

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of _____

Local Law No. _____ **of the year 20** _____

A local law to amend Local Law 1 of 2011 ("Subdivision Regulations") with regard to lot sizes, _____
(Insert Title)
driveway culverts, fees, and technical amendments

Be it enacted by the _____ **of the**
(Name of Legislative Body)

County City Town Village
(Select one:)

of _____ **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1.

Section 200-15, subsection E, of local law number 1 of 2011 is hereby amended to read as follows:

E. Filing of Minor Subdivision Plat. The approval of a minor subdivision plat by the Town Board, either by a direct statement of approval or by approval due to failure to respond within the specified time, shall expire within sixty-two (62) days if the subdivider fails to (i) pay in full a per lot fee (per Town Fee Schedule) and (ii) record the approved subdivision with the Otsego County Clerk. The Town Board may grant an additional sixty-two (62) days extension if requested by the applicant. No building permits may be issued prior to the time that such fee is paid and such filing is made with the Otsego County Clerk.

Section 2.

Section 200-16, subsection D, of local law number 1 of 2011 is hereby amended to read as follows:

D. Notifications. All applicants, at least ten (10) working days, but not more than fifteen (15) working days, prior to attending each public hearing by the New Lisbon Town, shall send written notice by certified mail, return receipt requested, to all contiguous landowners and landowners on the opposite side of the highways or rights-of-way on which the applicant's property has frontage, or property owners within one half (1/2) mile of the proposed subdivision boundaries. Property owners entitled to notice shall be those listed as owners on the records of the New Lisbon Tax Assessor's office as of the date of the mailing. The written notice shall contain information equal to the notice of public hearing published in the newspaper. Proof of mailing receipts must be furnished to the Town Clerk prior to the public hearing.

Section 3.

Section 200-16, subsection K, second paragraph of local law number 1 of 2011 is hereby amended to read as follows:

After the public hearing has been held on the final plat, if one is held or within sixty-two (62) days of receipt as specified above, the Planning Board shall meet, make recommendations to the Town Board, and the Town Board shall take action on the final plat submission. If the Town Board moves to approve the final plat, as submitted, it shall direct the Planning Board chairman to sign the final plat. The chairman is required to sign the plat subject to the following conditions:

- (1) All of the requirements for final subdivision plat submission have been met.
- (2) All required corrections and modifications have been made or a sufficient guarantee has been accepted by the Town for such corrections and modifications. All such conditions must be met before the plat is signed by the chairman of the Planning Board.

- (3) Any performance bonds requested by the Planning Board have been obtained by the subdivider and are in a form as approved by the Town Attorney.
- (4) A statement by the Town Attorney approving as to the legal sufficiency of all offers of cession or covenants governing the maintenance of unceded public open space.
- (5) The per lot fee has been paid in full.

Section 4.

Section 200-17, subsection C and D, of local law number 1 of 2011 are hereby amended to read as follows:

C. County Planning Department Report.

Within thirty (30) days, the Otsego County Planning Department will report to the municipality its approval, disapproval or approval subject to conditions pursuant to Sections 239-n of Article 12B of the General Municipal Law. The Town Board shall not act contrary to the recommendations of the Otsego County Planning Department except by a vote of a majority plus one of all of the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary actions.

D. County Planning Department Review.

In the event Otsego County Planning Department Review is mandatory due to the location of the proposed site, appropriate schedule time must be added to any Town response time of thirty (30) days to enable these additional procedures.

Section 5.

Section 200-21, paragraphs M and N, of local law number 1 of 2011 are hereby amended to read as follows:

M. Copy of driveway permit approval for each lot from NYSDOT, County Highway Department or Town Highway Superintendent must be provided prior to public hearing.

N. Affirmation by the landowner that (i) within thirty (30) days of approval of the subdivision the landowner will pay the town for the costs of culvert pipes for driveways on town roads on all lots, such cost to be equal to the cost of the culvert pipes to the town, and (ii) the town Highway Department is authorized to install such driveway culverts with the understanding that the town will complete such installations as soon as practicable. Failure to make such payment by the landowner may, at the Town Board's discretion, result in nullity of the subdivision approval.

Section 6.

Section 200-22, paragraph D, of local law number 1 of 2011 is hereby amended to read as follows:

D. The names and Tax Map parcel numbers of all landowners to whom notice is required to be given pursuant to § 200-16(D) of these regulations.

and Section 200-22, paragraphs L and M, of local law number 1 of 2011 are hereby deleted.

Section 7.

Section 200-29, subsection A, of local law number 1 of 2011 is hereby amended to read as follows:

A. Conformance with Health Laws:

(1) Where additional lot area is required to support private on-site water supply or sewage disposal systems, such additional lot area shall be provided and made a part of any or each lot being created. The need for additional lot area shall be determined by the New York State Department of Health.

(2) Lots shall be of sufficient size to accommodate buildings and individual sanitary sewage disposal systems designed in accordance with the New York State Health Department. Lots shall not be inordinately long and narrow, unless of sufficient total area to overcome any objection as to adequacy of water and sewage arrangements as outlined in Section 75-A of Public Health Law.

(3) Lots shall be of sufficient size to accommodate buildings and individual sanitary sewage disposal systems designed in accordance with minimum specifications of any applicable State, County, Town or New York City agencies having jurisdiction. Lots should generally not be less than two and one-half (2-1/2) acres in the case of a Simple Subdivision and five (5) acres in the case of a Minor or a Major Subdivision and should have a minimum road frontage of at least one hundred and fifty feet (150') or (one hundred feet (100') on a cul-de-sac).

(4) The subdivision shall not cause there to be an existing structure greater than ten square feet (10 sq. ft.) within seventy-five feet (75') of a road centerline or within fifty feet (50') from any lot line.

Section 8.

This local law shall take effect upon filing with the New York State Secretary of State.