ii)(a)(11), which authorizes a Town to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the protection and enhancement of its physical and visual environment; (c) Mun H R Section 10(1)(ii)(a)(12), which authorizes a Town to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the government, protection, order, conduct, safety, health and well-being of persons or property therein; (d) Town Law Section 271, which authorizes a Town to create a planning board and to adopt regulations relating to any subject matter over which the planning board has jurisdiction; (e) Town Law Sections 276 through 279, which confer various powers and obligations upon towns town planning boards relating to land subdivisions; (f) Town Law Section 268(1), which authorizes a Town to provide by local law or ordinance for the

enforcement of Article 16 of the Town Law and of any local law, ordinance or regulation made thereunder; and (g) the prior resolution(s) and ordinance(s) of the Town Board of the Town of Granville which create the Granville Town Planning Board and authorize said Board to conduct reviews of subdivision plats and cluster developments in accordance with approved Subdivision Rules and Regulations, including, without limitation, the December 14, 1989 Resolution of the Town Board.

SECTION THREE: PURPOSE.

The purpose of this local law is to protect the public health, safety and welfare by adopting revised rules and regulations governing the review and approval of subdivision plats, and the approval of said subdivisions, by the Town Planning Board.

SECTION FOUR: ADOPTION OF SUBDIVISION REGULATIONS.

The following Subdivision Regulations are hereby adopted by the Town Board:

[Beginning of Subdivision Regulations]

TOWN OF GRANVILLE SUBDIVISION REGULATIONS

August 8, 2013

TABLE OF CONTENTS

ARTICLE I	GENERAL PROVISIONS
ARTICLE II	DEFINITIONS AND WORD USAGE
ARTICLE III	APPLICATION PROCEDURE AND SKETCH PLANS
ARTICLE IV	GENERAL REQUIREMENTS AND DESIGN STANDARDS
ARTICLE V	MINOR SUBDIVISIONS
ARTICLE VI	MAJOR SUBDIVISIONS
ARTICLE VII	MAJOR SUBDIVISION FINAL PLAT

ARTICLE VIII	REQUIRED IMPROVEMENTS AND AGREEMENTS
ARTICLE IX	CONSULTANTS, FEES, AND DEPOSITS
ARTICLE X	VARIANCES AND WAIVERS
ARTICLE XI	STATE ENVIRONMENTAL QUALITY REVIEW

ARTICLE I GENERAL PROVISIONS

Section 1.1: Legislative Authority and Intent.

By the authority of the resolution of the Town Board of the Town of Granville adopted on December 14, 1989, pursuant to the provisions of Article 16 of the New York State Town Law, the Granville Planning Board is authorized and empowered to act as Lead Agency for SEQRA review, approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county and to conditionally approve the preliminary plats within the Town of Granville. It is declared to be the policy of the Planning Board to consider land subdivision plats for residential, industrial and commercial use as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that 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 menace; that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and

shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate its fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open space for parks and playgrounds.

Section 1.2: Applicability: Exemptions.

A. No subdivision of any lot, tract or parcel of land shall be effected and no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel or the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these regulations.

B. All plans for subdivision shall be submitted to the Granville Planning Board for review and recording in the Planning Board's minutes.

C. The provisions contained herein shall apply to all land within the limits of the Town of Granville.

D. For the purposes of these regulations, all divisions of property or uses involving two or more parcels or dwelling units, including but not limited to condominiums, cooperatives, townhouse development groups, planned unit developments, planned development groups and cluster developments, shall be reviewed as subdivisions.

E. These Subdivision Regulations are intended, and shall be deemed to apply to any and all applications and projects which commenced subsequent to the date of adoption, and said Subdivision Regulations are not intended, and shall be deemed not to apply to projects with Final Plat approval prior to June 14, 1990.

F. Subdivisions shall comply with the requirements of the stormwater management and erosion and sediment control provisions set by the Department of Environmental Conservation.

Section 1.3: Boundary Line Adjustments.

A boundary line adjustment is a subdivision of a lawfully existing parcel but shall not require subdivision approval, provided that all of the following conditions are met:

A. The proposed boundary line adjustment area is adjacent to and shares at least a portion (more than a point) of common boundary line with the receiving parcel; and

B. Purpose is to reconcile a pre-existing condition, to reshape the parcel eliminating irregularities, or to accommodate a planned minor project. Such situations include, but are not limited to, driveways, garages, additions, wells, or setbacks; and

C. The boundary line adjustment cannot result in an unbuildable lot; and

D. The deed or boundary line adjustment agreement describing the boundary line adjustment area must contain a covenant stating that the conveyance is a boundary line adjustment and that the boundary line adjustment area is to merge with and into the adjacent receiving parcel, resulting in a single unified parcel, and may not otherwise be sold or separately conveyed, and must state that these covenants "run with, touch and concern the land"; and

E. The Planning Board shall have the authority to review a proposed property transfer to determine whether the transfer would meet the requirements to qualify as a boundary line adjustment and whether all necessary information

has been provided. Such information shall include but shall not be limited to:

1. A survey map drawn at an appropriate scale and showing the granting and receiving parcels and proposed boundary line adjustment area and all buildings, wells, septic systems, driveways, fences and other structures and site improvements on the granting and receiving parcels. Such survey map shall be prepared, stamped and signed by a surveyor licensed in New York State and shall be in a form acceptable for filing in the Washington County Clerk's office.

2. Applicant(s) shall also submit copies of the latest deeds for the granting and receiving parcels and a draft of a proposed boundary line adjustment Agreement, or a draft of a deed conveying the boundary line adjustment area and a draft of a deed of merger combining and merging the boundary line adjustment area with the receiving parcel into one, single unified parcel,

3. A completed SEQRA short Environmental Assessment Form ("EAF").

F. The Planning Board shall determine the necessity of a public hearing for a proposed boundary line adjustment application based on the EAF responses. If a public hearing is to be held, notice of the hearing shall be published at least 10 days in advance and a copy of the notice of public hearing shall be mailed at least 10 days in advance to the owner (as shown on the Town's Assessment Roll) of each parcel any portion of which is located within 500 feet of either the granting parcel or receiving parcel or both.

G. Within 62 days following the close of a public hearing or a determination to waive the holding of a public hearing, the Board shall conduct a SEQRA environmental review of the proposed boundary line adjustment and then decide whether to approve it and the related map. The Board may impose

reasonable conditions in granting any approval, including conditions which must be satisfied prior to the signing of the map by the Chairman of the Board. Upon an approval by the Board, the Chairman of the Board shall be authorized to stamp and sign the map. It shall be the responsibility of the applicant to file the approved, signed map in the office of the County Clerk within 62 days following its signing.

H. The Board's authority to hold a public hearing on a proposed boundary line adjustment and the allowance of up to 62 days thereafter during which to render a decision shall not prevent the Board from exercising its discretion, if it so decides, to waive a public hearing, conduct a SEQRA review and render an immediate decision

Section 1.4: Policies and Restrictions.

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town of Granville. This means, among other things:

A. 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 menace.

B. Proper provisions shall be made for water supply, drainage, sewerage and other needed public improvements and utilities.

C. Proposed streets shall compose a convenient system conforming to the Official Map.

D. Streets shall be of such width, grade and location as to accommodate present and prospective traffic and shall comply with the town highway specifications

E. All development shall facilitate adequate fire protection and provide access for fire-fighting equipment and other emergency equipment.

F. Open space for parks, playgrounds and green areas of suitable location, size and character shall be provided as required by the Planning Board.

G. The proposed development shall be aesthetically compatible with the existing development and character of the town.

Section 1.5: Self-Imposed Restriction.

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the plat.

Section 1.6: 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 Washington County Clerk or have any validity until it has been approved in the manner prescribed herein. It shall be the duty of the Washington County Clerk 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.

Section 1.7: 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.

Section 1.8: 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 Washington County Clerk.

ARTICLE II
DEFINITIONS AND WORD USAGE

Section 2.1: Word Usage.

For the purpose of these Subdivision Regulations, words used in present tense include the future; the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; the word "occupied" includes the words "designed for occupancy" or "intended to be occupied"; the word "may" is discretionary.

Section 2.2: Definitions.

As used in these subdivision regulations, the following terms shall have

the meanings indicated:

Section 2.2.1: AGRICULTURAL LAND means all real property within the boundaries of the Town of Granville currently used for agricultural operations or upon which agricultural operations may in the future be established.

Section 2.2.2: AGRICULTURAL FARM OPERATIONS means any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, whether for profit or otherwise. This includes all the agricultural buildings, equipment, processing facilities and practices which contribute to the production, preparation, or selling of crops, livestock, and wood products.

Section 2.2.3: AGRICULTURAL PRACTICES means any activity including the cultivation of land, the raising of crops, the raising of livestock, poultry, horticulture, timber, agricultural and fur bearing animals, or maple sugar processing. Further, agricultural practices shall mean any activity now permitted by law, engaged in by a farmer as defined herein, in connection with and in furtherance of the business of farming and shall include, without limitation, the collection, transportation, distribution, and storage of animal and poultry wastes; storage, transportation, and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides, and pesticides all in accordance with the state, and federal law and regulations and in accordance with the manufacturer's instructions and warnings; construction of farm structures and facilities as permitted by local and state building code regulation; construction and maintenance of fences.

Section 2.2.4: AREA REGULATIONS means the regulations of building

size, setbacks on yards, parking and loading requirements or similar regulations.

Section 2.2.5: ARTERIAL STREET - see "Street"

Section 2.2.6: BOND means a written agreement issued by a qualified agent that guarantees the performance of a certain agreed upon activity or an equivalent consideration if the activity is not completed as required.

Section 2.2.7: BOUNDARY LINE ADJUSTMENT means the transfer of a small amount of land to an adjacent landowner which does not create an additional parcel or lot of land.

Section 2.2.8: BOUNDARY LINE ADJUSTMENT AREA means the delineated portion of a granting parcel which is proposed to be legally merged with and into a receiving parcel.

Section 2.2.9: BUFFER ZONE means an unpaved, natural area without buildings designed to reduce the possibility of adverse impact on land or water quality and/or conflicts of land use between two or more areas. No parking or storage of vehicles of any kind or objects associated with the use of the property is permitted. When not inhabited with natural woody plants (i.e., trees and shrubs) sufficient to visually screen adjoining uses or zones, such "buffer area" shall be planted, regraded and/or fenced as approved.

Section 2.2.10: BUILDING means any structure covered by a roof, supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

Section 2.2.11: BUILDING INSPECTOR and/or LOCAL CODE ADMINISTRATOR and/or TOWN ENFORCEMENT OFFICER means an

individual empowered by the Town Board of the Town of Granville to administer the provisions of these regulations, except as specified otherwise herein.

Section 2.2.12: CENTRAL PRIVATE UTILITY means a sewage or water system which serves a subdivision and which is paid for with nonpublic funds and without special district taxation.

Section 2.2.13: CLERK, PLANNING BOARD means that person who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations.

Section 2.2.14: CLERK, TOWN means the duly elected Clerk of the Town, who shall collect information from applicants and forward to the Clerk of the Planning Board with date received stamp.

Section 2.2.15: COMMON OPEN SPACE means a parcel or parcels of land or an area of water, or a combination of land and water designated and intended for the private or public use or enjoyment of the space, and that may include such appurtenant structures that are necessary to allow the enjoyment of the space.

Section 2.2.16: CONDOMINIUM means a multifamily project of one-family dwelling units which may consist of one, a part of one, or more than one building wherein the real property title and ownership are vested in an owner who has an undivided interest with others in the common usage areas and facilities that serve the development. The means of administration and maintenance of common areas are mutually entered into by the respective owners.

Section 2.2.17: CONDOMINIUM DEVELOPMENT, DETACHED UNITS means a condominium that involves the use of detached units, single-family or two-family. The total available land for use of the entire project must equal the

sum of the permitted lot sizes of the total number of units in the zone(s) within which the project is located.

Section 2.2.18: CONSERVATION SUBDIVISION means a tool utilized by Town Planning Board that requires major subdivisions to preserve at least 20% and up to 50% of property as open space for agricultural use or to protect wildlife habitat.

Section 2.2.19: CROSSWALK or SIDEWALK means an accessway designed for pedestrian traffic and dedicated to public use.

Section 2.2.20: CUL-DE-SAC means a minor street with one end open for public access and the other terminating in a vehicular turnaround or also a dead-end street.

Section 2.2.21: EASEMENT means a deeded authorization by a property owner for the use by another of any part of his property for a specified purpose.

Section 2.2.22: ENGINEER or LICENSED PROFESSIONAL ENGINEER means a person licensed as a professional engineer by the State of New York.

Section 2.2.23: GRANTING PARCEL means the parcel of land from which a boundary line adjustment area is proposed to be legally separated.

Section 2.2.24: HOMEOWNERS' ASSOCIATION or CONDOMINIUM AGREEMENT means, in those developments where some or all of the subdivision is to be managed by a homeowners' association or condominium board or association, the agreements, by-laws, regulations, deeds, declarations, certificates, articles or other legal instruments which specify the rules, regulations, covenants, rights, restrictions, and limitations applicable to the purchase, sale, ownership, use or possession of the property which is part of the association, all of

which shall be required by the Planning Board as part of the subdivision review process.

Section 2.2.25: LANDSCAPING means the act of changing or enhancing the natural features, a plot, buffer zone, public open space or other area or portion of a lot (often as a beautifying feature of a building or land use) so as to make said area more attractive, to add visual screening and/or to provide safety features to assist in protecting life and property. This may be accomplished by adding lawns, trees, shrubs, etc., or through the sculpturing of the terrain (i.e., earth berms, ponds, walkways, retaining walls, rock outcrops, etc.) and/or installing lights, light poles, flagpoles, fences and traffic malls for the direction of traffic.

Section 2.2.26: LOT means a parcel of land having a distinct and defined boundary as described in a deed, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required by these regulations, and having frontage on an existing or proposed road.

Section 2.2.27: LOT, CORNER (DOUBLE-FRONTAGE) means a lot with two sides abutting existing or proposed streets.

Section 2.2.28: MAJOR SUBDIVISION means any subdivision of land not classified as a minor subdivision; or, the subdivision of a lot or parcel of land created by another subdivision occurring after June 14, 1990.

Section 2.2.29: MINOR SUBDIVISION means any subdivision containing not more than three lots each fronting on an existing public 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 properties.

A second subdivision within three (3) years is considered a Major Subdivision.

Section 2.2.30: MOBILE HOME LAW means Town of Granville Local Law #1, 2012, or any Town of Granville local law enacted after the effective date of this local law which amendatory thereof or supplementary thereto.

Section 2.2.31: MOBILE HOME MINIMUM LOT SIZE means the minimum lot size for a mobile home lot which is prescribed by Town of Granville Local Law #1, 2012, as currently in effect and as hereafter amended or supplemented from time to time.

Section 2.2.32: MOORING means any anchor, chain, buoy, pennant or other object by which a vessel is secured at one point.

Section 2.2.33: NUISANCE means a "nuisance" as that term is defined Town of Granville Local Law #3, 2011, as currently in effect and as hereafter amended or supplemented from time to time.

Section 2.2.34: OFFICIAL MAP means such map, if any, as is from time to time adopted by the Town Board pursuant to § 270 of the New York State Town Law.

Section 2.2.35: OPEN SPACE means any land which is not covered by buildings, pavement, open storage, mining operations or any other use that visually obscures the natural or improved landscape, except for recreation facilities.

Section 2.2.36: OPEN SPACE RECREATION USE means any recreation use particularly oriented to and utilizing the outdoor character of an area, including a snowmobile, jeep or all-terrain vehicle trail, cross-country ski trail, hiking and

backpacking trail, bicycle trail, horse trail, playground, picnic area, public park, public beach or similar use.

Section 2.2.37: PLANNED DEVELOPMENT GROUP means a structure or a group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative group and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas.

Section 2.2.38: PLANNING BOARD or BOARD means the Planning Board of the Town of Granville.

Section 2.2.39: PLAT, FINAL, or SUBDIVISION PLAT means 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 Washington County Clerk.

Section 2.2.40: PLAT, PRELIMINARY means a drawing or drawings clearly marked "preliminary plat," showing the salient features of a proposed subdivision, as specified in these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Section 2.2.41: PLAT, SKETCH, or SKETCH PLAN means a sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to reach general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

Section 2.2.42: REALTY SUBDIVISION means the sale, rental or offer for sale or lease of any tract of land, under one ownership or common scheme, which has been subdivided into five (5) or more residential lots, designated by metes and bounds, each comprising of five (5) acres or less within any three (3) year period. The common phrase used is the "5, 5, 3 rule". Residential lots also include temporary, seasonal and permanent use. The realty subdivision laws are generally intended to regulate the division of a tract of land for transfer of "ownership". According to the Public Health Law (PHL), lands that are leased without designation by metes and bounds are not "subdivided" therefore do not meet this definition.

Section 2.2.43: RECEIVING PARCEL means the parcel of land into which a boundary line adjustment area is proposed to be legally merged.

Section 2.2.44: REQUIRED IMPROVEMENTS means any activities or improvements required by these regulations, except as may be waived by the Planning Board, including but not limited to streets and roads, utility installations, road ditches, drainage facilities and culverts, monuments and revegetation operations.

Section 2.2.45: SERVICE DISTRICT means any private or public entity which provides a public service to residents or all or any part of the town to include, among others, fire departments, water districts and sewer districts.

Section 2.2.46: SHARED DRIVEWAY / PRIVATE ROAD means a Street which, as laid out, provides ingress and egress for up to four (4) Lots. In appropriate circumstances, a Shared Driveway/Private Road can be a valuable planning tool to limit impacts to farmland by reducing the number of

ingress/egress points onto streets. However, no Shared Driveway/Private Road shall be allowed unless a Road Use Agreement or Home Owners Association Agreement, in form and content satisfactory to the Planning Board, outlining ownership, use, maintenance, repair, and replacement rights and responsibilities for the Shared Driveway/Private Road, is: (a) presented to the Board; (b) approved by any local or state agency having regulatory or enforcement jurisdiction with respect thereto; and (c) recorded in the real property records of the Washington County Clerk's Office and properly indexed so as to become a part of the chain of title to the real property which is affected thereby.

Section 2.2.47: STREET means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, cul-de-sac, place or however otherwise designated, and includes the entire area within the right-of-way.

Section 2.2.47-1: ARTERIAL STREETS AND HIGHWAYS means those streets used or designed to be used primarily for fast or heavy traffic, whether existing or proposed.

Section 2.2.47-2: COLLECTOR STREETS means those streets that traffic from minor streets to the major system of arterial streets and highways "Collectors" may also serve as secondary arteries to carry some through traffic. A street which is the outlet toward an arterial street for more than 100 acres or is a main entrance to a residential development shall be considered a "collector street."

Section 2.2.47-3: LOCAL STREETS means those streets that are used primarily for access to the abutting properties.

Section 2.2.47-4: MARGINAL ACCESS STREETS means those streets which are parallel to and adjacent to arterial streets and highways and that provide access to abutting properties and protection from through traffic.

Section 2.2.47-5: DEAD-END STREET or CUL-DE-SAC means a Street or a portion of a Street with only one vehicular traffic outlet .

Section 2.2.48: STREET PAVEMENT/CARRIAGEWAY means the wearing or exposed surface of the roadway used by vehicular traffic.

Section 2.2.49: SUBDIVIDER or DEVELOPER means any person, firm, corporation, partnership or association, or successors in interest to any such parties, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Section 2.2.50: SUBDIVISION means any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential and nonresidential land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. (See Major Subdivision and Minor Subdivision).

Section 2.2.51: SURVEY means the determination of the location of land boundaries and natural and man-made objects by means of surveying instruments.

Section 2.2.52: SURVEY MAP means a drawing made to scale, based upon survey measurements, showing land boundaries and natural and man-made

objects, made by or under the direction of a New York State licensed land surveyor.

Section 2.2.53: SURVEYOR means a person licensed to act as a land surveyor by the State of New York.

Section 2.2.54: TOWN means the Town of Granville in the County of Washington, State of New York.

Section 2.2.55: TOWN BOARD means the Town Board of the Town of Granville.

Section 2.2.56: TOWNHOUSE means a dwelling unit which is one of a series of units, having a common party wall between each adjacent unit, each with private outside entrance.

Section 2.2.57: UNIFORM CODE means the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

ARTICLE III APPLICATION PROCEDURE AND SKETCH PLANS

Section 3.1: Approval Required.

Wherever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

Section 3.2: Sketch Plan.

Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Clerk of the Planning Board seven (7) copies of a complete application of the proposed subdivision, no later than ten (10) days prior to the regularly scheduled Planning Board meeting, which shall comply with requirements of Articles IV and XI

Section 3.3: Approval of Governmental Agencies.

The owner of land shall determine the requirements of the appropriate governmental agencies whose approvals are required by these regulations and that must eventually approve any subdivision plat coming within their jurisdiction and shall so inform the Planning Board, in writing, as part of the sketch plan. Approval shall also be secured for intersection design and construction within state rights-of-way from the New York State Department of Transportation pursuant to Highway Law § 52.

Section 3.4: Purpose of the Sketch Plan.

The purpose of the sketch plan review submittal is to provide a review of the proposed subdivision to:

A. Determine the extent of the proposed subdivision to determine the requirements, if any, of the State Environmental Quality Review Act. (See § 8-0101 et seq. of the Environmental Conservation Law.)

B. Determine the requirements of the State Department of Health, the Department of Environmental Conservation and other state agencies whose approvals may be required by these regulations.

C. Determine the requirements of local county and town agencies whose review and/or approvals may be required by these regulations.

D. Discuss the appropriateness of the proposed subdivision layout to the land use and planning goals and objectives of Town.

Section 3.5: Planning Board Meeting: Classification of Subdivision. A.

The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of these regulations of street improvements, drainage, sewerage, water supply, fire protection and similar aspects as well as the availability of existing services and other pertinent information made on the sketch plan.

B. Classifications of the sketch plan may be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. When the subdivision is classified by the Planning Board as a major or minor subdivision, a motion to that effect shall be made on the sketch plan. The Board may require, however, when it deems it necessary for protection of the public health, safety, welfare, SEQRA review and environment, that a minor subdivision comply with all or some of the requirements as specified for major subdivisions.

Should the Sketch Plan be classified as a minor subdivision, the subdivider shall then comply with Articles V, VIII, IX, and XI.

Should the Sketch Plan be classified as a major subdivision, the subdivider shall then comply with Articles VI, VIII, IX, and XI.

Section 3.6: Farming/Agricultural Classification.

Any division of land to be used for farming/agricultural purposes shall be a factor in determining the classification of a subdivision to be major or minor. If, upon review by the Planning Board, the Planning Board determines that the overall purpose of the proposed subdivision is agricultural, the classification shall be considered a minor subdivision.

Section 3.7: Planning Board Determination and Recommendations.

The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board.

Section 3.8: Fee For Filing Sketch Plan.

The fee for filing a sketch plan shall be in the amount adopted by the Town Board pursuant to Town of Granville Local Law #2, 2011, and listed on the Fee Schedule as currently in effect and as hereafter amended or supplemented from time to time.

ARTICLE IV
GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section 4.1: Standards To Be Minimum Requirements.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article X herein.

Section 4.2: 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 menace.

Section 4.3: Conformity To Map and Plan.

Subdivisions shall conform to the Official Map of the town and shall be in harmony with the Agricultural Plan and any other Town planning document.

Section 4.4: Conformity To Town Specifications.

All required improvements shall be constructed or installed to conform to the town specifications, which may be obtained from the Town Engineer.

Section 4.5: Preservation of Existing Features: Topsoil Removal.

Existing features which would add value to residential development, such as large trees, watercourses, historic spots and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious design of the subdivision. Development shall cause minimum disturbance to existing landscaping. Topsoil shall not be removed from the site except with the approval the NYS Department of Environmental Conservation and the Planning Board.

Section 4.6: Streets and Roads.

A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road-maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and

shall be coordinated so as to compose a convenient system.

B. Relation to topography. Streets shall be logically related and conform insofar as possible to original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.

C. Block size. Block dimensions shall be at least twice the minimum lot depth and generally not more than 12 times the minimum lot width. In long blocks, the Planning Board may require the dedication through the block of a twenty-five-foot-wide easement to accommodate utilities or pedestrian traffic.

D. Intersections. Intersections of major streets by other streets shall be at least 800 feet apart, if possible. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least 150 feet shall be maintained between offset intersections. Within 40 feet of an intersection, streets shall be approximately at right angles, but in no instance shall the angle be less than seventy degrees (70°), and grades shall be limited to 3%. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the property line.

E. Visibility at intersections. Within the triangular area formed at corners by the intersecting street lines, for a distance of forty feet (40') from the intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating if necessary. Nothing in the way of fences, walls, hedges or other landscaping, shall be permitted to obstruct such visibility.

F. Design and construction standards. Streets shall meet standards which will be established by Town Highway Superintendent and Town Engineer, unless otherwise indicated on the Master Plan (if enacted).

G. Dedication. The Town Board shall, in consideration of an offer of dedication of roadway, have the right to reject said offer for any reason. No street shall be accepted between November 1 and May 1. In making said offer of dedication, the subdivider shall submit the following documents to the Town Attorney:

- (1) An abstract of title continued to recent date showing marketable title to the premises offered for dedication or, in the alternate, a policy of title insurance insuring the fee interest of said roadway to the Town of Granville in an amount to be determined by the Town Board.
- (2) A copy of the survey of the subject roadway, certified to the Town of Granville by the person preparing the same, acceptable to the Town Engineer.
- (3) A continued tax search of subject premises.
- (4) A written review by the Highway Superintendent and Town Engineer.
- (5) If surfacing material has not been applied, then a certified check, bond or letter of credit in an amount recommended by the Town Highway Superintendent and Town Engineer to cover the cost of satisfactorily completing construction of said roadway.
- (6) An affidavit signed by the subdivider agreeing to complete surfacing of the roadway within two years or when 90% of the units are completed, whichever is less. Said subdivider shall bear the expense of any paving cost

overruns if the certified check, bond or letter of credit on deposit with the town, with accrued interest, should be an insufficient amount. The letter of credit shall be an irrevocable letter of credit, and the town shall require that the letter of credit be presented to a local confirming bank. The draft demand for payment shall be accompanied by a sworn statement, signed by the appropriate official of the town (Town Supervisor), stating the developer is in default. In addition, should any amount of moneys remain after surfacing is satisfactorily completed, said moneys, plus accrued interest, shall be refunded to the subdivider.

H. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Comprehensive Plan, if such exists. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround, a minimum of 50 feet in radius, shall be provided on all temporary dead-end streets with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

I. Inspection of improvements. If the Town Engineer or Building Inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board and the Planning Board. The

Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on the previously approved plat.

J. Permanent dead-end streets (cul-de-sac). Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary a distance of not less than 100 feet. Reserve strips of land shall not be left between the end of a proposed street and adjacent pieces of property. However, the Planning Board may require the dedication of a twenty-foot-wide easement to accommodate pedestrian traffic or utilities. A circular turnaround with a minimum right-of-way radius of 65 feet shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets should, in general, be limited in length to 800 feet.

K. Street names. All streets shall be named, and such names shall be subject to the approval of the Town Board. Names shall be sufficiently different in sound and spelling from other street names in the town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

L. Improvements. Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants and underground electric cable television and telephone services, except where the Planning Board may waive,

subject to appropriate conditions, such improvements as it considers are not requisite to the interest of public health, safety and general welfare.

M. Underground utilities. Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines, and the subdivider shall install underground service connections to the property line of each lot before the street is paved.

N. Grading and improvements shall conform to the town minimum road specifications and other town standards and shall be approved as to design and specifications by the Town Engineer or other duly designated Town Official.

Section 4.7: Lots.

A. Arrangement. The arrangement of lots shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in locating a building on each lot and in providing access to buildings on such lots from an approved street. All lots shall be numbered by the system used by the Assessor of the Town of Granville.

B. Access across watercourses. Where a watercourse separates the buildable area of a lot from the access street, provisions shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer or a duly designated Town official. Nothing in this section shall conflict or supersede provisions of the New York State Freshwater Wetlands Act, if applicable. (See § 24-0101 et seq. of the Environmental Conservation Law).

C. Side lot lines. Side lot lines shall be at right angles or radial to the street lines unless a variation from this rule will give a better street or lot plan.

D. Access from major streets. Lots shall not, in general, derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.

Section 4.8: Parks and Playgrounds.

A. Purpose. The purpose of this section is to provide an equitable and effective development standard for securing adequate land for parks, playgrounds and open space recreation uses in response to Major Subdivisions throughout the town.

B. Land dedication. The subdivider proposing land dedication shall file with the Town Board a plat detailing the sites for the development of a park, playground or other recreational facility. Recreation space shall be provided by the subdivision on the basis of at least 1,000 square feet per lot but in no case shall the amount be more than 10% of the total area of the subdivision. Such area or areas may be dedicated to the town by the developer if the Town Board approves such dedication. All lands designated on the plat as park, playground or other recreation area not in town ownership shall be subject to such conditions as the Planning Board may establish, such as hours of operation, access to the general public, use and maintenance of such lands as deemed necessary to assure the preservation of such land for their intended purposes. Such conditions shall be shown on the plat prior to plat approval and recording. The Planning Board shall

consider the following in determining the suitability of the served land for recreational purposes:

- (1) The size and shape of the reserved land.
- (2) Whether the land is usable land, which, for purposes of these regulations, shall be taken to mean land that is relatively level and dry.
- (3) The location of the reserved land, i.e., whether the land is:
 - (a) Located in an area which is heavily populated.
 - (b) Near other recreation areas.
 - (c) Near other recreation areas providing the same type of recreation.
 - (d) In a location which will provide a safe and accessible recreation area for town residents.

C. Fee in lieu of land. When requested by the subdivider, or in cases where the Board finds that, due to the size, shape, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, the Town Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition of approval of the plat a payment of recreation fees in lieu of land, such amount shall be in the amount adopted by the Town Board pursuant to Town of Granville Local Law #2, 2011 and listed on the Fee Schedule thereto, as currently in effect and as hereafter amended or supplemented from time to time.

Such amount shall be paid to the Town Clerk at the time of final plat approval, and no plat shall be approved by the authorized officer of the Planning Board until such payment is made. Such payments shall be held in a special fund for

acquisition and development of recreation land, all money in this fund is to be used only for:

(1) The purchase of land that is suitable for new or enlarged parks, playgrounds or open spaces and located so as to serve the inhabitants of the town's residential neighborhoods; and

(2) The improvement of new or existing park, playground and open space lands which serve the Town's residential neighborhoods.

D. In any case, the Planning Board shall be satisfied that required recreation land will be maintained and will not be used for other than recreation purposes.

E. Nothing in this section will be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

F. The Planning Board shall not at any time authorize the waiver of both the land dedication and fee-in-lieu-thereof requirements.

Section 4.9: Reservation For Street Alignment.

Where the subdivision borders an existing street and the Official Map or Comprehensive Plan or Master Plan (if enacted) indicates plans for realignment or widening of the streets that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plan "reserved for street alignment (or widening) purposes."

Section 4.10: Utility and Drainage Easements.

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 20 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.

Section 4.11: Pedestrian Easements.

The Planning Board may require, in order to facilitate pedestrian access from street to schools, parks, playground or other nearby streets, perpetual unobstructed easements at least eight feet in width.

Section 4.12: Water Systems.

A. All components of the water system shall meet the requirements of the Rural Water Supply Manual of the New York State Department of Health and the New York State Department of Health Regulations for Realty Subdivisions.

B. Supply. A source of supply shall be developed which yield 100 gallons per resident in approximately 16 hours over a prolonged period of time without disturbing the normal groundwater reserve.

C. Quality. Water supplies for community water systems shall meet all requirements of the New York State Public Drinking Water Standards.

Section 4.13: Sanitary Sewers.

A. Individual septic systems. Where the daily discharge of sanitary sewage into an individual system for an individual residential structure is less than 1,000 gallons per day per structure, the waste treatment (septic) system shall be designed and constructed according to the provisions and standards of the Waste

Treatment Handbook, Individual Household Systems (bluebook), New York State Department of Health, Division of Sanitary Engineering, as amended.

B. Combined septic systems. Where the daily discharge from a structure, group of structures or units into a single sewage treatment system exceeds 1,000 gallons per day, the standard and approval of the New York State Department of Environmental Conservation will be required.

Section 4.14: Drainage.

Drainage shall meet a ten-year- or twenty-five-year-storm maximum velocity of water; maximum runoff cannot exceed predevelopment stage.

A. General. A storm drainage plan must be approved by the Planning Board encompassing all drainage elements for the drainage of the subdivision, areas feeding the subdivision and areas downstream from the subdivision. In designing for storm drainage, the Water Pollution Control Federation Manual of Practice on Design and Construction of Sanitary and Storm Sewers (MOP-9) shall be used as a guide. The procedures of the manual are not binding, and other good engineering practices may be accepted as approved by the Town Engineer.

B. Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width.

C. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to

accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted.

D. Responsibility from drainage downstream. The subdivider's engineer may also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

E. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

Section 4.15: Board To Issue Permit.

When the Planning Board renders final approval of a subdivision, the Board shall issue a permit authorizing the subdivision to undertake terms and conditions for control therein.

Disturbance of more than one (1) acre of land will require DEC review and approval.

Section 4.16: Landscape Plan.

A landscape plan shall be prepared by a licensed landscape architect for subdivisions of 20 lots or more. Such landscape plan shall include:

- A. The location and species of street trees, if retained within the right-of-way or proposed to be planted by the subdivider.
- B. Details of methods of tree protection and tree planting.
- C. Plans and details of any site improvements related to park or recreation planning, including layout, grading, planting and details of any improvements.
- D. Plans and details of any other public amenities provided in the subdivision.
- E. The date and scale.
- F. The title under which the proposed subdivision is to be recorded with the names of the owner and landscape architect who prepared the landscape plan; the license number and seal of the landscape architect shall be affixed to the drawing.

Section 4.17: Ownership To Be Labeled.

Ownership shall be clearly marked on the plat for all reservations.

Section 4.18: Permits Required.

All required permits shall be provided to the Planning Board prior to project commencement. Failure to do so may result in approval being rescinded.

ARTICLE V
MINOR SUBDIVISIONS

Section 5.1: Sketch Plan Requirements.

The Sketch Plan initially submitted to the Planning Board shall be based on a survey map at a scale of not less than fifty (50) feet to the inch so that the entire tract to be shown on one sheet. A tax map can be submitted for lot line adjustments, Applicant can appeal to the Planning Board for relief of the survey map requirement based on the degree of complexity of the proposal.

The Sketch Plan shall be submitted, showing the following:

- (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest street intersection.
- (2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated.
- (3) The name and address of all adjoining property owners as disclosed by the most recent municipal tax records.
- (4) The tax map, block and lot numbers
- (5) All the utilities available, and all streets which are proposed, mapped, or built.
- (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivision.

- (7) All existing restrictions on the use of the land including easements, covenants, or Agricultural District lines.
- (8) Environmental Assessment Form (Short form) for SEQRA determination.
- (9) Agricultural District Map if applicable
- (10) Agricultural Data Statement and Control Form (if on property within and Agricultural District containing a farm operation, OR on property with boundaries within five hundred (500) feet of a farm operation that is located in the Agricultural District

Section 5.2: Application.

Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so may require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article ____

Section 5.3: Minor Subdivision Plat Requirements.

In the case of Minor Subdivision ONLY, the Subdivision Plat application shall include the following information:

- (1) A copy of such covenants and deed restrictions as are intended to cover all or part of the tract.
- (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a

licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Authorized Engineer or other Town authorized person, and shall be referenced and shown on the Plat.

(3) All on-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health, State Department of Environmental Conservation and the State Sanitary Code. Such facilities shall be approved by the Town Enforcement Officer or Town Engineer, the locations of all perk tests performed shall be set forth on the survey map.

(4) Proposed subdivision name, name of Town and County in which it is located, date, north point, scale, name and address of record owner, subdivider, and engineer and/or surveyor- including license number and seal.

Section 5.4: Fees.

All applications for plat approval for a minor subdivision shall be accompanied by a fee in the amount prescribed on the fee schedule adopted pursuant to Town of Granville Local Law #2, 2011, as currently in effect and as hereafter amended or supplemented from time to time. Additional fees in the amount adopted by the Town Board and listed on the Fee Schedule may be charged for review of revisions to the plat.

Section 5.5: Copies of Plat.

Seven (7) copies of the subdivision plat shall be presented to the Clerk of the Planning Board at least ten (10) days prior to a scheduled monthly meeting of the Planning Board.

Section 5.6: Subdivider To Attend Meeting.

The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.

Section 5.7: Time of Official Submission.

The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least 10 days prior to which the complete application for plat approval accompanied by the fee in the amount prescribed on the fee schedule adopted pursuant to Town of Granville Local Law #2, 2011, as currently in effect and as hereafter amended or supplemented from time to time required fee, and all data required by Articles V and IX of these regulations has been filed with the Clerk of the Planning Board.

Section 5.8: Hearing: Notice.

A public hearing shall be held by the Planning Board within 45 days from the time of submission of the subdivision plat for approval, provided that the plat meets all the requirements of this chapter. Said hearing shall be advertised in a newspaper of general circulation in the town at least 10 days before such hearing.

Section 5.9: Planning Board Action.

The Planning Board shall, within 62 days from the date of the public hearing, approve, modify and approve or disapprove the subdivision plat.

ARTICLE VI
MAJOR SUBDIVISION; PRELIMINARY PLAT

Section 6.1: Sketch Plan Requirements.

The Sketch Plan initially submitted to the Planning Board shall be based on a survey map at a scale of not less than fifty (50) feet to the inch so that the entire tract to be shown on one sheet.

The Sketch Plan shall be submitted, showing the following:

- (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest street intersection.
- (2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated.
- (3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- (4) The tax map, block and lot numbers
- (5) All the utilities available, and all streets which are proposed, mapped, or built.
- (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivision.
- (7) All existing restrictions on the use of the land including easements, covenants, or Agricultural District lines.

(8) Environmental Assessment Form (Short form) for SEQRA determination

(9) Agricultural District Map if applicable

(10) Agricultural Data Statement and Control Form (if on property within and Agricultural District containing a farm operation, OR on property with boundaries within five hundred (500) feet of a farm operation that is located in the Agricultural District. Only the most current map on file with the County shall be used.

Section 6.2: Application.

Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in Article III, hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in these regulations, except where a waiver may be specifically authorized by the Planning Board.

Section 6.3: Major Subdivision Preliminary Plat and Accompanying Data.

The following documents shall be submitted for the Conditional Approval:
Seven (7) copies of the preliminary plat prepared at a scale of not more than one hundred (100) but not less than fifty (50) feet to the inch, showing:

- (1) Proposed subdivision name, name of Town and County in which it is located, date, north point, scale, name and address of record owner, subdivider, and engineer and/or surveyor- including license number and seal.
- (2) The name of all Subdivisions immediately adjacent and the name of the current owners of record of all adjacent properties.

(3) All parcels of land proposed to be dedicated for public use and the conditions of such dedication.

(4) Location of existing property lines, easements, buildings, water courses, marshes, rock outcroppings, wooded areas, open areas and other significant features for the proposed subdivisions and adjacent property.

(5) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

(6) Contours with fifty (50) foot maximum intervals. Approximate grading plan may be required if natural contours are to be changed more than two (2) feet.

(7) The width and location of any streets or public ways or places shown on the Official Map or Master Plan (if such exists), within the area to be subdivided, and the width, location, grades and street profiles of all streets and public ways proposed by developer.

(8) The approximate location and size of all proposed water lines, valves, hydrant and sewer lines, and fire alarm boxes, if any. Connection to existing lines or alternate means of water supply or sewer disposal and treatment as provided in the Public Health Law and Department of Environmental Conservation (SEQRA). Profiles of all proposed water and sewer lines

(9) Storm drainage plan indicating the approximate location and size of all proposed lines and their profiles. Connection to existing lines or alternate means of disposal

(10) Plans and cross-connections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary

sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits, if any.

(11) Preliminary designs of any bridges or culverts which may be required.

(12) The proposed lot lines with approximate dimensions and area of each lot.

(13) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of permanent easements over and under private property, which permanent easement shall not be less than twenty (20) feet in width which shall provide satisfactory access to an existing public highway or other public open space shown on the official map.

(14) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located in the ground and marked by substantial monuments of such size and type as approved by the Town Authorized Engineer or other Town Authorized Person, and shall be reference and shown on the Plat.

(15) If the application covers only a part of the Subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than fifty (50) feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grade and drainage in the remaining portion of the tract and the probable future drainage layout of the entire

tract shall be submitted. The part of the Subdivider's entire holding submitted shall be considered in the light of the entire holdings.

(16) A copy of such covenants and deed restrictions as are intended to cover all or part of the tract.

Section 6.4: Fees.

The application for conditional approval of the preliminary plat shall be accompanied by a fee in the amount prescribed on the fee schedule adopted pursuant to Town of Granville Local Law #2, 2011, as currently in effect and as hereafter amended or supplemented from time to time. An additional fee as shown on the Fee Schedule shall be charged for applications for planned development groups.

Section 6.5: Copies of Preliminary Plat.

Seven (7) copies of the preliminary plat shall be presented to the Clerk of the Planning Board at least ten (10) days prior to a regular monthly meeting of the Planning Board.

Section 6.6: Subdivider To Attend Meeting.

The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

Section 6.7: Planning Board Review of Preliminary Plat.

The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets; their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangements; the future

development of adjoining land as yet unsubdivided; and the requirements of the Master Plan, if such exists, the Official Map and Ag District regulations.

Section 6.8: Time of Official Submission.

The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least 10 days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee in the amount prescribed on the fee schedule adopted pursuant to Town of Granville Local Law #2, 2011, as currently in effect and as hereafter amended or supplemented from time to time, and all data required by Article IX of these regulations, has been filed with the Clerk of the Planning Board.

Section 6.9: Planning Board Action.

Within 62 days after the date of such Public Hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat, and the grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions of the subdivision, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat, it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in his office and a certified copy mailed to the owner.

Section 6.10: Hearing: Notice.

Within 62 days after the receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the town at least ten (10) days before such hearing. The Public Hearing may remain open in order to allow for comments but must be closed within 120 days.

Section 6.11: Conditional Approval of Plats.

When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to the specific changes which it will require in the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds or letters of credit that it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board and any conditions shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Town Board. Conditional approval of the preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the Final Plat which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any, prior to approval of the subdivision plat. The Planning Board may require additional changes and/or bond amounts as a result of further

study of the subdivision in final form or as a result of new information obtained at the public hearing.

ARTICLE VII MAJOR SUBDIVISION FINAL PLAT

Section 7.1: Application: Fee: Re-Submission.

The subdivider shall, within six months after the conditional approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision in final form using the approved application blank available from the Clerk of the Planning Board. All applications for plat approval for major subdivisions shall be accompanied by a fee in the amount prescribed on the fee schedule adopted pursuant to Town of Granville Local Law #2, 2011, as currently in effect and as hereafter amended or supplemented from time to time. An additional fee as shown on the Fee Schedule shall be charged for applications for planned development groups. If the final plat is not submitted within six months after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.

Section 7.2: Major Subdivision Final Plat and Accompanying Data.

The Plat shall be in such form as will be accepted by the Washington County Clerk for filing. The following shall be submitted for Plat approval:

- (1) Proposed subdivision name or identifying title and the name of the Town and County in which the Subdivision is located, the name and address of the owner of record and Subdivider, name, license numbers and seal of the land surveyor and/or engineer.

(2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated for public use.

(3) Sufficient data acceptable to the Town Authorized Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority, if available.

(4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings should be given for each street. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, locations, graphic scale and north point.

(5) Permanent reference markers shall be shown, and shall be constructed in accordance with specification of the Town Authorized Engineer or other Authorized Town Official. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Authorized Engineer or other Authorized Town Official and their location notes and referenced upon the Plat.

(6) All lot corner markers shall be permanently located satisfactorily to the Town Authorized Engineer or other Authorized Town Official, at least three quarter (3/4) inches (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.

(7) Markers and type approved by the Town Authorized Engineer or other Authorized Town Official shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle point in street lines, points of curve and such intermediate points as shall be required by the Town Authorized Engineer or other Town Authorized Official.

(8) Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of street, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities, if any.

Section 7.3: Copies of Plat.

A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Clerk of the Planning Board with a copy of the application and three copies of the plat, the original and one true copy of all offers of concessions, covenants and agreements and two prints of all construction drawings at least 10 days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted

Section 7.4: Time of Official Submission.

The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least 10 days prior to which the application for approval of the subdivision plat, complete and accompanied by the fee prescribed on the fee schedule adopted pursuant to Town of Granville Local Law #2, 2011, as currently in effect and as hereafter amended

or supplemented from time to time, and all data required by Article IX of these regulations, has been filed with the Clerk of the Planning Board.

Section 7.5: Endorsement of Governmental Agencies.

Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the New York State Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, county, state and federal agencies. Endorsement and approval by all government agencies shall be secured by the subdivider before official submission of the subdivision plat.

Section 7.6: Hearing: Notice.

A public hearing must be held by the Planning Board, and shall be at the discretion of the Planning Board, within 62 days after the time of the submission of the subdivision Final Plat for approval. This hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing.

Section 7.7: Planning Board Action.

The Planning Board shall, within 62 days from the date of the public hearing on the subdivision plat, approve, modify and approve or disapprove the subdivision plat. However, the subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has completed with the provisions of Article VIII & XI of these regulations.

Section 7.8: Approval and Filing.

Upon completion of the requirements in Articles VIII and XI and notation to that effect upon the subdivision plat, it shall be deemed to have the final approval and shall be properly signed by the Planning Board Chairman or Acting Chairman and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or by reasons of the failure of the Planning Board to act shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of 90 days.

Section 7.9: Revision 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, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

Section 7.10: Approval Not To Constitute Acceptance of Land.

The approval of the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or open space shown on such subdivision plat.

ARTICLE VIII
REQUIRED IMPROVEMENTS AND AGREEMENTS

Section 8.1: Improvement and Bond Procedure.

Before the Planning Board enacts final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection A or B below:

A. In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Said subdivider may also provide a letter of credit the letter of credit shall be an irrevocable letter of credit, and the town shall require that the letter of credit be presented to a local confirming bank. The draft demand for payment shall be accompanied by a sworn statement, signed by the appropriate official of the town (Town Supervisor), stating that the developer is in default. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

B. The subdivider shall complete all required improvements to the satisfaction of the Town Engineer or other Authorized Town Personnel, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution and surety.

C. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and an as-built plan map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection B, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer.

Section 8.2: Modifications of Designs.

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waive or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

ARTICLE IX
CONSULTANTS, FEES, AND DEPOSITS

Section 9.1: Consultants: Fees: Deposits.

A. The Planning Board may employ consultants, legal counsel, professional engineers and/or inspection services for their assistance and advice in the review of any application before it and for such purposes as the Planning Board

may require therefore, including on-site investigation, evaluation and inspection; verification of the accuracy of information submitted; evaluation of the adequacy of plans, of the sufficiency of submitted reports, flood hazard evaluation; and study of the impact of proposals upon the resources and environment of the town; preparation and/or review of environmental impact statements; review of the design and layout of improvements; inspection of installed improvements; and such other services or technical assistance as the Planning Board shall deem necessary for its review of such application and for the administration of these regulations in relation thereto.

B. All costs incurred for such services shall be borne by the subdivider; as further provided below, deposits shall be required in advance to cover the estimated costs of said services. Such deposits shall be in the amounts adopted by the Town Board pursuant to the fee schedule adopted pursuant to Town of Granville Local Law #2, 2011, as currently in effect and as hereafter amended or supplemented from time to time. Fees for the preparation of, or review of, environmental impact statements shall be as determined by 6 NYCRR, Part 617, adopted pursuant to Article 8 of the Environmental Conservation Law.

C. Deposits due for such said services as are deemed by the Planning Board to be required for its appropriate review of any particular application shall be filed by the subdivider, or his duly authorized agent, with the Town Clerk by certified check endorsed to the Town of Granville. An application shall not be complete until all such aforementioned deposits have been received; no application shall be deemed complete by the Planning Board until the requirements of this section have been complied with.

D. In like manner, deposits required for such services as are related to the development of a plat and the installation of improvements therein shall be filed in the Town Clerk's office before final plat approval (signing of the plat by the duly authorized officer of the Planning Board).

E. The balance of such deposits, if any, remaining in excess of such incurred costs shall be returned by the Town Board to the depositor, or paid to the order of the depositor, without payment of interest.

F. Any deficiency in the amount of such deposits to cover such incurred costs in full shall be submitted to the Town Clerk on or before the specified due date; building permits and/or certificates of occupancy may be withheld for construction within a plat for which any balance due remains unpaid until said balance has been duly submitted in full.

ARTICLE X VARIANCES AND WAIVERS

Section 10.1: Variances.

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan or the Zoning Ordinance, if such exists.

Section 10.2: Waivers.

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not necessary in

the interest of the public health, safety, general planning and welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

Section 10.3: Planning Board Objectives.

In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. The Planning Board shall document its reasons for granting a waiver of any kind.

ARTICLE XI
STATE ENVIRONMENTAL QUALITY REVIEW

Section 11.1: Coordination With Statute.

To the greatest extent possible, the procedures prescribed in Article 617 of the State Environmental Quality Review Act Editor's Note: See § 8-0101 et seq. of the Environmental Conservation Law. have been incorporated into the procedures described in these regulations. Time periods for the conduct of public hearings in order to coordinate the state environmental quality review process with other procedures relating to the review and approval of actions may affect the subdivision review process. When this occurs, applicants may be requested to extend the scheduled review period to accommodate the state environmental quality review process.

Section 11.1-1: Sketch Plan Review.

(1) The subdivider shall, as part of the sketch plan submittal, include the short form EAF (environmental assessment form).

(2) The Planning Board shall, as part of their review of the sketch plan submittal, determine whether the action is subject to state environmental quality review. If the action is exempt, an excluded action or a Type II action, the subdivider shall not be required to submit further information. If the action is Type I or unlisted, the subdivider will be required to submit further environmental information in accordance with state environmental quality review requirements as part of the preliminary subdivision review application.

(3) If the project is a Type I action, the Planning Board shall mail a copy of the sketch plan and short form EAF to all other agencies involved in the review of approvals required for construction of the subdivision, notifying such agencies that, within 30 days of the date the sketch plan and short form EAF was mailed, a lead agency must be designated.

(4) If the town has been designated the lead agency, the town shall schedule a scoping meeting. Such meeting will identify all issues to be addressed in the EAF form to be submitted for preliminary plat review.

Section 11.1-2: Preliminary Plat Review.

(1) If the action is determined to be Type I or unlisted, the subdivider shall submit the long form EAF (environmental assessment form) as part of the preliminary plat submission.

(2) The Planning Board shall mail a copy of the completed EAF and application for preliminary plat review to all other involved agencies.

(3) Within 45 days of mailing or within 15 days of its receipt of any information, it may need to make the determination of significance, whichever occurs later, the Planning Board (if lead agency) shall determine the significance of the action and immediately notify all other involved agencies of its determination.

(4) If the Planning Board determines that an environmental impact statement (EIS) is required, it shall immediately notify the subdivider and all other agencies involved.

(5) Because of the extended time required to prepare, submit, review and approve an EIS, the Planning Board, with approval of the subdivider, shall extend the time required for approval of the preliminary plat in accordance with preliminary plat review.

[End of Subdivision Regulations]

SECTION SIX: ENFORCEMENT.

Section 6.1: Violations.

A. It shall be unlawful for any person to undertake a major or minor subdivision of land through sale, lease, development or separate occupancy or to offer lots, parcels or sites for sale, lease, development or separate occupancy without first obtaining the approval of the Planning Board in accordance with the provisions of this law, and timely filing the approved and signed final subdivision plat with the Washington County Clerk.

B. It shall be unlawful for any person to undertake grading, road construction, installation of utilities or other improvements, land-clearing or disturbance, or any other land use and development preparatory or incidental to a subdivision of land except in accordance with this law.

C. It shall be unlawful for any person to fail to comply with a written directive,

including a stop order and a stop-work order of the Planning Board, Code Enforcement Officer, Town Engineer, Local Enforcement Officer, or any agent of the foregoing.

D. Where a violation has occurred or exists, the responsible persons shall include the owner of the real property which has been illegally subdivided or developed; and any contract vendee, lessee or grantee of such owner who knowingly participates in such violation; any agent who has executed an application to the Planning Board on behalf of such owner or contract vendee with respect to such real property and who knowingly participates in such violation; the owner of any lot within the subdivision who undertakes development; and any contractor, subcontractor, builder, construction superintendent, engineer, or other person who knowingly participates in managing, directing, assisting in, or who is otherwise responsible for, the illegal construction or development activities.

Section 6.2: Administrative Actions.

A. Whenever the Planning Board, any agent thereof or code enforcement officer has reasonable grounds to believe that unlawful subdivision of land has been undertaken or is continuing, it will notify the applicant/owner of record of the land and direct that the unlawful activity immediately cease. No such notice is required to be acknowledged as a prerequisite to a proceeding for criminal sanctions, civil penalties or injunctive relief.

B. The Planning Board may affect appropriate corrective, remediation and abatement measures, including rescission of purchase contracts and lot sales, by means of an enforceable negotiated settlement agreement with the applicant and other responsible persons.

C. When the Planning Board or any agent thereof has reasonable grounds to believe that work on any improvement in a subdivision is occurring in violation of this ordinance or not

in conformance with the application or approval issued hereunder or in an unsafe or dangerous manner, it shall promptly notify the applicant and responsible person(s) and direct in writing that such work be suspended. Such order shall describe the conditions under which the work may be resumed and may be served by personal delivery or posting in a conspicuous portion of the improvement site and also mailing a copy to the applicant by certified mail. Such person(s) shall immediately cease and suspend the work until the stop-order has been rescinded.

D. If in the opinion of the Planning Board or any agent thereof a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, or general welfare of the public, it may direct that such violation be immediately remedied or may take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the applicant. If a person other than the applicant is responsible for the violation, such person shall be jointly and severally liable, together with the applicant for any such costs.

E. No certificate of compliance or certificate of occupancy for any building within a subdivision may be issued prior to satisfactory completion of the improvements required in the Planning Board's approval of the subdivision plat or any section thereof unless a performance and maintenance guarantees have been posted pursuant to this code to assure completion of the improvements before occupancy and use of structures.

Section 6.3: Fines and penalties.

A violation of this local law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred

fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. The severity of adverse impact to resources and the community, and the degree and frequency of disregard for provisions of this law, shall be considered in determining appropriate penalty.

Section 6.4: Alternative Enforcement Actions and Remedies.

A. In the case of any violation or threatened violation of this law, the Town may institute any appropriate action or proceeding against the landowner and/or other responsible person(s) to prevent such unlawful action, to restrain, correct or abate such violation, and to compel compliance with the provisions of this law and any permit, approval or variance issued pursuant to its provisions. The relief specified herein may be sought in addition to an action or proceeding for criminal sanctions or civil penalties.

B. The Planning Board may affect appropriate corrective, remediation, and abatement measures, including rescission of purchase contracts and lot sales, by means of an enforceable negotiated civil settlement agreement or consent order with the applicant, landowners and other responsible persons. Such agreements or orders may require the applicant and other responsible persons to pay a monetary penalty which (i) includes exemplary or punitive damages and (ii) reimburses the actual costs incurred by the Town in connection with its

enforcement action such as attorneys' fees, disbursements, and costs of emergency and other corrective and restoration measures. If the monetary payments are not made, they may constitute the basis of a lien charge attachable to the land as a special assessment or charge assessable and collectable on the tax bill associated with the subject land.

C. Any approval granted under this Local Law based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of the Subdivider, shall be void. This section shall not be construed to affect all the other remedies available to the Town under this Local Law.

Section 6.5: Miscellaneous.

The Town Board may, by resolution, from time to time appoint, designate and authorize one or more persons to serve as Local Enforcement Officer with respect to this local law. Said Local Enforcement Officer shall have the power and duty to administer and enforce the provisions of this local law and the subdivision regulations herein contained and shall be authorized to issue summonses or appearance tickets concerning any offense against this local law.

SECTION SEVEN: SEVERABILITY.

If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

SECTION EIGHT: EFFECT OF OTHER LAWS.

(a) All ordinances and local laws of the Town of Granville in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law

full force and effect; provided, however, that upon the subsequent termination or revocation of this local law, any ordinances or local laws which have been superseded by the application of this Section Eight shall again be deemed to be in full force and effect in accordance with their terms unless expressly modified, suspended or repealed by the terms of another ordinance or local law hereafter adopted.

(b) Should any provision of this local law conflict or be inconsistent with any provision of the Town Law, such provision of the Town Law shall not apply.

SECTION NINE: EFFECTIVE DATE.

This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law.

ENACTED this ____ day of _____, 2013 by the Town Board of the Town of Granville, Washington County, New York.

MATTHEW HICKS, Supervisor

MATTHEW RATHBUN, Councilman

KENNETH QUICK, Councilman

THOMAS COSEY, Councilman

MARY EMERY, Councilwoman

617.21

SEQR

PROJECT ID NUMBER

LL1-2013

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR
Granville Town Board2. PROJECT NAME
Adoption of Local Law No. 1 of 20133. PROJECT LOCATION:
Municipality Town of Granville

County Washington

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
The proposed local law will affect all property in the Town of Granville5. IS PROPOSED ACTION:
☐ New ☐ Expansion ☐ Modification/Alteration

6. DESCRIBE PROJECT BRIEFLY:

The enactment of a local law to protect the public health, safety and welfare by adopting revised rules and regulations governing the review and approval of subdivision plats, and the approval of said subdivisions, by the Town Planning Board.

7. AMOUNT OF LAND AFFECTED:
Initially _____ acres Ultimately _____ acres See Paragraph 4 above.8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☐ Yes ☐ No If No, describe briefly9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
Describe: ☐ Residential ☐ Industrial ☐ Commercial☐ Agriculture ☐ Park/Forest/Open Space ☐ Other10. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☐ No If Yes, list agency(s) and permit/approvals Note: Although not required to do so, the Town Board sought and obtained input from the

Washington County Planning Board regarding the content of the proposed local law before acting upon the proposed local law.

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☐ No If Yes, list agency name and permit/approval12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☐ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/Sponsor Name: Granville Town Board

Date: 8/8/2013

Signature: _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II - ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?

Yes No

If Yes, coordinate the review process and use the FULL EAF

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?

Yes No

If No, a negative declaration may be superseded by another involved agency.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly.

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly.

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

NO

C7. Other impacts (including changes in use or either quantity or type of energy)? Explain briefly.

NONE

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No

If Yes, explain briefly

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Granville Town Board

Name of Lead Agency

Matthew Hicks

Print or Type Name of Responsible Officer in Lead Agency

Supervisor

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

8/8/2013

Date

617.21

Appendix F

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number LL1-2013Date August 8, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Granville Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Adoption of Local Law 1-2013, which would which local law would protect the public health, safety and welfare of the citizens of the Town of Granville by adopting revised rules and regulations governing the review and approval of subdivision plats, and the approval of said subdivisions, by the Granville Town Planning Board.

SEQR Status: Type I

Unlisted

Conditioned Negative Declaration:

- Yes
- No

Description of Action:

The adoption of a local law which would which local law would protect the public health, safety and welfare of the citizens of the Town of Granville by adopting revised rules and regulations governing the review and approval of subdivision plats, and the approval of said subdivisions, by the Granville Town Planning Board.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The proposed local law will affect all land within the corporate limits of the Town of Granville.

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

The Town Board has reviewed the Environmental Assessment Form, dated August 8, 2013, the proposed local law, and the criteria contained in 22 NYCRR 617.11; and has considered the relevant areas of environmental concern relative to the proposed action including, but not limited to, the issues set forth in items C-1 through C-7 of Part II of the Environmental Assessment Form; has held a public hearing on the proposed action pursuant to the provisions and requirements of the Town Law of the State of New York and has considered the comments of all those persons attending and wishing to be heard; and has determined based upon the foregoing that the proposed action will not result in any significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Matthew Hicks, Supervisor, Town of Granville
Address: P.O. Box 177, 42 Main Street, Granville, New York 12832
Telephone Number: (518) 642-1500

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)