



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

SUB-DIVISION REGULATIONS

September 12, 1996

TOWN OF SHERBURNE
HARRY CONLEY
PO BOX 860
SHERBURNE, NY 13460

RE: Town of Sherburne, Local Law 4, 1989, filed 09/11/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Please be advised only 1 original local law is required to be filed in our office.

Sincerely,

Janice G Durfee

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml



(Please Use this Form for Filing your 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 of Sherburne
Town
Village

Local Law No. of the year 19 82

A local law Entitled Town of Sherburne Land Subdivision Regulations
(insert title)

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

County
City of Sherburne as follows:
Town
Village

(See attached)

ARTICLE I: ESTABLISHMENT, POLICY, TITLE, PURPOSE

Section 100 Establishment, Policy: By the authority of the resolution of the Town Board of the Town of Sherburne, adopted on _____, pursuant to the provision of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Sherburne is authorized and empowered to approve 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, within that part of the Town of Sherburne outside the limits of any incorporated city or village. It is declared to be the policy of the Planning Board 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 and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the official map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade, and location as to accomodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

Section 101. Title, Adoption: In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Town of Sherburne Land Subdivision Regulations", have been adopted by the Planning Board on _____, and approved by the Town Board on _____.

Section 102. Purposes These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the municipality.
2. To guide the future growth and development of the municipality, in accordance with the Master Plan, if such exists.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of the population.
4. To protect the character and the social and economic stability of all parts of the municipality and the encourage the orderly and beneficial development of all parts of the municipality.
5. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
8. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

10. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

11. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.

12. To provide for open spaces through the most efficient design and layout of the land, including the use of techniques such as clustering.

Performance Standards

The interpretation and regulations of this Subdivision Regulation Law will be guided by the following performance criteria:

- a. Will not result in undue water or air pollution.
- b. Has sufficient water available for the reasonably foreseeable needs of the subdivision or development.
- c. Will not cause unreasonable burden on an existing water supply, if one is to be utilized.
- d. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- e. Will not cause unreasonable highway congestion or unsafe condition with respect to use of the highway, existing or proposed.
- f. Will not cause an unreasonable burden on the ability of a municipality to provide educational services.
- g. Will not place unreasonable burden on the ability of the local governmental services.
- h. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or irreplaceable natural areas.
- i. Is in conformance with a duly adopted development plan, land use plan or land-capability plan (statewide plans required by the law).
- j. Is in conformance with any duly adopted local or regional plan.

ARTICLE 2: DEFINITIONS

For the purpose of these regulations certain words and terms shall have the following meaning:

"Applicant" The owner of land proposed to be subdivided or his representative. Consent shall be required from the owner of the premises.

"Easement" Authorization by a property owner for the use of any designated part of his property by another, and for a specified purpose.

"Engineer or Licensed Professional Engineer" A person licensed as a professional engineer by the State of New York or licensed in a state with a reciprocal agreement with New York State.

"Highway Superintendent" The Highway Superintendent as used in these regulations shall mean the Town of Sherburne Superintendent of Highways or a duly authorized or designated representative.

"Lot" Any individual plot, parcel, tract or site of land identified on a subdivision map or by recorded survey, deed, description, or metes and bounds, for the purpose of scale, lease donation, or separate use, with dimension requirements for individual lots consistent with Section 3.020 in the Town of Sherburne Sanitary Regulations.

"Lot Depth" Shall mean the horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

"Lot Width" Shall mean the width measured at right angles to the lot depth.

"Master, Comprehensive or General Plan" A comprehensive plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

"Official Map" The map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

"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.

"Planning Board" The Planning Board of the Town of Sherburne, Chenango County, New York.

"Preliminary Plat" A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in Article 4, Section 402 of these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the Plat in final form and of sufficient detail to appraise the Planning Board of the layout of the proposed subdivision.

"Resubdivision" A change in a map of an approved or recorded subdivision plat if such change affects 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.

"Sketch Plan" A sketch of a proposed subdivision showing the information specified in Article 4, Section 400 of these regulations 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 these regulations.

"Street." Include streets, roads, avenues, lanes, or other trafficways for a neighborhood or as a feeder to a major street.

"Street, Dead End or Cul-De-Sac" A street or a portion of a street with only one vehicular traffic outlet.

"Street, Major" A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

"Street, Minor" A street intended to serve primarily as an access to abutting residential properties.

"Street, Pavement" The wearing or exposed surface of the roadway used by vehicular traffic.

"Street, Width" The width of a right-of-way, measured at right angles to the center line of the street.

"Street, Collector" A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

"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, within any consecutive five (5) year period, including resubdivision. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise, intestacy, map, plat, or other recorded instrument.

"Subdivision, Major" Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal utilities.

"Subdivision Minor" Any subdivision containing not more than four or less than three lots and where the lot depth to lot width ratio of any lot does not exceed 3 to 1 and all lots have a minimum road frontage of 250 feet, front on an existing street, and do not involve any new street or road or the extension of municipal utilities and parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, or Zoning Ordinance, if these exist, or these subdivision regulations. After two minor subdivisions have been developed in the same area and by the same applicant, or his agent, any subsequent subdivision by said applicant in such area shall be considered a Major Subdivision and the appropriate procedures for Major Subdivisions, as set forth in these regulations, shall be followed.

"Subdivision Plat or Final Plat" A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these subdivision regulations to be presented to the Planning Board for approval, and which if approved, shall be duly filed or recorded by the applicant in the office of the County Clerk. A survey will be performed prior to final closing on the property.

"Subdivider" Any person who having an interest in land causes it directly or indirectly to be divided into a subdivision or who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or who engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

"Surveyor" A person licensed as a land surveyor by the State of New York.

ARTICLE 3: PROCEDURE FOR SUBMITTING SUBDIVISION APPLICATIONS

Section 300. When a subdivision 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 owner or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedures set forth in this Article 3.

Section 301. Sketch Plan

1. Submission of Sketch Plan: Any owner of land may, prior to subdividing or resubdividing land, submit to the Town Clerk at least 10 days prior to the regular meeting of the Planning Board two copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Section 400, for the classification and preliminary discussion.

2. Discussion of Requirements and Classification: The applicant, or his duly authorized representative, may attend the meeting of the Planning Board to

discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, flood protection, and similar aspects, as well as the availability of existing services and other pertinent information.

At the time of the Planning Board meeting to review the Sketch Plan, the applicant or his duly authorized representative shall be provided with an Environmental Assessment form. If the proposed subdivision has been classified as a Minor Subdivision, the applicant or his representative shall receive a short Environmental Assessment form unless the Planning Board determines that a full Environmental Assessment form will be necessary. If the proposed subdivision has been classified as a Major Subdivision, the applicant or his representative shall be provided with a full Environmental Assessment form. The form shall be submitted with the preliminary plat in the case of a Major Subdivision or with the final plat in the case of a Minor Subdivision.

At this time the Planning Board shall classify the Sketch Plan as to whether it is a Minor or Major Subdivision as defined in these regulations (see Article 2). The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the Applicant shall then comply with the procedure outlined in Section 302, 305, and 306 of these regulations. If such subdivision is classified as a Major Subdivision, the applicant shall comply with the procedures outlined in Sections 303, 304, 305 and 306.

3. Study of Sketch Plan: The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

4. The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site as indicated by the Natural Resource Composite Maps on file in the Town offices. If the site falls into areas on the soils map denoted as having "moderate" "severe", or "very severe" limitation; within flood hazard areas, or areas of unique hydrologic or natural habitat areas, (including wetlands), the Planning Board may require the applicant to consult with the appropriate technical review or assistance agencies (such as, but not limited to the Soil Conservation Service, the State or County Health Departments, Army Corps of Engineers, and the Department of Environmental Conservation) to determine appropriate measures to mitigate or eliminate such problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or applicant.

The Planning Board may require that design techniques such as clustering (in accordance with zoning Section 308) be used to avoid development in these critical resource areas, and shall not approve a sketch plan which has failed to adequately address these critical resources concerns (soils, flood hazards, hydrologic and natural habitat resources).

Section 302. Approval of Minor Subdivision

1. Within 6 months after Planning Board classification of the Sketch Plan as a Minor Subdivision, the applicant shall submit an application for approval of a Minor Subdivision Plat. Failure to do so may require resubmission of the Sketch Plan to the Planning Board for re-classification. The Plat shall conform to the layout shown on the Sketch Plan plus any conditions established by the Planning Board. Said application shall also conform to the requirements listed in Section 401. All submission for Minor Subdivision Plat consideration shall be accompanied by a flat fee of \$10.00.

2. Four copies of the subdivision (Final) Plat for a Minor Subdivision shall be presented to the Town Clerk at least 10 days prior to a scheduled meeting of the Planning Board. The applicant or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

3. An environmental assessment form for the proposed subdivision shall be available for review at this meeting of the Planning Board. The statement shall consider potential impacts of the development.
4. A public hearing shall be held by the Planning Board within 45 days of the time of submission of the Subdivision Plat for approval. Said hearing shall be advertised at least once in a newspaper of general circulation in the town at least 5 days before such public hearing.
5. Planning Board shall, within 45 days from the date of said public hearing conditionally approve, with or without modifications, disapprove or approve such Minor Subdivision Plat and so indicate on the Plat. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the plat. A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat subject to completion of such conditions as may be specified in said resolution.
6. Within 5 days of the Planning Board resolution of conditional approval, the Minor Subdivision Plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the applicant including any conditions that must be met before the Plat can be signed.

Conditional approval of a Plat shall expire 180 days after the date of the resolution of approval. The Planning board may extend this time for an additional two (2) ninety (90) day periods. Within such 180 day period, or any extension thereof granted by the Planning Board, the conditionally approved Plat must be submitted for the Planning Board signature of final approval required by Section 302.5 of these regulations.

7. Upon receiving the signature of final approval required by Section 302.5, the Minor Subdivision Plat shall be filed in the offices of the County Clerk in accordance with the provisions of Section 306 of these regulations.

Section 303. Preliminary Plat for Major Subdivision

1. Within 6 months after Planning Board classification of the Sketch Plan as a Major Subdivision, the applicant shall submit a Preliminary Plat in accordance with Section 402 of these regulations, except where a waiver of any requirement may be specifically authorized by the Planning Board.
2. Four copies of the Preliminary Plat, clearly marked "Preliminary", shall be presented to the Secretary of the Planning Board at least ten days prior to a regular monthly meeting of the Planning Board.

An Environmental assessment (Appendix A) form for the proposed subdivision shall be available for review at this meeting of the Planning Board. The statement should consider potential impacts of the development.

3. When applicable in Chenango County, the Secretary of the Planning Board, upon receipt of a Preliminary Plat, shall present a copy of said Plat to the County Planning Agency for review and report in accordance with the provisions of Sec 239-n of Article 12-B of General Municipal Law. The Chairperson of the Planning Board, or other designated member of the Planning Board, shall present a copy of the Preliminary Plat to any other County or State Agency which has or may have jurisdiction of review or approval of the subdivision. This may include but is not limited to review by the New York State Health Department, or compliance with the New York State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law) and State Pollution Discharge Elimination System as administered by the Department of Environmental Conservation. If the subdivision meets any Type I thresholds listed in Part 617.12 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined in Section 617.6 of the SEQR regulations.
4. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

5. The Planning Board shall study the suitability of the Preliminary Plat taking into consideration the requirement of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets and their relation to the topography, water supply, sewage disposal, drainage, lot sizes and arrangement, potential flood hazards, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations, if such exists.

6. A determination of no significant environmental impact (Negative Declaration) or a draft EIS is required by the designated lead agency before the subdivision may be approved (in accordance with Section 617.11 of the rules and regulations governing SEQR or the local SEQR law). The Secretary of the Planning Board shall notify any other agency which may have authority to review the subdivision (see Section 303(3) above) of this determination.

7. The time of submission of the Preliminary Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for conditional approval of the Preliminary Plat, complete and accompanied by all data required by Section 402 of these regulations, has been filed with the Secretary of the Planning Board.

8. Within 45 days after the time of submission of a Preliminary Plat, the Planning Board shall hold a public hearing on said Plat. This hearing shall be advertised in a newspaper of general circulation in the town at least 5 days before such hearing. This public hearing shall also be used to solicit comments on the draft EIS under SEQR (if required). Within 45 days from the date of such public hearing the Planning Board shall take action to approve, with or without modifications, or disapprove such Preliminary Plat and the ground for any modification required or the ground for disapproval shall be stated upon the records of the Planning Board.

9. When granting approval to a Preliminary Plat, the Planning Board shall state the conditions of such approval, if any, with respect to:

a. The specific changes which will be required in the Final Subdivision Plat;

b. The character and extent of the required improvements for which waivers may have been requested and which in the Planning Board opinion may be waived without jeopardy to the public health, safety, morals, and general welfare;

c. The amount of improvement or the amount of all bonds, therefore, which will be required as a prerequisite to the approval of the Subdivision Plat.

The action of the Planning Board plus any conditions attached thereto shall be noted on, or attached to, three copies of the Preliminary Plat. One copy shall be returned to the applicant, one retained by the Planning Board, and one forwarded to the Town Clerk. Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat; rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording with the County Clerk. Prior to approval of the Final Subdivision Plat the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained.

Section 304. Final Plat for Major Subdivision

1. The applicant shall, within 6 months after the approval of the Preliminary Plat, submit the Plat to the Planning Board in its final form. If the final Plat is not submitted within said 6 month period, approval of the Preliminary Plat may be revoked by the Planning Board. All submissions for final Plat consideration for major subdivisions shall be accompanied by a flat fee of \$100.00 and \$10.00 per lot for up to and including 10 lots. The eleventh and any subsequent lots shall have a per lot fee of \$100.00.

2. The applicant shall provide the Secretary of the Planning Board with one copy of the application and four copies of the Plat and all other drawings, and the original and one copy of all offers of cession, covenants and agreements, at least 10 days in advance of the regular Planning Board meeting at which the Plat is to be officially submitted.

3. The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for approval of the Subdivision Plat, complete and accompanied by the required fee and all data required by Section 403 of these regulations, has been filed with the Secretary of the Planning Board.

4. Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Environmental Conservation and/or the State or County Department of Health shall have received at least preliminary approval(s) of such facilities.

5. A public hearing on the Subdivision Plat may be held by the Planning Board if the Board deems there are substantial changes from the approved Preliminary Plat. Such hearing shall be held within 45 days after the time of submission of the Subdivision Plat for approval. Such hearing shall be advertised in a newspaper of general circulation in the town at least 5 days before such hearing. This hearing may be waived by the Planning Board.

6. The Planning Board shall, within 45 days from the date of any public hearing, or the date of submission of the Final Subdivision Plat if no hearing is required, approve, conditionally approve with or without modifications, or disapprove said Plat and so indicate on the Plat. This time period may be extended by mutual consent of the applicant and the Planning Board. Failure to act within the stated time period or a mutually agreed upon extension thereof, shall constitute approval of the Plat. A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat upon completion of such requirements as may be stated in the resolution and compliance with section 305 of these regulations.

7. If a draft EIS was required, the Planning Board's action on the subdivision plat shall include either a negative declaration or the final EIS and a statement of findings on the subdivision as required under Sec 8 - 0109-8 of the SEQRA Act of 1975, as amended.

8. Within 5 days of the Planning Board resolution of conditional approval, the Final Subdivision Plat shall be certified by the Clerk of the Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat.

9. Upon completion of such requirements, the Plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for a signature, if in its opinion such extension is warranted in the circumstances, not to exceed two (2) ninety (90) day periods.

Section 305. Required Improvements

1. Improvements and Performance Bond - Before the Planning Board grants final approval of the Subdivision Plat, the applicant shall follow the procedure set forth in either sub-paragraph a, or sub-paragraph b, below;

a. In an amount set forth by the Planning Board the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the applicant shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Town Board as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Town Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

b. The applicant shall complete all required improvements to the satisfaction of the Town Engineer or other representative designated by the Town Board to fulfill such duties (hereafter referred to as "Development Administrator") who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed and not approved, the applicant shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Development Administrator. Any such bond shall be satisfactory to the Town Board as to form, sufficiency, manner of execution, and surety.

c. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Development Administrator.

2. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Development Administrator that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Development Administrator shall upon approval by the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and are not tantamount to the waiver or substantial alteration of the function of any improvements required by the Planning Board. Such changes shall be consistent with the statement of findings made pursuant to Section 8-0109-8 of the SEQR Act and Section 617.9 of the statewide SEQR regulations, if applicable, or else a separate SEQR determination of significance will be required. The Development Administrator shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board.

3. Proper Installation of Improvements - If the Development Administrator shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, he shall so report to the Town Board. The Town Board then shall notify the applicant and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

Section 306. Final Approval and Filing

1. Upon completion of the requirements set forth in Sections 304 and 305 and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the duly authorized officer of the Planning Board and may be filed by the applicant in the office of the County Clerk. Any Subdivision Plat not so filed or recorded within 60 days of the date on which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of 60 days.

2. No changes, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

Section 307. Public Acceptance of Streets and Open Spaces

1. The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, recreation area, easement, or open space shown on such Subdivision Plat.

2. Ownership and maintenance of park, recreation or open space areas. When a park, playground, or other recreation area or open space shall have been shown on a Plat, Planning Board approval of the Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and where such requirement is considered necessary or desirable by the Planning Board to realize best use of the site, provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section 308. Cluster Provisions

Pursuant to a resolution of the Town Board, the Town Planning Board has been empowered to modify the minimum lot area, minimum width and minimum shoreline lot width requirements in accordance with the provisions of Section 281 of Town Law, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands and shorelines, the following shall be standards and procedures:

A. Standards.

1. The Town Planning Board may make such modifications only with respect to the lands within special development areas.

2. The minimum acreage to which this section may be applicable to shall be 10 acres, except where public services, sewer and/or water are available the Planning Board may determine the minimum size.

3. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.

4. In the event that the utilization of this section results in a Plat showing lands available for park, recreation, or other municipal purposes, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or other appropriate means against any development or land use inconsistent with their retention in open space.

5. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in other town regulations or ordinances.

B. Procedures.

1. Request by Applicant

An applicant may request the use of this section simultaneously with the submission of the Sketch Plan, as described in Article 3, Section 301. Any submission subsequent thereto, shall require a resubmission of the Sketch Plan.

2. Alternate Sketch Plan

An applicant shall present for the Planning Board's consideration along with a proposal utilizing the provisions of this section, an alternate sketch plan, with lots meeting the minimum lot area, minimum lot width, and requirements of any other Town ordinance or local law.

3. Plat Submission

Upon determination by the Planning Board that the Sketch Plan utilizing the provisions of this section is suitable, the procedures attendant to and subsequent to the Sketch Plan submission as set forth in this article, shall be followed in regular order.

4. Local Filing, Notation on Zoning Map

Any Subdivision Plat finally approved which involves modifications as provided for in this section shall be filed, in addition to the filing required in Article III, Section 6, hereof, with the Town Clerk, who shall make appropriate notation and reference thereto on the official Town map.

ARTICLE 4: REQUIRED DOCUMENTS

Section 400. The Sketch Plan Shall consist of a drawing based on tax map information or some other similarly accurate base map at a scale, preferably not less than 100 feet to the inch to enable the same entire ownership of the applicant to be shown on one sheet, and shall include:

1. A location map to indicate the relationship of the proposed subdivision to significant existing community facilities which will serve or influence the lay-out, such as major traffic arteries, shopping areas, schools, parks, employment centers, etc. Significant local natural resources such as water bodies, rivers, wetlands, bluffs, dunes and beaches shall also be indicated.
2. All existing structures, wooded areas, streams or watercourses, flood hazard areas, wetlands, quarries or excavations, bedrock outcrops and other significant physical features, within the area to be subdivided and within 200 feet thereof. Topographic conditions shall be indicated at contour intervals of not more than 20 feet. U.S.G.S. maps are suitable.
3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
4. The tax map sheet, block, and lot numbers, scale, north arrow and acreage involved.
5. All the utilities available, and all streets which are either proposed or built.
6. The proposed pattern and approximate dimensions and area of lots, street layout, recreation areas, proposed surface water drainage, sewerage, and water supply within the subdivision area.
7. All existing restrictions on the use of land including easements, covenants, or zoning divisions.

Section 401. Minor Subdivision Plat

In addition to the information required by Section 400, the required documents for Minor Subdivision Plats are the same as are required for Final Plats for Major Subdivisions. (See Section 403)

Section 402. Major Subdivision - Preliminary Plat

The Preliminary Plat shall be submitted as a scale of one inch equals 100 feet, or another scale approved by the Planning Board, whichever most clearly illustrates the applicant's proposal. The Preliminary Plat shall be clearly marked "Preliminary Plat" and shall include:

1. Proposed Subdivision name, name of Town and county, date, true north point, scale, name and address of record owner, applicant and engineer or surveyor including license number seal.
2. The name of all applicants immediately adjacent, if any, and the name of the owners of record of all adjacent property.
3. Zoning districts, including exact boundary lines, if more than one district, and any proposed changes in the zoning district lines or the zoning ordinance text applicable to the area to be subdivided.
4. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. Location of existing property lines; easements, buildings, water courses, marshes (including DEC designated wetlands) floodable areas (including all HUD Federal Flood Insurance Hazard Areas.) rock outcrops, wooded areas, and other significant existing features for the proposed subdivision area.
6. Location of existing sewers, water mains, culverts and drains serving the property, if any, with pipe sizes, grades and direction of flow.
7. Contours with intervals not to exceed 20 feet, referenced to mean sea level, except in and surrounding areas of existing and proposed sewer and water sources and other significant features as may be identified by the Planning Board, in which case contour intervals shall not exceed 5 feet.
8. The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the right-of-way width, location, grades and street profiles of all streets or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, fire hydrants and sewer lines; connections to existing lines or alternate means of water supply or sewage disposal treatment, including sites for onsite systems, profiles of all proposed water and sewer mains. If septic systems are proposed, the results of soil boring and soil percolation tests shall accompany the preliminary plat. Where onsite water supply systems are proposed, the quality and quantity of water available shall be indicated.
10. Storm Drainage Plan indicating the approximate location and size of proposed lines, if any, and their profiles; connections to existing systems or alternate means of drainage.
11. Plans, sections, and other drawings as required to show the proposed location and type of all improvements required by Article 5 or by the Planning Board.
12. Preliminary designs of any bridges or culverts which may be required.
13. The proposed lot lines with approximate dimensions and area of each lot.
14. Where the topography or design is such as to make difficult the inclusion of required facilities in a public right-of-way, permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing or proposed public street or public open space shown on the subdivision or official map.

15. A field survey of the boundary lines of the tract and lots, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. Corners of the tract and lots shall also be located on the ground and marked by substantial monuments of rebar a minimum of 30 inches in length with a minimum diameter of $\frac{1}{2}$ inch, and shall be referenced and shown on the Plat.

16. A copy of any covenants or deed restrictions that are intended to cover any lot in all or part of the tract.

17. If the Preliminary Plat submitted for approval covers only a part of the applicant's entire holding in the area, a map shall be prepared showing the entire tract, as it relates to the parcel included on the Preliminary Plat.

Section 403. Major Subdivision - Final Plat

The Final Plat to be approved by the Planning Board and filed with the Chenango County Clerk shall be drawn at the same scale as the Preliminary Plat. In addition to the requirements of the Preliminary Plat, the Final Plat submission shall include:

1. Identifying title stating name of subdivision, if any, name and address of owner, seal of licensed land surveyor, scale, north arrow, and date.

2. Location, right-of-way widths, and identification of all existing streets and easements; location of existing buildings, wooded areas, wetlands, creeks, drainage ways, large trees, and other features to be retained; location, right-of-way widths, and identification of all proposed streets, ponds, watercourses and any other features.

3. Sufficient data to enable the Town Planning Board to easily determine the location bearing and length of every street line, lot line, and boundary line, and the radii and length of all curves in the subdivision. When applicable these data should be referenced to monuments and tied into other reference points previously established.

4. The Final Plat shall show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

5. All offers of cession and all covenants governing the maintenance of uncaded open space shall bear the certificate of approval of the Town Attorney as to their form and legal sufficiency.

6. Lots within a subdivision shall be numbered or lettered in accordance with the prevailing practice.

7. Permanent reference monuments and lot corner markers as required by Article 5 shall be shown and their location referenced on the Plat.

8. Construction drawings as needed to show the location size, grade, and construction of all improvements required by Article 5, or by the Planning Board, or proposed by the subdivider.

9. Certification from the Health Department of jurisdiction of sewage disposal and from The New York State Department of Environmental Conservation for water supply systems to be used in the subdivision. No modification may be made after DOH certification.

10. Statement from the appropriate Town officials certifying that required improvements have been satisfactorily installed or that an acceptable bond for such installation has been filed with the Town Clerk.

ARTICLE 5. DESIGN AND ENVIRONMENTAL STANDARDS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article 6 herein.

Section 500. General Considerations

1. Character of Land

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.

2. Conformity to Official Map and Master Plan

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan, if such exists.

3. Specifications for Requirement Improvements

All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Town Engineer.

Section 501. Street Layout

1. Width, Location and Construction

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be in harmony with surrounding areas and streets.

2. Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities.

3. Minor Streets

Minor streets shall be so laid out that their use by through traffic will be discouraged.

4. Special Treatment Along Major Arterial Streets

When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Provision for Future Re-Subdivision

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

6. Dead-End Streets

The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street or public property. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

7. Block Size

Blocks generally shall not be less than 400 feet nor more than 1200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4-foot wide paved foot path be included.

8. Intersections with Collector or Major Arterial Roads

Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

9. Street Jogs

Street jogs with center line offsets of less than 125 feet shall be avoided.

10. Angle of Intersection

In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

11. Relation to Topography

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of streets. Grades of streets shall conform as closely as possible to the original topography.

Section 502. Street Design

1. Widths of Rights-of-Way

Streets shall have the following widths. When not indicated on the Master Plan or Official Map, the classification of streets shall be determined by the Board:

	Minimum Right-of-Way	Minimum Pavement
Major Streets	70 feet	36 feet
Collector Streets	60 feet	36 feet
Local Streets	50 feet	30 feet

2. Improvements

Streets shall be constructed in accordance with standards established by the Town Highway Superintendent with regards to pavement types, sewers, gutters, curbs, lighting, fire hydrants, providing such standards have been approved by the Planning Board.

3. Utility Easements

Where topography is such as to make impractical to the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

4. Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one half (½) nor more than 6 percent for major or collector streets, or 10 percent for minor streets in residential areas, but in no case more than 3 percent within 50 feet of any intersection.

5. Changes in Grade

All changes in grade shall be connected by vertical curves of such length and radius as to meet with the Town Road Design Standards so that clear visibility shall be provided for a safe distance.

6. Curve Radii at Street Intersections

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

7. Steep Grades and Curves; Visibility of Intersections

A combination of steep grades and curves shall be avoided. If directed, ground shall be excavated to achieve better visibility.

8. Dead-End Streets (cul-de-sacs)

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 1000 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turn-around with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

9. Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the -1- Engineer. Where a subdivision is traversed by a watercourse, drainage way, channel of stream, there shall be provided a stormwater easement or drainage right-of-way as required by the -1- Engineer and in no case less than 20 feet in width.

10. Curve Radii

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

Section 503. Street Names

No street shall have a name which will duplicate, or so nearly duplicate as to be confused with, the names of existing streets in the area. A continuation of an existing street shall have the same name. (Generally, streets shall have names, and not numbers or letters).

Section 504. Lots

1. Lots to be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

2. Street Frontage

All lots shall front on a public or private street.

3. Lot Ratios

The ratio of the depth of any lot to its width should not be greater than 3 to 1.

4. Side Lines

All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

5. Corner Lots

In general, corner lots should be larger than interior lots to provide for proper building setback from each street or to a private street which conforms to town right-of-way and construction specifications. In general, this access must provide at least 30 feet of frontage at the right-of-way line of said public or private street.

6. Monuments and Lot Corner Markers

Permanent monuments of rebar a minimum of 30 inches in length with a minimum diameter of $\frac{1}{2}$ inch, shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the Subdivision Plat.

Section 505. Drainage Improvements

1. Removal of Spring and Surface Water

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

2. Drainage Structure to Accommodate Potential Development Upstream

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated run-off from a "ten year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

3. Responsibility from Drainage Downstream

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

Section 506. Environmental Considerations

1.) Preservation of Natural Features

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

a. Natural Terrain

Subdivision design shall preserve, so far as possible, the natural terrain and natural water courses, improvements and drainage areas. Subdivision design shall include a conscious effort to preserve all worthwhile trees and shrubs which exist on the site. On individual lots or parcels care shall be taken to preserve selected trees to enhance the landscape treatment of the development. No tree with a diameter of 8 inches or more as measured 3 feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the Final Subdivision Plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 8 inches or more as measured 3 feet above the base of the trunk be removed without prior approval by the Planning Board.

b. Soil

Natural fertility of the soil shall be preserved by disturbing it as little as possible, and no topsoil shall be removed from the site.

2. Flood Areas

Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for such other uses as may increase danger to life or property or aggravate the flood hazard, but such land may be used for such uses, subject to any zoning regulations, or in such a way, that the flood danger to this property and other upstream or downstream properties will not be increased and periodic or occasional inundation will not be a substantial threat to life or property. The provisions of this section shall apply to all land falling within the 100 year flood limit as shown on maps prepared and amended by the Federal Emergency Management Agency.

3. Steep Slopes

Development of steep slope (over 12%) sites will be conditionally acceptable only if there is no prudent or feasible alternative site, and erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by the U.S. Soil Conservation Service.

4. Vegetation

Coastal development shall preserve, to the maximum extent practicable, existing vegetation within a development site. This includes, where necessary, planting of appropriate native coastal species.

5. Sediment Control

The subdivider shall provide effective sediment control measures for planning and construction of subdivisions. Use of the following technical principles shall be applied as deemed appropriate by the County Soil and Water Conservation District.

- a. The smallest practical area of land shall be exposed at any one time during the development.
- b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- c. Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.
- d. Sediment basins, debris basins, (silt basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on land undergoing development.
- e. Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development.
- f. Permanent final vegetation and structures should be installed as soon as practical in the development.
- g. The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.
- h. Wherever feasible, natural vegetation should be retained and protected.

ARTICLE 6. VARIANCES, WAIVERS, AND MODIFICATIONS

Section 600. Special Circumstances (Waiver) Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements or land use requirements are not required in the interest of the public health, safety and general welfare or are inappropriate because of inadequacy or lack of connecting facilities adjacent, or in proximity to, the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent of the Official Map, the Master Plan or any other regulation or ordinance, if such exists.

Section 601. Design Innovations When design concepts which are imaginative and beneficial to the public interest are proposed by a subdivider, the Planning Board may modify the requirements of these regulations and impose additional conditions as necessary to permit the accomplishment of such concepts.

ARTICLE 7. AMENDMENTS

Section 700. The regulations may be amended by the Planning Board after public hearing by the Planning Board and approval by the Town Board.

ARTICLE 8. ENFORCEMENT (VIOLATIONS AND PENALTIES)

Section 800. Penalties - Enabling Legislation - Enforcement Any person who shall commit or assist in the commission of any violation of this Local Law and any person 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 offense 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 9. SEPARABILITY

Section 900. 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 10. COURT REVIEW

Section 1000. Any person aggrieved by any 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 30 days after the filing of the decision in the office of the Planning Board, as all set forth in Section 282 of Town Law.