

TOWN OF EPHRATAH

SUBDIVISION REGULATIONS

I. STATEMENT OF POLICY:

- A. By the authority of the resolution of the Town Board of the Town of Ephratah adopted pursuant to the provisions of Sections 276-279 of the Town Law of the State of New York, the Planning Board is authorized and empowered to 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 County Clerk and to approve, modify or disapprove Preliminary and Final plats within the Town of Ephratah.
- B. 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. 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 and peril from fire, flood or other menace; that proper provision 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, be properly related to the Town's Comprehensive Plan and be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access for fire-fighting equipment to buildings.

II. DEFINITIONS:

A. Certain words and terms used herein are defined as follows:

- 1. Applicant:
The owner, lessee or contract vendee of land, including the authorized representative of such owner, lessee or contract vendee, who submits a Preliminary Plat or Final Plat to the Planning Board for the purposes of subdividing such land and who receives approval of a Final Plat. A lessee or contract vendor of land filing a subdivision application shall include a letter from the property owner consenting to the filing of the subdivision application.
- 2. Collector Street:
A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.
- 3. Comprehensive Plan:
The Comprehensive Plan adopted by the Town of Ephratah Town Board per Section 272-a of the Town Law of the State of New York.
- 4. Conditional Approval of a Final Plat:
The approval by the Planning Board of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by the Chairman of the Planning Board and recording of the plat in the office of the County Clerk.

5. Dead-End Street or Cul-de-Sac:
A street or portion of a street with only one vehicular traffic outlet.
6. Easement:
Authorization by a property owner for the use by another, and for a specified purpose, or any designated part of his property.
7. Engineer or Licensed Professional Engineer:
A person licensed as a professional engineer by the State of New York.
8. Final Plat:
A drawing marked "Final Plat", 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 County Clerk.
9. Final Plat Approval:
The signing of a Final Plat by the Chairman of the Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the County Clerk.
10. Lot:
The land, including plot, occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.
11. Lot Line Amendment:
A modification of lot boundaries meeting the following criteria:
 - a. It would not create an additional lot.
 - b. It involves a minor modification of an existing lot line; or is the conveyance and/or merger of a portion of one parcel to an adjoining parcel.
 - c. It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
 - d. It would comply with all applicable Town zoning requirements and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.
12. Major Subdivision:
Any subdivision involving five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.
13. Minor Subdivision:
Any subdivision containing not more than 3 or 4 lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Town's Comprehensive Plan or Zoning Ordinance,
14. Monument:
A concrete, stone, or iron pin permanently set into the ground that delineates the corners or sides of individual property boundaries.
15. Open Space:
Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

16. Performance Bond:

An obligation in writing, under seal, issued by a surety company satisfactory to the Planning Board binding the surety to pay a sum of money to the Town, if the Applicant fails to satisfactorily install and/or maintain improvements as may be required by the Planning Board as part of its approval.

17. Preliminary Plat:

A drawing marked “preliminary plat” showing all information required by law and by these Regulations of a proposed subdivision submitted to the Planning Board for purposes of consideration prior to submission of a Final Plat and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

18. Private Road:

A privately-owned and maintained road that does not require a turnaround and is governed by a shared maintenance agreement among all owners. A private road may serve up to three (3) residences without a private Homeowners Association or more than three (3) residences with a private homeowner’s Association which shall maintain the road. For purposes of this law, a shared driveway is a private road.

19. Property Split:

Any subdivision containing up to 2 lots fronting on an existing street not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Town’s Comprehensive Plan or Zoning Ordinance,

20. Public Facility:

A public facility is deemed to be: a new street, an extension of an existing street, a bridge, culvert in excess of 24 inches or sewer facilities or drainage facilities.

21. Street:

Includes streets, roads, avenues, lanes or other trafficways between right-of-way lines.

22. Street Width:

The width of the right-of-way, measured at right angles to the centerline of the street.

23. Subdivision:

The division of any parcel of land into a number of lots, blocks or sites as specified in these Regulations, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term “subdivision” may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk in which such plat is located.

24. Submission Date:

For purposes of these Regulations, the submission date shall be the first regularly scheduled Planning Board meeting after receipt by the Planning Board of a sketch plan, preliminary plat or final plat.

25. Surveyor:

A person licensed as a land surveyor by the State of New York.

III. GENERAL REQUIREMENTS:

A. Adherence to Procedures:

1. Whenever 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, and before a permit for the erection of a structure in such proposed subdivision shall be granted,

the Applicant or his/her duly authorized agent shall apply to the Town in writing for approval of such proposed subdivision in accordance with the procedures established in these Regulations.

B. Preparation of Preliminary and Final Plats by NYS Licensed Professionals:

1. All Lot Line Amendments, Preliminary and Final Plats submitted to the Planning Board shall be prepared and stamped by a New York State licensed surveyor. Any plat drawings that have not been prepared by a licensed land surveyor shall be returned to the Applicant.
2. All engineering work shown on a Preliminary and Final Plat shall be prepared by a NYS licensed professional engineer.
3. The scale on all plats shall not be less than 1 inch equals 100 feet.

IV. LOT LINE AMENDMENTS AND PROPERTY SPLITS:

A. Lot Line Amendments:

1. An applicant may request that the subdivision review process be waived and that a proposed property transaction be considered a Lot Line Amendment if the transaction meets the following criteria:
 - a. It would not create an additional lot.
 - b. It involves a minor modification of an existing lot line; or is the conveyance and/or merger of a portion of one parcel to an adjoining parcel.
 - c. It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
 - d. It would comply with all applicable zoning requirements and applicable New York State Department of Health regulations pertaining to separation distances between well and septic systems and parcel boundaries.
2. To request a Lot Line Amendment, the applicant shall submit to the Code Enforcement Officer:
 - a. A letter signed by the parcel owners, or their duly authorized agents, of both affected parcels consenting to the lot line amendment.
 - b. A plat or map of the parcels affected by the proposed Lot Line Amendment showing:
 - 1) All existing buildings, utilities or other easements or rights-of way of wells and of septic systems.
 - 2) The correct lot lines and the location of the proposed new lot line, along with the existing and new setback distances to any existing buildings, wells and septic systems.
 - 3) The title "LOT LINE AMENDMENT between properties of (name) and (name)", and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

3. Upon submission of the letter and map/plat, the Planning Board shall, within 62 days, review the request and issue its approval or denial. Approval may be granted when the Planning Board determines that the proposed amendment:
 - a. Meets all requirements for a Lot Line Amendment.
 - b. Would not adversely affect the site's development or neighboring properties.
 - c. Would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents.
4. No public hearing shall be required on requests for Lot Line Amendments.
5. All approved Lot Line Amendments shall be filed by the Applicant with the:
 - a. Fulton County Clerk within 30 days of the approval date. The map shall be signed by the Chairperson of the Planning Board.
 - b. Town Clerk within 30 days of the approval date.
6. No person shall file a plat or map for any Lot Line Amendment with the County Clerk without first obtaining the Planning Board Chairperson's signature on said plat or plan.
7. If the Planning Board denies the request for a Lot Line Amendment, the applicant may proceed with the review procedures for a Minor Subdivision as set forth in Section V.

B. Review of Property Splits:

1. Application Requirements:
 - a. To obtain approval of a Property Split, the Applicant shall have prepared a Plat.
 - b. In order to have this Plat for a Property Split reviewed by the Planning Board, the applicant or his/her duly authorized agent must submit ten (10) copies of the Plat and Short EAF to the Code Enforcement Office at least ten (10) days in advance of a regularly-scheduled Planning Board meeting.
 - c. The Preliminary Plat must include the following information:
 - 1) A metes and bounds survey of the tract of land to be subdivided prepared by a NYS Licensed Surveyor giving complete descriptive data by bearings and distances showing the parcel(s) to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
 - 2) The proposed subdivision name, the date, north arrow, map scale, name and address of record owner and subdivider.
 - 3) The total area (acres) of the lot(s) to be subdivided.
 - 4) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.
 - 5) The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.

- 6) The tax map sheet, block and lot number of the parcel(s) to be subdivided.
 - 7) All existing utilities and streets.
 - 8) The proposed layout of lots including lot width, depth, and lot area, street layout, street cross section, proposed open spaces or recreation areas, and the proposed stormwater management systems within the subdivided area.
 - 9) The location of all groundwater wells and septic systems for each lot and the distances between each well and all adjoining septic systems.
 - 10) Soil percolation test results on each lot in the proposed subdivision.
 - 11) All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.
 - 12) A Short Environmental Assessment Form completed by the applicant.
- d. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate.
 - e. The Planning Board shall review the Plat to determine if it's complete. If it is not complete, the Planning Board shall cause a letter be sent to the Applicant identifying the additional information that needs to be included onto the Plat.
2. Decision:
- a. The Planning Board shall, within 45 days from the date the Planning Board determines the Plat to be complete, approve, conditionally approve with or without modification or disapprove the Property Split. This time may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within such time frame shall constitute approval of the Property Split. If the Planning Board approves the Property Split, the Applicant or his or her duly authorized representative shall be notified in writing of the decision.
 - b. If the Planning Board approves the Plat, the Planning Board Chairman is authorized and empowered to sign the Plat.
 - c. In the event of a conditional approval, with or without modification, the Planning Board Chairperson is authorized and empowered to sign the Plat upon compliance with such conditions and requirements as may be stated in its conditional approval of the Plat. Within five (5) days of the granting of a conditional approval, a letter shall be forwarded to the applicant or his or her duly authorized representative outlining the conditions that must be met in order for the Planning Board Chairperson to sign the Plat.
 - d. Conditional approval of a Plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time for two (2) additional ninety (90) day periods each within which a conditionally approved Plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances.
 - e. In the event that the Planning Board disapproves a Plat, the Applicant or his or her duly authorized representative shall be notified by the Planning Board in writing within seven (7) calendar days of the reasons for such disapproval.
3. Plat void if revised after approval:
- a. No changes, erasures, modifications or revisions shall be made to any Plat after approval has been given by the Planning Board.

- b. In the event that a 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 record of the County Clerk.

4. Filing of Approved Plat:

- a. Approval of an approved Plat shall expire within sixty-two (62) days from the date of such approval unless, within such sixty-two (62) day period, the Plat shall have been duly recorded by the Applicant in the office of the Fulton County Clerk.
- b. If the Plat is not filed within this period, the Town's approval shall expire as provided for in Section 276 of Town Law.

V. REVIEW OF MINOR SUBDIVISIONS:

A. Application Requirements:

- f. To obtain approval of a Minor Subdivision, the Applicant shall have prepared a Preliminary Plat.
- g. In order to have a Preliminary Plat for a Minor Subdivision Application reviewed by the Planning Board, the applicant or his/her duly authorized agent must submit ten (10) copies of the Preliminary Plat and full EAF to the Code Enforcement Office at least seven (7) days in advance of a regularly-scheduled Planning Board meeting.
- h. The Preliminary Plat must include the following information:
 - 13) A metes and bounds survey of the tract of land to be subdivided prepared by a NYS Licensed Surveyor giving complete descriptive data by bearings and distances showing the parcel(s) to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
 - 14) The proposed subdivision name, the date, north arrow, map scale, name and address of record owner and subdivider.
 - 15) The total area (acres) of the lot(s) to be subdivided.
 - 16) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.
 - 17) The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.
 - 18) The tax map sheet, block and lot number of the parcel(s) to be subdivided.
 - 19) All existing utilities and streets.
 - 20) The proposed layout of lots including lot width, depth, and lot area, street layout, street cross section, proposed open spaces or recreation areas, and the proposed stormwater management systems within the subdivided area.
 - 21) The location of all groundwater wells and septic systems for each lot and the distances between each well and all adjoining septic systems.
 - 22) Soil percolation test results on each lot in the proposed subdivision.

- 23) All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.
 - 24) A Full Part I Environmental Assessment Form completed by the applicant.
- i. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate.
 - j. The Planning Board shall review the Preliminary Plat against the design standards in Subsection F.
 - k. Following its review of the Preliminary Plat for a Minor Subdivision, the Planning Board shall cause a letter to be forwarded to the applicant or his or her duly authorized representative advising:
 - a. The additional information or changes the Planning Board has determined needs to be included on the Preliminary Plat before it is submitted to the Planning Board as a Final Plat.
 - b. The Preliminary Plat is acceptable and can be submitted as the Final Plat.

B. Public Hearing:

1. Within 62 days from the time the Planning Board determines that a Preliminary Plat can be considered a Final Plat, it shall hold a public hearing on the application.
2. The Public Hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.

C. Decision:

- f. The Planning Board shall, within 62 days from the date the public hearing is closed, approve, conditionally approve with or without modification or disapprove an Application for a Minor Subdivision. This time may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within such time frame shall constitute approval of the Final Plat. If the Planning Board approves the Final Plat, the Applicant or his or her duly authorized representative shall be notified in writing of the decision.
- g. If the Planning Board approves the Final Plat, the Planning Board Chairman is authorized and empowered to sign the Final Plat.
- h. In the event of a conditional approval, with or without modification, the Planning Board Chairperson is authorized and empowered to sign the Final Plat upon compliance with such conditions and requirements as may be stated in its conditional approval of the Final Plat. Within five (5) days of the granting of a conditional approval, a letter shall be forwarded to the applicant or his or her duly authorized representative outlining the conditions that must be met in order for the Planning Board Chairperson to sign the Final Plat.
- i. Conditional approval of a Final Plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time for two (2) additional ninety (90) day periods each within

which a conditionally approved Final Plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances.

- j. In the event that the Planning Board disapproves a Final Plat, the Applicant or his or her duly authorized representative shall be notified by the Planning Board in writing within seven (7) calendar days of the reasons for such disapproval.

D. Final Plat void if revised after approval:

- c. No changes, erasures, modifications or revisions shall be made to any Final Plat after approval has been given by the Planning Board.
- d. In the event that a Final Plat when recorded contains any such changes, the Final Plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the record of the County Clerk.

E. Filing of Approved Final Plat:

- c. Approval of an approved Final Plat shall expire within sixty-two (62) days from the date of such approval unless, within such sixty-two (62) day period, the Final Plat shall have been duly recorded by the Applicant in the office of the Fulton County Clerk.
- d. If the Final Plat is not filed within this period, the Town's approval shall expire as provided for in Section 276 of Town Law.

F. Design Standards for Minor Subdivisions:

1. The Planning Board shall review Minor Subdivisions for compliance with the following Design Standards:

1. Lots.

- a) Lots to be buildable.

- 1) The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions.
- 2) Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

- b) Lot Access to public or private street.

- 1) All building lots shall have a minimum of one acre in area and a minimum of 200 feet frontage onto:

A public street owned by the Town or

A private street built or the requirements of these regulations and the Town's specifications that leads directly to a public street.

- 2) Any lot that does not have access to a public highway should be deeded a right-of-way of 25 feet in width. *(This would require a variance.)*
- 3) All lots should meet the design standards of the Town of Ephratah Fire Prevention and Building Constructions Law. Section 80-21. Standards.

c) Corner lots.

- 1) In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

d) Lots subject to flooding.

- 1) Lots 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.

VI. REVIEW OF MAJOR SUBDIVISIONS:

A. Submittal Requirements:

1. To obtain approval of a Major Subdivision, the Applicant shall have prepared a Preliminary Plat.
2. An Applicant shall submit ten (10) copies of the Preliminary Plat together with a completed Full EAF Form and such other documents and information as specified below, to the Code Enforcement Office at least seven (7) calendar days prior to a regularly scheduled Planning Board meeting.
3. The Preliminary Plat shall, at a minimum, include the following information:
 - a. A metes and bounds survey of the tract of land to be subdivided prepared by a NYS Licensed Land Surveyor giving complete descriptive data by bearings and distances and the proposed subdivision name; a true North arrow; scale; the name and address of the record owner, the subdivider's engineer or surveyor, including his/her license number and seal.
 - b. The Plat must be clearly marked "Preliminary Plat" and drawn to a scale not less than 100 feet to the inch. The Plat shall show the proposed lot lines, dimensions and area of each lot.
 - c. The Plat shall include a summary table listing the number of lots proposed to be created, the size and dimensions of each lot, the total acreage of the parcel, the linear feet of proposed new

- streets, acreage devoted to streets and any other right of ways, and the acreage devoted to parks, recreational areas and/or open space areas.
- d. The name of all owners of record of all adjacent properties.
 - e. The Zoning District, including the exact boundary lines of the district if more than one (1) district is involved and any proposed changes in the zoning district lines and/or the Zoning Law text that is applicable to the area to be subdivided.
 - f. All land proposed to be dedicated to public use and the conditions of such dedication.
 - g. The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features, for the property to be subdivided and all adjacent properties.
 - h. The location of any existing septic systems, wells, culverts and drains on the property and adjacent parcels with pipe sizes, grades and direction of flow. If applicable, identify the location and size of existing sewers and water mains.
 - i. The approximate location of proposed septic systems and groundwater wells for each of the parcels or, if applicable, the approximate location and size of any proposed water lines, valves, hydrants and sewer lines. The Plat shall identify the horizontal distances between all wells and adjoining septic systems.
 - j. Contours at intervals of five (5) feet or less shall be shown, including elevations of existing roads; the approximate grading plan for the site if natural contours are to be changed by more than two (2) feet.
 - k. A Stormwater Pollution Prevention Plan (SWPPP) for the site prepared in accordance with NYSDEC's stormwater regulations.
 - l. Soil percolation test results.
 1. Percolation tests shall be taken on every lot shown on a Preliminary Plat.
 2. All percolation tests shall be taken where onsite sewage disposal systems will be located.
 - m. The location of existing gas and electrical services.
 - n. The width and location of all existing and proposed new streets or public ways within the area to be subdivided, and the width, location, grades and street profiles for all streets or public ways proposed by the applicant. The Preliminary Plat shall identify any proposed new street the Applicant desires to have the Town of Ephratah take over ownership of.
 - o. All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.
 - p. All proposed covenants and deed restrictions to cover all or part of the proposed subdivision.
 - q. Plans and cross sections showing, where applicable, 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 subbase to show conformity with current Town of Ephratah road specifications, bridges, culverts, manholes, basins and underground conduits.
 - r. Documentation that the Application has filed Preliminary Plat with the NYS Department of Health for their review.
4. The applicant or his/her duly-authorized representative must attend a meeting of the Planning Board to discuss the Preliminary Plat.
 5. The Planning Board shall examine the Preliminary Plat with the applicant, taking into consideration the arrangement and location of lots, the location and width of streets, the topography of the land, water supply, sewage disposal, drainage, lot sizes, the future development potential of adjoining lands as yet undeveloped and the goals and objectives outlined in the

Town's Comprehensive Plan, the requirements of this law and the Town's Zoning Law, as well as Sections 276-280 of the Town Law.

B. State Environmental Quality Review Act (SEORA):

1. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA).
2. A Preliminary Plat submittal shall not be considered complete until a Negative Declaration has been filed or until a Notice of Completion of a Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.
3. The time period for review of a Preliminary Plat shall begin upon filing of such Negative Declaration or such Notice of Completion.

C. Public Hearing:

1. The Planning Board shall schedule and hold a public hearing on the Preliminary Plat within sixty-two (62) days after the Preliminary Plat is determined to be complete by the Planning Board.
2. The public hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing. The Town shall mail a copy of the public hearing notice, by certified mail, to all owners of property which abuts or is adjacent to or situated across an established road from the proposed boundary lines of the property, which is the subject of the hearing and shall also provide notice to such other persons as the Chairperson of the Planning Board may direct.
3. In accordance with Section 239-nn of the General Municipal Law, the Town Clerk shall also send a notice to the clerk of an adjacent municipality for any Preliminary Plat which is located within 500' of a municipal border. This notice must be given at least ten (10) days prior to the public hearing.

D. Decision on Preliminary Plat:

1. The Planning Board shall approve with or without modifications, or disapprove such Preliminary Plat within sixty-two (62) days of the close of the public hearing.
2. The grounds for any modification that is required or the grounds for disapproval shall be stated in the records of the Planning Board.
3. Failure of the Planning Board to act within such sixty-two (62) day period shall constitute approval of the Preliminary Plat.
4. A Preliminary Plat that is approved with modifications shall not be considered an approved Final 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 for recording upon fulfillment of the requirements of these regulations and the conditions of the approval with modifications, if any.

5. As part of its review of the Preliminary Plat, the Planning Board may require additional changes as a result of further studies of the subdivision in final form or as a result of new information obtained during or after the public hearing.
6. The Planning Board reserves the right to waive any of the above requirements mentioned in A. B. or C. as it deems appropriate.

E. Submission of Final Plat:

1. Within six (6) months from the date the Planning Board approves with or without modifications, the Preliminary Plat, the Applicant must submit the Final Plat to the Planning Board. If the applicant fails to submit a Final Plat within six (6) months, approval of the Preliminary Plat may be revoked by the Planning Board.
2. The Applicant shall be required to submit ten (10) copies of the Final Plat with supporting material to the Code Enforcement Office at least one (1) week prior to a regularly scheduled Planning Board meeting.
3. The Final Plat submission must include the following information:
 - a. The Final Plat shall be clearly marked "Final Plat", be drawn to a scale not less than 100' to the inch, show all of the information and detail required to be shown on the Preliminary Plat and all modifications required by the Planning Board during the review of the Preliminary Plat.
 - b. A final summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right-of-ways and the acreage devoted to parks, recreation areas and/or open space areas.
 - c. A separate Stormwater Management Plan shall be submitted.
 - d. A separate Landscaping Plan and planting schedule shall be submitted.
 - e. A letter from the NYS Department of Health acknowledging its approval of the layout of all proposed on-site septic and water supply facilities.
 - f. Final construction detail sheets which show the following information:
 - 1) Plans, profiles and sections of all proposed new roads and pavements including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable.
 - 2) Where steep slopes exist, 2' contour lines shall be delineated in all proposed right-of-ways and any areas of proposed grading within 50' of the centerline of all streets.
 - 3) Final designs of any bridges, culverts or other such structures.
 - g. The metes and bounds description and survey map acceptable to the Planning Board and the Town Attorney of all proposed ROW's for roads to be deeded over to the Town.
 - h. Letters of recommendations or approvals with respect to the adequacy of the proposed water supply, septic systems and stormwater management system as required by the public health law, NYS Department of Health and/or the Department of Environmental Conservation of New York State.

- i. Deed, easement or other required descriptions and proof of ownership and title insurance of any lands to be ceded to the Town at no cost or expense to the Town.
 - j. Protective covenants and restrictions in proper form for recording if applicable.
 - k. Any other information required by the Planning Board during its review of the preliminary plat.
4. The Planning Board reserves the right to waive any of the above-mentioned Final Plat submission requirements as it deems appropriate.

F. Final Plat in Substantial Agreement with Approved Preliminary Plat:

1. When the Planning Board determines that a submitted Final Plat does not have significant changes, and is in substantial agreement with a Preliminary Plat approved pursuant to this Article, the Planning Board shall, by resolution, approve, conditionally approve, with or without modifications or disapprove the Final Plat and authorize the signing of the Final Plat within sixty-two (62) days of its receipt by the Board.
2. If the Planning Board approves or conditionally approves with or without modification, the Planning Board shall authorize the signing of the Final Plat. The Final Plat shall not be signed until a Final Plat is submitted that includes any conditions or modifications approved by the Planning Board.
3. Upon notification of final approval or conditional approval, with modification, the applicant shall submit at least four (4) copies of the Final Plat to the Town Code Enforcement Office as so approved for purposes of signing and filing.

G. Final Plat not in Substantial Agreement with Approved Preliminary Plat:

1. If the Planning Board determines that a submitted Final Plat is not in substantial agreement with the approved Preliminary Plat, the Planning Board may either:
 - a. Issue a new determination of significance.
 - b. Require a Draft or Supplemental Environmental Impact Statement, whichever may be appropriate under the circumstances of the SEQR process that was originally conducted on the subdivision proposal.
2. If the Planning Board determines that no further SEQR action is necessary, the Planning Board shall schedule and hold a public hearing within sixty-two (62) days of its receipt of the Final Plat.
3. When the Planning Board or other Lead Agency determines that the original SEQR process needs to be revisited, the requirements for holding a public hearing and issuing a decision on the Final Plat will be governed by the provisions of Section 276 of the Town Law of New York State.
4. Within five (5) business days of the Planning Board's decision on a Final Plat, the applicant or his/her duly-authorized representative will be notified in writing of the Board's decision.

5. If a conditional approval of the Final Plat is issued by the Planning Board, the letter shall outline the conditions that must be met in order for the Planning Board Chairperson to sign the final plat. A conditional approval of the Final Plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe.
6. The Planning Board may, however, extend the time within which a conditionally-approved Final Plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances for two (2) additional ninety (90) day periods each. Failure of the Planning Board to act within such 62-day period shall constitute approval of the Final Plat.

H. Final Plat Void if Revised after Approval:

1. No changes, erasures, modifications or revisions shall be made to a Final Plat after approval has been given by the Planning Board.
2. In the event that any plat when recorded contains any such changes, the Final Plat shall be considered null and void and the Planning Board shall institute proceedings to have said Final Plat stricken from the record of the County Clerk.

I. Filing of Approved Plat:

1. Approval of the Final Plat shall expire within sixty-two (62) days from the date of such approval unless within such 62 day period the plat shall have been duly recorded by the Applicant with the Fulton County Clerk.
2. If the Final Plat is not filed within this period, the approval shall expire as provided for in Section 276 of the New York State Town Law.

J. General Requirements for Major Subdivisions:

1. Improvements and Performance Bond.
 - a) The Planning Board may require an Applicant to file with the Town Clerk either a certified check to cover the full cost of the required improvements or a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of not to exceed three (3) years shall be set forth in the bond within which required improvements must be completed.
2. Completion of Required Improvements.
 - a) The Applicant shall complete all required improvements to the satisfaction of the Code Enforcement Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the Applicant 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 Code Enforcement Officer.

Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

- b) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Code Enforcement Officer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments, marking all underground utilities as actually installed. If the Applicant provides a bond or certified check for all required improvements, such bond or check shall not be released until such a map is submitted.
- c. Modification of design of improvements.
 - a) If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Code Enforcement Officer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Code Enforcement Officer shall issue any authorization under this subsection in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
- d. Inspection prior to construction.
 - a) At least five (5) days prior to commencing construction of required improvements, the Applicant shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer may cause inspection to be made to assure that all Town of Ephratah specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- e. Proper installation of improvements.
 - a) If the Code Enforcement Officer 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 Applicant, the Code Enforcement Officer shall so report to the Town Board and Planning Board. The Town Board then shall notify the subdivider 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 Applicant is in default on a previously approved plat.

K. Design Standards for Major Subdivisions:

1. Lots:

- a) Lots to be buildable

- 1) The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions.
- 2) Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

b) Lots to access public or private street

- 1) All building lots shall have a minimum of one acre in area and a minimum of 200 feet frontage onto:

A public street owned by the Town or

A private street built or the requirements of these regulations and the Town's specifications that leads directly to a public street.

- 2) Any lot that does not have access to a public highway should be deeded a right-of-way of 25 feet in width. *(This would require a variance.)*
- 3) All lots should meet the design standards of the Town of Ephratah Fire Prevention and Building Constructions Law. Section 80-21. Standards.

c) Corner lots

- 1) In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

d) Lots subject to flooding

- 1) Lots 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.

2. Streets:

a) General Standards

- 1) The approval by the Planning Board of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such Final Plat.

- 2) All streets shall be of a sufficient width and suitable grade and shall be appropriately located to accommodate projected traffic volumes, to provide adequate light and air, to facilitate fire protection and access for firefighting equipment.

b) Private streets

- 1) Private streets shall be designed and improved in accordance with these regulations.

c) Right-of way and Pavement Widths

- 1) The Planning Board shall classify all public and private streets in a proposed subdivision.
- 2) All streets shall comply with the following requirements:

Street Classification	Minimum Right of Way (feet)	Minimum Pavement Width (feet)
Major	66	24
Collector	60	20
Local	50	18

d) Arrangement

- 1) The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- 2) 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.

e) Provision for future resubdivision

- 1) Where a tract is subdivided into lots substantially larger than the minimum size required in a zoning district in which a subdivision is located, the Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of the Town's Zoning Ordinance.

f) Cul-de-sac streets

- 1) The creation of cul-de-sac streets may be allowed if the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area.

- 2) Where dead-end streets are allowed by the Planning Board, they should, in general, terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet.
- 3) In the case of cul-de-sac streets, where needed or desirable, the Board may require the reservation of a twenty-foot (20') wide easement to provide for continuation of pedestrian traffic and utilities to the next street.
- 4) A turnaround shall be provided at the end of a cul-de-sac street for emergency vehicles.
- 5) At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

g) Relation to topography

- 1) The street plan shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets.

h) Emergency Vehicle Access

- 1) Driveways shall facilitate passage of fire apparatus.
- 2) Bridges and other supporting structures, shall be constructed to support fire apparatus in all weather conditions.
- 3) When a proposed structure is located more than 300 feet from a fire apparatus access road or Public Street, driveways shall be provided at a width of 12 feet and a minimum unobstructed height of 13 feet, 6 inches.
- 4) If it is in excess of 500 feet in length, the overall width shall be increased to a minimum of 20 feet.
- 5) Turnouts shall be placed at intervals not to exceed 500 feet along the driveway and a turnaround shall be provided suitable for use by the corresponding fire department.

i) Improvements

- 1) Streets shall be graded and improved with pavements, gutters, storm drainage facilities and signage.
- 2) Street trees, fire hydrants, and sidewalks may also be required and, when available, water mains and sewerlines may also be required by the Planning Board.

j) Utilities in streets

- 1) The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street right-of-way to simplify location and repair of lines when they require attention.
- 2) The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

k) Utility easements

- 1) Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street.
- 2) Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

l) Grades

- 1) Grades of all streets shall conform in general to the terrain and not be more than 6% for major collector street or 8% for minor streets in residential zones, but in no case more than 3% within 50 feet of any intersection.
- 2) Grades of streets shall conform as closely as possible to the original topography.
- 3) All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Highway Superintendent so that clear visibility shall be provided for a safe distance.
- 4) A combination of steep grades and curves shall be avoided.

m) Intersections

- 1) Streets shall intersect at right angles. Intersections should not be located along a curved portion of a street.
- 2) All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius.

n) Watercourses

- 1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Highway Superintendent.

o) Street names

- 1) In general, streets shall have names, not numbers or letters.
- 2) All street names shown on a Final Plat shall be approved by the Town Board.
- 3) Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

p) Sidewalks and Curbs

- 1) A subdivision should have an adequate pedestrian circulation system.
- 2) Sidewalks shall be 5' wide.
- 3) Sidewalk construction materials may include concrete, porous construction material or porous modular masonry materials.

3. Water Supply and Wastewater Collection and Disposal:

- a) Each lot shall be able to be serviced by a groundwater well and onsite wastewater collection and treatment system.

4. Stormwater:

- a) A SWPPP must be prepared and filed with NYSDEC and a copy of the approved SWPPP shall be filed with the Town.

5. Parks, Open Spaces and Natural Features:

- a) Before the Planning Board may approve a Final Plat containing residential units, such Final Plat shall also show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.
- b) Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute.
- c) In the event the Planning Board makes a finding pursuant to paragraph (2) above that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provision of this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

6. Cluster Development:

- a) Whereas pursuant to a resolution of the Town Board, the Planning Board has been empowered to modify the minimum lot area, minimum lot width and minimum shoreline lot width requirements of the zoning ordinance in accordance with the provisions of Section 278 of the Town Law of New York State, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the standards and procedures:

- 1) Standards

- i. The Planning Board may make such modifications only with respect to lands within all Residential zoning districts.
- ii. The minimum acreage to which this section may be applicable shall be (2) times the minimum lot area for the zoning district involved.
- iii. No such modification by the Planning Board shall result in a greater overall density of lots or dwelling units or a greater number of shoreline lots or sites than is permitted in the zoning district wherein such lands lie, as specified in the zoning ordinance and as shown on the official zoning map.
- iv. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.
- v. In the event that the utilization of this section results in a plat showing lands available for park, recreation, or other municipal purposes directly related to the plat, or in a plat showing lands to be retained in open space in order to comply with the average density of lots or dwelling units that is permitted in the zoning district wherein such lands lie, the Planning Board, as a condition of plat approval, may establish in the case of lands for park, recreation or other municipal purpose, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open restrictive covenant, conveyance of a scenic easement or other conservation restriction to the Town, or other appropriate means against any development or land use inconsistent with their retention in open space.
- vi. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the zoning ordinance.

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