

TOWN OF HOUNSFIELD

LAND DIVISION REGULATIONS

DECEMBER 28, 1990

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ARTICLE 1: ENACTMENT, AUTHORIZATION AND PURPOSE.

Section 100 - Enactment, Authorization And Purpose

Pursuant to the authority granted to the Town in Section 10 of the Municipal Home Rule Law and Article 16 of Town Law, the Town Board of the Town of Hounsfield authorizes and empowers the Planning Board of the Town of Hounsfield to approve plats showing lots, blocks, or sites and approve preliminary plats within the Town outside the limits of the Village of Sackets Harbor, for the purpose of providing for the future growth and development of the Town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

For the same purpose as stated above, the Planning Board of the Town of Hounsfield may also approve, disapprove and approve with modifications, the development of plats already filed in the Office of the County Clerk if the plats are entirely or partially undeveloped.

Section 110 - Title

This law shall be known as the "Town of Hounsfield Land Division Regulations".

Section 120 - Applicability

No land division or portion thereof shall be sold, offered for sale, leased, or otherwise disposed of by any corporation, company, or person until a plan or map of such land division shall be submitted to the Planning Board for approval, and either approved or approved with modifications.

Section 130 - Administration

These Land Division Regulations shall be administered by the Planning Board and the Subdivision Inspector, as defined herein.

Section 140 - Waiver

The Planning Board may waive the provision of any or all of the improvements and requirements when in their opinion they are not essential to the public's health, safety and general welfare.

Section 150 - Fees

All applicants for subdivision approval under this Local Law are required to pay an application fee. Application fees shall be set by resolution of the Town Board.

Any and all administrative expenses of the Town incurred in addition to the standard application fee shall likewise be paid by the applicant. Failure to pay such expenses shall be deemed a violation of this Local Law.

All applications for any approval requiring legal or engineering technical assistance shall be accompanied by a cash deposit, certified check or surety bond payable to the Town of Hounsfield in an amount determined by the Chairman of the Planning Board.

The Chairman of the Planning Board will obtain estimated expenses for any legal or engineering technical assistance that may be required prior to setting the amount of the cash deposit, certified check or surety bond required of each applicant.

The Chairman of the Planning Board may require additional security for the Town's administrative expense, in accordance with the provisions of this section, in the event that the Town's potential liability for such expense exceeds the initial amount deposited.

Upon completion of (1) final approval, or rejection of the subdivision plan, or (2) final approval of any and all completed improvements and submission of all final bills to the Town for its administrative expenses incurred as a result of the applicants proposed subdivision, all unused funds or proceeds from a surety bond shall be refunded to the applicant.

## ARTICLE 2: DEFINITIONS

For the purpose of this law words and terms used herein are defined as follows:

Final Plat: Means a drawing in final form, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

General Plan: The goals, objectives and policies of the Town which are embodied by the planning process and Zoning Law upon which these regulations are based.

Land Division: Any division of land into 2 or more lots, blocks or sites for the purposes of conveyance, rental, transfer of ownership, lease, improvement building development, or sale. A tract of land shall constitute a land division upon the sale, rental, offer for sale, or lease of the second lot thereof. For the purposes of this law, all land divisions are categorized and defined as either land partitions or subdivisions.

Land Partitions: Any land division that upon review by the Planning Board is determined to not be subject to the subdivision review process contained in these regulations and review procedures contained herein. Land Partitions are those land divisions that in the opinion of the Planning Board, are unlikely to have any adverse impacts upon the environment, or the public health, safety and welfare.

Lot: A parcel of land as described on a survey or deed and filed with the County Clerk.

Official Submission Date: The date that all required information (as set forth in Article 5, herein) and fees for a preliminary or final plat are received by, presented to or otherwise examined by the Planning Board at an official meeting thereof. Materials presented at a sketch plan conference shall not be considered an official submission unless so decided by the Planning Board.

Open Development Area: The area defined by resolution of the Town Board as an Open Development Area created pursuant to Section 280-a of Town Law.

Planning Board: The Town of Hounsfield Planning Board.

Preliminary Plat: Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Road, Major: Means a road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties. (Any road other than a minor road).

Road, Minor: Means a road intended to serve primarily as an access to abutting residential properties.

SEORA: New York State Environmental Quality Review Act and Regulations Promulgated thereunder.

Sketch Plan: Means a sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this law.

Subdivision: Any land division that upon review by the Planning Board is determined to be subject to the subdivision review process contained in these regulations. Subdivisions are those land divisions that in the opinion of the Planning Board have the potential to have adverse impacts upon the environment or public health, safety and welfare.

Subdivision Inspector: Any person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such person according to this Law.

Undeveloped Plat: Those plats where twenty (20) percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

## ARTICLE 3 - INITIAL REVIEW OF LAND DIVISION

### Section 300 - General

Upon receipt of an application for Land Division review consisting of all the materials described in Article 4, the Planning Board shall make a determination regarding the designation of the land division as a land partition or as a subdivision. In making such a determination, the Planning Board shall assess the proposal against the following considerations, standards and criteria.

- A. The proposed number of lots, blocks or sites in the land division.
- B. The proposed method of access whether from an existing road or from a proposed road.
- C. The environmental condition of the land division site including the presence or absence of steep slopes, wetlands, shoreline, rare or significant vegetation, fish and wildlife considerations, soil types, streams and other features.
- D. The proposed method of provision of water services to the subdivision.
- E. The proposed method of sewage disposal.
- F. The proposed uses of the subdivision.
- G. The historical and/or archaeological significance of the site.

### Section 305 - Statement of Findings Following Initial Review

Written findings shall be prepared by the Planning Board that support the classification of the land division as either a land partition or a subdivision.

### Section 310 - Procedure for Land Partition

- A. When a proposed land division has been designated a land partition by the Planning Board after assessment of the proposal against the standards and considerations contained in Section 300 of this Article, the Planning Board shall provide the applicant with written certification of that fact. Such written certification shall be provided to the applicant within 5 working days from the date of designation. No further review of the land partition is required by the Planning Board.
- B. Within ninety (90) days of certification of the subject land division as a land partition, the applicant shall file his land partition with the County Clerk of Jefferson County together with the certification provided by the Planning Board.

### Section 320 - Procedure for Subdivision Review

- A. When a proposed land division has been designated a subdivision by the Planning Board, after assessment of the proposal against those standards and considerations contained in Section 300 of this Article, the Planning Board shall instruct the applicant as to the review procedures for subdivision as required by Article 4 of these regulations.
- B. The Planning Board shall advise the subdivider of the future date(s) and time(s) of meeting at which the proposed subdivision pre-application conference, sketch plan conference or preliminary plat submission will be considered. Under situations that the Planning Board deems appropriate it may substitute a land division application for a preliminary plat submission. The Planning Board must be satisfied that there is sufficient information provided by said land division application to adequately represent the project at the required public hearing.

### Section 330 - Cluster Subdivisions

As authorized by separate resolution of the Town Board, the Planning Board may approve cluster subdivisions pursuant to the requirements of Section 281 of Town Law and Article 7 of this local law.

### Section 340 - Open Development Area

All proposed land divisions within the Open Development Area of the Town of Hounsfield, as defined herein shall be subject to initial land division review procedures found in Article 3, Section 300 of these regulations.

Establishment of an Open Development Area by resolution of the Town Board, as authorized by Section 280-a of Town Law, allows permits to be issued for the erection of structures to which access is given by right of way or easement.

## ARTICLE 4: PROCEDURE - SUBDIVISION REVIEW

### Section 400 - General

Subdivisions shall be processed in the following stages:

1. Sketch Plan Conference (optional)
2. Preliminary Plat Submission
3. Public Hearing
4. Planning Board renders decision on Preliminary Plat
5. Final Plat Submission
6. Public Hearing (optional)
7. Installation of or bonding for improvements
8. Planning Board renders decision on Final Plat

### Section 420 - Pre Application Procedure

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather data concerning the existing conditions of the site and information regarding financing, planning and marketing feasibility. Early contact with the New York State Department of Health and Department of Environmental Conservation is advised. A preliminary layout, in sketch form, developed in conjunction with a licensed land surveyor may be submitted to the Planning Board for advice and assistance.

### Section 430 - Sketch Plan Conference

The subdivider may request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Chairperson will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the development schedule, as they relate to the General Plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save him both time and money in preparing maps and plans.

This step does not require formal application, fee or filing with the Planning Board.

### Section 440 - Preliminary Plat

All subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available from the Town Clerk accompanied by all documents specified in Article 5 herein.

Review of Subdivision. Following the review of the Preliminary Plat and supplementary material submitted for conformity to this law, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the preliminary plat and state its reasons for disapproval. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board.

Notice of Public Hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate to gain full public consideration of the subdivision proposal.

Notice of Decision. Within five (5) days of the Planning Board's decision, the action taken shall be noted on three (3) copies of the Preliminary Plat and reference made to any modifications determined. Two (2) copies shall be returned by mail to the subdivider and one (1) copy shall be retained by the Planning Board.

Effect of Approval. Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal review, the subdivider must comply with this law and all requirements set forth by the Planning Board in their review of the preliminary plat, and any other local, State or Federal permitting requirements.

#### Section 450 - Final Plat

All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board.

The subdivider shall file an application for Final Plat review on forms available from the Town Clerk, and accompanied by documentation as specified in Article 4 herein, to the Planning Board. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary plat approval.

Optional Public Hearing. A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official submission date of the final plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of the public hearing. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider

and the Planning Board.

If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the stated forty-five (45) day period shall be deemed final approval of the plat.

Notice of Public Hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate to gain full public consideration of the subdivision proposal.

Waiver of Public Hearing. If the final plat is in substantial agreement with the conditions placed on the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the plat within forty-five (45) days of the official submission date.

Notice of Decision. Within five (5) days of the Planning Board's decision, the subdivider shall be notified by mail of the Board's final action. The subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Jefferson County, N.Y. within sixty (60) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Jefferson County, N.Y.

Conditional Approval. Within five (5) days of granting conditional approval the plat shall be certified by the Chairperson of the Planning Board as conditionally approved, filed in the office of the Planning Board and mailed to the subdivider along with a certified statement of the requirements of the conditional approval. Conditional approval of a final plat shall expire 180 days from the date it is granted. The Planning Board may, however, extend the expiration time, not to exceed two (2) additional periods of 90 days each.

Upon completion of the requirements of the conditional approval, a duly authorized officer of the Planning Board shall sign the plat thereby certifying it as completed.

Conditions the Planning Board may place on the Final Plat include, but are not limited to:

1. Completion of inspection, and approval of all required improvements;
2. Bonding for the installation and maintenance of all required improvements;
3. Submission of as-built plans; and
4. Availability of utilities.

## ARTICLE 5: SUBMISSION REQUIREMENTS

### Section 500 - Planning Board Review

All land divisions and subdivisions subject to review as herein defined must be submitted to the Planning Board for their review, accompanied by the materials described in this Article.

### Section 510 - Materials To Be Submitted - Land Divisions

1. Name and Address of Applicant, including any professional advisers.
2. A sketch of the proposed land division, showing the projects proposed features including lots, blocks and sites, means of access and egress, and other pertinent features.
3. A description of the current condition of the site including on-site environmental features and surrounding land uses.
4. A description of the proposed uses of the site.

### Section 520 - Materials To Be Submitted - Subdivision Preliminary Plat

1. Name and address of subdivider and any professional advisers, including license numbers and seals.
2. Three copies of a map of the property, drawn to scale, at a scale of (1) inch to fifty (50) feet or one (1) inch to one hundred (100) feet, showing:
  - a. Subdivision name, scale, north arrow and date.
  - b. Subdivision boundaries.
  - c. Contiguous properties and names of owners.
  - d. Existing and proposed roads, sidewalks.
  - e. Water courses, marshes, wetlands, wooded areas, public facilities and other significant physical features on or near the site.
  - f. Proposed pattern of lots, including lot widths and depths, road layout, and open space.
  - g. Land contours at ten (10) foot intervals, or other suitable indicators of slope.
  - h. Proposed alterations of existing topography.
  - i. The preliminary location and layout of any proposed drainage and community water supply and sewage disposal facilities, if necessary.

3. Copy of tax map(s), showing all parcels effected.
4. Total acreage of subdivision and number of lots proposed.
5. Building types, approximate size, approximate cost, and tentative location, (at the discretion of the Planning Board).
6. All parcels of land proposed to be dedicated to public use and the conditions of such use.
7. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
8. Plans showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, and the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The environmental assessment form as required by the State Environmental Quality Review Act (SEQR).
11. Other information as required by the Planning Board that in their opinion is necessary for a complete understanding of the subdivision proposal.
12. Completed Subdivision Review Application.

Section 530 - Materials to be Submitted - Subdivision Final Plat

1. The materials described in Section 520 - items 1 - 10.
2. Three copies of a map, at a scale of 1 inch to 50 ft. or 1 inch to 100 ft., showing the final layout and design of any proposed drainage and community water supply, and sewage disposal facilities.
3. Information regarding the certifications, and, pending or secured permits of any other agency required for the subdivision or any of its elements including, but not limited to, the New York State Department of Transportation, the Jefferson County Highway Department, the New York State Department of Health, the New York State Department of Environmental Conservation, and the United States Army Corps of Engineers.
4. A legal survey of the subdivision, prepared by a licensed land surveyor.
5. Other information as required by the Planning Board that in their opinion is necessary for a complete understanding and assessment of the subdivision proposal.

Section 540 - Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

## ARTICLE 6: STANDARDS AND CRITERIA

### Section 600 - Zoning

All lots created by a subdivision shall meet the standards related to size and dimension contained in the Town of Hounsfield Zoning law. All uses planned and proposed for the subdivision shall be in conformity with said Law.

### Section 610 - Drainage

The subdivision shall have adequate facilities for the dispersal of storm water flows which are designed in such a manner as to mitigate adverse impacts upon the subdivision itself and adjacent lands. Such facilities should eliminate or mitigate any threats posed by flooding, storm flows, soil erosion or soil sedimentation.

### Section 620 - Road Design Standards

Conformity with Local Highway Design Standards. The arrangement, width, location and extent of major roads and all minor roads should conform and be in harmony with the Local Highway Design Standards of the Town. All roads shall be installed at the expense of the subdivider and shall meet the requirements of the Town Highway Superintendent based on existing and planned roads, topography, public safety, convenience and proposed uses of land.

Arrangement. Residential minor roads shall be designed to discourage through traffic, whose origin and destination is not within the subdivision. Road intersections shall be as near to right angles as possible and shall be separated from one another at a distance specified by the Planning Board and Town Highway Superintendent to promote safe traffic circulation.

Location. When a proposed subdivision is adjacent to or contains a State Highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential district, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. Railroad right-of-way shall receive similar consideration.

Dead End Roads. Each dead end road shall be provided with a turn around deemed sufficient by the Town Highway Superintendent and Planning Board for snow plowing. Dead end roads designed to be so permanently shall not be permitted unless provided with a turn around.

Half Roads. Dedication of a half road shall be prohibited.

Access. In commercial and industrial developments provision shall be made for service access such as off road parking, loading and unloading consistent with and adequate for the uses proposed.

Names and Numbers. Names of new roads shall not duplicate existing or platted roads. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in a logical sequential order, as approved by the Town Planning Board.

Road Signs. The subdivider shall provide and erect road identification and traffic control signs of a type to be approved by the Town Board on all roads prior to acceptance of the constructed roads.

Trees. If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

### Section 630 - Sidewalks

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
2. Sidewalks must be constructed to comply with the specifications of the Planning Board.
3. Sidewalks shall be concrete (three thousand (3,000) pound minimum strength) or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas. They shall be four (4) inches thick except at driveway crossings where the sidewalk shall be six (6) inches thick and reinforced.
4. Sidewalk construction design shall include accommodations for the handicapped.

### Section 640 - Utilities

Public utility improvements may be required and shall be installed as follows:

1. Fire protection: Hydrants to be of size, type and location specified by the Insurance Services Organization. System shall be reviewed by the Town Fire Department.
2. Street Lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.
3. Electricity: Power lines shall be placed underground and shall be approved by the local power company.

4. Utility Services: Shall be located from six (6) to eight (8) feet from the front property line to the center line of the utility service, between the sidewalk and curb line.

#### Section 650 - Water Supply

The subdivision shall accommodate adequate facilities for the provision of potable drinking water to all lots within the subdivision. The involvement and approval of the New York Department of Health and the New York State Department of Environmental Conservation shall be obtained where appropriate.

#### Section 660 - Sewage Disposal

The subdivision shall accommodate for the safe disposal of household sewage either by individual household or subdivision - wide systems. The involvement and approval of the New York State Department of Health and the New York State Department of Environmental Conservation shall be obtained where appropriate.

#### Section 670 - Unique and Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

#### Section 680 - Public Open Spaces and Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Dedication to the Town.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the Town does not proceed with the purchase.
4. If the Planning Board determines that suitable park or parks of adequate size can not be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the Town of a sum to be

determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreational purposes including the acquisition of property.

The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

#### Section 690 - Unsuitable Land for Subdivision

As a safety measure for the protection of the health and welfare of the people of the Town, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g. drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval the subdivider shall, in lieu of the improvements, provide installation guarantees as indicated in Article 8.

ARTICLE 7: CLUSTER DEVELOPMENT

Section 700 - General Intent and Objectives

It is the intent and purpose of cluster development to provide for innovative and creative land use through more flexible design regulations permitting the "clustering" in planned communities of single-family, two-family and multi-family dwellings in such a fashion as to foster community park and open space, to aid in the preservation of trees, vegetation and outstanding natural topography, and to permit a more efficient layout of streets, roads and utilities while at the same time maintaining the use and overall density requirements of the zoning district in which the proposed cluster development is located.

Wherever, in Multi-Use (MU), Marine Residential (MR), and /or Agricultural and Rural Residential (AR) Districts, the Town Planning Board deems cluster development appropriate, it may, in accordance with the provisions of Section 281, Town Law, review a proposed cluster development and authorize a specific cluster development plan as part of its authority to review and approve subdivision plats, subject to the following criteria. Such action shall replace the dimensional requirements set forth in the Town of Hounsfield Zoning Law.

Section 710 - General Requirements for "Clustering"

Following is a list of requirements that a proposal must meet for establishment of a cluster development:

- a. **Minimum Area:** The proposed subdivision must comprise at least seven acres of compact and contiguous land.
- b. **Density:** In any cluster development there shall not be greater average density or cover of the land with buildings than is permitted in the zoning district in which the subdivision is located.
- c. **Location:** Cluster developments shall be permitted only in Multi-Use (MU), Marine Residential (MR) and Agricultural and Rural Residential (AR) Districts where the applicant can demonstrate that the characteristics of the proposed cluster development plan will meet the objectives of this Section.
- d. **Permitted Uses:** The following residential and accessory uses shall be permitted in a cluster development:
  - i. **Residential Uses:** Residences may be of any variety, including single-family dwellings, two-family dwellings, and multi-family dwellings or any combination thereof. No mobile homes shall be permitted.
  - ii. **Accessory Uses:** All accessory uses shall be in keeping with the residential character of the proposed development and adjacent areas. They may include community (non-commercial) parks, swimming pools, recreation areas and gazebos, community

and/or private docks, and private decks, garages and carports.

Section 720 - Procedure

The procedure for review of a cluster development shall adhere to the procedure for conventional subdivisions as outlined herein.

## ARTICLE 8: INSTALLATION OF IMPROVEMENTS

### Section 800 - Installation Guarantee

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board shall require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Town:

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board. Such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town for the duration of the bond period.

### Section 810 - Maintenance Guarantee

In order that the Town has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant shall enter into an agreement with the Town upon completion of the work required under the installation guarantee so that:

1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected;
2. Such work is guaranteed for a minimum of ten (10) percent of the total improvement costs or \$5,000, whichever is greater.

The method of providing the maintenance guarantee shall meet the approval of the Town Board and the Town Attorney.

### Section 820 - Conditions

Installation and maintenance guarantees to the Town shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations. Any such guarantees shall require the approval of the Town Board and

the Town Attorney as to form, sufficiency, manner of execution and surety, and the same shall be made payable to the Town.

#### Section 830 - Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the final plat. Road improvements shall be completed within (2) years from the date of approval of the final plat. The subdivider may request an extension of time provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

#### Section 840 - Agreement - Schedule of Improvements

When installation guarantees are made pursuant to Section 800, the Town and Subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence. Each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation.

#### Section 850 - Modification of Requirements

Upon approval by the Town Board, the Planning Board after due notice and public hearing may modify its requirements for any or all improvements, and the face value of the installation guarantee shall thereupon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the installation guarantee may be increased or reduced proportionately.

#### Section - 860 - Inspections

Periodic inspections during the installation of improvements shall be made by the Town Subdivision Inspector to insure conformity with the approved plans and specifications as contained in the subdivider's contract and this law. The subdivider shall notify the Subdivision Inspector when each phase of improvements is ready for inspection. (At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board). Upon acceptable completion of installation and improvement, the Town Board shall issue a letter to the subdivider or his representative certifying the completion of such work.

Section 870 - Acceptance of Roads and Facilities

When the Town Highway Superintendent and the Subdivision Inspector, following final inspection of the improvements, certify to the Town Board that all installation and improvements have been completed in accordance with the contract, the Town Board may, by resolution, proceed to accept the facilities for which installation and maintenance guarantees have been provided.

ARTICLE 9: MISCELLANEOUS PROVISIONS

Section 910 - Penalty Provisions

1. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of the Land Division Local Law of the Town of Hounsfield shall, upon conviction, be deemed guilty of a violation. Each week an offense is continued shall be deemed separate violation of this law.
2. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Section 920 - Severability

If any clause, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section, or part of this local law.

Section 930 - Effective Date

This local law shall take effect immediately.