

Chapter 131

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 12-10-1985 by L.L. No. 8-1985; amended in its entirety 12-1-2005 by L.L. No. 4-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Environmental quality review — See Ch. 63.
Flood damage prevention — See Ch. 72.
Sewers — See Ch. 121.
Streets and sidewalks — See Ch. 129.
Water — See Ch. 146.
Zoning — See Ch. 148.

§ 131-1. Title, scope, and purposes.

- A. Title. This chapter shall be known and may be cited as the "Subdivision Law of the Town of Skaneateles."
- B. Scope. A local law regulating the approval of subdivision plats in the Town of Skaneateles, authorizing the Planning Board to:
 - (1) Approve plats showing lots, blocks, or sites, with or without streets or highways;
 - (2) Conditionally approve preliminary plats, within the Town of Skaneateles; and
 - (3) Pass and approve the development of entirely or partially undeveloped plats already filed in the office of the Onondaga County Clerk.
- C. Enacting clause and purposes. This chapter is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, § 10 et seq. and §§ 271, 276, 277, and 278 of the Town Law, in conformance with the Comprehensive Plan for the Town and Village of Skaneateles, to protect and promote public health, safety, comfort, convenience, economy, natural, agricultural, and cultural resources, aesthetics, and the general welfare, and for the additional purposes listed in § 148-1C of the Town of Skaneateles Zoning Law (hereinafter "Zoning Law").
- D. Applicability. No subdivision of any lot, tract, or parcel of land shall be effected and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use and travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this chapter. This chapter applies to lot line adjustments as defined herein, but does not apply to lot mergers which eliminate but do not change lot lines. (See Subsection F below.)
- E. Policy. It is declared to be the policy of the Town of Skaneateles Planning Board to

consider land subdivision plats as part of a plan for the orderly, efficient, environmentally sound, and economical development of the Town of Skaneateles, consistent with the Town of Skaneateles Comprehensive Plan and Zoning Law and the requirements of the State Environmental Quality Review Act (SEQRA). The following objectives shall guide the Planning Board's decisions:

- (1) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace.
- (2) Proper provision shall be made for drainage, water supply, sewerage, and other needed improvements and utilities.
- (3) Streets shall be of such width, grade, and location as to appropriately accommodate present and anticipated future traffic and to facilitate fire protection, while minimizing disruption of the natural environment.
- (4) Park or other natural areas of suitable location, size, and character for playground or other passive or active recreational purposes shall be shown on subdivision plats, where appropriate.
- (5) Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate the adverse environmental impacts of subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources (including Skaneateles Lake), agricultural land, and scenic viewsheds, and to implement the Town's policies of protection of its environmental and cultural resources pursuant to the Zoning Law.
- (6) New development shall be laid out in a manner that reflects and complements historic development patterns.

F. Lot line adjustments and lot mergers.

- (1) Although a lot line adjustment does not require approval as a subdivision, lot lines may not be changed (other than for lot mergers) unless an amending map has been approved and signed by the Planning Board Chair. The map shall be signed and recorded following sketch plan review and Planning Board approval of a final lot line adjustment map in a form acceptable for filing in the County Clerk's office. The purpose of such review shall be only to confirm compliance with zoning dimensional requirements and to ensure that existing on-site utilities and driveways are located on the parcel on which an existing building which they serve is situated. No lot line adjustment shall result in the creation of a nonconforming lot or increase the nonconformity of an existing nonconforming lot. Lot line adjustments to nonconforming lots shall be permitted, provided that the result is to make any nonconforming lots more conforming.
- (2) All property owners whose lots will be affected by the lot line adjustment must sign a consent to file.
- (3) Other procedural requirements of this chapter, including the public hearing requirements, do not apply unless the Planning Board determines, in the course of its review of the lot line adjustment, that there are issues that would justify holding a public hearing. In such a case, the Planning Board may reclassify the lot line

adjustment as a minor subdivision, hold a public hearing in accordance with the provisions of § 131-3B, and require that the applicant comply with applicable rules for subdivisions. To the extent that this Subsection F may conflict with the provisions of § 276 of the Town Law, the Town Board hereby declares its intention to supersede the Town Law pursuant to the Municipal Home Rule Law, Article 2, § 10 et seq.

- (4) Lot mergers, in which lot lines are deleted but not moved, do not require any approval under this chapter.
- G. Interpretation of provisions. All provisions of this chapter shall be construed broadly to fulfill the purposes and policies stated in § 131-1C and E above and the policies expressed in the Town and Village of Skaneateles Comprehensive Plan (hereinafter the "Comprehensive Plan").
 - H. Self-imposed restrictions. Nothing in this chapter shall prohibit a subdivider from placing self-imposed restrictions, not in violation of this chapter, on the development. Such restrictions shall be indicated on the plat.
 - I. Conflict with state laws. To the extent that any provisions of this chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 271 and 276, 277 and 278, the Town Board of the Town of Skaneateles hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York.
 - J. Separability clause. Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part declared to be invalid.

§ 131-2. General requirements and design standards.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. These standards shall be minimum requirements and may be waived by the Planning Board only under circumstances set forth in § 131-4. In case of any inconsistency between this chapter and Chapter 129, Streets and Sidewalks, of the Town of Skaneateles Code, this Chapter 131 shall control.

A. General requirements.

- (1) Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- (2) Conformity with Comprehensive Plan and zoning. When reviewing applications for subdivisions, the Planning Board shall consider the Comprehensive Plan and comply with the Zoning Law.
- (3) Specifications for required improvements. All required improvements shall be constructed or installed to conform to Town specifications, as established by the Planning Board or Town Board.

- (4) Preservation of existing features.
 - (a) Existing features which are important to the natural, scenic, and historic character of the Town or which add value to residential development, such as large trees, watercourses, beaches, scenic views, historic places, and similar irreplaceable assets, shall be preserved, insofar as possible, in the design of subdivisions. The conservation analysis required by § 148-9G(1) of the Zoning Law shall be used to identify such features.
 - (b) The Planning Board may impose restrictions designed to preserve such features, including the limitation of structures to designated building envelopes or the delineation of areas where building or site alteration is prohibited, as a condition of subdivision approval.
 - (c) To the extent practicable, every effort shall be made to maintain existing trees.
 - (d) Topsoil shall not be removed from the site except with the approval of the Planning Board.
 - (e) In order to fulfill the purposes of this Subsection A(4), the removal of any existing features or topsoil, the unauthorized removal of trees pursuant to Subsection A(4)(c) above, or the clearing of 10,000 square feet or more of existing vegetation without the required approvals shall render the entire parcel of land ineligible for subdivision approval for a period of three years from the date the owner is sent a notice of violation in connection with such removal or clearing, provided that the notice of violation states that the parcel will be ineligible for subdivision for three years and the owner of the parcel does not cure the violation or obtain the required permits.
 - (f) Where a proposed subdivision contains open space of conservation value [as described in § 148-9G(1) and H of the Zoning Law], the Planning Board may require an open space subdivision [§ 148-9G] to ensure the preservation of such open space.

B. Street layout and design.

- (1) Width, location, and construction. Streets shall be surveyed and shall be compatible with the existing character of the hamlet or rural area in which they are located. They shall be adequately constructed to accommodate the anticipated traffic and provide access for fire fighting, snow removal, and road maintenance equipment. The arrangement of streets shall not result in undue hardship to adjoining properties. Roads shall be constructed to such specifications as the Planning Board shall deem appropriate to fulfill the purposes of this chapter and the Zoning Law, after review and recommendation by the Town Highway Superintendent and Town Engineer. The specifications in Chapter 129 may be modified by the Planning Board to fulfill the purposes of this chapter and the Zoning Law.
- (2) Relation to topography. Streets shall be designed to minimize alteration of natural topography. They shall be arranged to obtain as many as possible of the building sites at or above the grades of the streets.

- (3) Block size in Hamlet Districts. Within the Hamlet Districts, newly created blocks generally should not be less than 200 feet nor more than 1,000 feet in length. In general, no block width should be less than twice the normal lot depth. In blocks exceeding 500 feet in length, the Planning Board may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved footpath be included.
- (4) Intersections. Except within the Hamlet Districts, intersections of major streets by other streets shall generally be at least 500 feet apart; four-cornered street intersections shall be avoided (except at major traffic intersections), and a distance of at least 125 feet shall be maintained between offset intersections.
- (5) Visibility at intersections. In order to provide visibility for traffic safety, corner lots shall be kept free of obstructions as required in § 148-11I of the Zoning Law. If directed by the Planning Board, ground shall be excavated and vegetation cleared to achieve visibility. The Planning Board may require easements to be granted to the Town to maintain visibility.
- (6) Design standards. Streets shall meet the following standards, unless otherwise approved by the Planning Board after consulting with the Town Highway Superintendent and the Town Engineer pursuant to § 131-2B(1). The construction specifications in Chapter 129 of the Town Code shall apply except where they conflict within provisions of this chapter.

Standard	Street Classification		
	Cons. Density^a	Minor	Collector
Minimum width of right-of-way	33 feet	66 feet	66 feet
Minimum width of traveled way	13 feet	20 feet	30 feet
Minimum radius of horizontal curves	50 feet ^b	100 feet ^b	200 feet ^b
Minimum length of tangent between reverse curves	100 feet	150 feet ^c	200 feet
Maximum grade	12%	12%	8%
Minimum grade	1%	1%	1%

NOTES:

^a Applies only to private roads within conservation density subdivisions. See § 131-6 of this chapter. Other new private roads must comply with standards for minor streets. See also § 131-2B(12) below.

^b Except for street intersection corners.

^c Except where excessive grades may be reduced by shortening tangent.

- (7) Continuation of streets into adjacent property.
 - (a) The arrangement of streets in the subdivision shall provide for the continuation

and interconnection of principal streets both within and between adjoining parcels and subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided. The Planning Board shall require the use of temporary dead-end streets, 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. Such modification shall be permitted only where the presence of wetlands, watercourses, or excessively steep slopes makes such continuation infeasible. The requirement of such interconnection shall not apply to private roads in conservation density subdivisions approved pursuant to § 131-6.

- (b) If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround a minimum of 50 feet in radius shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.
 - (c) The subdivision street network may include a continuous network of public pedestrian walks, either independent or incorporated within vehicular rights-of-way, to connect all properties and public areas.
 - (d) Where a subdivision includes lots substantially larger than the minimum lot size, the Planning Board may, if appropriate, require a road and lot layout that will permit future resubdivision.
- (8) Connections with existing streets. Subdivisions containing more than 20 lots shall normally have at least two street connections with existing streets. Where the existence of undeveloped adjoining properties or other special circumstances make this requirement impractical, stub street connections to adjoining property shall be reserved for future dedication and connection, as deemed necessary by the Planning Board to ensure that this standard will be met over time when adjoining properties are developed. To ensure adequate access and public safety, the Planning Board may require an internal loop road configuration in addition to the requirement of stub street connections to adjoining properties.
- (9) Permanent dead-end streets (culs-de-sac). The creation of dead-end residential streets is normally permitted only in conservation density subdivisions as provided in § 131-6. In other types of subdivisions, dead-end streets shall only be permitted where continuation of a street is impossible due to topographic conditions, wetlands, or watercourses or where such a street is necessary to preserve other important natural, historic, scenic, or recreational resources. Such streets shall, in general, be limited to 800 feet in length. This limit may be waived in the case of subdivisions not exceeding eight lots, where significant areas of contiguous open space are permanently preserved by a conservation easement. Where dead-end streets are permitted, the Board may require the reservation of a twenty-foot-wide easement to provide for

continuation of pedestrian traffic and utilities to the next property or street. A circular turnaround with a minimum right-of-way radius of 50 feet or a "hammerhead" at least 100 feet in length shall be provided at the end of a permanent dead-end street.

- (10) Street names. All streets shall be named, and such names shall be subject to approval by Onondaga County. Names shall be sufficiently different in sound and in spelling from other street names to avoid confusion. A street which is a continuation of an existing street shall bear the same name.
- (11) Improvements.
 - (a) All streets to be offered for dedication shall be graded, paved, and improved with street signs and trees. In subdivisions outside the RF District that achieve densities at or close to the maximum permitted by the Zoning Law, streets shall also be improved with sidewalks, streetlighting standards, curbs, gutters, water mains, sanitary sewers, storm drains, and fire hydrants, as applicable. In the RF District and in other areas where density will be limited to a level significantly below that permitted by zoning, the Planning Board shall require only those improvements it considers necessary for public health, safety, and general welfare. Improvements that would detract from the rural and scenic character of the Town shall not be required in such areas of low density, provided that there are adequate safeguards in place to ensure that such areas will maintain their low-density characteristics over time.
 - (b) Underground utilities required by the Planning Board shall generally be placed between the traveled way and property line to simplify location and repair of the lines, and the subdivider shall install underground service connections to the property line of each lot before the street is paved.
 - (c) Grading and improvements shall conform to Town highway specifications (except when waived) and shall be approved as to design and specifications by the Highway Superintendent and Town Engineer.
- (12) Private roads not in conservation density subdivisions.
 - (a) All roads that remain privately owned (i.e., not dedicated to the Town) in new subdivisions that are not conservation density subdivisions (see § 131-6) shall comply with the design and construction requirements for minor streets in § 131-2B(6), unless waived by the Planning Board. [Private roads in conservation density subdivisions shall comply with the standards for such subdivisions in § 131-2B(6)].
 - (b) Such roads shall comply with the road maintenance requirements in § 131-2G.
 - (c) Where a subdivider proposes to subdivide land that is accessed by a preexisting private road serving existing lots, the Planning Board may require the subdivider to improve the private road up to the standards for a minor street. Where such a requirement is unnecessary because the condition of the existing road is adequate to meet the needs of all existing and new lots, where such a requirement is impossible to fulfill due to joint ownership of the road with other

persons, or where such a requirement may create a significant hardship to a landowner, the Planning Board may grant waivers from one or more of the minor street standards. Such waivers may be granted only to the extent necessary to take account of the circumstances and/or to relieve such hardship, provided that such waivers are consistent with protection of public health and safety. If such waivers are granted, the Planning Board may limit the number of lots that may be created because of the condition of the private road. However, if the road does not meet applicable standards it may not be accepted for dedication by the Town.

- (13) Conflicts. In the event of any conflict between the requirements of this Chapter 131 and the requirements of Chapter 129 of the Town of Skaneateles Code, or of any specifications promulgated thereunder, this Chapter 131 shall control.

C. Drainage.

- (1) Minimizing impact. Subdivisions shall be designed to maintain or improve pre-development drainage conditions by minimizing grading, cutting, and filling, by minimizing the use of impervious surface materials on roads, driveways, and other improved areas, by retaining existing vegetation, by using gently sloped vegetated swales, and by employing other nonstructural or structural measures including retention or detention basins, as required by § 148-26 of the Zoning Law. Within the LW Overlay District, the Planning Board may deny any subdivision application which does not comply with this Subsection C(1), even if it can comply with Subsection C(2) through (5) below.
- (2) Land subject to flooding. All subdivision applications shall comply with Chapter 72 of the Code of the Town of Skaneateles. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation. Such land may also be improved in a manner that reduces the threat of localized and downstream flooding.
- (3) Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall be large enough to accommodate runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on proposed runoff from the subdivision and existing conditions upstream of the subdivision. For open channels and for culverts under roadways that are the only access, the design shall be for a one-hundred-year storm. For culverts under roadways that do not constitute the only access, the design shall be for a ten-year storm when a one-hundred-year storm will not flood buildings or farm structures at the culvert location.
- (4) Drainage facilities basis of design. Storm sewers and open channels or roadside swales necessary to accommodate drainage from the subdivision shall be designed for a two-year storm with provisions for a one-hundred-year storm flood route. A flood route is necessary so that homes will not be flooded in severe storms and so that no portion of the land in a subdivision will be subject to erosion. Such drainage facilities

shall be located in road rights-of-way or in perpetual easements of appropriate width.

- (5) Responsibility for downstream drainage.
 - (a) The general principles described in § 131-2C(1) above shall be utilized to minimize the impacts of development on downstream drainage facilities for minor subdivisions. For major subdivisions, a detailed analysis of the impact will be required, except when drainage from the entire subdivision discharges directly to Skaneateles Lake, Skaneateles Creek, or Dutch Hollow Brook.
 - (b) The detailed analysis shall be for the entire tributary area for tributaries of Skaneateles Lake, Skaneateles Creek, Dutch Hollow Brook, and Carpenter's Brook. The detailed analysis shall also include tributaries in the Nine Mile Creek Watershed that are entirely in the Town of Skaneateles. The detailed analysis shall be undertaken using TR20, the hydrological computer model developed by the United States Department of Agriculture. If such a model already exists, it shall be provided to the applicant.
 - (c) The analysis shall be sufficient to determine the impact the development will have on downstream facilities. If the development does cause an adverse impact, stormwater detention shall be incorporated, and a proposed computer model developed proving that the proposed development will not increase the flow rates to downstream properties and drainageways for storms with return frequencies of from two to 100 years. After detention facilities are constructed they shall be as-built and the computer model modified to become the revised existing conditions model for the tributary. As an alternative to stormwater detention, the downstream drainage facilities can all be improved to accommodate a one-hundred-year flood without causing flooding or erosion. In every case the detailed computer modeling shall be completed to the satisfaction of the Town of Skaneateles Planning Board.

D. Lots.

- (1) Arrangement. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in locating a building on each lot and in providing access to buildings on such lots from an approved public or private road. The lot layout shall generally follow applicable portions of the Rural Design Guidelines and Hamlet Design Guidelines published by the New York Planning Federation in 1994, adapted as necessary to conform to the requirements of this chapter.
- (2) Watercourses.
 - (a) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, an easement for stormwater drainage may be provided as required by the Town Planning Board, in no case less than 30 feet in width.
 - (b) Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Highway Superintendent or Town Engineer.

- (3) Access from major streets. Lots shall not, in general, derive access exclusively from a major street. In order to avoid such access, the Planning Board may require construction of interior or reverse frontage roads, rear service alleys, or a network of interconnected minor and collector streets, as alternative measures to provide vehicular access to lots. Where driveway access from a major street may be unavoidable for several adjoining lots, the Planning Board may require that such lots be served by a common driveway in order to limit possible traffic hazards on such street.
- (4) Driveways and common driveways.
 - (a) The Planning Board shall assure that driveways are suitably laid out to provide safe access to improved streets, taking into consideration the rural character of the Town and the expressed policies of minimizing environmental disruption. The Planning Board shall encourage the use of common driveways, provided that safe access is feasible over the common driveway and that legally adequate recorded common driveway maintenance agreements are required as conditions of subdivision approval. No common driveway shall provide access to more than four dwelling units (not counting accessory apartments), except as specifically provided in this chapter or the Zoning Law. The Planning Board may approve a subdivision in which lots served by a common driveway have road frontage that is not physically suitable for the placement of a driveway.
 - (b) Driveway access. Driveway access and grades shall conform to specifications of any applicable Town driveway regulations. Driveway grades between the street and the setback line shall not exceed 10%. In the event that such a grade will intersect existing underground utilities or will result in inadequate cover or protection for such utilities, the Planning Board may require the subdivider to relocate such underground utilities or take measures to provide adequate cover or protection of them, all at the subdivider's sole cost and expense and according to plans and specifications developed and submitted by the subdivider and approved by the Planning Board and utility owner.
- (5) Building envelopes. Within the Lake Watershed Overlay District and in conservation density subdivisions, the Planning Board shall require building envelopes on all lots to restrict the location of structures, grading, and other land disturbance activities. The Planning Board may require building envelopes on lots in other districts if necessary to protect land of conservation value as determined through a conservation analysis or otherwise to fulfill the purposes of this chapter.

E. Reservations and easements.

- (1) Parks and recreational land.
 - (a) Before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall 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) Areas designated as potential recreation land in the Comprehensive Plan or Zoning Law shall be deemed to be suitably located for recreational purposes and a proper case shall be deemed to exist for requiring a reservation of all or a portion of such designated areas in any subdivision plat. To the extent that this provision may be inconsistent with Town Law § 277(4), the Town Board hereby declares its intent to supersede that section of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York.
 - (d) In the event that the Planning Board makes a finding pursuant to § 131-2D(1)(b) 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 suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount per lot to be established as the "recreation fee" by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for parks, recreational facilities, or recreation areas, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood and whether the location of the proposed recreational land is shown in the Comprehensive Plan or Zoning Law. Any monies required by the Planning Board in lieu of land for park, playground, or other recreational purposes, pursuant to the provisions 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.
- (2) Easements for pedestrian access. The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds, natural areas set aside for the benefit of the public, or other nearby streets, perpetual unobstructed easements at least 10 feet in width.
 - (3) Ownership of reservations. Ownership shall be clearly indicated on the plat for all reservations.
- F. Water and sewer. All subdivisions shall meet applicable water and sewer regulations of the Onondaga County Health Department, the New York State DEC, and, in the LW Overlay District, the City of Syracuse and/or the City of Auburn. The Planning Board shall ensure, through appropriate conditions on any approval, the land that abuts a farm operation shall not have any wells for potable water supply located within 100 feet of the property line of such farm operation.

- G. Maintenance of private roads. Any private road which is not accepted for dedication by the Town of Skaneateles shall comply with the following requirements for ensuring road maintenance. The following road maintenance requirements shall apply to all newly constructed private roads in conservation density subdivisions, open space subdivisions, and conventional subdivisions. To the extent practicable, these requirements shall also apply to the extension of or creation of new lots along a private road which existed prior to the adoption of this Subsection G:
- (1) A homeowners' association (HOA) shall be created to own and provide for the perpetual care and maintenance of the private road. Such HOA shall meet all requirements listed below.
 - (2) The HOA shall be established before the final subdivision plat is signed and must comply with all applicable provisions of the General Business Law, including filing requirements with the Attorney General.
 - (3) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance and maintenance of common open space, private roads and other common facilities.
 - (4) The HOA must be responsible for liability insurance, property taxes and the maintenance of recreational and other facilities and private roads.
 - (5) Property owners must pay their pro rata share of the costs in Subsection G(4) above, and the assessment levied by the HOA must be able to become a lien on the property.
 - (6) The HOA must be able to adjust the assessment to meet changed needs.
 - (7) The HOA shall contract with a qualified road contractor to ensure that the road will always be maintained and kept open to permit emergency vehicle access. In the event that a private road contractor does not properly maintain the road, the Town of Skaneateles may assume maintenance responsibilities and charge the HOA for all reasonable costs thereof. Such costs, if unpaid for more than 60 days, shall, along with attorneys' fees for their collection, become a lien on the property and enforceable in the same manner as a property tax lien. The Planning Board shall have discretion to determine whether the applicant should be required to establish a maintenance fund at the time of approval and, if so, how much of a deposit should be required. The Planning Board shall also have discretion to determine whether a performance guaranty must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance guaranty shall be and what form it shall take.
 - (8) The HOA shall provide at regular intervals (not to exceed five years) a written certification from a professional engineer licensed by the State of New York that the physical integrity of the private road is adequate to meet its present needs and the needs which can reasonably be anticipated in the future.
 - (9) The private road may never be offered for dedication to the Town of Skaneateles unless it fully conforms to Town highway specifications for minor streets in effect on the date of the offer of dedication. However, the Town Board shall be under no

obligation to accept such an offer of dedication, even if the road conforms to such Town highway specifications. In the event that such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town highway specifications shall be borne by the homeowners' association (HOA).

- (10) If the road serves a conservation density subdivision, the lots in the conservation density subdivision shall be restricted by a conservation easement so that they may never be subdivided beyond the number of lots permitted in § 131-6A(1) and B(1), regardless of whether the private road remains a private road.
- (11) The subdivision plat shall show the road clearly labeled "private road" and shall reference the HOA agreement (or recorded maintenance agreement, if applicable) to which the road is subject.
- (12) The Planning Board may waive the requirement of a private road maintained by an HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a common driveway maintained pursuant to a recorded maintenance agreement executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Town as would a private road owned by an HOA, and that the requirements and HOA functions described above will be properly fulfilled by such a common driveway and maintenance agreement.

H. Landscaping requirements.

- (1) Wherever possible, existing native vegetation and trees shall be retained and land disturbance for creation of building sites and lawn areas shall be minimized.
- (2) The Planning Board may require, as a condition of subdivision approval, the planting of trees on all lots fronting on existing and new streets. This requirement may be waived in wooded areas where existing vegetation is retained.
- (3) Where lots are created with access on reverse frontage or other interior roads, the street tree planting requirements of Subsection H(2) above shall also apply to any portion of such lots that adjoins existing roads. In addition, a buffer area of at least 50 feet shall be provided along such existing roads in which no land disturbance may occur (except as necessary for drainage, utilities, and pedestrian or bicycle paths) and in which either landscaped screening shall be planted or maintained or natural vegetation shall be permitted to grow into woods. This buffer requirement may be waived in the HM District.
- (4) The requirements of this Subsection H shall be waived where retention or planting of vegetation would block scenic views. The Planning Board may require clearing of vegetation in order to open up views that have become blocked by growth of vegetation.

§ 131-3. Procedure for filing applications.

Whenever any subdivision of land is proposed, and before any contract for the sale of any lots in such subdivision is executed, the subdivider or his duly authorized agent shall apply in writing for subdivision approval in accordance with the following procedures. In the case of any conflict

between the procedures contained in this § 131-3 and the provisions of New York state law, state law shall control. Submissions made under this § 131-3 may be prepared by any licensed professional qualified under the Education Law of the State of New York to prepare such materials, unless the Planning Board determines that additional qualifications are required for a particular proposed project. Submissions shall be made with a specified number of copies on or before a specified filing deadline as determined by the Planning Board by resolution.

A. Sketch plan review.

- (1) Submission of sketch plan and required data. A subdivider shall, prior to subdividing land (including implementing a lot adjustment), submit to the Secretary of the Planning Board multiple copies of a sketch plan of the proposed subdivision as specified by the Planning Board. The sketch plan shall be drawn at a scale no smaller than one inch equals 200 feet, unless a smaller scale is needed to present the entire tract on one sheet. The sketch plan shall show the following information, unless waived by the Planning Board:
 - (a) The location of the portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - (b) All existing structures, wooded areas, streams, topography based on available USGS quadrangle maps, and other significant physical features within the subdivision and 200 feet thereof.
 - (c) The names and addresses of the record owner, subdivider, and licensed professional preparer, if applicable, including license number and seal, and the names and addresses of all adjoining property owners as disclosed by the most recent municipal tax records.
 - (d) The Tax Map sheet; block and lot numbers, if available.
 - (e) All the utilities available, and all streets which are either proposed, mapped, or built.
 - (f) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
 - (g) All existing restrictions on the use of land including easements, covenants, conservation easements, and land use district boundary lines.
 - (h) Any airport approach zones or flight paths where aircraft may be taking off or landing at low altitudes.
 - (i) A short-form environmental assessment form (EAF) or Part 1 of a long-form EAF.
 - (j) A conservation analysis as described in § 148-9G(1) of the Zoning Law, except in the case of a minor subdivision located outside the Lake Watershed Overlay District.
- (2) Other governmental agency requirements. The subdivider shall determine the

requirements of all governmental agencies whose approval is required by this chapter, and which must eventually approve any subdivision plan coming within their jurisdiction. In the Skaneateles Lake Watershed, a copy of the sketch plan shall be sent to the City of Syracuse simultaneously with its submission to the Planning Board, as provided in the Syracuse Watershed Rules and Regulations.

- (3) Discussion of requirements and classifications.
 - (a) The subdivider or a duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of the Zoning Law, the conservation analysis, and other requirements of this chapter, including but not limited to drainage, sewerage, water supply, fire protection, as well as the availability of existing services and other pertinent information shown on the sketch plan.
 - (b) The Planning Board shall classify the sketch plan as a minor or major subdivision as defined in this chapter. When the subdivision is classified by the Planning Board as a minor or major subdivision, a notation to that effect shall be made on the sketch plan. The Planning Board may require, however, when it deems necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions.
 - (c) If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure in § 131-3B of this chapter. If it is classified as a major subdivision, the subdivider shall comply with the procedure in § 131-3C of this chapter.
- (4) Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall, where it deems necessary, make specific recommendations, in writing to be incorporated by the subdivider in the next submission to the Planning Board. In its study of a sketch plan that includes a conservation analysis, the Planning Board shall make conservation findings pursuant to § 148-9G(1) of the Zoning Law.
- (5) Open space subdivision may be required. Where appropriate, based upon the conservation analysis and conservation findings described in § 148-9G(1) of the Zoning Law, the Planning Board may require the subdivider to prepare an open space subdivision plan pursuant to § 148-9 of the Zoning Law. In such a case, the subdivider shall submit another sketch plan showing an open space subdivision, based upon the Planning Board's conservation findings from its review of the conservation analysis.
- (6) Public workshop option. With the applicant's consent, the Planning Board is encouraged but not required to convene an interactive public workshop in which members of the Board and the public work together and with the applicant to explore options for the property proposed for development.

B. Approval of minor subdivision.

- (1) Application. Within one year after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for classification. The subdivision plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.
- (2) Fees. All applications for subdivision plat approval for a minor subdivision shall be accompanied by a fee established by the Town Board. The Planning Board may, if it deems necessary, require a deposit of funds in escrow to cover the costs of review as provided for in § 131-3C(1)(b).
- (3) Required data. The subdivision plat, in multiple copies as required by the Planning Board, shall be submitted to the Secretary of the Planning Board and, if applicable, the City of Syracuse or City of Auburn, at such time as required by the Planning Board in advance of its next meeting. The subdivision plat shall include, in addition to the information required by § 131-3A(1) to be on the sketch plan, the following information:
 - (a) A copy of conservation easements, covenants, or deed restrictions intended to cover all or part of the tract.
 - (b) The results of percolation tests on each lot intended for building habitable structures and a note stating that all on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Onondaga County Department of Health and the City of Syracuse or City of Auburn, if applicable.
 - (c) A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the plat. The Planning Board may waive the requirement to have the lot corners marked where the land is part of a working farm operation. In the case of a tract in which less than 50% of the land is to be platted for buildable lots, or where there is a farm operation, the Planning Board may waive the requirement of a field survey of that portion of the tract which is not to be platted.
 - (d) A note indicating the maximum impermeable surface coverage per lot, in compliance with § 148-9 of the Zoning Law.
 - (e) If the proposed subdivision is an open space subdivision as described in § 148-9 of the Zoning Law, the total permitted lot count for the entire tract based upon the density standards in the Zoning Law, the number of lots created by the plat, and the number of lots permitted to be platted in the future, as well as a table showing setback requirements and impermeable surface coverage limits for each lot.
 - (f) Proposed subdivision name, name of the Town and county in which it is located.

- (g) Date, North point, map scale, names and addresses of the record owner, subdivider, and licensed professional preparer, including license number and seal.
 - (h) If the platted lots abut agricultural uses, the agricultural disclosure note required by § 148-31 of the Zoning Law.
 - (i) If the property to be subdivided is in an agricultural district and contains a farm operation or lies within 500 feet of a farm operation in an agricultural district, an agricultural data statement, as required by § 305-a(2) of the Agriculture and Markets Law. (See § 131-7 of this chapter.)
 - (j) Such other information as the Planning Board deems necessary to conduct an informed review, including but not limited to items listed in § 131-3C(2).
- (4) Relation to other lands of subdivider. If the application covers only a part of the subdivider's entire holdings (or those of a related person), the subdivider shall submit a map or sketch of the entire contiguous holdings, indicating acreages and the relation of the proposed subdivision to the entire holdings. The area proposed for subdivision shall be considered in light of the entire holdings.
 - (5) Agricultural data statement notification. Upon receipt of a minor subdivision plat application containing an agricultural data statement, the Secretary of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the subdivider.
 - (6) Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.
 - (7) Mediation. Mediation may be employed to help resolve disputes, as provided in § 131-3C(6).
 - (8) Study of plat. The Planning Board shall study the suitability of the plat taking into consideration the conservation analysis (if one is prepared), the conservation findings made at the time of sketch plan approval, the purposes and requirements of the Comprehensive Plan and the Zoning Law (including the rural siting principles in § 148-25 of the Zoning Law, if applicable), the best use of the land being subdivided, and the impacts of the proposed subdivision on the functioning of farm operations in an agricultural district as shown in any agricultural data statement. Particular attention shall be given to the arrangement, location, and width of streets, and their relation to topography, water supply, sewage disposal, drainage, lot size and arrangement, the future development of adjoining lands as yet unsubdivided, and the Town's goals of protecting its natural, historic, scenic, and agricultural resources while providing affordable housing, promoting economic development, and diversifying its tax base.
 - (9) When officially submitted. The time of submission of the subdivision plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fees and all data required by § 131-3B(3) of this

chapter, has been filed with the Secretary of the Planning Board, and the Planning Board has filed either a negative declaration or a notice of completion of a draft environmental impact statement in accordance with the State Environmental Quality Review Act (SEQRA).

- (10) Public hearing. A public hearing shall be held by the Planning Board within 62 days from the date of official submission of the subdivision plat for approval or as otherwise provided in § 276(6)(d) of the Town Law. The hearing shall be advertised in a newspaper of general circulation in the Town at least five days before the hearing and shall be coordinated with any hearing held under SEQRA. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.
- (11) Action on subdivision plat. The Planning Board shall, within 62 days of the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the subdivision plat pursuant to § 276(7)(a) of the Town Law. This time may be extended by mutual consent of the subdivider and the Planning Board. In the event the Planning Board fails to take action on a subdivision plat within the time prescribed herein, or for such extended period established by the mutual consent of the subdivider and the Planning Board, the plat shall be deemed approved, and a certificate of the Town Clerk 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 of other evidence of approval herein required.
- (12) Conditional approval. Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Secretary of the Planning Board as conditionally approved, and a copy filed in the Secretary's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

C. Approval of major subdivision.

- (1) Application and fees.
 - (a) Prior to the filing of an application for the approval of a major subdivision plat,

the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in § 131-3C(2) below. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law, except where a waiver may be specifically authorized by the Planning Board. The preliminary plat, in multiple copies as required by the Planning Board, shall be submitted to the Secretary of the Planning Board at such time as required by the Planning Board, and shall be accompanied by a fee established by the Town Board. If any portion of the property is in the Skaneateles or Owasco Lake Watersheds, the preliminary plat shall also be filed simultaneously with the City of Syracuse or the City of Auburn, as appropriate.

- (b) The subdivider shall also be responsible for all reasonable engineering, planning, legal, and other project review costs incurred by the Town in connection with the subdivision application. The application for approval of the preliminary plat shall be accompanied by a deposit to a project review escrow fund in an amount established by the Planning Board on the same terms as provided in § 148-44 of the Zoning Law. Any project review funds not expended by the Town in the consideration and review of the subdivider's application shall be returned to the subdivider upon completion of the subdivision process or the withdrawal of the subdivision application. All costs incurred by the Town which are in excess of the funds deposited shall be paid by the subdivider to the Town prior to final approval of the subdivision plat. The Town reserves the right to request additional deposits to the project review escrow fund if necessary to cover additional costs.
- (2) Major subdivision preliminary plat and accompanying data. The following documents shall be submitted for approval:
- (a) All information required for sketch plan approval in § 131-3A(1), and a draft environmental impact statement if required by the lead agency under SEQRA.
 - (b) Ten copies of the preliminary plat prepared at a scale of 100 feet to the inch, or such other scale as the Planning Board may deem appropriate, showing:
 - [1] Proposed subdivision name, name of Town and county in which it is located, date, true North point, scale, name and address of record owner, subdivider, and licensed professional preparer, including license number and seal.
 - [2] The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
 - [3] Land use and overlay districts as shown on the Zoning Map.
 - [4] All parcels of land proposed to be dedicated to public use or preserved as open space and the conditions of such dedication or preservation.
 - [5] Location of existing property lines, easements, buildings, watercourses, wetlands, rock outcrops, soil types, slopes between 15% and 30%, slopes

greater than 30%, wooded areas, and other significant existing features for the proposed subdivision and adjacent property. Much of this information shall have been submitted already as part of the conservation analysis required in Subsection C(2)(a) above.

- [6] Location of existing sewers, water mains, culverts, and drains on or adjacent to the property, with pipe sizes and elevations of drainage facilities and sanitary sewers.
- [7] Contours with intervals of two feet, unless larger intervals are permitted by the Planning Board, including elevations on existing roads; approximate grading plan if natural contours are to be changed more than two feet.
- [8] The width and location of any streets or public ways or other places reserved for public facilities or other public uses in the Comprehensive Plan within the area to be subdivided, if any, and the width, location, grades, and street profiles of all private roads, common driveways, or public ways proposed by the subdivider.
- [9] The approximate location and size of all proposed waterlines, valves, hydrants, sanitary and storm sewer lines, catch basins and manholes, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law.
- [10] Erosion and stormwater control plan in compliance with § 131-2C of this chapter and § 148-26 of the Zoning Law.
- [11] Plans and cross sections showing the proposed location and type of sidewalks, streetlighting 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, and the location of manholes, basins, and underground conduits. Profiles of all sanitary and storm sewers.
- [12] Preliminary designs of any bridges or culverts which may be required.
- [13] The proposed lot lines with approximate dimensions and area of each lot.
- [14] Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the boundaries of proposed permanent easements over or under private property. The permanent easements shall not be less than 20 feet in width and shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision plat or the Official Map.
- [15] The results of percolation tests on each lot intended for building habitable structures and a note stating that all on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the

Onondaga County Department of Health and the City of Syracuse or Cayuga County, if applicable.

- [16] A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the plat. In the case of a tract in which less than 50% of the land is to be platted for buildable lots, the Planning Board may waive the requirement of a field survey of that portion of the tract which is not to be platted.
 - [17] A note indicating the maximum impermeable surface coverage per lot, in compliance with § 148-9 of the Zoning Law.
 - [18] If the proposed subdivision is an open space subdivision as described in § 148-9 of the Zoning Law, the total permitted lot count for the entire tract based upon the density standards in the Zoning Law, the number of lots created by the plat, and the number of lots permitted to be platted in the future, as well as a table showing setback requirements and impermeable surface coverage limits for each lot.
 - [19] Landscape plan in compliance with § 131-2G of this chapter.
 - [20] Such other information as the Planning Board deems necessary to conduct an informed review.
- (c) If the property to be subdivided is in an agricultural district and contains a farm operation or lies within 500 feet of a farm operation in an agricultural district, an agricultural data statement, as required by § 305-a(2) of the Agriculture and Markets Law. (See § 131-5.)
- (3) Relation to other lands of subdivider. If the application covers only a part of the subdivider's entire holdings (or those of a related person), the subdivider shall submit a map or sketch of the entire contiguous holdings, indicating acreages and the relation of the proposed subdivision to the entire holdings. The area proposed for subdivision shall be considered in light of the entire holdings.
 - (4) Agricultural data statement notification. Upon receipt of a major subdivision plat application containing an agricultural data statement, the Secretary of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the subdivider.
 - (5) Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
 - (6) Mediation. At any point in the subdivision review process the Planning Board may, if it deems appropriate and the parties consent, appoint a mediator to work informally with the applicant, neighboring property owners, and other interested parties to

- address concerns raised about the proposed subdivision. Any party may request mediation. Such mediation may be conducted by a community dispute resolution center or other mediator acceptable to the parties. The mediator shall have no power to impose a settlement or bind the parties or the reviewing board, and any settlement reached shall require reviewing board approval to assure compliance with all provisions of this chapter. The cost, if any, of such mediation may be charged to the applicant as part of the cost of subdivision review, with the applicant's written consent. Such cost may also be shared by other parties with their written consent.
- (7) Study of preliminary plat. The Planning Board shall study the suitability of the plat taking into consideration the conservation analysis, the conservation findings made at the time of sketch plan approval, the purposes of the Comprehensive Plan and the Zoning Law (including the rural siting principles in § 148-25 of the Zoning Law, if applicable), the best use of the land being subdivided, and the impacts of the proposed subdivision on the functioning of farm operations in an agricultural district as shown in any agricultural data statement. The Planning Board may suggest alternatives including different lot configurations or nonresidential uses in order to protect farm operations. Particular attention shall be given to the arrangement, location, and width of streets and their relation to topography, water supply, sewage disposal, drainage, lot size and arrangement, the future development of adjoining lands as yet unsubdivided, and the Town's goals of protecting its natural, historic, scenic, and agricultural resources while providing affordable housing, promoting economic development, and diversifying its tax base.
 - (8) When officially submitted. The time of submission of the preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and project review fund deposit, and all data required by § 131-3C(2) of this chapter, has been filed with the Secretary of the Planning Board, and the Planning Board has filed either a negative declaration or a notice of completion of a draft environmental impact statement in accordance with the State Environmental Quality Review Act (SEQRA).
 - (9) SEQRA compliance. The Planning Board shall follow the procedures for coordination of SEQRA and subdivision approval requirements contained in § 276(5) of the Town Law.
 - (10) Approval of the preliminary plat.
 - (a) Within 62 days of the official submission of the preliminary plat, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. The Town shall notify by mail all owners of land abutting the property designated for subdivision (including those across the street) at least 10 days prior to the public hearing. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate for full

public consideration of such preliminary plat, including notification of the appropriate school district. Within 62 days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove the preliminary plat, and the ground of the modification, if any, or the ground for disapproval, shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on the plat may be extended by mutual consent of the subdivider and the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing such modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of the preliminary plat, it shall be certified by the Secretary of the Planning Board as granted preliminary approval and a copy filed in the Secretary's office, a certified copy mailed to the owner, and a copy forwarded to the Town Board and the appropriate school district. In the event the Planning Board fails to take action on a preliminary plat within the time prescribed, such preliminary plat shall be deemed granted preliminary approval. The certificate of the Town Clerk as to the date of submission, and the failure of the Planning Board 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.

- (b) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to:
 - [1] The modifications it requires to the preliminary plat;
 - [2] The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare;
 - [3] The amount of improvements or the amount of all performance guaranties therefor which it will require as prerequisite to the approval of the subdivision plat; and
 - [4] The terms of any required conservation easements and other conditions that will be required to be fulfilled in connection with final plat approval.
- (c) Prior to or within 30 days after receiving preliminary plat approval, the applicant shall meet with the Town Board or its designated Town official(s) and submit proposed construction drawings of the infrastructure that is proposed to be dedicated to the Town.

D. Final plat for major subdivision.

- (1) Application for approval and fees. The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application form available from the Secretary of the Planning Board. All applications for final plat approval for major subdivision shall be accompanied by an additional deposit to the project review escrow fund if requested by the Planning Board and by a major subdivision plat fee in the amount established by resolution of the Town Board. If the

final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may revoke preliminary plat approval.

- (2) Major subdivision final plat and accompanying data. The plat to be filed with the County Clerk shall be printed in drafting film and ink, and shall meet specifications of the County Clerk's office. The plat shall normally be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:
 - (a) Proposed subdivision name or identifying title and the name of the Town and county in which the subdivision is located, the name and address of record owner and subdivider, name, license number, and seal of the licensed land surveyor.
 - (b) Street lines, pedestrian ways, lots, reservations, easements, areas to be dedicated to public use, required landscaping including buffer areas, and, if required by § 148-31 of the Zoning Law, an agricultural disclosure note.
 - (c) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 - (d) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale, and true North point.
 - (e) Dedicated public open spaces, areas protected by conservation easements, and open spaces or recreation areas where title is reserved by the subdivider. The subdivider shall submit copies of executed or proposed deeds, conservation easements, and such other agreements or documents as are necessary to show the manner in which such areas are to be owned, maintained, and preserved. For any open space subdivision, the plat shall clearly show the total permitted lot count for the entire tract, the number of lots created by the plat, and the number of lots permitted to be platted in the future. The final subdivision plat shall not be signed by the Planning Board until all necessary documents have been executed.
 - (f) All offers of cession and conservation easements or covenants governing the preservation and maintenance of unceded open space shall be approved by the Town Attorney as to their legal sufficiency.
 - (g) Lots and blocks within a subdivision shall be numbered and lettered in accordance with the prevailing Town practice.

- (h) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
 - (i) All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least 3/4 of an inch (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade. The Planning Board may waive this requirement for farmland used in a farm operation.
 - (j) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the Town Engineer.
 - (k) A map shall be submitted to the satisfaction of the Planning Board, indicating the location of all underground utilities as actually installed. If the subdivider completes all required improvements according to § 131-3E(1)(a) of this chapter, then such map shall be submitted prior to final approval of the subdivision plat. However, if the subdivider elects to provide a letter of credit or certified check as a performance guaranty for all required improvements [as specified in § 131-3E(1)(b)], such performance guaranty shall not be released until such a map is submitted in a form satisfactory to the Planning Board.
- (3) When officially submitted. The time of submission of the final subdivision plat shall be considered to be the date on which the application for approval of the final subdivision plat, complete and accompanied by the required fee and project review reserve fund deposit and all data required by § 131-3D(2) of this chapter, has been filed with the Secretary of the Planning Board.
 - (4) Endorsement of state, county, and Town agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Onondaga County Department of Health, and, if located within the Skaneateles Lake Watershed, approved by the City of Syracuse. The subdivider shall file applications for approval of plans for water or sewer facilities with all necessary Town, city, county, and state agencies. Endorsement and approval by the Onondaga County Department of Health shall be secured by the subdivider before official submission of the final subdivision plat.
 - (5) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Secretary of the Planning Board.
 - (6) SEQRA compliance. The Planning Board shall follow the procedures for coordination of SEQRA and subdivision approval requirements contained in § 276(6)

of the Town Law.

- (7) Final plats which are not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall follow the procedures contained in § 276(6)(d) of the Town Law. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of a hearing on the final plat shall also be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.
- (8) Conditional approval. Upon resolution of conditional approval of the final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Secretary of the Planning Board as conditionally approved, and a copy filed in the Secretary's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

E. Required improvements.

- (1) Improvements and performance guarantees. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection E(1)(a) or (b) below.
 - (a) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check or irrevocable letter of credit to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of Town Law, shall be purchased from a company licensed to do business in New York State, and shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution, and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
 - (b) The subdivider shall complete all required improvements to the satisfaction of the Town Engineer, 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 subdivider shall file with the Town Clerk a performance guaranty covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such performance guaranty shall be satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution, and surety.

- (c) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection E(1)(b), then such map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a performance guaranty for all required improvements as specified in Subsection E(1)(a), the security shall not be released until such a map is submitted.
- (2) Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications. These modifications must be within the spirit and intent of the Planning Board's approval and may not result in a waiver or substantial alteration of the function of any improvements required by the Planning Board. The Town Engineer shall issue any authorization under this Subsection E(2) in writing, and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
- (3) Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of the improvements so that the Town Board may cause inspection to be made to assure that all Town 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.
- (4) Proper installation of improvements. If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, codes enforcement officer, and Planning Board. The Town Board shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the performance bond or other performance guaranty. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

F. Filing of approved subdivision plat.

- (1) Final approval and filing. Upon completion of the requirements in §§ 131-3B, 131-3D, and 131-3E of this chapter, and notation to that effect upon the subdivision plat, the plat shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the subdivider in the office of the County Clerk. Any subdivision plat not filed or recorded within 62 days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act, shall become null and void. Plats approved in sections shall comply with applicable provisions of § 276 of the Town Law.
- (2) Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and the Planning Board approves such modifications. In the event that any subdivision plat is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

G. Public streets and recreation areas.

- (1) Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space on the subdivision plat.
- (2) Ownership and maintenance of recreation areas. When a park, playground, or other recreational area is shown on a plat, the approval of the plat shall not constitute an acceptance by the Town of the area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the subdivider and the Town Board covering future deed and title, dedication, and provision for the cost of grading, developments, equipment, and maintenance of any such recreation area.

H. Abandonment of pending applications. In the event any application for subdivision approval, minor or major, filed after the effective date of this section remains inactive for a period of six months if a minor project, and 12 months if a major project, from the last regular or special meeting at which the application was reviewed by the Planning Board, such application shall be closed and of no further force or effect. Any future action thereon shall require a new application, subject to all rules and regulations in effect at such later date. The Planning Board may, in its discretion, waive a subsequent filing fee upon such application but may not waive the application of any new rules and regulations promulgated during the period subsequent to the initial filing. [Added 3-3-2016 by L.L. No. 1-2016]

§ 131-4. Waivers and area variances.

- A. Waiver of requirements. The Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and

general welfare, inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, or in conflict with the environmental, agricultural, scenic, or historic resource protection purposes of the Zoning Law.

- B. Application for area variance. If a proposed plat contains one or more lots which do not comply with the Zoning Law dimensional regulations (including the open space subdivision provisions of § 148-9), application may be made to the Zoning Board of Appeals for an area variance pursuant to the Zoning Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Law. In reviewing such application, the Zoning Board of Appeals may request that the Planning Board to provide a written recommendation concerning the proposed variance.

§ 131-5. Violations.

- A. Penalties for offenses. Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and subject to a fine of not more than \$250 or to imprisonment for a period of not more than 15 days, or to both such fine and imprisonment. In addition, any person who violates any provision of this chapter or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation forfeit and pay a civil penalty of not more than \$100. The imposition of penalties for any violation of this chapter shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this chapter shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to additional penalty.
- B. Denial of applications. Applications for a building or zoning permit, subdivision, special permit, site plan, use or area variance, or zoning amendment shall be denied by any Town official or board for any parcel that is in violation of this chapter.

§ 131-6. Conservation density subdivisions.

In order to encourage the preservation of open space, the Planning Board may modify road frontage requirements of the Zoning Law and allow the construction of private roads that are less costly than roads suitable for dedication to the Town, as long as the development is very low density and permanently preserves open space resources. A conservation density subdivision is a subdivision in which the average lot size is three times the minimum lot size in the district, house sites are located in delineated building envelopes, the land is protected by conservation easement from further development, and the subdivider is allowed to build narrower roads that are more rural in character than otherwise allowed. The following standards shall be followed by the Planning Board in reviewing applications for approval of a conservation density subdivision.

- A. Conditions for applying conservation density standards. Roads in conservation density subdivisions shall be built to the standards indicated in § 131-2B(6) and further described

in Subsections B and C below. In addition, minimum road frontage requirements in the Zoning Law for conventional subdivisions may be reduced or waived by the Planning Board, provided that all of the following requirements are met:

- (1) The average lot size in the proposed subdivision is at least three times the minimum lot size required in the zoning district for a conventional subdivision. If, due to the presence of access limitations or topographic or other physical constraints, the Planning Board has reason to believe that the proposed conservation density subdivision may contain as many as or more lots than would be permitted in a conventional subdivision of the same property, the Planning Board may require an applicant for a conservation density subdivision to submit a conventional subdivision plan for the property. If the Planning Board requires such a plan, it may limit the number of lots in the conservation density subdivision to 1/3 of the number of buildable lots shown on such plan.
- (2) A permanent conservation easement is placed on the land to be subdivided, to maintain its natural and scenic qualities, to restrict building of homes to building envelopes deemed by the Planning Board to be least environmentally or visually sensitive, and to ensure that the land will not be subdivided to a density higher than that permitted in Subsection A(1) above.
- (3) In the Planning Board's judgment, such modification will maintain or enhance the rural quality of the area.
- (4) Adequate access to all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways.
- (5) No common driveway shall provide access to more than four dwelling units (not counting accessory apartments). Private roads that serve more than four lots shall comply with applicable standards for a conservation density subdivision road in § 131-2B(6).

B. Additional private road requirements for conservation density subdivisions. The Planning Board may allow private roads in conservation density subdivisions to be unpaved. [Private roads in all other subdivisions shall be paved and comply with the requirements for minor streets in § 131-2B(6).] In granting approval for such private roads, the Planning Board must find that the proposed subdivision will fulfill the goals and objectives of the Comprehensive Plan by protecting the rural, scenic and natural character of the Town.

- (1) The maximum number of lots using the proposed conservation density subdivision private road shall be 12.
- (2) Written approval from the Town Superintendent of Highways and the Town Engineer shall be secured before approval of any private roads.
- (3) Maintenance of such private roads shall comply with § 131-2G.

C. Design and construction standards for private roads. The following are minimum standards for construction of private roads in conservation density subdivisions. These apply in addition to the standards in § 131-2B(6) above. These may be made more stringent for particular roads based upon topography, soils, and the number of users for which they are

designed:

- (1) Whenever possible and as far as practicable, roads shall follow natural contours and shall avoid passing through open fields, except along their edges.
- (2) Notwithstanding the minimum curve radii in § 131-2B(6), the Planning Board may permit a road to make a ninety-degree turn, provided that the road width and radius at such turn are sufficient to allow the passage of a fire-fighting vehicle after it has come to a full stop.
- (3) The grade shall not exceed 12% nor be less than 1%. The grade shall not be greater than 3% within 30 feet of an intersection when the grade is an upgrade to the intersection and 100 feet when it is a downgrade.
- (4) The subgrade and foundation course shall be constructed as required by Chapter 129.
- (5) The wearing surface shall consist of at least two inches of fine crushed stone or gravel. Pavement may be required where necessary because of topography, soil conditions, or other circumstances.
- (6) Where appropriate, provision shall be made for pedestrian and bicycle access to adjoining property which is not yet subdivided.
- (7) The Planning Board may waive minimum requirements if necessary to preserve large and important trees, historic structures, stone walls, stream corridors, scenic areas, or other important or unique landforms or landscape features.
- (8) The Planning Board may require turnouts in the roads to allow vehicles to safely pass in opposite directions.

D. Maintenance of private roads. The subdivider shall provide for adequate long-term maintenance and repair of private roads as provided in § 131-2G.

§ 131-7. Terminology and definitions.

- A. Use and interpretation of words. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words defined in the Zoning Law (§ 148-56) shall carry the meanings contained in those definitions. Words used in the singular shall include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary. The masculine gender includes the feminine and neuter. The word "shall" is mandatory; the word "may" is permissive. The word "lot" includes the word "plot" or "parcel." The word "person" includes a corporation as well as an individual.
- B. Definitions. For the purpose of this chapter, certain words used herein are defined as follows.

AGRICULTURAL DATA STATEMENT — An identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which a subdivision is proposed, as provided in § 305-a of the Agriculture and Markets Law. An agricultural data statement shall include the following information: the name and address of the applicant; a

description of the proposed subdivision and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the subdivision is proposed; and a Tax Map or other map showing the site of the proposed subdivision relative to the location of farm operations identified in the agricultural data statement.

APPLICANT — See "subdivider."

BUILDING ENVELOPE — An area of land shown on a subdivision plat as an acceptable location for the construction of buildings and other structures.

COLLECTOR STREET — A street which serves or is designed primarily to serve as a traffic way for a neighborhood or as a feeder to a major street.

COMMON DRIVEWAY — A driveway serving no more than four lots, owned in common or created by reciprocal easements.

DEAD-END STREET or **CUL-DE-SAC** — A street or portion of a street with only one vehicular traffic outlet.

DRIVEWAY — A private way providing vehicular access from a public or private road to a residence or to a commercial or noncommercial establishment.

EASEMENT — A duly recorded authorization by a property owner for the use of any designated part of his property by another for a specified purpose.

ENGINEER or **PROFESSIONAL ENGINEER** — A person licensed as a professional engineer by the State of New York.

FARM OPERATION — As defined in New York Agriculture and Markets Law, Article 25AA, § 301(11), land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

INTERIOR ROAD — A road constructed off of an existing public street that provides access to the interior of a parcel.

LANDSCAPE ARCHITECT — A person licensed as a landscape architect by the State of New York.

LOT/PARCEL — An area of land with definite boundaries, all parts of which are owned by the same person(s) or entities, the boundaries of which were established either by the filing of an approved subdivision plat or by the recording of a deed prior to the adoption of the Subdivision Law by the Town of Skaneateles on June 20, 1974. Where a parcel is divided by a public road, such division shall be deemed to create separate lots, even if such lots do not have individual tax parcel numbers or have been transferred in the same deed.

LOT LINE ADJUSTMENT — A modification of lot boundaries affecting any lot shown on an approved and filed plat in which a portion of one or more lots is added to an adjoining lot or lots without increasing the total number of buildable lots. A lot line adjustment is not a subdivision,

but an amending map must be signed and recorded as provided in § 131-1F.

LOT MERGER — A change in lot configuration that merges contiguous lots in the same ownership by eliminating but not changing any lot lines.

MAJOR STREET — A street which serves or is designated to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or heavy traffic generating areas.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MINOR STREET — A public or private road intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION — Any subdivision or series of subdivisions containing no more than four lots over a ten-year period, not involving a new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Comprehensive Plan.

OPEN SPACE SUBDIVISION — A subdivision in which open space is permanently preserved pursuant to § 148-9 of the Zoning Law.

PLANNING BOARD — The Planning Board of the Town of Skaneateles.

PRELIMINARY PLAT — A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in this chapter, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and in sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PRIVATE ROAD — A privately owned road normally held in common ownership by a homeowners' association, except where the Planning Board has allowed the road to be owned by individual lot owners with cross-easements of access and a recorded maintenance agreement. (See § 131-6.) There are two types of private roads:

- (1) Those permitted under § 131-6 in connection with a conservation density subdivision; and
- (2) Those constructed to the standards for minor streets as part of conventional or open space subdivisions.

RESUBDIVISION — A change (including a lot adjustment) in a subdivision plat filed in the office of the County Clerk which a) affects any area reserved thereon for public use; b) affects any street layout shown on such plat; or c) diminishes the size of any lot shown thereon. A merger of adjoining lots that eliminates lot lines but does not change any lot lines is not a resubdivision.

REVERSE FRONTAGE ROAD — An interior road on which lots have their front lot lines, with the rear or side portions of such lots facing existing public roads.

ROAD/STREET — A public or private way for pedestrian and vehicular traffic, including avenue, lane, highway, or other way, excluding a driveway or common driveway.

SKETCH PLAN — A sketch made on a topographic survey map showing the proposed

subdivision in relation to existing conditions.

SUBDIVIDER — Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or for others.

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale, lease, or building development. Such division shall include resubdivision of plats already filed in the office of the County Clerk. A merger of adjoining lots that eliminates lot lines but does not change any lot lines is not a subdivision or a resubdivision.

SUBDIVISION PLAT or FINAL PLAT — A drawing or drawings in final form showing a proposed subdivision containing all information or detail required by law and by this chapter, and which, if approved by the Planning Board, may be duly filed by the applicant in the office of the County Clerk.

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

TOWN ENGINEER — The engineer retained by the Town Board or the Planning Board or other professional engineer qualified under the New York State Education Law and authorized by the Town Board to perform work for the Town.

TOWN LAW — The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.

TRAVELED WAY — That portion of a road which, because of its grading, base, drainage, and surface, is passable in all seasons by motor vehicles, including fire trucks and ambulances. As used in this chapter, traveled way shall refer to the average width of the road.

WATERCOURSE — "Waters" or "waters of the state" as defined in § 17-0105 of the Environmental Conservation Law, including Skaneateles Lake, and further described as being annual or perennial, influent or effluent, continuously or intermittently flowing, including those classified in 6 NYCRR Part 896, that are capable of, and do under normal conditions, carry water in a manner described above. The banks of such watercourse shall be identifiable, i.e. defined bed, banks, gullies, ravines, etc. Road ditches and shallow land depressions generally referred to as grassed waterways, swales, etc., that carry water only immediately (a few to several hours) after a runoff producing event are not considered watercourses. Where there is a question of whether a watercourse exists and where the top of the bank is located, the reviewing board shall conduct a site evaluation to determine whether or not a particular channel is a watercourse and where the top of the bank is located. Its determination shall be final. For purposes of determining setbacks and required buffers, the boundary of the watercourse shall be measured from the lake line or the top of the bank closest to construction.

WETLAND — An area of land that is characterized by hydrophytic vegetation, saturated soils or periodic inundation. (See § 148-29 of the Zoning Law.)

ZONING LAW — The Town of Skaneateles Zoning Law, as amended.¹

1. Editor's Note: See Ch. 148, Zoning.