

Local Law Filing

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Mayfield

Local Law No. 1 of the year 2012

A local law Amending Local Law #2 of the year 2005 so as to add an
(Insert Title)

ARTICLE IV - A regarding Land Subdivision Regulations

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Mayfield as follows:

SECTION 1. Amendment

Local Law #2 of the year 2005 (Zoning) is hereby amended so as to add an ARTICLE IV-A thereto which shall provide as hereinafter set forth.

SECTION 2. Legislative Intent

On or about January 1, 1995, the Town Board of the Town of Mayfield adopted a resolution authorizing the Planning Board of the Town of Mayfield to approve, among other things, subdivision plots within the Town of Mayfield and to promulgate regulations pertaining thereto. From time to time, such regulations have been amended by Local Laws pertaining thereto upon the recommendation of the Planning Board of the Town of Mayfield. On or about August 17, 2005, the Town Board of the Town of Mayfield duly adopted a Zoning Law which has been, and still is, in full force and effect, governing land use regulations within the Town of Mayfield. The Town Board of the Town of Mayfield now deems it appropriate that the Land Subdivision Regulations as promulgated by the Planning Board of the Town of Mayfield, and as amended from time to time, become a part of the said Zoning Law adopted in the year 2005 and that such Regulations be added to said Zoning Law as a new ARTICLE IV-A which shall provide as hereinafter set forth.

SECTION 3. Town of Mayfield Land Subdivision Regulations

THE TEXT OF THE REGULATIONS IS AS FOLLOWS:

TOWN OF MAYFIELD LAND SUBDIVISION REGULATIONS

ARTICLE I: AUTHORITY FOR PLAT APPROVAL

Section 101:

By the authority of a resolution of the Town Board of the Town of Mayfield adopted on January 1, 1995, pursuant to the provisions of Section 276 of the Town Law of the State of New York, the Planning Board of the Town of Mayfield 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, modify or disapprove preliminary and final subdivision plats within the Town of Mayfield located outside the limits of any incorporated village.

ARTICLE II: PURPOSE

Section 201:

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 Comprehensive Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access for firefighting equipment to buildings. 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 Mayfield Land Subdivision Regulations", have been approved by the Planning Board on October 19, 2011.

ARTICLE III: DEFINITIONS

Section 301:

Unless otherwise expressly stated, the following terms shall, for the purposes of these Regulations, have the meaning indicated as follows:

A. Agricultural Land:

Land used for the production or raising of crops, animals or animal products, the selling of such products grown on premises and any other commonly accepted agricultural operations, except animals or crops raised for personal consumption or recreational purposes. The term agricultural land also includes lands which are managed for commercial timber purposes.

- B. Applicant:
The owner, lessee or contract vendee of land, including the authorized representative of such owner, lessee or contract vendee, who submits a sketch plan, preliminary plat or final plat to the Planning Board for the purposes of subdividing such land.
- C. Boundary Line Adjustment:
The transfer of land between adjacent separate lots in order to correct legal descriptions or map errors or to alleviate a minor trespass such as the construction of a structure over a property line. Boundary line adjustments are not considered lot line amendments.
- D. Buildable Area:
The particular dimensional area within a buildable lot or parcel of land on which the proposed structure(s) can be located and built within required setbacks and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.
- E. Buildable Lot:
A lot on which the proposed structures can be located and built within required setbacks and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.
- F. Cluster Development:
Subdivision plan that would allow for higher density housing on smaller parcels of land while the additional land that would have been allocated to individual lots is converted to common shared open space. (See Article VII Zoning Law of the Town of Mayfield.)
- G. Comprehensive Plan:
The Town of Mayfield Comprehensive Land Use Plan, if any, adopted by the Town Board of the Town of Mayfield and as may be amended or revised from time to time. Said Comprehensive Plan discusses and sets forth planning and development policies of the Town of Mayfield.
- H. Dead End Street or Cul-de-sac:
A street or a portion of a street with only one (1) vehicular traffic outlet.
- I. Designated Historic Structure/Site/District:
Any building, structure, site, parcel or district which is officially designated on the National Register of Historic Places, the New York State Register of Historic Places or by the Town of Mayfield.
- J. Easements:
The authorization or conveyance of a property right by a property owner to another party to use a designated part of the owner's property for a stated particular purpose or purposes.
- K. Engineer or Licensed Professional Engineer:

A person licensed as a professional engineer by the State of New York.

L. Final Plat:

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

M. Lot:

A parcel of land occupied or designed to be occupied by one (1) principal building and use and the accessory buildings or uses customarily incident to it, including such open spaces as are required by the Zoning Law of the Town of Mayfield, if any, or these Regulations.

N. Lot Line Amendment:

A modification of lot boundaries in which a portion of one (1) or more lots is added to an adjoining lot without increasing the total number of buildable lots.

O. Monument:

A concrete, stone, or iron pin permanently set into the ground that delineates the corners or sides of individual property boundaries.

P. Official Newspaper:

The newspaper designated by the Town of Mayfield as the official publication for purposes of publishing media notices.

Q. Open Space:

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

R. Parcel:

A tract of land which has legally defined boundaries and includes any tract of land which comprises or contains contiguous parcels separately acquired or separately delineated by deed and/or tax map identification but held in common ownership. For purposes of this definition, contiguous parcels shall include those parcels separated by a road or roads but which are held in common ownership.

S. Performance Bond:

An obligation in writing, under seal, issued by a surety company satisfactory to the Planning Board binding the surety to pay a sum of money to the Town, if the Applicant fails to satisfactorily install and/or maintain improvements as may be required by the Planning Board as part of its approval.

T. Planning Board:

The duly appointed Planning Board of the Town of Mayfield.

U. Plat:

A drawing(s) or map(s) setting forth a proposed layout of lots and proposed streets, if any, and such other information as is required under these Regulations.

V. Pre-Application Conference:

The meeting of the Planning Board at which the Applicant presents a Sketch Plan of a proposed subdivision for purposes of discussing the requirements of these regulations as applied to the proposed subdivision and the feasibility of such project.

W. Preliminary Plat:

A drawing or drawings clearly marked "Preliminary Plat" prepared in the manner specified in Article VI of these Regulations, showing the layout of a proposed subdivision which complies with, and contains, the information specified in Section 603 of these Regulations.

X. Private Road:

A privately-owned and maintained road that does not require a turnaround and is governed by a shared maintenance agreement among all owners. A private road may serve up to three (3) residences without a private Homeowners Association or more than three (3) residences with a private homeowner's Association which shall maintain the road. For purposes of this law, a shared driveway is a private road.

Y. Setback:

The distance between the road line and a building, structure or use, measured from the right-of-way of the road line to the nearest point of the building, structure or use. The setback from a stream or other watercourse or body shall be the distance between the shoreline and a building structure or use, measured from the mean high water mark to the nearest point of the building, structure or use.

Z. Sketch Plan:

The sketch or initial drawing of a proposed subdivision for use during the pre-Application conference between the applicant and Planning Board regarding the proposed layout of a subdivision.

AA. State Environmental Quality Review Act (SEQRA):

Article VIII of the NYS Environmental Conservation Law. The implementing regulations are found in Part 617 of Title 6 of New York's Codes, Rules and Regulations.

BB. Street:

A public or private way for vehicular traffic which includes the terms, roads, highway, thoroughfare, avenue, lane and other such terms.

CC. Subdivision:

The division of any parcel of land into two (2) or more parcels, lots, plots or sites of land for the purposes of conveyance, transfer of any title interest, improvement, building development or sale, whether or not such division of land creates a street or streets.

1) Major Subdivision:

Any subdivision not classified as a minor subdivision but not limited to a subdivision of five (5) or more lots, or any size subdivisions requiring any new street or extension of municipal facilities.

2) Minor Subdivision:

Any subdivision of a parcel of land:

- a) Into no more than four (4) lots.
- b) All of which front on an existing street.
- c) Which do not involve a new proposed street or extension of municipal facilities.
- d) Which do not adversely affect the development of a parcel or adjoining properties.
- e) Which do not adversely affect the surrounding environment.
- f) Which have not been previously subdivided for a period of five (5) years.

DD. Submission Date:

For purposes of these Regulations, the submission date shall be the first regularly scheduled Planning Board meeting after receipt by the Planning Board of a sketch plan, preliminary plat or final plat.

EE. Surveyor:

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

FF. Town:

The Town of Mayfield, a municipal corporation, as defined by Section 2 of Town Law.

GG. Town Board:

The duly elected legislative body of the Town of Mayfield, organized and existing pursuant to Section 60 of the Town Law.

HH. Town Engineer:

The duly designated engineer, or retained consulting engineer, of the Town of Mayfield.

II. Wetland:

Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act (New York State Environmental Conservation Law Title 1 Section 24-0107), whether or not designated or delineated and/or mapped by the New York State Department of Conservation, any Federal agency or the Town of Mayfield.

ARTICLE IV: APPLICATION PROCESS

Section 401: Adherence to Procedures:

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before a 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 established in this Article.

Section 402: Pre-Application Review:

- A. Prior to the submission of a preliminary plat for subdivision review, any owner or land or his or her duly authorized representative who desires to subdivide his or her property, may contact the Town Code Enforcement Officer and request an appointment with the Planning Board for the purpose of discussing a potential subdivision application. The request to appear before the Planning Board must be made to the Town Code Enforcement Officer at least nine (9) days prior to the Planning Board's regularly scheduled monthly meeting. The Town Code Enforcement Officer will notify the owner or his or her duly authorized representative as to the time, date and place of the next regularly scheduled Planning Board meeting. The Town Code Enforcement Officer must then notify the Planning Board Chairman that a Pre-Application Review request has been made for the next regularly scheduled Planning Board meeting so that the owner or his or her duly authorized representative may be placed on the agenda.
- B. The applicant or his/her duly authorized representative must attend the next regularly scheduled meeting of the Planning Board in order to answer questions and to discuss the requirements of these regulations for lot layouts, street improvements, drainage, sewage, water supply, flood protection, natural resources and availability of existing municipal services as well as any other similar aspects or pertinent information relevant to the proposed subdivision.
- C. At the time of the Pre-Application Review, the Applicant must be able to provide the following information to the Planning Board.
 - 1. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.
 - 2. The tax map sheet, block and lot numbers.
 - 3. The location and boundaries of the proposed subdivision in relation to any municipal boundaries.
 - 4. List the use of all contiguous properties (i.e. vacant, agricultural, residential, commercial, and industrial).
 - 5. The total acreage of the property to be subdivided.
 - 6. The number of lots to be created as part of the subdivision proposal.
 - 7. If there are any roads to be constructed as part of the subdivision proposal, the approximate location must be identified.
 - 8. The Zoning District and present use of the property.

- D. As part of the Pre-Application review, the Planning Board shall determine the classification of the subdivision based on the definitions of a Minor Subdivision and Major Subdivision found in Article III of these regulations. However, even if all of the conditions for a minor subdivision classification are met, the Planning Board may require that a minor subdivision comply with all or certain requirements that have been established for a major subdivision if the Planning Board deems that such requirements are necessary under the circumstances involved for the protection of the health, safety, and general welfare of the public.
- E. Within ten (10) days of the date of the Pre-Application review, the Planning Board shall issue a written response to the Applicant identifying the information the Planning Board wishes to see on a preliminary plat of the proposed subdivision. It is recommended that if the Applicant does not submit a preliminary subdivision plat to the Planning Board within six (6) months after the pre-application review that they contact the Town Code Enforcement Officer to schedule a second Pre-Application Review in order to determine if any additional information is now being required by the Planning Board.
- F. A Pre-Application Review is not mandatory for subdivision proposals in the Town of Mayfield. If an applicant wishes to proceed directly to the submittal of a preliminary subdivision plat, then the procedures outlined in Article V of these regulations will need to be followed for the initial submittal of a subdivision application package to the Town of Mayfield Planning Board.

Section 403: Professional Preparation of Documents:

All preliminary and final subdivision plat drawings that are submitted to the Town of Mayfield Planning Board must be prepared and stamped by a licensed professional engineer or surveyor. Any plat drawings that have not been prepared by a licensed professional engineer or surveyor shall be returned to the Applicant. The scale on all drawings submitted shall not be less than 1 inch equals 100 feet.

Section 404: Lot Line Adjustments:

- A. An applicant may request that the subdivision review process be waived when a proposed property transaction is a lot line adjustment that meets the following criteria:
 - 1. It would not create an additional lot.
 - 2. It is a minor modification of an existing lot line; or is the conveyance and merger of a portion of one parcel to an adjoining parcel.
 - 3. It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
 - 4. It would comply with all applicable zoning requirements of this Law and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.

- B. To request a lot line adjustment waiver, the applicant shall submit a letter signed by the parcel owners, or their duly authorized agents, of both affected parcels. A plat or map of the parcels affected by the proposed adjustment, showing all existing buildings, utilities or other easements or rights-of way of wells and of septic systems. The map shall show the correct lot lines and the location of the proposed new lot line, along with the existing and new setback distances to any existing buildings, wells and septic systems. The map shall have the title "LOT LINE ADJUSTMENT between properties of (name) and (name)", and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.
- C. Upon submission of the letter and map/plat, the Planning Board shall, within 62 days, review the request and issue its approval or denial. Approval may be granted when the Planning Board determines that the proposed adjustment meets all requirements for a Lot Line Adjustment and would not adversely affect the site's development or neighboring properties, would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents. No public hearing shall be required. If the waiver is granted, the applicant shall file a map with the Fulton County Clerk within 30 days of the approval date. The map shall be signed by the Chairperson of the Town of Mayfield Planning Board. No person shall file plans for any lot line adjustment with the County Clerk without first obtaining the Planning Board Chairperson's signature on the plans. If the Planning Board denies the request for a lot line adjustment waiver, the applicant may proceed with the review procedures for a minor subdivision as set forth in Article V.

ARTICLE V: REVIEW OF MINOR SUBDIVISIONS

Section 501: Submittal Requirements:

- A. In order to have a preliminary plat for a minor subdivision application reviewed by the Town of Mayfield Planning Board, the applicant or his/her duly authorized agent must submit ten (10) copies of the preliminary plat to the Town of Mayfield Code Enforcement Officer at least seven (7) days in advance of a regularly-scheduled monthly Planning Board meeting. The preliminary plat must include the following information:
1. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
 2. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 250 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.
 3. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.
 4. The tax map sheet, block and lot number, if available.
 5. All available utilities and all existing streets.
 6. The proposed pattern of lots including lot width and depth, street layout, recreation areas, systems of drainage, sewer and water supply within the subdivided area.

7. All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.
8. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as described in Article III of this document, and shall be referenced and shown on the plat.
9. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and a note to this effect shall be stated on the plat and signed by a licensed engineer.
10. The proposed subdivision name and the name of the Town and County in which it is located.
11. The date, north arrow, map scale, name and address of record owner and subdivider.
12. A Short Environmental Assessment Form with Part I completed by the applicant. The Planning Board may require a Full Environmental Assessment Form if circumstances are warranted.

The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate.

Following its review of the preliminary subdivision plat for a minor subdivision, the Town of Mayfield Planning Board shall cause a letter to be forwarded to the applicant or his or her duly authorized representative identifying any additional information or changes the Planning Board wishes to see on the plat before it is submitted to the Planning Board as a final plat.

B. Public Hearing:

Within 62 days from the time the Planning Board determines that a preliminary plat for a proposed subdivision is complete, it shall hold a public hearing on the application. Said hearing shall be advertised in a newspaper of general circulation in the Town at least ten (10) days before such hearing.

C. Decision:

The Planning Board shall, within 62 days from the date the public hearing is closed, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time frame shall constitute approval of the plat.

In the event that the Planning Board approves a subdivision plat, the Applicant or his or her duly authorized representative will be notified in writing of the decision.

In the event of a conditional approval, with or without modification, the Planning Board Chairperson is empowered as the duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its conditional approval of the plat. Within five (5) days of the granting of a conditional approval, a letter shall be forwarded to the applicant or his or her duly authorized representative outlining the conditions that must be met in order for the Planning Board Chairperson to sign the final plat. Conditional approval of the plat shall expire

180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances for two (2) additional ninety (90) day periods each.

In the event that the Planning Board disapproves a subdivision plat, the applicant or his or her duly authorized representative will be notified in writing of the reasons for such disapproval.

D. Plat void if revised after approval:

No changes, erasures, modifications or revisions shall be made to any plat after approval has been given by the Planning Board. In the event that any plat when recorded contains any such changes, the plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the record of the County Clerk.

E. Filing of Approved Plat:

Approval of the Plat shall expire within sixty-two (62) days from the date of such approval unless within such sixty-two (62) day period the plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided for in Section 276 of New York State Town Law.

ARTICLE VI: REVIEW OF MAJOR SUBDIVISIONS

Section 601: Submittal Requirements:

- A. For a Major Subdivision, an Applicant shall submit twelve (12) copies of the Preliminary Plat together with a Subdivision Application Form, a completed Full EAF Form and such other documents and information as specified below, to the Town Code Enforcement Officer at least nine (9) days prior to a regularly scheduled Planning Board meeting. The Preliminary Plat submission shall be an actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances and shall include the following information:
1. The proposed subdivision name; with the Town of Mayfield and Fulton County clearly noted; a true North arrow; scale; the name and address of the record owner, the subdivider's engineer or surveyor, including his/her license number and seal.
 2. The plat must be clearly marked "Preliminary Plat and drawn to a scale not less than 100 feet to the inch showing the proposed lot lines and dimensions of each lot.
 3. A summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right of ways, and the acreage devoted to parks, recreational areas and/or open space areas.
 4. The name of all owners of record of all adjacent properties.
 5. The Zoning District, including the exact boundary lines of the district if more than one (1) district is involved and any proposed changes in the zoning district lines and/or the Zoning Law text that is applicable to the area to be subdivided.

6. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
7. The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features, for the property to be subdivided and all adjacent properties.
8. The location of existing septic systems, wells, culverts and drains on the property and adjacent parcels with pipe sizes, grades and direction of flow and, where applicable, the location and size of existing sewers and water mains.
9. Contours at intervals of five (5) feet or less must be shown, including elevations of existing roads; the approximate grading plan for the site if natural contours are to be changed by more than two (2) feet.
10. The width and location of any streets or public ways within the area to be subdivided, and the width, location, grades and street profiles for all streets or public ways proposed by the applicant.
11. The approximate location of septic systems and wells for each of the parcels or, if applicable, the approximate location and size of any proposed water lines, valves, hydrants and sewer lines.
12. The location of all utilities.
13. A Stormwater Drainage Plan for the site.
14. Plans and cross sections showing, where applicable, the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and subbase to show conformity with current town road specifications, bridges, culverts, manholes, basins and underground conduits.

The applicant or his/her duly-authorized representative must attend a meeting of the Planning Board to discuss the preliminary plat. The Planning Board shall examine the preliminary plat with the applicant, taking into consideration the arrangement and location of lots, the location and width of streets, the topography of the land, water supply, sewage disposal, drainage, lot sizes, the future development potential of adjoining lands as yet undeveloped and the goals and objectives outlined in the Town of Mayfield's Comprehensive Plan, the requirements of this law and the Town's Zoning Law, as well as Sections 276 and 277 of the Town Law of New York State.

Section 602: State Environmental Quality Review Act (SEQRA) Coordination:

- A. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article VIII of the Environmental Conservation Law and its implementing regulations. A preliminary plat submittal shall not be considered complete until a negative declaration has been filed or until a notice of completion of a Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time period for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

Section 603: Public Hearing:

- A. The Planning Board shall schedule and hold a public hearing on the preliminary plat within sixty-two (62) days after the plat is determined to be complete by the Planning Board. The public

hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing. The Town shall mail a copy of the public hearing notice, by certified mail, to all owners of property which abuts or is adjacent to or situated across an established road from the proposed boundary lines of the property, which is the subject of the hearing and shall also provide notice to such other persons as the Chairperson of the Planning Board may direct. In accordance with Section 239-nn of the General Municipal Law, the Town Clerk shall also send a notice to the clerk of an adjacent municipality for any subdivision plat which is located within 500' of a municipal border. This notice must be given at least ten (10) days prior to the public hearing.

Section 604: Decision on Preliminary Plat:

- A. The Planning Board shall approve, with or without modifications, or disapprove such preliminary plat within sixty-two (62) days of the close of the public hearing. The grounds for any modification that is required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty-two (62) day period shall constitute approval of the preliminary plat. A preliminary plat that is approved with modifications shall not be considered an approved subdivision plat, but 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 plat, which will be submitted for approval of the Planning Board for recording upon fulfillment of the requirements of these regulations and the conditions of the approval with modifications, if any. As part of its review of the final subdivision plat, the Planning Board may require additional changes as a result of further studies of the subdivision in final form or as a result of new information obtained during or after the public hearing.

Section 605: Submission of Final Plat:

- A. Within six (6) months from the date the Planning Board approves, with or without modifications, the preliminary plat, the applicant must submit the final plat to the Planning Board. If the applicant fails to submit a final plat within six (6) months, approval of the preliminary plat may be revoked by the Planning Board. The applicant shall be required to submit eight (8) copies of the final plat with supporting material to the Town Code Enforcement Officer at least nine (9) days prior to a regularly scheduled Planning Board meeting. The final plat submission must include the following information:
1. The plat must be clearly marked "Final Plat" and drawn to a scale not less than 100' to the inch showing all of the information and detail required to be shown on the preliminary plat and any modifications required by the Planning Board during the review of the preliminary plat.
 2. A final summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right-of-ways and the acreage devoted to parks, recreation areas and/or open space areas.
 3. A grading, drainage, and/or erosion control plan as required by the Planning Board.
 4. A final landscaping plan and planting schedule.
 5. The final design of all proposed on-site septic and water supply facilities as approved and endorsed by the NYS Department of Health.

6. Final construction detail sheets which show the following information:
 - a. Plans and street profiles of the location and a typical section and cross section of street pavements, including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable.
 - b. Where steep slopes exist, 2' contour lines shall be delineated in all proposed right-of-ways and any areas of proposed grading within 50' of the centerline of all streets.
 - c. Final designs of any bridges, culverts or other such structures.
7. An offer of cession in a form approved by the Planning Board and the Town Attorney of all land included in public right-of-ways, easements and streets not specifically reserved by the applicant.
8. Letters of recommendations or approvals with respect to the adequacy of the proposed water supply and septic systems as required by the public health law and/or the Department of Environmental Conservation of New York State.
9. Deed, easement or other required descriptions and proof of ownership and title insurance of any lands to be ceded to the Town at no cost or expense to the Town.
10. Protective covenants and restrictions in proper form for recording if applicable.
11. Any other information required by the Planning Board during its review of the preliminary plat.

The Planning Board reserves the right to waive any of the above-mentioned final plat submission requirements as it deems appropriate.

Section 606: Final Plat in Substantial Agreement with Approved Preliminary Plat:

- A. When the Planning Board determines that a submitted final plat does not have significant changes, and is in substantial agreement with a preliminary plat approved pursuant to this Article, the Planning Board shall, by resolution, conditionally approve, with or without modifications, disapprove or grant final approval and authorize the signing of such plat within sixty-two (62) days of its receipt by the Board. Upon notification of final approval or conditional approval, with modification, the applicant shall submit at least four (4) copies of the final plat to the Town Code Enforcement Officer as so approved for purposes of signing and filing.

Section 607: Final Plat not in Substantial Agreement with Approved Preliminary Plat:

- A. If the Planning Board determines that a submitted final plat is not in substantial agreement with the approved preliminary plat, the Planning Board may either issue a new determination of significance and/or require a Draft or Supplemental Environmental Impact Statement, whichever may be appropriate under the circumstances of the SEQR process that was originally conducted on the subdivision proposal. If the Planning Board determines that no further SEQR action is necessary, the Planning Board shall schedule and hold a public hearing within sixty-two (62) days of its receipt of the final plat and other required documents as specified in Section 605 above. When the Planning Board or other Lead Agency feels that the original SEQR process needs to be revisited, the requirements for holding a public hearing and issuing a decision on the final plat will be governed by the provisions of Section 276 of the Town Law of New York State.

Within five (5) business days of the Planning Board's decision on a final plat, the applicant or his/her duly-authorized representative will be notified in writing of the Board's decision. If a conditional approval of the final plat is issued by the Planning Board, the letter shall outline the conditions that must be met in order for the Planning Board Chairperson to sign the final plat. A conditional approval of the final plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances for two (2) additional ninety (90) day periods each. Failure of the Planning Board to act within such 62-day period shall constitute approval of the plat.

Section 608: Plat Void if Revised after Approval:

- A. No changes, erasures, modifications or revisions shall be made to any plat after approval has been given by the Planning Board. In the event that any plat when recorded contains any such changes, the plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the record of the County Clerk.

Section 609: Filing of Approved Plat:

- A. Approval of the plat shall expire within sixty-two (62) days from the date of such approval unless within such 62 day period the plat shall have been duly recorded by the owner in the Office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided for in Section 276 of the New York State Town Law.

ARTICLE VII: HARDSHIP

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured provided that such variation will not have the effect of nullifying the intent and purpose of the Town's Comprehensive Plan or the Town's Zoning Law.

SECTION 4. Repealer

Local Law No. 1 of the year 1995, Local Law No. 1 of the year 1998 and Local Law No. 3 of the year 2010 are hereby REPEALED and are superseded by this Local Law. In addition, any other Local Laws of the Town of Mayfield pertaining to Land Subdivision Regulations are hereby repealed and superseded to the extent that they are or may be inconsistent herewith.

SECTION 5. Applicability

All of the provisions of Local Law No. 2 of the year 2005 (Zoning Law) and all of the amendments made thereto from time to time shall be applicable to this ARTICLE IV-A to the extent that the same are consistent herewith and the general intents and purposes hereof.

SECTION 6. Effective Date

This Local Law shall become effective immediately upon its filing with the Secretary of State, in accordance with any and all applicable law or laws pertaining to such filing.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2012 of the ~~(County)(City)~~(Town)(~~Village~~) of Mayfield was duly passed by the Mayfield Town Board on April 19, 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

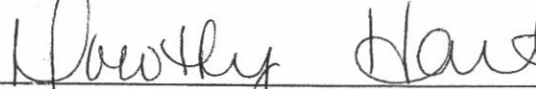
I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body


(Seal)

Date: April 19, 2012

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Fulton

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Town Attorney

Title

XXXXXX
COC
Town
XXXXXX

of Mayfield

Date: April 19, 2012