

Town of Columbus
Local Law # 1 2001

SUBDIVISION

ARTICLE I: PURPOSE

To provide for the orderly future growth and development of the Town of Columbus, and to maintain the safety, health and welfare of the population.

ARTICLE II: POLICY

By the authority of the resolution of the Town board of the Town of Columbus, adopted on April 12, 2001 pursuant to the provision of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Columbus is authorized and empowered to approve subdivision plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary plats.

ARTICLE III: DEFINITIONS

A. LOT Any individual plot, parcel or site of land identified on a subdivision map or by recorded survey, deed, description, or metes and bounds, for the purpose of sale, lease, donation, or separate use.

B. MAJOR SUBDIVISION A subdivision of five (5) or more lots or any subdivision requiring new roads or the extension of any existing road.

C. MINOR SUBDIVISION A subdivision of three (3) or four (4) lots.

D. OWNER Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land to be subdivided under these regulations.

E. PLANNING BOARD The Planning Board of the Town of Columbus.

F. RESUBDIVISION A change in a map of an approved or recorded subdivision plat if such change effects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

G. SKETCH PLAN (Preliminary Plat) A drawing of the property, based on a tax map or other similarly accurate base map at a scale of approximately 100 feet to the inch, that shows the following:

1. The name of the owner and of all adjoining property owners as disclosed by the most recent tax records.

2. Location of town, county, and state roads.

3. Location of wells, waterways, ponds, wetlands, woods.

4. Approximate size and boundary of each lot.

H. SUBDIVIDER Any person, firm, corporation, partnership, or any legal entity who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

I. SUBDIVISION Any land, vacant or improved, which is divided or proposed to be divided into three (3) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds, description, devise, intestacy, map, plat, or other recorded instrument. Any further division of an approved or recorded subdivision plat shall follow the procedures set forth in these regulations.

J. SUBDIVISION PLAT OR FINAL PLAT Official survey map of the property showing size and boundary of each lot.

K. TOWN BOARD The Town Board of the Town of Columbus.

ARTICLE IV: REGULATIONS

A. All subdivisions are subject of the rules and regulations of the State of New York, Chenango County, and The Town of Columbus.

B. It shall be understood that the Town of Columbus bears no financial or other responsibility for the construction of street lights, sewer systems, or sanitary or water systems.

C. Any construction of new roads or extensions of existing roads shall be at the subdivider's expense and will be in accordance with the rules and regulations as prescribed by the Town of Columbus Highway Superintendent.

D. When a subdivision or resubdivision of land is proposed to be made and before a contract for the sale of any lots, or any offer to sell any lots in such subdivision or any part thereof, is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his /her duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedures set forth in ARTICLE V.

E. Costs incurred by the Planning Board for reasonable consultation fees or extraordinary expenses in connection with reviews of the proposed subdivision will be charged to the subdivider.

F. A right of way for utilities will be granted by deed to all individual lots within a subdivision.

G. Perc test results should include a cross section of soil types that exist within the subdivision.

ARTICLE V: PROCEDURES

A. Provisional Approval:

1. Submit the following to the Chairman of the Planning Board.

a. Two copies of a Sketch Plan (see DEFINITIONS) of the property to be subdivided.

b. A SEQR Full Environmental Assessment Form. In the case of a MAJOR SUBDIVISION, the Planning Board will determine if a review by the County Planning Board or any other county or state agency, which has jurisdiction, is necessary.

c. A Soil Composite Map.

d. Results of Perc Tests.

2. The Chairman of the Planning Board will inform the owner or his/her representative of the date and time of the meetings when the Planning Board will review the Subdivision documents and when the Planning Board will review the proposal on site. The owner or his/her representative shall attend these meetings.

3. The Planning Board may require the owner to consult with the appropriate technical review or assistance agencies.

4. For a MAJOR SUBDIVISION, the Planning Board will require review by the County Planning Board and any other county or state agency that may have jurisdiction.

5. A public hearing will be held within 45 days of the date the review is completed. Said hearing will be advertised at least once in a newspaper of general circulation for at least 5 days before the hearing.

6. The Planning Board shall approve, with or without modification, or disapprove within 45 days of the hearing. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute Provisional Approval.

7. Provisional Approval will expire 180 days after the date of said approval. The Planning Board may extend this period for an additional 180 days.

B. Final Approval:

1. Within 180 days of Provisional Approval, the Owner or his/her representative will submit 3 copies of the official survey map of the property to be subdivided.

2. For a MAJOR SUBDIVISION, submissions for final approval shall be accompanied by a flat fee of \$10.00 per lot.

3. For a MAJOR SUBDIVISION, the Owner or his/her representative must also present at this time approvals by the Chenango County Planning Board and any other county or state agency that has jurisdiction.

4. Upon completion of all conditions and requirements, the Plat shall be signed by Chairman of the Planning Board. A copy of the signed map will be forwarded to the Columbus Town Clerk and to the Chenango County Clerk.

ARTICLE VI: ENFORCEMENT

This Local Law may be enforced by the county Codes Enforcement Officer, local constable, local Codes Enforcement Officer, State Police, Sheriff's Department, Environmental Conservation Officers, or any other peace officer, as well as by citizen's complaint. Any individual has the prerogative to file a signed written complaint with any of the above mentioned enforcement agencies.

ARTICLE VII: VIOLATIONS AND PENALTIES

Any person who shall commit or assist in the commission of any violation of this order, or who shall omit, neglect or refuse to do any act required by this order, shall be subject to a fine of not more than \$500.00 to be recovered by the Town Board in any court of competent jurisdiction. Every such person shall be deemed guilty of a separate offence for each day that such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purpose of this article.

ARTICLE VIII: AMENDMENTS

These regulations may be amended by the Planning Board after public hearing and approval by the Town Board.

ARTICLE VIX: SEPARABILITY

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 so declared to be invalid.

ARTICLE X: COURT REVIEW

Any person aggrieved by a decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board, as set forth in Section 282 of Town Law.

PLEASE NOTE THAT THERE ARE OTHER DOCUMENTS PERTAINING TO SUBDIVISION THAT ARE NOT INCLUDED HERE. SEE THE TOWN CLERK FOR THE COMPLETE SUBDIVISION BOOKLET.