

TOWN OF SCHUYLER FALLS

APPLICATION FOR MINOR SUBDIVISION

The Town of Schuyler Falls Planning Board meetings are held the FIRST TUESDAY OF THE MONTH at 6:30 PM. If the meeting night falls on a holiday or Election Day, the meeting will be held on the second Tuesday of the month. Any application to be considered at the monthly meeting must be received at the Town Hall 14 DAYS prior to the meeting. Any application received after that time will automatically be forwarded to the following month. **NO EXCEPTIONS WILL BE MADE.**

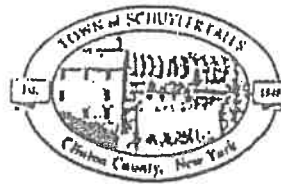
ALL APPLICATIONS TO BE REVIEWED BY THE PLANNING BOARD MUST CONTAIN:

- A) A completed application form showing the name, address and phone number of the sub divider.
- B) Three copies of the area tax map which is available at the Town Hall or the County Real Property Office
- C) A copy of the deed of the property to be subdivided.
- D) A complete EAF (Environmental Assessment Form). In some cases, a full SEQR may be required to address the environmental process.
- E) Three copies of a hand drawn map showing the original parcel* and the proposed subdivision. These maps must contain the following information:
 - 1. The printed name and address of the sub-divider.
 - 2. The sub-divider's signature.
 - 3. An indication of the northerly direction.
 - 4. Names of existing roads.
 - 5. Locations of any existing buildings.
 - 6. Property dimensions of both the original parcel and any proposed subdivision.
 - 7. The location of any existing or proposed right-of-way.
 - 8. Location of the proposed subdivision.
 - 9. Names of surrounding property owners.
 - 10. An indication of proposed use (residential, commercial)
 - 11. A notation that set-backs shall be a minimum 40" at the front, 20' at the back and 15' on the sides.

ALL the above information must be included on the hand drawn sketch before the Board will consider your application. The applicant or a representative of the applicant must be present at the meeting for the application to be addressed.

Information may also be requested to show ability to comply with DEC and Health Department rules.

*THE TAX MAP MAY NOT BE USED FOR THE HAND DRAWN SKETCH



**TOWN OF SCHUYLER FALLS
PLANNING BOARD**

P.O. BOX 99
MORRISONVILLE, NEW YORK 12962
(518) 563-1129 (518) 563-2503
Fax # 561-7845

DATE _____ TAX MAP PARCEL # _____

NAME OF APPLICANT _____

ADDRESS _____

PHONE NUMBER _____

REQUESTED ACTION _____

DESCRIPTION _____

****IF PROPERTY OWNER IS UNABLE TO ATTEND THE MEETING AT WHICH THIS APPLICATION IS REVIEW~ED, A NOTARIZED LETTER NAMING SOMEONE TO ACT AS YOUR AGENT WILL BE REQUIRED. IF A NOTARIZED LETTER IS NOT RECEIVED, THE PLANNING BOARD WILL NOT ADDRESS THIS APPLICATION.**

PLANNING BOARD MEMBERS

VIC MCCASLAND (CHAIRMAN)
PETER HAGER
KAREN WHITE
SANDRA MADDOX
MATTHEW RUSSELL

SIGNATURE OF APPLICANT _____

SIGN OFF SIGNATURE OF CODES ENFORCEMENT OFFICER _____

TOWN OF SCHUYLER FALLS LAND SUBDIVISION ORDINANCE

SECTION I. LEGISLATIVE INTENT

By adoption of this ordinance, the Town Board declares its intent in so doing is to regulate and control the division of lands by the owner(s) for the purpose of locating or constructing residential, commercial, or industrial buildings, mobile homes, or manufactured homes thereon. Said Town Board hereby declares that such division of land can, if not properly controlled, constitute a serious hazard to property and persons who shall occupy said subdivided lands and those who occupy land in the vicinity thereof. Without the proper control and regulation thereof, property lines become difficult to define; roads cannot with reasonable certainty be located and defined, constructed and maintained, and fire and emergency equipment cannot gain prompt and easy access to the areas.

In addition, consideration must be given to the effects on school systems, harmonious development of the region, coordination of proposed roads with existing roads, avoidance of excessive congestion, and the avoidance of such scattered or premature subdivision as would involve danger to health, safety, or prosperity, by reason of lack of water supply, drainage, transportation, or other services, or would necessitate the expenditure of public funds.

SECTION 2. DEFINITIONS

As used in this ordinance:

SUBDIVISION means the division of any parcel into two or more parcels, either for sale, rental, or separate use, for residential, commercial, or industrial purposes, whether by deed, contract, or by practical allocation. Any division is considered a subdivision--the part retained by the owner constitutes one lot.

The term "subdivision" does not include the following divisions of land:

- A. The establishment of a "Mobile Home Park" in compliance with the Town of Schuyler Falls Mobile Home Park Ordinance.
- B. Any parcel of land and that is divided by a public road; the land on either side of the road will be considered a separate parcel.
- C. The conveyance of a portion of a lot to the owner of an adjacent lot provided the lot reduced in size remains conforming and the lot increased in size is made more conforming.
- D. Even though existing division by rental or practical allocation is considered to be a subdivision, such division shall not preclude approval being required prior to any future subdivision by deed.
- E. Multi-party use of a single building shall not be considered a subdivision.

ROAD means a dedicated public thoroughfare for vehicular use.

SETBACK means the distance for the placement of structures on the property in relation to the front, side, or rear property lines of the parcel. Where a lot adjoins a road, the property line adjoining the road is measured from the edge of the road right of way.

LOT WIDTH means the distance between the side property lines as measured at the front setback line.

PRACTICAL ALLOCATION means improvement of a parcel with a detached structure intended for separate use or occupancy by a person or persons other than the owner(s).

SECTION 3. TYPE OF SUBDIVISION

For the purpose of this ordinance, subdivisions shall be considered to be in two categories further described as follows:

Minor subdivisions are those subdivisions consisting of two to four parcels set out of a tract of land, but excluding subdivisions requiring acceptance of land by the town for one or more public roads.

Major subdivisions are those subdivisions where, either at one time or during a period of time, five or more parcels are set out of a tract of land, or those subdivisions requiring acceptance of land by the town for one or more public roads. However, in determining whether a subdivision is a major subdivision, all previous subdivisions of a particular parcel by any subsequent owner after the date of the enactment of this ordinance, or by the current owner, since August 7, 1972, at which time the Town's first subdivision ordinance became effective, will be considered to be subdivisions of that parcel.

The Board of Appeals may, for good cause shown, relegate a technically, major subdivision to minor subdivision status.

SECTION 4. REVIEW/VALIDITY

- A. No land shall hereafter be subdivided and no road or other public space shall hereafter laid out within the town until the plat or plan of such subdivision has been submitted to and approved by the Planning Board, in accordance with Sec.5 or Sec. 6 below.
- B. No lot within any subdivision shall be offered for sale or rent nor shall any sale, contract for sale, or option be made or given until such division has been approved.
- C. No plat shall be valid or shall be recorded at the County Clerk's office until so approved and no lot within any major subdivision shall be sold until the plat has been recorded at the County Clerk's office.

SECTION 5. REQUIREMENTS FOR MAJOR SUBDIVISIONS

In general, the minimum requirements for the subdivision of land and the laying out of roads and other public space shall be as follows:

- A. **PLATS.** Plats shall be submitted in triplicate to the Planning Board for Preliminary review and approval, drawn by a licensed civil engineer, and accompanied by a pertinent tax map. Scale shall be no more than 100' to the inch, unless such scale would preclude use of a 20"x36" plat. Plat shall show name of the subdivision, petitioner, and certification by the engineer, all property or subdivision bounds, and in accordance with an accurate survey, the controlling points and lines around and within the subdivision; also, by distance, bearing, and angles, the relation of such controlling points and lines to other points and lines within or near the town.
- B. **SURVEY.** All survey monuments shall be indicated and there shall be at least one permanent monument shown at each corner of the subdivision and at each road intersection. Such monuments shall be specified to consist of 1" iron pipe or of 5/8" rebar, driven at least 3' in the ground and imbedded in at least one cubic foot of concrete. These monuments shall be physically placed prior to any sales, rentals, or improvements which might be affected by such placement.
- C. **IMPROVEMENTS.** The plat shall show all proposed roads, sidewalks, rights of way, sewers, water systems, culverts, and drainage systems. The Plat shall also specify who will be responsible for providing electrical service and whether it will be above or below ground. No such improvements shall be made until the plat has been approved by the Planning Board and the cost of such improvements shall be borne by the sub divider. Provision shall be made for proper drainage of surface water. All improvements shall conform to the best engineering standards and due consideration shall be given through-out to the appearance of the subdivision and its environmental impact on the Town.

- D. TOPOGRAPHY. Sufficient topography shall be shown to indicate natural drainage and probable grades of roads.
- E. LOT DETAIL. Proposed lot lines for subdivided area shall be shown, as well as the proposed location of wells, septic systems, private or public water and sewage systems.
- F. USE. The proposed use of all lots shall, be stated on plat; in addition, and property restrictions shall either be stated or referenced to recorded restrictive covenants.
- G. ROADS. The plat shall show a road cross-section indicating a minimum width of 50' including a travelled portion of 22', 5' shoulders and 9' ditches on each side, and a base of at least 12" gravel. Grades shall be the lowest feasible and not in excess of 10%. Acceptance of roads by the Town Board will be subject to inspection and approval by the Town Supt. of Highways. Before acceptance by the Town, The Town Board may at its discretion require the subdivider to post a bond sufficient to ensure the adequacy of the road(s). All dead end roads or right of way shall terminate in a cul-de-sac with a minimum diameter of 100' or some other similar arrangement acceptable to the Planning Board.
- H. LOT SIZE. All lots shall be at least 150' in lot width and shall contain at least 22,500 sq. feet/served by public water and 30,000 sq. ft. NOT served by public water. Frontage on the road or right of way shall be at least 65'.
- I. SETBACKS The minimum setbacks for all structures, except well-housings, shall be as follows:
 - Front Yard--40' from any road right of way, but in any event, sufficient to meet the 150' width requirement in H. above.
 - Side and back yards--15' side, 20' rear, but at least 40' from any road right of way. Setback requirements shall be stated on the plat.
- J. COMPLIANCE. The sub divider must show ability to comply with the Dept. of Environmental Conservation, State Sanitary Code, Board of Health, State Dept. of Transportation, and all other regulations applicable as of the time of application.
- K. FURTHER SUBDIVISION. Plat shall specify, unless specifically noted otherwise, that lots cannot be further subdivided; in any event, and further divisions will be at the discretions of the Planning Board.
- L. FINAL APPROVAL. Upon preliminary approval of plat by the Planning Board, a public hearing will be scheduled in accordance with requirements of Sec. 276 of the Town Law. After or during such hearing, the Planning Board will approve or disapprove the subdivision. If disapproved, sub divider may either revise the plat to satisfy the Planning Board or seek redress from the Board of Appeals. If approved, sub divider shall provide the planning Board with 4 copies of the plat, stamped with approval of the Board of Health, and including at least 3 cloth copies, for the stamping and signature of the Chair of the Planning Board.

SECTION 6. REQUIREMENTS OF MINOR SUBDIVISIONS

- A. PLATS. Plats shall be submitted in triplicate to the Planning Board, along with 3 copies of an 8 1/2" X 11" copy of applicable tax map, a copy of the deed and a completed application form showing the name, address, and phone number of the sub divider. Plats shall be sketched on a 8 1/2" X 11" sheet of paper and need not be prepared by a surveyor, but should be reasonable to scale. Sketch shall show the entire original property involved and the following: Name of existing roads; North direction; existing buildings, proposed division, property dimensions, and rights of way; location of any proposed improvements; names of surrounding owners; sub divider's signature. Sub divider may be required to show ability to comply with regulations of the Dept. of Environmental Conservation, Board of Health, State Dept. of Transportation, and all other applicable regulations as of the time of application.
- B. LOT SIZE. All lots shall contain at least 22,500 sq. ft. and shall be of sufficient width and size to allow for setbacks as detailed in C. below. Any additional new lots created on an existing town road shall be at least 150' in width. In the case of subdivisions by rental or practical allocation, imaginary lines shall be drawn on the plat as lot boundaries, in order to show compliance with this requirement.

- C. SETBACKS. Setbacks shall be shown on plat and shall be a minimum of 40' from any road border or any right of way, and 15' sides, and 20' at the rear.
- D. ACCESS. Any lots not fronting on a road shall be provided with access which is adequate for fire protection and satisfactory to the Planning Board. In the case of lots to be deeded, access shall be provided by a deeded right of way. Rights of way shall be improved, and same shall be specified on sketch, prior to sale, rental, or allocation so as to be easily and safely passable. In the case of lots to be deeded, access shall be by a right of way to be deeded simultaneously with lots.
- E. VERIFICATION. The Planning Board may request proof that the subdivision is not a major subdivision. (See Sec. 7 below)
- F. APPROVAL. No Public hearing will be required. Upon approval of the Planning Board, The Chair will stamp and sign plat.

SECTION 7. REPEAL OF PREVIOUS ORDINANCES.

Upon this ordinance becoming effective, all previous subdivision ordinances of the Town of Schuyler Falls will become void as to future application, except as to present and past violations.

SECTION 8. GRANDFATHER CLAUSE

Any subdivision legally existing prior to the effective date of this ordinance, or any structure existing prior to the effective date of the ordinance which is subsequently leased, is not subject to the above requirements. However, if an existing, non conforming structure is removed or destroyed and is not replaced within one (1) year thereafter, it will no longer be grandfathered. If a mobile home site is vacated for over one (1) year it will no longer be covered under the grandfather clause.

SECTION 9. DEDICATION

- A. The sub divider shall furnish the Town with an effective dedication of all roads and other public spaces to be dedicated, and of all easements provided by the subdivision plan or plans prior to the acceptance by the Town.
- B. The approval of a plat shall not be deemed to constitute or effect an acceptance by the Town Board or the public of the dedication on any street or other ground shown upon the plat.

SECTION 10. PENALTIES

Whoever subdivides any tract of land without having submitted a plat of such subdivision to the Town Planning Board and obtained its approval as required by this act, and does so before such plat is filed in the office of the Clinton County Clerk, if so required, shall be guilty of a violation, punishable as other violations as provided by the Penal law of the State of New York; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties.

A separate violation shall be deeded committed in each week (7 days) during or in which a violation occurs to continue.

In addition to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of such Ordinance.

SECTION 11. SAVING CLAUSE

If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in controversy in which such judgment shall have been rendered.

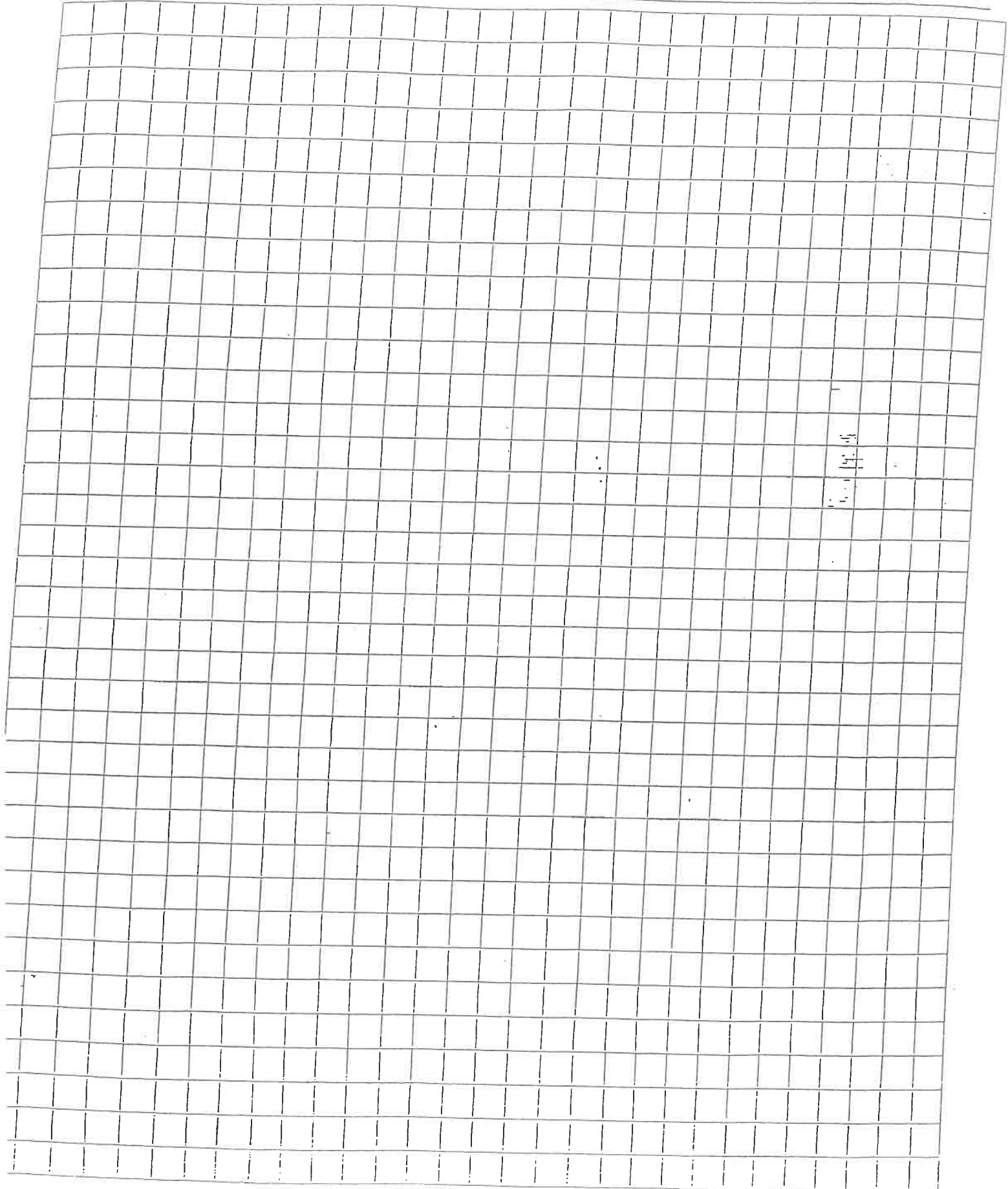
SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect ten days after publication and Posting or immediately upon personal service as provided by Section 133 of Town law.

I hereby certify, that the foregoing is a true copy of the Ordinance Adopted by Resolution of the Town Board of the Town of Schuyler Falls at the regular Meeting held, a quorum being present and a majority voting thereof.

NOTE: *Effective 6-5-90*

NAME _____ ADDRESS _____



EASE DRAW TO SCALE.

CIRCLE ONE - ONE SQUARE = 5' 10' 15' 20'

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>