

D: Painted Post's Subdivision Law

The following pages contain excerpts from the Village of Painted Post's Conservation Subdivision Law. The full extent of the law is available online at the STCRPDB website (<http://www.stcplanning.org>) - click on "Data/Reports", then on "Model Laws".

CHAPTER 233 SUBDIVISION REGULATIONS

Village of Painted Post ARTICLE I GENERAL PROVISIONS

§ 233-1 PURPOSE AND CONTENT.

The purpose of establishing the Village of Painted Post Subdivision Regulations is to provide for the orderly growth and development of the Village and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and welfare of the Village's population. These regulations establish requirements for action on subdivision plats, including a description of maps and supporting materials which the Planning Board requires to carry out its responsibilities under these regulations. These requirements include the four-step Conservation Subdivision Design Process (as described in Article III) and Cluster Development (Article III) whose purpose shall be to encourage flexibility of design and land conservation and to develop land in such manner as to preserve the natural and scenic qualities of open lands while reducing the construction and maintenance costs of infrastructure. The review and approval procedures contained herein are designed to safeguard the community.

§ 233-2 AUTHORIZATION; PURPOSE.

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C. CLUSTER DEVELOPMENT.

1. **Approval With Subdivision Plat.** In accordance with Section 7-738 of the Village Law of the State of New York, the Village Board of Trustees authorizes the Planning Board to approve a cluster development simultaneously with the approval of a plat pursuant to the provisions of these subdivision regulations.
2. **Permitted in Certain Zoning Districts.** Cluster development subdivisions are permitted in areas within the Village of Painted Post as noted in The Village of Painted Post Zoning Law Article III, Section 280.18, Use Regulations.

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§ 233-5 GENERAL POLICY FOR SUBDIVISION DESIGN AND REVIEW.

- A. **APPROPRIATENESS.** It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the Village in a manner that is reasonable and in the best interests of the community.

B. **GUIDING PRINCIPLES.** The Planning Board will be guided in its consideration of an application for the subdivision of land by the following requirements:

1. **Physical Characteristics.** The physical characteristics of the land to be subdivided shall be such that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare. Proper provision shall be made for drainage, water supply, sewage and other needed improvements. All parcel developments shall meet Village, County, State, and Federal health requirements.
2. **Natural and Historic Features.** Insofar as possible, all existing features of the landscape such as large trees, rock outcrops, unusual glacial formations, water and flood courses, historic sites and other such irreplaceable assets shall be preserved.
3. **Conformance with Village Local Land Use Laws and Policies.** Subdivision plans shall be in conformance with the Village of Painted Post Zoning Law and shall be properly related to the Village Comprehensive Plan as it is amended and used for guidance by the Planning Board.
4. **Neutral To Positive Tax Impact.** A subdivision's long and short term impacts on the site, the surrounding neighborhood and the Village as a whole, (such as police/fire/schools/road maintenance/pool parks/ and other Village infrastructure) are neutral or a positive contribution to the Village tax base, as described in the Long Environmental Assessment Form.
5. **Buildable Land Calculations.** Density of a subdivision is calculated on net acreage, not gross acreage, of buildable land according to the following guidelines:
 - A. **UNBUILDABLE LAND.** The subdivider shall identify and subtract all acreage considered to be unbuildable as follows:
 - (1) Steep slopes 25% or greater
 - (2) Floodways as defined by the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary maps as amended
 - (3) Wetlands, including New York State designated wetlands, those regulated by the US Army Corps of Engineers and those on the National Wetlands Inventory
 - (4) Lands covered by water bodies
 - (5) Aquifer Protection Overlay Districts #1 and #2 as defined by the Village of Painted Post Zoning Law Article III
 - (6) Stream corridors (50' setback from each streambank)
 - B. **DENSITY CALCULATIONS.** The subdivider shall then calculate the acreage that is determined to be buildable and apply the bulk density control schedule minimum square footage per dwelling units or principal buildings as defined in Article IV of the Village Zoning Law to the buildable acreage. All density values shall be rounded to the nearest whole number of dwelling units or principal buildings.

6. **Cluster Development.** When five (5) or more acres are considered “buildable,” the subdivider shall submit an application for a Cluster Development as described in Article III in which a percentage of the gross acreage, as determined by the Planning Board, is permanently set aside.
 - A. **MAXIMUM DENSITY.** A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board’s judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. (see Village of Painted Post Density Control Schedule Article IV, Section 280.28).
 - B. **CUMULATIVE DENSITY.** In cases where the plat falls within two or more contiguous districts, the Planning Board may approve a cluster development representing the cumulative density as derived from the summing of all units allowed in such districts, and may authorize any actual construction to take place in all or any portion of one or more of such districts.
7. **Conventional Plat.** When less than five (5) acres are considered “buildable” or when the subdivider can demonstrate that a traditional subdivision layout would be in the best interest of the community and would be compatible with the characteristics of the site, the subdivider may submit a conventional subdivision plat.
8. **Incentive Zoning.** When the site is not buildable or if a proposal is inconsistent with the Master Plan, the subdivider is encouraged to submit a plat in accordance with the Village of Painted Post Zoning Law Article VII, Transfer of Development Rights.

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ARTICLE II INTERPRETATION AND DEFINITIONS

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§ 233-15 **DEFINED TERMS.**

For the purpose of these regulations, certain words and terms used herein are defined as follows except where the context shows otherwise:

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SUBDIVISION: The division of any parcel of land into a number of lots, blocks or sites as specified in this regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term “subdivision” includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the Steuben County Clerk, (See “resubdivision” below).

Cluster Development: A subdivision plat or plats, approved pursuant to 7-738 of Village Law of the State of New York, provides a preferred method alternative to the strict adherence to the Village of Painted Post Zoning Local Law Bulk Density Control Schedule for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, common open space, parks and landscaping in order to preserve the natural and scenic qualities of open lands.

Conceptual Preliminary Plat: A scaled drawing in which ideas are illustrated before engineering costs are incurred in preparing such plat elements as detailed alignments and profiles for streets, and/or detailed calculations for stormwater management.

Conceptual Preliminary Plat Approval: The approval of the layout of a proposed subdivision as set forth in a conceptual preliminary plat but subject to the approval of the plat in final form.

Conservation Area, Primary: Unbuildable land areas comprising floodways, wetlands, slopes over twenty-five percent (25%), waterbodies, aquifer protection areas and fifty foot (50') stream corridors.

Conservation Area, Secondary: Natural and cultural resources and noteworthy features of the property (i.e.; mature woodlands, trails, stream corridors, prime farmland, hedgerows, historic sites, scenic views, etc.,) which are “buildable” but are recommended for inclusion in permanent open space.

Conservation Subdivision: A subdivision designed around the central organizing principle of land conservation in accordance with the four step conservation design process that is intended to be effective in laying out new full-density developments where all significant natural and cultural features have been preserved. (STEP ONE: Identify Primary and Secondary Conservation Areas, STEP TWO: Locate House Sites, STEP THREE: Align Streets and Trails, STEP FOUR: Draw in Lot Lines.)

Final Plat: A detailed drawing prepared in a manner prescribed by Article III, that shows a proposed conservation subdivision, containing all information required to be shown on a conceptual preliminary plat and modifications, if any, required by the Planning Board at the time of approval of the conceptual preliminary plat.

Final Plat Approval: The signing of a plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in Steuben County Clerk’s Office.

Final Plat Conditional Approval: Approval by a Planning Board of a final plat subject to conditions set forth by the Planning Board by resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office the Steuben County Clerk.

Plat: Drawings and final plans for related improvements prepared in accordance with these regulations showing, in final form as specified in Article III, Section 233-19, a proposed subdivision of a tract of land which, if approved, is suitable for filing in the office of the Steuben County Clerk.

Resubdivision: A change in a map of an approved or filed subdivision plat if involving only lot line alterations, and does not cross a municipal boundary, and if such change does not affect any street

layout shown on such major area reserved for public use.

Sketch Plan: The optional, rough, diagrammatic plan that precedes the Conceptual Preliminary Plat. The Sketch Plan may be prepared as an overlay sheet placed on top of the Existing Resources and Site Analysis Plan as detailed in Article III. The drawing/overlay is intended to show in sketch form the general manner in which a tract of land is proposed to be subdivided.

Subdivider: Any person, firm, corporation, partnership, or other organization which lays out any subdivision as defined herein.

Undeveloped Subdivision: Those plats where 20% or more of the lots within the plat are unimproved unless existing conditions such as poor drainage have prevented their development.

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**ARTICLE III
SUBDIVISION APPLICATION SUBMISSION REQUIREMENTS
AND PLAN/PLAT CONTENT**

§ 233-16 OVERVIEW.

This article describes the purpose, elements and specifications of sketch plans, conceptual preliminary plats and final plats so that each builds upon the other in an orderly manner.

§ 233-17 OPTIONAL SKETCH PLAN.

- A. **PURPOSE.** The purpose of this optional step is to afford the subdivider an opportunity to consult early and informally with the Planning Board. Sketch Plan submission is strongly encouraged by the Village as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning local law.
- B. **ELEMENTS.** The Sketch Plan should include any or all elements of the Conceptual Preliminary Plat. The Sketch Plan may be prepared as an overlay sheet placed on top of the Existing Resources and Site Analysis Plan. To encourage the use of this Plan and to offer incentives by defraying costs at this phase to subdividers, certain data will be available through the Village.
- C. **SPECIFICATIONS.** The sketch plan shall be drawn on paper or other suitable material at a standard scale of not more than two hundred (200) feet to the inch.

§ 233-18 CONCEPTUAL PRELIMINARY PLAT.

- A. **OVERALL PURPOSE.** A Conceptual Preliminary Plat sets the direction for development of the parcel and provides enough information on which to undertake environmental review without costly engineering expense to the developer.

B. **ELEMENTS.** The Conceptual Preliminary Plat is made up of the following elements which are described in detail below.

1. **Site Context Map**

A. **SPECIFIC PURPOSE:** to show the location of the proposed subdivision within its neighborhood context.

B. **ELEMENTS:**

(1) Location of the affected tax parcel on the Village of Painted Post Zoning Map showing nearby creeks, roads, zoning districts, NYS certified Agricultural Districts, adjacent properties, public buildings such as schools and hospitals, public land such as parks, twenty foot (20') contours and other appropriate information to orient the Planning Board.

(2) Title of the sketch, including name and address of the subdivider, north point, scale, and date.

C. **SPECIFICATIONS:**

(1) For sites under 100 acres in area, such maps shall be at a scale not less than 1"=200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site.

(2) For sites of 100 acres or more, the scale shall be 1"=400' and shall show the above relationships within 2,000 feet of the site.

2. **Existing Resources and Site Analysis Plan.**

A. **SPECIFIC PURPOSE:** To provide the developer and the Village with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site.

Conditions beyond the parcel boundaries may be described on the basis of existing published data from governmental agencies, and aerial photographs. To help defray the cost to subdividers, some data will be available through the Village of Painted Post.

B. **ELEMENTS:**

(1) A vertical aerial photograph (enlarged to a scale not less than 1"= 400'), with the site boundaries clearly marked overlaid by tax parcel boundaries noting vegetative cover conditions on the property such as cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a DBH (Diameter at Breast Height) in excess of 15", the actual canopy line of existing trees and woodlands.

Vegetative types shall be described by plant community, relative age and condition, if known.

- (2) USGS published topographic maps with 10 foot contour intervals. Interpolated or appropriate contour intervals shall be determined by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flats sites.
- (3) Soils mapping, soil series, types and phases, as mapped by the USDA Natural Resources Conservation Service in the published Soil Survey for Steuben County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).

3. **Four Step Overlay Design Process.**

- A. **REVERSE SEQUENCE.** This approach reverses the sequence of steps in laying out conventional subdivisions. Streets and lot lines are the last features to be identified in this design process after the delineation of conservation areas/developable land and building locations.
- B. **FOUR OVERLAYS.** The subdivider shall submit four separate overlay sketches indicating the findings of each step of the design process, if requested by the Village Planning Board.

Step One, Part One Identify Primary Conservation Areas.

These are “unbuildable” lands as described in Article V, Section 233-5 B.5.A. Buildable Land Calculations.

Step One, Part Two. Identify Secondary Conservation Areas.

These are those areas recommended for conservation/preservation, but which could be disturbed or removed by development upon approval by the Planning Board.

- A. **VEGETATIVE COVER.** Vegetative cover types to be considered secondary conservation areas as designated by the Planning Board. See Article V, Section 233-55 Woodlands and Article V, Section 233-57 Significant Natural Areas and Features.
- B. **SOILS.** Soils unsuitable for construction or onsite sewage disposal.
- C. **NATURAL BOUNDARIES.** Ridge lines and watershed boundaries.
- D. **VIEWSHED.** A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- E. **GEOLOGY.** Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information.
- F. **CONSTRUCTED FEATURES.** All existing constructed features including but not limited to streets, driveways, farm roads, woods roads, buildings, founda-

tions, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.

- G. HISTORIC SITES. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- H. TRAILS. Location of existing and proposed trails (pedestrian, equestrian, bicycle, etc.).
- I. EASEMENTS. All easements and other encumbrances of property which are or have been filed of record with the Steuben County Clerk.
- J. ACREAGE. Total acreage of the tract, plus Buildable Acreage with detailed supporting calculations per Article V, Section 233.5.

Step One, Part Three Identify Potential Development Area.

After delineating the Primary and Secondary Conservation Areas, the remaining part of the property becomes the Potential Development Area Map.

Step Two Locate House Sites.

- A. LOCATION. Potential house sites shall be tentatively located using the Potential Development Area Map as a base map and other relevant data on the Existing Resources and Site Analysis plan (such as topography and soils).
- B. RELATION TO OPEN SPACE. Generally, house sites should be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas.(considering the potential negative impacts of development to such areas as well as positive benefits (such as locations to provide attractive views.)

Step Three Align Streets and Trails.

- A. ALIGNMENT. After house sites have been designated, a preliminary street plan shall be designed to provide vehicular access to each house, generally in accordance with standards in Article V, showing tentative rights-of-way and suggested street names.
- B. IMPACTS. Generally, street design shall be encouraged to minimize impacts on Primary and Secondary Conservation Areas and other open space.
- C. TRAILS. A system of trails providing pedestrian/bike access should be designed to link to neighboring trails and to provide access to open space as described in Article V, Section 233.56.

Step Four Draw in the Lot Lines.

After completion of the preceding three steps, lot lines, showing approximate dimensions, are to be drawn to delineate the boundaries of individual residential lots and the

remaining permanent open space. The lots shall show setbacks and shall be numbered maintaining 50% or more of the parcel in open space is encouraged.

4. **Long Environmental Assessment Form (EAF).**

- A. **PURPOSE:** to demonstrate that the subdivider has minimized site disturbance, and impacts on the Village of Painted Post to the greatest extent practicable resulting in either a no-net-loss or in a gain to the Village tax base.
- B. **ELEMENTS:** A completed EAF with supporting documentation as required by the Planning Board.
- C. **SPECIFICATIONS:** Per direction by the Planning Board.

5. **Preliminary Improvements Construction Plan.**

- A. **PURPOSE:** To identify and describe related site improvements as an overlay to the Existing Resource and Site Analysis Plan.
- B. **ELEMENTS:**
 - (1) Description and tentative location of existing and proposed water lines or wells and a description of the source of water.
 - (2) Conceptual layout of proposed sewer lines, if applicable, where community sewage service is to be permitted. Location of all percolation test, including all failed test sites, for all on site disposal systems, if applicable. All approved sites shall be clearly distinguished from unapproved site.
 - (3) Approximate location of existing drains, culverts, proposed swales, drainage easements, stormwater management facilities.
 - (4) Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
 - (5) Location of all other proposed permanent open space and brief description of its ownership and long term maintenance.
 - (6) Description of generalized landscaping plan including discussion of street trees and other plantings on dedicated and nondedicated open space.
 - (7) If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to the applicant's control within the adjoining municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

6. **Preliminary Studies and Reports.**

A. **PURPOSE:** The Conceptual Preliminary Plat may include one or more of the following elements to assist the Board in the determination of the impact of the application upon municipal services and facilities.

B. **ELEMENTS:**

- (1) Municipal sewer and water feasibility study
- (2) Groundwater protection and recharge study
- (3) Erosion and sedimentation control plan
- (4) Stormwater management and preliminary drainage report
- (5) Flood impact study
- (6) Traffic impact study
- (7) Community services and tax base impact study