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~~XXXXXX~~
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Town of
~~XXXXXX~~

Moriah
Local Law No. 2 of the year 1991

A local law ... On Land Division and Subdivision
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~
~~XXXXXX~~
Town of
~~XXXXXX~~

Moriah as follows:

TOWN OF MORIAH

LOCAL LAW NO. 2 OF THE YEAR 1991

A LOCAL LAW ON LAND DIVISION AND SUBDIVISION

BE IT ENACTED BY THE TOWN BOARD OF THE
TOWN OF MORIAH AS FOLLOWS:

Article I - Introductory Provisions

Section 1.010 Enactment. The Town Board of the Town of Moriah, Essex County, New York, does hereby ordain and enact the Town of Moriah Land Division and Subdivision Review Law pursuant to the authority of Section 10 of the Municipal Home Rule Law and Sections 268, 276, 277 and 278 of the Town Law.

Section 1.020 Short Title. This local law shall be known as the "town of Moriah Land Division and subdivision Review Law." The Town of Moriah is hereinafter referred to as the "town."

Section 1.030 Intent and Purpose. When a large tract of land is split into smaller parcels, individual lots are created which will ultimately be acquired by many different individuals, usually for the purpose of construction or some other use separate from neighboring lots. When this happens, many problems may arise. Lots may be created which exacerbate drainage problems. They may be laid out in such a manner that it is all but impossible to find a safe building location. There may be inadequate water supply or sewage disposal. Building sites, or access to building sites, may be prone to flooding. The new lots may be served by roads which are too steep for emergency vehicles, or poorly constructed, or located to form dangerous intersections., It is the overall purpose of this local law to insure that these concerns are addressed before land is divided, so as to avoid insofar as possible the occurrence of the problems after land is divided when it may be more difficult, and sometimes impossible, to correct them.

Section 1.040 Authorization to review land division and subdivision. Pursuant to Section of 10 the Municipal Home Rule Law, the Town Board of the town of Moriah hereby exercises its authority under the police power afforded units of government to review land division and subdivision. Pursuant to Section 10(D) (3) of the Municipal Home Rule Law, with respect to the approval of land division by the Town Board, this local law amends and supersedes sections 276 and 277 of the Town Law as these sections would otherwise apply to the Town of Moriah.

Article II - Applicability

Section 2.010 Applicability of Review Requirements. Any division of land for the purpose of sale, lease, license, gift, inheritance, or any form of separate ownership of occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by

dwelling unit is erected or place thereon, shall not be subject to review under this local law.

Section 2.011 "Land Division" means any land division containing not more than four lots, parcels or sites, or other division such that no new building lots are created (for example, boundary adjustment).

Section 2.012 "Subdivision" means any land division of five or more lots, parcels or sites.

Section 2.013 "Excluded" Land Division or "Excluded" subdivision means a "land division" or a "subdivision" subject to the jurisdiction of the Adirondack Park Agency pursuant to Section 809 of the Executive Law.

Article III Procedures and Requirements for Land Division

Section 3.010 Sketch Map. Applicants may submit a sketch map to the Town Clerk at any time. The sketch map shall consist of a copy of the tax map for the subject parcel to be divided (a copy may be purchased from the Office of Real Property Tax Services, Elizabethtown, or the Moriah Town Clerk, Town Office Building, Port Henry). The applicant shall draw on the sketch map any pertinent features or the land division for which he seeks approval, including but not limited to:

- *new boundary line(s);
- *location of any proposed structures;
- *location of any driveways or private access road;
- *location of any curb cuts;
- *location of any proposed on-lot water and sewage disposal systems, or written explanation of how water and sewer otherwise will be provided;
- *impact on existing drainage patterns;
- *any special natural and manmade features affecting the parcel which are environmentally sensitive or may present a hazard;
- *other information which the applicant believes is relevant.

Section 3.020 Town Board Procedure. At the next official meeting of the Town Board, the Town Board shall review the Sketch Map and approve it with or without conditions; or postpone taking action until the following official meeting of the Town Board if it is necessary to study the Sketch Map or visit the site; or return the Sketch Map to the applicant with suggestions for changes or questions to be addressed upon resubmission to the Town Clerk. All decisions of the Town Board shall contain written findings stating the reasons for the action taken and shall be available for public inspection in files to be maintained by the Town Clerk. Such files shall include the Sketch Map and any other documentation, written findings, copies of deeds, or other materials generated during the application and review process.

Section 3.030 Town Board Review Criteria.

A. The Town Board Shall determine what, if any, SEQR requirements apply to the application for land division approval, and shall carry out any SEQR requirements simultaneously with review.

B. If connection to a public sewage system is not possible, the Town Board shall require the submission of plans for an on-lot sewage system approved by the Essex County code enforcement

*land alteration shall be minimized and disturbed areas shall be planted to minimize erosion;

*driveways shall not exceed 12 percent grade over any 150 foot length, or over 5 percent within 50 feet of a connecting street;

*adequate access shall be provided for emergency vehicles;

*the location of any driveway entrance shall not create a traffic hazard because of inadequate sight distance or other reason;

*driveway construction and site grading shall not create or increase a drainage problem for adjoining land owners.

D. Copies of the deeds for the parcels created by land division shall be submitted to the Town Clerk within 30 days of receipt of Town Board approval of the land division for inclusion in the file for that land division. If conditions which warrant incorporation in the deed are required by the Town Board, the deed shall be reviewed by the Town Board as a condition of approval prior to submission to the Town Clerk. At such time that said deed(s) are filed with the County Clerk, copies of the filed deed(s) are filing certificate(s) shall be submitted to the Town clerk for comparison to the deed(s) submitted at the time of approval of the land division and for inclusion in the land division file.

Section 3.040 Procedures for "Excluded" Land Division. In the case of an "excluded" land division, the following procedures supersede Sections 3.010, 3.020 and 3.030. In place of the requirements of Section 3.010, the applicant shall submit to the Town Clerk copies of all submissions to the Adirondack Park Agency and copies of any correspondence which the applicant receives therefrom. The Town Board may review such materials and may provide comment thereupon to the Adirondack Park Agency. Upon the issuance of a project permit by the Adirondack Park Agency, the Town Board shall approve the land division at its next official meeting.

Article IV - Miscellaneous Provisions

Section 4.010 Administrator. The Town Board may appoint and compensate an administrator to carry out duties assigned to him by the Town Board in conjunction with administration of this local law. The administrator may not be delegated application approval or disapproval authority.

Section 4.020 Amendments. The Town Board may on its own motion or petition, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

Section 4.030 Enforcement. Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine or not more than two hundred fifty dollars (\$250) or by penalty of two hundred fifty dollars (\$250) to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

Section 4.040 Fees and Reimbursable Costs. The Town Board, by resolution, may establish a schedule of application fees.

Section 5.010 DECLARATION OF POLICY. It is declared to be the policy of this article to insure optimum overall conservation, protection, development and use of the unique scenic, recreational, historic and natural resources of the town, and to generally further the health, safety and welfare of the community.

It is further declared to be the policy of this article to consider land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient and logical system, and shall be for such width, grade and location as to accommodate prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for parks, playgrounds and other recreational or open space areas.

Section 5.020 DEFINITIONS. For the purpose of these regulations and the appendices thereto, certain words and terms used herein are defined as follows:

CLEARCUT means any cutting of trees over six inches in diameter at breast height over any ten-year cutting cycle where the average residual basal area of such trees after such cutting is less than thirty (30) square feet per acre, measured within the area harvested.

MAJOR SUBDIVISION means any subdivision of nine or more lots, parcels or sites.

MINOR SUBDIVISION means any subdivision of five to nine lots, parcels or sites.

PLANNING BOARD means the Planning Board of the Town if one is appointed and empowered to administer this local law. If one is not appointed or empowered to administer this local law, the term "planning board" shall mean town board.

PRELIMINARY PLAT means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article V, Section C of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form.

EMENTS means any activities of improvements required by Article VI of these regulations, except as such may be waived by the Planning Board, including but not limited to, street and roads, utility installations, road ditches, drainage facilities and culverts, monuments, park and recreation areas and revegetation operations.

SKETCH PLAN means a sketch of a proposed subdivision showing the information specified in Article V, Section A of these regulations, to enable the subdivider to save time and expense in reaching a general understanding with the Planning Board as to the form of the layout and the site of the proposed subdivision in relation to the provisions of these regulations.

SUBDIVISION means any division of land into five or more lots, parcels or sires, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by and group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land whether or not previously filed.

TOWN REPRESENTATIVE means the person or persons duly designated by the Town Board to inspect and approve the construction and installation of required improvements under Article V hereof, in relation to a given subdivision.

WETLANDS means any land or water meeting the definition of "Freshwater wetlands" in Section 24-0107 of the Environmental conservation Law. This generally means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

Any word or term used in these regulations which is not defined in this Section, nor defined in its context, shall carry its customary meaning, unless otherwise stipulated.

Section 5.030 APPLICATION PROCEDURES. A subdivision approval is required before building lots are offered for sale or lease and prior to the start of construction of roads, utilities or buildings, or the grading of land in anticipation of a subdivision.

In the case of an "excluded" subdivision, the following procedures supersede the remainder of Article V. In place of the Application requirements of Section 5.030, the applicant shall submit to the Town Clerk copies of all submissions to the Adirondack Park Agency and copies of any correspondence which the applicant received therefrom. The Town Board may review such materials and may provide comments thereupon to the Adirondack Park Agency. Upon the issuance of a project permit by the Adirondack Park Agency, the Town Board shall approve the subdivision at its next official meeting.

Review of all subdivisions begins with submission of a Sketch Plan (a "rough" drawing of the proposed subdivision) and a meeting of the subdivider and the Planning Board as outlined below.

A. Sketch Plan Review/Classification of Subdivision

1. Applicant submits ten (10) sketch plan form copies to the Planning Board Clerk at least (10) days prior to a Planning Board meeting. See Section 5.040 for sketch plan format and required information. A form describing the sketch plan is also available at the Town of Moriah Offices.

2. Planning Board reviews the sketch plan with the applicant at the meeting, covering the general lot layout access, utilities, drainage and other major aspects. Available analysis maps may be used to check for site limitations. The Board may recommend that other agencies (e.g., Soil Conservation Service) be consulted for technical questions and problems that arise.

3. Either at the initial meeting, or at least within 30 days, the Planning Board classifies the sketch plan as a proposed