

**LOCAL LAW**  
**TOWN OF PIERCEFIELD**  
**ST. LAWRENCE COUNTY, NEW YORK**  
**SITE PLAN REVIEW AND SUBDIVISION REGULATIONS**

**Enacted: March 13, 1984**

**Amended: June 10, 1986**

**Amended: August 13, 1991**

**Amended: March 14, 2000**

**Amended: May 13, 2008**

## **Table of Contents**

<b>ARTICLE I. Introductory Provisions</b>	<b>1</b>
Sec. 1.1 Enactment	1
Sec. 1.2 Short Title	1
Sec. 1.3 Intent	1
Sec 1.4 Authorizations	1
<b>ARTICLE II. Applicability &amp; Definitions</b>	<b>1</b>
Sec. 2.1 Applicability of Review Requirements	1
Sec. 2.2 Definitions	3
Sec 2.3 Relationship of this law to other laws and regulations	4
<b>ARTICLE III. Site Plan Review Procedures</b>	<b>5</b>
Sec 3.1 Planning Board Review and Decision	5
Sec 3.2 Sketch Plan conference	6
Sec. 3.3 Preliminary Application Requirements	8
Sec 3.4 Final Application	9
<b>ARTICLE IV. Site Plan Review Standards</b>	<b>11</b>
Sec. 4.1 General Standards	11
Sec. 4.2 Specific Standards	11
<b>ARTICLE V. Subdivision Review Procedures</b>	<b>12</b>
Sec. 5.1 Application Requirements	12
Sec. 5.2 Sketch Plan Conference	15
Sec. 5.3 Planning Board Review and Decision	15
<b>ARTICLE VI. Subdivision Review Standards</b>	<b>18</b>
Sec. 6.1 General Standards	18
Sec. 6.2 Specific Standards	18
<b>ARTICLE VII. Miscellaneous Provisions</b>	<b>31</b>
Sec. 7.1 Administrative Officer	31
Sec. 7.2 Public Hearings	31
Sec. 7.3 Further Regulations by Planning Board	32
Sec. 7.4 Amendments	32
Sec. 7.5 Enforcement	32
Sec. 7.6 Statute of Limitations	33
Sec. 7.7 Judicial Review	33
Sec. 7.8 Severability	33

## **ARTICLE I. Introductory Provisions**

### **Section 1.1 Enactment**

The Town Board of the Town of Piercefield, St. Lawrence County, New York does hereby ordain and enact the Town of Piercefield Site Plan Review and Subdivision Regulation Law pursuant to the authority and provisions of Sections 274-a, 276, 277, 278, and 282 of the Town Law of the State of New York.

### **Section 1.2 Short Title**

This Local Law shall be known as the "Town of Piercefield Site Plan and Subdivision Review Law." The Town of Piercefield shall hereinafter be referred to as the "Town."

### **Section 1.3 Intent**

The intent of this Local Law shall be to preserve and enhance the sparsely settled, wooded, "Adirondack" character, scenic beauty and attractive quality of the Town for the benefit of all residents and property owners as well as to promote and guide the economic development of the Town by controlling incompatible, conflicting, or harmful land uses. It is not the intent of this Local Law to prohibit any land use activity completely, but rather to allow land uses which will meet the standards set forth in Articles IV and VI.

### **Section 1.4 Authorizations**

The Town Planning Board, hereinafter referred to as the "Planning Board" or the "Board", is hereby authorized to review and approve, approve with modifications, or disapprove site plans for new land uses and to do the same for subdivision plats in accordance with the standards and procedures set forth in this Local Law. The Building Official of the Town of Piercefield shall be the clerk of the Board.

## **ARTICLE II. Applicability and Definitions**

### **Section 2.1 Applicability of Review and Requirements**

#### **2.1.1 Site Plan Review**

All new land use activities within the Town shall require site plan review and approval before being undertaken except as hereinafter provided. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this Local Law and fully constructed and completed within one year from the effective date of this Local Law. The following shall not require site plan review:

1. New subdivisions. Subdivisions are subject to the regulations set forth in Articles V and VI of this Local Law.
2. Those clearly described uses and structures within an approved subdivision that have been specifically reviewed and approved by the Planning Board as part of the approval for that subdivision: This exclusion from site plan review shall not extend to those uses and structures within an approved subdivision that were not specified in the final approved subdivision plat, or which were only proposed, e.g., the proposed location for a house or a leach field.
3. New accessory buildings, driveways and recreational uses related to an existing single family residence
4. Additions to single family dwellings and to accessory buildings, driveways and recreational uses related to a single family residence
5. Non-structural agricultural or gardening uses
6. Garage, lawn, or porch sales
7. Temporary structures for the sale of agricultural produce
8. Uses and structures which are lawfully in existence as of the date this Local Law becomes effective and continue to be used for substantially the same purposes
- 9.
10. The reconstruction and/or restoration of a building or structure which is damaged by any means.

If the building or structure is destroyed, the building or structure may be replaced within five years of the destruction without site plan review. Thereafter, site plan review will be required.

### **2.1.2 Subdivision Review**

All new subdivisions created within the Town and those for which plats have already been filed in the Office of the County Clerk, but where they are either entirely undeveloped, or where 20% or more of the lots within the plat are unimproved (unless existing conditions, such as drainage, have prevented their development), shall require review by the Planning Board and approval, approval with modifications , or disapproval, in accordance with the standards and procedures set forth in Articles V and VI of this Local Law.

### **Section 2.2 Definitions**

1. **Accessory Structure** – A structure detached from a principal building on the same or adjacent lot and customarily incidental and subordinate to the principal building or use.
2. **Building** – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
3. **Boundary Line Adjustment** – A modification or adjustment of the boundary or boundaries between the properties of adjoining landowners, including a conveyance of a portion of either property to the adjoining landowner, in which no new land use or building rights are created.
4. **Cession, or Cession Deed** – The conveyance to a local governmental body of private property street rights.
5. **Days** – Calendar days.
6. **Fence** – A barrier of any material or combination of materials erected or induced to grow to enclose or screen areas of land.
7. **Lot** – A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.
8. **Plat** – (1) A map representing a tract of land showing the boundaries and location of individual properties and streets; (2) A map of a subdivision.

9. **Residential dwelling** – A building designed for single or multiple family, temporary, or year-round occupancy, including eating and sleeping areas.
10. **SEQR 6 NYCRR, Part 617** - “State Environmental Quality Review”.
11. **Sign** – Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including works, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
12. **Single Family Residence** – A building containing one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within for the exclusive use of a single family maintaining a household.
13. **Structure** – A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.
14. **Subdivision** – The division of lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions for sale, development, or lease.
15. **Use, or Land Use** – The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained. This includes roads, trails, leach fields, and any other change or modification of the existing features of the property.

### **Section 2.3 Relationship of this Law to other Laws and Regulations**

Applicants should determine whether an Adirondack Park Agency permit is required pursuant to Section 806 (Shoreline Restrictions) or Section 809 (Project Review) of the Executive Law, Article 27. Applicants should also determine whether or not a permit is required for the permanent or temporary installation of a house trailer, camper, tent, or other camping facility in accordance with the Town of Piercefield House Trailer and Camping Ordinance dated June 9, 1975, as amended.

## **ARTICLE III: Site Plan Review Procedures**

### **Section 3.1 Planning Board Review and Decision**

#### **3.1.1 Procedure:**

Within 45 days of receipt of a complete preliminary application as defined in Subsection 3.3 of this Local Law, the Planning Board shall approve the preliminary application, approve it with modifications, or schedule a public hearing on the preliminary application. If a public hearing is held, the Planning Board shall within 15 days of the completion of the hearing, approve, approve with modifications, or disapprove of the preliminary application. A preliminary application may, at the discretion of the Planning Board Chairperson, be reviewed individually and informally by every member of the Board. A preliminary application may be approved without formal motion following such informal review if every member of the Board individually states that he believes the application to be compatible with the intent of this Law, and finds no need for further information or discussion regarding said application. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications. Preliminary application shall not be disapproved unless a public hearing has first been held. Issuance of a building permit shall constitute applicant notification of Planning Board approval of a site plan. Applicant notification of Planning Board disapproval shall be made in writing.

If the Planning Board approves the Preliminary application with modifications, the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in Article III, Section 3.4 of this Local Law.

Within 45 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Building Official, and such decision shall be signed by the Chairperson of the Board.

#### **3.1.2 Public Hearings:**

Public Hearings shall be advertised in accordance with Section 7.2 of this Local Law.

### **3.1.3 Time Limitations:**

The time periods within which Planning Board actions are required by Subsection 3.1.1 of this Local Law are the maximum times allowable. The Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Board does not complete its review within the times specified in subsection 3.1.1 of this Local Law, this will constitute approval of the application, except where the review period has been extended by mutual consent of the applicant and Board.

### **3.1.4 Justification and Notice:**

1. The Planning Board shall apply the review standards described in Article IV of this Local Law in reviewing site plans.
2. Decisions of the Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
3. Decisions of the Board shall be filed immediately in the Office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
4. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County, State, and Federal agencies are obtained and any required performance bond is filed with the Town Clerk.

## **Section 3.2 Sketch Plan Conference**

### **3.2.1 Purpose**

Prior to submission of an application as defined in Section 3.3 of this Local Law, an applicant may request an informal Sketch Plan Conference with the Planning Board. The purpose of this conference is to save time and money and to make the most of opportunities for desirable development. This conference may be used to review the basic site design concept, to discuss site characteristics (advantages and limitations), to determine the information to be required by the Board on the preliminary site plan and to address environmental concerns as required by the New York State Environmental Quality review Act (6 NYCRR 617), hereinafter referred to as SEQR.



### **3.2.2 Sketch Plan Submission**

Prior to the sketch plan conference, the applicant shall submit in as much detail as possible, a written statement to the Town of Piercefield Building Official including the following as a minimum:

1. A statement describing the proposed use
2. The approximate acreage or square footage involved, and the scale of the map
3. A sketch map of the proposed use showing access road, the proposed activity, and adjacent property owners' boundaries
4. A topographic map of an appropriate scale showing the location of the proposed use and all surrounding area within 500 feet of the site of the proposed use (Copies of USGS 7 ½ minute sheets are acceptable.)

Upon receipt of the Sketch Plan, the Building Official, in conjunction with the applicant, shall complete the Sketch Plan Review Questions Form as adopted by the Planning board and shall schedule a time for the Sketch Plan conference which is mutually convenient to the applicant and the Board, but not to exceed 30 days from the date of submission of the Sketch Plan. The Building Official shall submit the Sketch Plan Review Questions Form to the Board no later than 15 days from the date of submission of the Sketch Plan.

### **3.2.3 Sketch Plan Conference Actions:**

Upon receipt and review of the Sketch Plan Review Questions Form, the Board shall take the following actions:

1. With regard to SEQR, the Board shall determine if the applicant's proposal for site plan is a Type I, Type II, or unlisted action. The board shall determine the lead agency for SEQR review.
2. Do one of the following:
  - a. Waive the requirement for preliminary and final site plan submission declaring that the Sketch Plan Review Questions Form and the Sketch Plan are the final information required and approve the issuance of a building permit by the Building Official. This action will normally follow when the proposed use is such that all of the information required for a decision is contained in the Sketch Plan, the proposed use is compatible with the Town Plan

and the Planning Board has determined that the public interest will be served by not holding a public hearing.

- b. Do the same as in the above paragraph of this Local Law except to order that a public hearing be held in order to better serve the public interest.
- c. Require a Preliminary Site Plan to be prepared by the applicant. The Board may at this time and at its discretion waive any preliminary requirements which are clearly not relevant to the proposed activity.
- d. Declare the Sketch Plan to be incomplete. The applicant may resubmit it with the addition of the indicated missing information.

### **Section 3.3 Preliminary Application Requirements:**

#### **3.3.1 Application:**

An application for preliminary Site Plan Approval shall be submitted in writing to the Building Official who shall then forward it within 15 days to the Planning Board after ensuring that it contains the necessary information for Board review. The application shall be accompanied by information drawn from the list in Section 3.3.2.

The application for Site Plan Approval will be on a form adopted by the Board. Any person uncertain as to whether or not this Local Law applies to a given land use activity may apply in writing to the Board for a written determination.

#### **3.3.2 Required Documents:**

The following shall be required, unless specifically waived by the Planning Board or otherwise indicated, and shall constitute application for a site plan review:

1. Application form (as approved by the board and available from the Building Official and Town Clerk)
2. Location map with scale, north arrow, and date showing boundaries and dimensions of the parcel or property involved, identification of adjacent properties, including ownership and roads and any known easements or rights-of-way

3. Map showing existing features of the site including structures, roads, bodies of water, flood-prone areas, wooded areas, land uses, water and sewer lines, paved areas, wells, and on-site sewage disposal facilities
4. On the same map as described in item "3" above or on a separate map, indicate the location, dimensions, and arrangement of any proposed buildings or uses on the site, including roads, pathways, etc., providing ingress and egress
5. Sketch of any proposed building or structure, including exterior dimensions and elevations of front, side, and rear
6. Name and address of applicant and any professional advisors
7. Copy of the deed to the property if requested by the Board
8. Authorization of the owner to apply for a permit if the applicant is not the owner of the property in question
9. A reasonable one-time application fee, to be determined from time to time by the Planning Board subject to the Town Board's approval and noted on the Application for Site Plan Approval

### **Section 3.4 Final Application**

#### **3.4.1 Submission of Final Site Plan:**

After receiving approval with modifications from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Board for approval. If more than six months has elapsed since the date of the Planning Board's action on the preliminary site plan, and if the Board finds that conditions may have changed significantly in the interim, the Board may require resubmission of the preliminary site plan for further review and possible revision prior to accepting the final site plan for review.

#### **3.4.2 Final Application Requirements:**

The following additional information shall accompany an application for final site plan approval:

1. Record of application for and approval status of all necessary permits from Federal, State, and County agencies

2. Detailed size, location, and materials specifications for all modifications specified in the initial conditional approval by the Board
3. An estimated project construction schedule

## **ARTICLE IV: Site Plan Review Standards**

### **Section 4.1 General Standards:**

The proposed land use activity should not be in conflict with the Town's intent as expressed in Section 1.3 of this Local Law and community goals and objectives as expressed in the Town Plan or in future community planning documents.

### **Section 4.2 Specific Standards:**

The Planning Board's review of the site plan shall include, as appropriate, but not be limited to, the following considerations:

1. Compatibility of development with natural features of the site and with surrounding land uses
2. Measures to prevent damage from floods
3. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities
4. Buffers to protect neighboring properties against noise, glare, or other objectionable sources
5. Vehicular traffic access and circulation, including intersections, road widths, pavement surface dividers, and other traffic controls
6. Parking provisions
7. Exterior lighting
8. Fire protection provisions
9. Erosion control methods during and after construction
10. Storm water and drainage facilities
11. Water supply
12. Sewage disposal facilities
13. Preservation of scenic vistas
14. Bulk storage of petroleum products

## **ARTICLE V: Subdivision Review Procedures**

### **Section 5.1 Application Requirements**

#### **5.1.1 Review Process:**

All subdivisions of land shall be subject to review by the Planning Board, except Boundary Line Adjustments as defined herein, provided that the agreement or deed(s) containing the boundary line adjustment provide that no new land use or building rights are created by the instrument(s), which shall be binding upon all parties and their successors and assigns.

Small subdivisions of four lots or less may be waived from the full subdivision review procedure and allowed to follow an abbreviated review procedure.

Applicants who prefer abbreviated subdivision review must submit an application requesting the abbreviated review and provide all of the information required by the Site Plan review procedure specified in Article III, Section 3.3.2, Subsections 1 through 8, plus a map showing the individual lot lines and a fee pursuant to Article III, Section 3.3.2, Subsection 9. The applicant shall further provide a written statement detailing the reasons for subdivision, and any further plans for development of the individual parcels following subdivision.

After receipt of all required materials, the Planning Board shall make a decision requiring the applicant to submit a preliminary plat for full subdivision review, or to waive full subdivision review, and either approve the application as submitted, or to approve the application subject to conditions specified by the Planning Board. (All parcels of land resulting from subdivision under the abbreviated review process shall be subject to site plan review.)

#### **5.1.2 Preliminary Plat Requirements:**

The applicant, or his designated agent, for subdivisions of land requiring full subdivision review, shall file a preliminary plat with the Building Official, who shall immediately ensure that it contains the required information and shall then forward it to the Planning Board for review and action. Eight copies of the preliminary plat and any supplementary material shall be submitted to the Building Official. The preliminary plat shall be filed a minimum of five days prior to the Planning Board meeting.

1. The preliminary plat shall be titled "Preliminary Plat" and shall contain the following information:
  - a. Name of subdivision, scale, date, North arrow, and location within the Town
  - b. Topographic data on the tract and existing drainages and water bodies
  - c. Tract boundaries, tract areas, and all setback lines that may be required by statute or deed covenant
  - d. Name and right-of-way width of each street or other right-of-way. Street names shall not duplicate existing street names within the Town.
  - e. Location of all utilities on or adjacent to the tract
  - f. Names of all property owners within 500 feet of the boundaries of the tract to be subdivided
  - g. Location, dimensions, owners of record, and purpose of any easements
  - h. Number to identify each lot and letter to identify each block
  - i. Location and purpose for which sites other than residential lots are dedicated or reserved
  - j. Summarized site data including number of residential lots, typical lot size, and Adirondack Park Agency land use classification for each lot
  - k. Detailed drawings and specifications for any other development the applicant proposes, such as roads and buildings
  - l. Both new and pre-existing deed covenants and restrictions that the applicant shall place on each individual lot

### **5.1.3 Final Plat Requirements:**

Upon receiving approval or conditional approval for a preliminary plat, a final plat shall be filed with the Building Official who shall immediately ensure that it contains the required information and shall forward it to the Planning Board for review and action. The applicant shall within six months after approval with or without modifications of a Preliminary Subdivision Plat, file with the Building Official an application for approval of the Final Plat; otherwise such Preliminary Subdivision Plat approval shall be null and void unless an extension of time is applied for and granted by the Board. The final plat shall

conform substantially to the preliminary plat as conditionally approved and shall indicate any conditions or modifications which have been imposed by the Planning Board. Five copies shall be submitted.

1. Information contained in the final plat shall consist of at least the following items:
  - a. All information required by Section 5.1.1 for a preliminary plat except the title shall be "Final Plat"
  - b. Tract boundary lines, right-of-way lines, easements, and individual lot lines with accurate dimensions, bearings, radii, areas, and central angles of all curves, and location and description of all monuments
  - c. Topographic data showing a contour interval of two feet related to USGS or other permanent bench mark where natural contours are to be changed; otherwise at 20 foot intervals
  - d. Typical cross sections of streets, including pavement, shoulders, ditches, and walks, and cross sections of drainage easements
  - e. Profiles of street centerlines showing vertical curve data, slope of tangents, and elevations of street intersections and other critical points
  - f. Profiles of water distribution lines, and storm and sanitary sewers if any, showing pipe diameter and distance between individual lines, manholes, and catch basins
  - g. Preliminary drawings for buildings to be constructed if any, including floor plans, exterior elevations and sections
  - h. Landscaping, lighting, and all site improvements, including final grading plans where natural contours are changed beyond the road and building area
2. Accompanying data to be submitted with the final plat shall include the following:
  - a. Deed showing owner of the tract to be subdivided
  - b. Authorization of the owner to apply for final plat approval if the applicant is not the owner of the property in question
  - c. Documentation showing that the proposed subdivision has been approved by the New York State Department of Health and the New York State Department of Environmental Conservation if appropriate
  - d. A one-time application fee of \$20.00 payable to the Town of Piercefield



- e. Offers of cession which have been approved as satisfactory by the Town Attorney dedicating streets, easements, open space, or other facilities (Note: Approval of the final plat shall not constitute acceptance by the Town Board of the dedication of such facilities without formal acceptance by the Town Board.)
3. The final plat shall be filed a minimum of 10 days prior to the Planning Board meeting.
4. The signature of the Building Official constituting final approval by the Board of a plat, or the approval by such Board of the development of a partially developed plat on file with the County Clerk shall expire within 60 days from the date of such approval unless within such period, such plat or section thereof is duly filed by the owner with the County Clerk. If the Board has failed to act on the final plat and the Building Official has issued a certificate to the owner to that effect, that certificate will also become null and void if the owner has not filed the plat or section thereof with the County Clerk within 60 days from the date the certificate was issued. In the event the owner shall file only a section of such approved plat with the County Clerk, such section shall encompass at least 10% of the total number of lots contained in the approved plat and the approval of the remaining sections shall expire unless said sections are filed with the County Clerk within two years after the filing of the first section.

## **5.2 Sketch Plan conference**

Prior to the filing of an application for approval of a preliminary plat, the applicant or his authorized representative may request a Pre-Application conference. The purpose of such a conference is to consult informally and at an early stage with the Board for the purpose of conserving time and expense to the applicant and exchanging information that will aid in assuring a desirable subdivision in the public interest.

## **Section 5.3 Planning board Review and Decision**

### **5.3.1 Preliminary Plat**

Upon receipt of a preliminary plat and accompanying information from the building official, the Board shall within 45 days hold a public hearing, which hearing shall be advertised at least once in a

newspaper of general circulation in the Town at least five days before such hearing. Within 45 days after the date of such hearing, the Board shall approve, approve with modifications, or disapprove such preliminary plat in accordance with the criteria set forth in Article VI of this Local Law, and in accordance with the Town Plan and other relevant planning documents produced by the Board. When approving a preliminary plat, the 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 Board as preliminarily approved, a copy filed in his/her office, and a certified copy mailed to the applicant. Within six months of the approval of the preliminary plat, the applicant must submit the plat in final form, or else preliminary approval by the Board is revoked. If the Board fails to take action within the time constraints set forth in this subsection, such plat shall be deemed granted preliminary approval. The certificate of the Building Official as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

### **5.3.2 Final Plat**

Within 45 days of the submission of a plat in final form for approval by the Board, an advertisement for a public hearing shall appear at least once in a newspaper of general circulation in the Town at least five days before such hearing, provided however, that when the Board deems the final plat to be in substantial agreement with a preliminary plat and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the board may waive the requirement for such public hearing. The Board shall, by resolution, conditionally approve with or without modifications, disapprove, or grant final approval and authorize the signing of such plat, within 45 days of its receipt by the Building Official if no such hearing is held, or, in the event such hearing is held, within 45 days after the date of such hearing. Notwithstanding the foregoing provisions of this subdivision, the time in which the Planning Board must take action on such plat may be extended by the mutual consent of the owner and the Board. In the event the Board fails to take action on the final plat within the time prescribed, the plat shall be deemed approved, and a certificate of the Building Official as to the date of submission and the failure to take action within such prescribed time shall be issued on

demand, and shall be sufficient in lieu of written endorsement or other evidence of approval herein required. This section shall be cited in the certificate. Upon resolution of conditional approval of such final plat, the Planning Board Chairperson or a duly authorized officer shall sign the plat subject to completion of such requirements as may be stated in the resolution.

The Board may require the posting of a bond or other form of surety to ensure the satisfactory completion of required improvements in accordance with Section 27 of the Town Law. Within five days of such resolution, the plat shall be certified by the Building Official as conditionally approved, a copy filed in his/her office, and a certified copy mailed to the owner including a certified statement of such requirements which when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Board. Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting conditional approval, unless such requirements have been certified as completed. Notwithstanding the foregoing provisions of this section, the Board may extend the time in which a conditionally approved plat in final form must be submitted for signature, if in its opinion such extension is warranted by the particular circumstances. Such extension may not exceed two additional periods of 90 days each. Prior to granting conditional or final approval of a plat in final form, the Board may permit the plat to be subdivided into two or more sections, and may in its resolution granting conditional or final approval, state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

In the event that a project, for which a plat has been submitted to the board, also requires a permit from the Adirondack park Agency, a final determination by the Board need not be given until 15 days after a final determination is made by the Adirondack Park Agency on such project.

## **ARTICLE VI: Subdivision Review Standards**

### **Section 6.1 General Standards**

1. All standards set forth herein shall apply to the extent that they are applicable as determined by the Board and are required minimum standards. Only where exceptional conditions warrant, which conditions shall be fully documented, shall the Board require such additional measures as are reasonable and appropriate under the circumstances to accomplish the purposes of these Regulations.
2. 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 natural hazard, and shall be in keeping with the objectives of the Town Plan.

### **Section 6.2 Specific Standards**

#### **6.2.1 Block Design**

1. The lengths, widths, and shapes of blocks shall be determined with due regard to the following:
  - a. The type of development proposed
  - b. Need for convenient access, circulation control, and safety of vehicular traffic, with particular attention to limitation of the number and location of points of ingress and egress
  - c. Limitations and opportunities of topographic and other site characteristics
2. Where the subdivision is laid out in conventional block form, block lengths shall generally not exceed 1,500 feet, nor be less than 750 feet. Block width shall generally be two lots deep.
3. Non-residential blocks intended for commercial or industrial use shall be of such length and width as may be suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and service areas.

#### **6.2.2 Lot Arrangement**

1. In accordance with the provisions of Town Law, Section 280-a, and the Town's rights and interest thereunder, each lot shall have such access to a public road as is determined appropriate by the Board based on the size, locations, and nature of subdivision. In particular, in any

subdivision of more than four lots, each lot shall have the minimum required lot width of 200 feet on an approved road or shoreline, other than in an approved cluster arrangement.

2. Double frontage lots with access to two roads shall not be approved except where no other arrangement is possible, and then only where the minimum lot depth is 200 feet.
3. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines.
4. Driveway access and grades shall conform in general to the terrain, but shall not exceed a 15% grade over any 50 foot length, and shall not exceed 3% within 25 feet of the improved surface area of the road, as measured along the centerline of the driveway.

### **6.2.3 Easements**

1. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. A minimum easement width of 15 feet shall be required. Whenever 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.
2. A pedestrian easement, not less than 15 feet wide in addition to any road, shall be provided where required by the Board to provide safe circulation, or access to schools, recreation areas, and other community facilities.
3. Where a subdivision is traversed by a water course, drainage, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose, as determined by the Board.
4. Where a subdivision is so situated as to involve a noteworthy scenic view or vista, either for the subdivision, along a travel corridor, or for established residences, a scenic easement of appropriate configuration may be required by the Board.
5. When so required by the Board, a screen-planted easement not less than 15 feet wide, across which there shall be no right of access, may be required along the line of lots between the

subdivision and any adjoining use which would be incompatible with the subdivision or require separation from it.

#### **6.2.4 Roads**

1. **General - All roads and related construction, whether to be offered for dedication or not, shall be the responsibility of the applicant unless otherwise indicated and shall be in accordance with the following criteria:**
  - a. **The arrangement, character, extent, width, grade, and location of all roads shall conform to the Town Plan as such exists at the time, and shall be considered in their relation to existing and planned roads, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such roads. Road grades shall conform as closely as possible to the natural topography, and all roads shall be arranged so as to allow for a maximum number of the proposed number of building sites to be situated at or above the finished grade level of the road.**
  - b. **The arrangement of roads in a subdivision shall provide for the continuation, if appropriate, of residential roads in the surrounding areas and be such as to compose a convenient system both for the subdivision and connection to the existing highway system.**
  - c. **Road layout shall consider the installation of utility distribution and service lines, and shall be situated so as to best accommodate these installations in an acceptable manner.**
  - d. **Road layout shall minimize stream crossings, avoid traversing slopes in excess of 25%, and avoid soils with a susceptibility to erosion or slippage.**
  - e. **Local roads shall be so laid out that their use by through traffic will be discouraged.**
  - f. **Where a subdivision abuts, contains, or has access to an existing or proposed major traffic artery, the Board may require a frontage road with screen-planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of both the subdivided properties and the scenic qualities of the Town, and to afford separation of through and local traffic.**

- g. Reserve strips controlling access to roads, whether public or private or other improvements dedicated or to be dedicated to public use, shall be prohibited unless control thereof is expressly placed in the Town under conditions approved by the Board.
  - h. The arrangement of roads within any subdivision shall consider provision for continuation of collector or arterial roads.
  - i. Clearing and grading for road and utility installation shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills, and provide for utility installation.
  - j. The construction of roads and the installation of utilities shall be planned sequentially, so that construction operations do not interfere with or destroy completed work.
  - k. No road names shall be used which will duplicate or be confused with the names of existing roads or highways in the Town. Road names shall be subject to the approval of the Town Board.
  - l. Every road shown on a plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private road until such time as it has been formally offered for dedication to the Town and formally accepted as a public road by resolution of the Town Board, or if it has been condemned by the Town for use as a public road.
2. Design considerations shall be as follows:
- a. Roadway jogs with center line offsets of less than 150 feet shall not be permitted, and any subdivision road intersecting an existing arterial or collector road shall be no closer to another intersecting road than the stopping distance as determined by the configuration of the road at that point and the legal speed limit.
  - b. All road intersections shall be rounded by curves with a minimum radius of 25 feet as measured from the edge of the improved travel surface. Within the triangular area formed by connecting two points 50 feet from the intersecting road right-of-way, visibility shall not be restricted by the natural landform nor by the location of any structure or planting.
  - c. The length of the tangent between reverse curves on arterial and collector roads shall be a minimum of 150 feet, and on local roads a minimum of 100 feet.

- d. Roads shall be laid out so as to intersect as nearly as possible at right angles. No road shall intersect any other road at less than 75 degrees and all roads shall join each other so that for a distance of at least 100 feet the road is approximately at right angles to the road it joins.
- e. Roadway vertical gradients shall be not less than 0.4%, nor more than 12% over any 100 foot distance, and shall not exceed 3% within 50 feet of any intersection.
- f. Dead-end roads shall not be permitted, except as provided herein:
  - i. A closed turn-around or cul-de-sac may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having outside diameter of at least 100 feet and a right-of-way diameter of at least 150 feet.
  - ii. No such dead-end road or segment thereof shall provide the sole means of access to more than 25 dwelling units.
  - iii. Reservation of an easement of appropriate width shall be provided for pedestrian or utility connection to adjoining property or the existing road system where desirable.
- g. Proper roadway drainage facilities shall be installed where required. Reinforced concrete pipe or corrugated metal pipe shall be used throughout for all culverts or subsurface drainage systems. Drainage shall be accommodated by one or a combination of the following:
  - i. A Roadside ditch at least 18 inches below the finished centerline, or
  - ii. A concrete or asphalt gutter, or
  - iii. A concrete or asphalt curb with storm sewer
- h. Roadside ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a five year, 24 hour rainfall. Drainage culverts shall be of adequate size and so located as to maintain pre-construction surface drainage patterns, provided such patterns were acceptable prior to construction.
- i. Catch basins, manholes, seepage drains, reinforced concrete pipe or other drain appurtenances and all under-drains shall be installed or constructed in accordance with the direction and requirements of the Board, shall vary in size as conditions may require, and shall be connected from basins or manholes to the proper lines and grades in such a manner



as directed by the Board and all such under-drains shall connect with piping or ditches leading to a live stream or natural drainage as required by the Board.

- j. Stream crossings shall be roughly at right angles, and bridge structures or culverts shall be designed to carry the peak runoff rate from:
  - i. A 10 year, 24 hour rainfall if the contributing drainage area is one square mile or less
  - ii. A 25 year, 24 hour rainfall if the contributing drainage area is between one and four square miles
  - iii. A 100 year, 24 hour rainfall if the contributing drainage area is more than four square miles
- k. Fill slopes shall not be steeper than two horizontal on one vertical (2:1) and cut slopes shall not be steeper than four horizontal on one vertical (4:1).
- l. The classification of roads shall be as determined by the Board. Rights-of-way and pavement or improved surface area shall have the following widths:

<u>Classification</u>	<u>Minimum Right-of Way</u>	<u>Minimum Pavement or Improved Surface Area</u>
Arterial	75' – 125'	36' + curbs or two 8' shoulders
Collector	60' – 70'	26' + curbs or two 6' shoulders
Local	50'	<ul style="list-style-type: none"> <li>a. 18' + curbs or two 5' shoulders (populated area of 25 lots or more)</li> <li>b. 16' + two 2' shoulders (rural area and less than 25 lots)</li> </ul>

- m. Where curbs exist on abutting properties, their extension by the applicant may be required, at the discretion of the Board, throughout all or a portion of the proposed subdivision. All curbs shall be approved by the Board. Where curbs are not required, adequate ditches or gutters shall be constructed and protected by seeding or appropriate surfacing by the applicant.
- n. The Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four feet wide and four inches thick shall be installed where required, as specified by the Board.

3. Construction considerations shall be as follows:
- a. All Topsoil, humus, tree stumps and like organic material shall be removed from the roadbed, and the sub-base shall be approved by the Building Official before any gravel is placed upon it.
  - b. Each road shall be constructed of a base course of suitable run-of-bank gravel to a depth of 12 inches, size of stone not to exceed two inches in diameter, extending 10 to 14 feet in each direction from the centerline of said road so that each road shall be comprised of a base course constructed of compacted gravel to a width of 20 to 28 feet depending on its classification above. No gravel shall be laid on any road unless the type of gravel shall have been approved by the Building Official, provided however, that the Building Official may, in any case where the nature of the soil over which a road is to be laid out necessitates special construction, require that the applicant build said road base of a material and to a dimension as is deemed necessary in excess of the minimum requirements above set forth.
  - c. The improved travel area shall be properly graded to consist of two 8-9 foot lanes on 12 inch gravel base pitched at a minimum of  $\frac{3}{8}$  inch per foot. The finished graveled road shall be approved in writing by the Building Official.
  - d. The shoulder shall be constructed with a one inch per foot pitch and be a minimum of two to five feet in width depending on the classification of the subdivision above.
  - e. In addition, the Board may require for any subdivision of 25 or more lots a double oil and stone surface treatment or an asphaltic concrete pavement surface where it determines such is needed, based on the following considerations:
    - i. The street classification and the type and volume of anticipated traffic
    - ii. Whether access is to be year-round or seasonal use
    - iii. The schedule for completion of the road or sections thereof
  - f. All cleared areas associated with the construction of roads and installation of utilities, excluding those areas comprising road surfaces or shoulders, all exposed borrow areas, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions and as approved by the Board. Ditch bottoms shall

be constructed and maintained to minimize soil erosion during periods of design flow by means of re-vegetation, laying sod, mulching, netting, stone paving, riprap, and other materials or combinations of these, depending on hydraulics and soil properties.

### **6.2.5 Utilities**

**1. Water supply systems shall be provided as follows:**

- a. Where, in the opinion of the Board and the State agency having jurisdiction, a subdivision can be reasonably served by the creation or extension of a public water supply system, the applicant shall make application to create or extend such system and create a water district or to become part of or be served by an existing district. No subdivision shall be approved where it is intended to use individual water supply techniques if the facilities of an existing water system or district may be utilized. All connections to any existing public system shall be approved by the Town and an offer of cession to dedicate such installation to the Town or any special district shall be as required by the Town.
- b. Where no public system exists or where extension and connection to a public water supply system is not feasible, but where, based on the size of the subdivision and the intensity of the development pattern, the Board and responsible State agency determine a community supply system is necessary, such system shall be installed according to standards of the NYS Department of Health or Department of Environmental Conservation, as may be applicable.
- c. Where public or community water supply is not feasible, the applicant shall provide specifications, including location of individual systems for each lot, in accordance with State guidelines as set forth in the NYS Department of Health Waste Treatment Handbook-INDIVIDUAL Household Systems and Rural Water Supply.

**2. Sewage disposal systems shall be provided as follows:**

- a. Where, based on the size of the subdivision and the intensity of the development pattern, the Planning board and responsible State agency determine that a community disposal system is

necessary, such system shall be installed according to standards of the NYS Department of Health or Department of Environmental Conservation as may be applicable.

- b. Where public or community sanitary sewers are not feasible, the applicant shall provide specifications including location for installation of individual systems for each lot in accordance with State requirements and upon specific approval by the Planning Board in accordance with the applicable requirements set forth in Section 6.2.5.a-3 above.
3. Installation, type, and location of all **fire hydrants** shall be as approved by the Board and shall conform to the standards of the New York Fire Insurance Rating Organization, the Division of Fire Safety of the State of New York, and any special requirements of the Town, water district or fire district.
4. **Utilities** shall be located in accordance with any applicable Public Service Commission guidelines and as approved by the Board. The Board shall require whenever physically possible and when the size, location, and present service permits, that utilities be placed underground and in the road right-of-way between the travel surface and right-of-way line or in a consistent location within individual property lines to simplify location and repair of lines when they require attention. The applicant shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is surfaced.

#### **6.2.6 Flooding, Drainage, and Runoff**

1. Any subdivision involving lands designated as Flood Hazard Areas by the Federal Insurance Administration of the US Department of Housing and Urban Development and any other land subject to repeated flooding or deemed by the Board to be subject to flood hazard shall be reviewed by the Board in accordance with published guidelines for development in flood hazard areas.
2. Storm and surface drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision, based on the following:

- a. A 10 year, 24 hour rainfall if the contributing drainage area is one square mile or less
  - b. A 25 year, 24 hour rainfall if the contributing area is between one and four square miles
  - c. A 100 year, 24 hour rainfall if the contributing drainage area is more than four square miles
3. No Subdivision shall be approved where anticipated runoff incident to the subdivision development will overload existing downstream facilities or capacity.
  4. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided where necessary.
  5. The applicant shall allow no holes, depressions, or other undrained areas to remain, except such wetlands as may be natural features or necessary to retention basins which shall be protected or situated at the direction of the Board.
  6. The grading plan and the design of roads in relation to storm drainage shall be such that the runoff from roofs, driveways, and other impervious surfaces will be collected in the ditches and/or gutters along the road in short runs of generally less than 500 feet and will then be diverted from the road surface into storm sewers or a natural drainage course.
  7. The use of open water courses for drainage involves considerations related to safety, erosion control, stagnant water, protection of capacity, and appearance, which considerations will be recognized according to the following:
    - a. Safety – Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks. Ditches shall, wherever feasible, be in the shape of a wide top “U” with rounded or squared invert.
    - b. Erosion Control – Adequate measures shall be taken to prevent erosion. The Board shall require seeding, sod, planting, riprap, or such other measures as may be necessary to prevent scouring.
    - c. Drainage – The applicant shall guard against the creation or continuation of swampy areas or stagnant pools in close proximity to any development.
    - d. Capacity – The applicant shall provide adequate measures for the protection of open drainage channels by establishing satisfactorily located drainage easements of sufficient width.

- e. Appearance – As a natural water course can be an attractive visual asset to the subdivision as well as to the community, the applicant shall, where possible, retain and improve the appearance of any natural water course used for surface or storm drainage as is practical.
8. Design of storm sewers shall be as follows:
- a. Storm sewers shall have a minimum diameter of 12 inches and a minimum grade of 0.5%.
  - b. Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches or less are used, and not more than 500 feet apart where larger sizes are installed.
9. Design of ditches and gutters shall be as follows:
- a. Subdivisions shall be so designed that length of flow for water in a gutter or roadside ditch does not exceed 500 feet, except as permitted by the Board. Runs exceeding the maximum shall be connected to storm sewers or diverted to a natural drainage.
  - b. All enclosed drainage courses shall be designed with sufficient grade to create a water flow velocity of three feet per second.
  - c. Water in gutters and ditches shall not be allowed to flow over intersecting roads, but shall be placed in adequate culverts.
  - d. Suitable headwalls, end walls, ditch seeding or sod, and other procedures or devices to prevent erosion shall be used.

#### **6.2.7 Re-vegetation of Disturbed Soil Areas**

- 1. Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites, or parking lots, shall be successfully re-vegetated or otherwise stabilized with structural measures to minimize the potential for soil erosion as soon as practicable.
- 2. Re-vegetation measures and efforts shall be evaluated by visual inspection which shall include identification and measurement of the actual condition of new healthy vegetation. Such evaluation shall be made not sooner than 180 days from the date of planting and not later than 360 days from the date of planting.

3. Corrective action shall be instituted and completed within the time specified by the Building Official upon determination of unsatisfactory compliance with this Section. In making any determination required by the Section, the Building Official shall consider significant rills, gullies, loss of mulch, loss of seed, or failure of seed germination as evidence of unsatisfactory compliance.
4. Construction operations requiring re-vegetation of an aggregate area larger than 20,000 square feet shall be done in stages. Each stage shall receive complete treatment for re-vegetation or mulching as if the stages were individual constructions.
5. Upon completion of final grading of any area, re-vegetation operations shall begin within five days and shall be completed within 10 days. In the event that more than five days shall elapse between and consecutive construction operations that materially disturb the soil, such areas shall be adequately mulched or otherwise stabilized with structural measures within five days of disturbance and shall be completed within 10 days to minimize potential for soil erosion.

#### **6.2.8 Street Lights, Trees, Signs and Seeding**

1. Street lights shall be arranged for by the applicant where appropriate, as determined by the Board, and be of the type and at such interval as specified by the board.
2. Street trees are to be the responsibility of the applicant. Retention and preservation of existing trees and location and type of new trees shall be approved by the Board.
3. The area between the drainage and the property line shall be seeded and otherwise improved by the applicant and maintained by the owner.
4. Street name signs shall be of the type and in the location determined by the Board and shall be provided by agreement between the Board and the applicant.

#### **6.2.9 Public Sites and Open Space**

1. Where a proposed park, playground, school, or other public use as shown in the Town Plan, or desirable area for use as same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by such

agency within a specified period by purchase or other means and an agreement shall be entered into between the applicant and the public agency regarding the time and method of acquisition, and the cost thereof.

2. In the instance of a subdivision involving the creation of 25 lots or more, the Board shall, and in the instance of a subdivision of 24 lots or less, the board may, require up to 10% of the land area of such subdivision be reserved and improved for open space recreation purposes.
3. If the Board determines that suitable open space recreation area cannot be located in a given subdivision or if it is otherwise not practical to do so, the Board may require as a condition to approval of any such plat, other or further conditions as may be authorized by law, including payment to the Town of an acceptable sum based on the size of the subdivision, the number of lots to be subdivided, and the value of the land in relationship to the 10% standard which might otherwise have been required for open space recreation purposes, which sum shall constitute a trust fund to be used exclusively for open space recreational purposes designed to serve such subdivision, including the improvement of existing facilities.

#### **6.2.10 Monuments:**

1. The tract boundary lines and the lines of all streets or roads shall be set with concrete, stone, or iron monuments with monument caps.
2. Individual property boundaries shall be set with iron pins or pipe monuments.
3. The board may require that all such monuments be in place and capable of verification prior to the Board Chairman recording his signature on the Subdivision Plat.



## **ARTICLE VII: Miscellaneous Provisions**

### **Section 7.1 Administrative Officer**

The Building Official, as defined in the Town's Local Law for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, shall perform all of the functions identified in this Local Law and shall other wise assist the Board in the administration and enforcement of this Local Law or any additional regulations adopted pursuant to Section 7.3 of this Local Law.

### **Section 7.2 Public Hearings**

Any public hearing held under the provisions of this Local Law shall be advertised by a notice of public hearing to be published once in the official newspaper of the Town at least five days prior to the date of the hearing. In addition, notices shall be mailed to the applicant and all owners of real property within 50 feet of the exterior boundary of a proposed subdivision and to adjacent property owners in the case of a site plan review. Notices shall be mailed by certified mail, return receipt requested or may be presented in person. Any hearing may be recessed by the Board in order to obtain additional information or to serve further notice upon property owners or other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced and no further notice or publication will be necessary. Conduct of public hearings shall be within the discretion of the Board but shall conform to generally accepted standards for the conduct of administrative hearings.

### **Section 7.3 Further Regulations by Planning Board**

The Board may, after holding a public hearing and giving adequate notice thereof, adopt such additional procedural rules and regulations as it deems necessary and reasonable to carry out the provisions of this Local Law.

Such additional procedural rules and regulations shall not apply to the review and approval of a site plan subdivision for which initial application has been made prior to the scheduling of the public hearing.

## **Section 7.4 Amendments**

The Town Board may, on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend this Local Law pursuant to all applicable requirements of law. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning board shall submit its report within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed a recommendation for approval of the proposed amendment.

## **Section 7.5 Enforcement**

1. Any person, corporation, partnership, association, or other legal entity who shall violate any of the provisions of this Local Law or any conditions imposed by a permit or approval pursuant hereto shall be guilty of an offense and subject to a fine to be recovered in the following amounts per week:
  - a. \$250 dollars in the case of a site plan review and approval
  - b. \$1,000 dollars in the case of a subdivision review and approval
2. In case of any violation or threatened violation of any of the provisions of this Local Law or conditions imposed by a permit or approval pursuant hereto, in addition to other penalties herein described, the Town by action of the Town Board may institute any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct, or abate such violation to prevent any illegal act, conduct, business or use in or about such premises.
3. Any permit or approval granted under this Local Law which is based upon or is granted in reliance upon any material misrepresentation, a failure to make a material fact or circumstance known by or on behalf of an applicant, shall be void. This section shall not be construed to affect any fines payable to the Town under paragraphs "1-a." and "1-b." of this section.
4. The Planning board may settle by civil release and compromise any violations of this law, on terms which may be mutually agreeable to the Board and the alleged violator, prior to Town Board action under paragraphs "1-a." or "1-b." of this section. Where such Town Board action

has been initiated, consent of the Town Board shall be prerequisite to such civil compromise and settlement.

#### **Section 7.6 Statute of Limitations**

For any violation of the provisions of this Local Law, or for violation of any conditions imposed by a development or subdivision permit, or for any construction or attempt to establish a structure contrary to any approved plans or specifications, a proceeding or action to enforce must be commenced within 10 years from the date of the alleged violation. The period of limitation shall commence with the recording of the deed or other applicable document in the case of an alleged violation of a subdivision permit, and shall commence with the completion of any structure or other improvement in violation of this Local Law or any permit.

#### **Section 7.7 Judicial Review**

Any person aggrieved by any decision of the Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the Office of the Town Clerk.

#### **Section 7.8 Severability**

The provisions of this Local Law are severable. If any article, section, paragraph, or provision of this Local Law shall be invalid, such condition shall apply only to the article, section, paragraph, or provision(s) adjudged invalid, and the rest of this Local Law shall remain valid and effective.