

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
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STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
JUN 07 2004

County  
City of CHAMPION  
Town  
Village

MISCELLANEOUS  
& STATE RECORDS

Local Law No. 1 of the year 2004

A local law A Local Law Adopting Subdivision Control Law for the Town of  
Champion;

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

County  
City of Town of Champion as follows:  
Town  
Village

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

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**ARTICLE 1            ENACTMENT, AUTHORIZATION, PURPOSE**

**SECTION 110           ENACTMENT AND AUTHORIZATION**

1. This local law is adopted in accordance with the provisions granted to the Town in Section 10 of the Municipal Home Rule Law and Sections 276, 277, and 268 of Town Law.

2. By authority of this Local Law, the Town of Champion Planning Board is authorized and empowered to:

A. Approve, conditionally approve, or disapprove plats showing lots, blocks, or sites, with or without roads or highways within that part of the Town of Champion outside the limits of any incorporated village.

B. Pass and approve the development of entirely or partially undeveloped plats already filed in the Office of the County Clerk.

C. Approve or Disapprove changes in the lines of existing streets, highways, or public areas shown on subdivision plats or maps filed in the Office of the County Clerk.

D. Approve or disapprove the laying out of streets, highways, or public areas in such plots within that part of the Town of Champion outside the limits of any incorporated village.

**SECTION 120           TITLE**

These provisions shall be known as the Town of Champion Subdivision Law.

**SECTION 130           PURPOSE**

The purpose of this Law is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

**SECTION 140           ADMINISTRATION**

This Subdivision Law shall be administered by the Planning Board and the Town Enforcement Officer.

**SECTION 150           APPLICABILITY**

No subdivision or portion thereof shall be sold, offered for sale, leased, or otherwise disposed of until a plan or plat is submitted to the Planning Board for approval and the plat is either approved or deemed approved by failure of the Board to render a decision within the time specified in Article 3.

**SECTION 160           FEES**

Fees for subdivision reviews shall be as established in the Town of Champion Fee Schedule, adopted by resolution of the Town Board.

**SECTION 170           PRIOR EXISTING SUBDIVISION LAW**

This local law shall replace and supersede Local Law #4 of 1986, the Town of Champion Subdivision Law.

**ARTICLE 2            DEFINITIONS**

For the purpose of these regulations words and terms used herein are defined as follows:

**ADMINISTRATIVE EXPENSES:** All actual expenses incurred by the Town in the processing of an application. Such expenses may include cost of copying and publication of legal notices.

**AGRICULTURAL DATA STATEMENT:** An identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which an action requiring municipal review and approval by the planning board, zoning board of appeals, or town board pursuant to Article 16 of the Town Law.

**AGRICULTURAL DISTRICT:** A district created by the County Board of Supervisors according to Agriculture and Markets Law Article

**COMPREHENSIVE PLAN:** The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.

**CONSOLIDATION:** The merger of separate lots into a single lot.

**DRY SEWER:** Sewer lines required to be installed in a subdivision, which are not connected to a public sewer system but the subdivision is located in an area of the town deemed to have sufficient population density or potential to merit community sewer systems in the future.

**FARM OPERATION:** The land used in agriculture production, farm buildings, equipment and farm residential buildings.

**LOT:** A parcel of land as described on a survey or deed and filed with the County Clerk.

**LOT LINE ADJUSTMENT:** The shifting of a lot line between contiguous lots of land. Lot line adjustments shall not create non-conforming lots.

**OFFICIAL SUBMISSION DATE:** The date that the following requirements have been satisfied. 1. a Negative Declaration is filed or a Notice of Completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Review Act; 2. all required information as set forth in Article 4; 3. all fees for a preliminary or final plat have been paid.

**PLANNING BOARD:** The Town of Champion Planning Board.

**PLAT, FINAL:** A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this Law 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.

**PLAT, PRELIMINARY:** A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**REVIEW EXPENSES:** All actual expenses incurred by the Town in the review of an application. Such costs may include consultant fees covering planning, engineering, environmental analysis, legal review and other technical services required for a proper and thorough professional review of the application.

**ROAD, APPROVED PRIVATE:** A road serving a lot or lots which do not abut a public road, which has been approved pursuant to Section 505 of this Subdivision Law.

**ROAD, MAJOR:** A road intended to serve heavy flows of traffic from minor roads or a road serving business properties.

**ROAD, MINOR:** A road intended to serve primarily as an access to abutting residential properties.

**SKETCH PLAN:** A sketch of a proposed subdivision 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 this Law.

**SUBDIVISION:** Division of any lot into two (2) or more lots, blocks or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term subdivision shall include re-subdivision. Lot line adjustments and consolidations shall not be considered a subdivision. Agricultural subdivisions are exempt from these regulations.

**SUBDIVISION, AGRICULTURAL:** A subdivision that is for agricultural purposes only, does not involve the creation of a new road and does not include more than one lot of less than five (5) acres.

**SUBDIVISION, MAJOR:** A subdivision containing five (5) or more lots, or any subdivision requiring a new road.

**SUBDIVISION, MINOR:** A subdivision containing less than five (5) lots, fronting on an existing public road.

**TOWN ENFORCEMENT OFFICER:** Any person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such person according to this law.

**UNDEVELOPED PLAT:** Those plats where twenty percent (20%) or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

**ZONING LAW:** Zoning Law of the Town of Champion.

## **ARTICLE 3        REVIEW AND APPROVAL PROCEDURE**

### **SECTION 310       SKETCH PLAN CONFERENCE**

All potential subdividers are encouraged to meet with the Planning Board prior to the submission of a formal application for a subdivision approval. Such a meeting may be used to expedite the review process by allowing the Planning Board and the applicant to be advised of the following: 1) the potential classification of the subdivision as minor or major, 2) the requirements under the State Environmental Quality Review Act, 3) the possible involvement of other government agencies in the review process, and 4) the determination of wetlands and floodplains.

### **SECTION 320       PROCEDURAL WAIVER**

The Planning Board may waive the application and review procedure as provided for in this law if the Planning Board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the following findings:

1. The proposed subdivision does not involve the creation of more than two lots.
2. The applicant has provided evidence acceptable to the Planning Board that all proposed lots conform to the requirements of the zoning law. Such evidence may consist of proposed deeds, plot plans or surveys of the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the Planning Board with evidence sufficient to make a determination.
3. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617.

### **SECTION 330       SUBDIVISION PROCESS**

Proposed subdivisions shall be determined by the Planning Board to be either minor or major as defined in this law, and shall follow the procedures as summarized below:

Minor subdivision shall follow the procedures of Section 350 of this law, summarized as follows:

1. Submission of application for final plat approval.
2. Planning Board review.
3. Public hearing.
4. Planning Board action on final plat.
5. Filing of plat in office of county clerk by subdivider.

Major subdivisions shall follow the procedures of Section 360 of this law, summarized as follows:

1. Submission of application for preliminary plat approval.
2. Planning Board review.
3. Public hearing.
4. Planning Board action on preliminary plat.
5. Submission of application for final plat approval.
6. Planning Board review.
7. Public hearing (optional).
8. Planning Board action on final plat.
9. Filing of plat in office of county clerk by subdivider.

## **SECTION 340 WAIVER OF REQUIRED IMPROVEMENTS**

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is 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 and purpose of the zoning law. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

## **SECTION 350 MINOR SUBDIVISION REVIEW PROCEDURE**

1. **SUBMISSION OF APPLICATION.** Applications shall be submitted to the Planning Board. Fees shall be submitted to the Town Clerk. The application shall contain all items as required in Article 4 of this law.

2. **ACCEPTANCE OF COMPLETED APPLICATION--OFFICIAL SUBMISSION DATE.** The application shall not be considered complete until 1) all information as required in Article 4 of this law is provided, 2) either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of 6 NYCRR Part 617, and 3) a nonrefundable application fee has been paid. Upon acceptance of a completed application, the Planning Board shall establish the official submission date of the application.

3. **AREA VARIANCE.** In order to expedite the review process, where the application shows lots which are not in compliance with the zoning law, the Planning Board may, at its discretion and upon agreement with the applicant, stay the review process and refer the application to the zoning board of appeals for the consideration of an area variance review without the necessity of disapproving the application and requiring its resubmission.

4. **PUBLIC HEARING.** Following the review of the application and supplementary material submitted in conformance with this law, and following negotiations with the subdivider on changes deemed advisable, the Planning Board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of the State Environmental Quality Review Act for the draft environmental impact statement, where such hearing may be required. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened.

5. **ACTION ON APPLICATION.** The Planning Board shall by resolution 1) grant final approval by the signature of the Planning Board chairman on the plat, 2) conditionally approve, with or without modifications (see Subsection 6. below), or 3) disapprove the application. Such action shall be taken within 62 days of the close of the public hearing. The time in which the Planning Board must take action may be extended by mutual consent of the subdivider and the Planning Board. The subdivider shall be notified of the final action of the Planning Board. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provisions violated by the application.

6. **CONDITIONAL APPROVAL OF APPLICATION.** The application shall be certified by the Planning Board within five days of conditional approval. A copy shall be filed with the Planning Board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The Planning Board may extend the expiration time, not to exceed two additional

periods of 90 days each. Upon Planning Board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the Planning Board chairman shall sign the plat, granting final approval.

7. FILING OF PLAT. The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the Planning Board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 7 (Cluster Development) of this law, a copy of the plat shall be filed with the Town Clerk who shall make appropriate notations and references thereto in the Town Zoning Law or map.

8. MODIFICATION OF DESIGNS AFTER APPROVAL. If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the Planning Board, the board may authorize such modifications, provided these modifications are within the spirit and intent of the board's approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be entered into the record of the board.

## **SECTION 360 MAJOR SUBDIVISION REVIEW PROCEDURE**

1. PRELIMINARY PLAT PROCEDURE. The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in Sections 350, 1. (Submission of Application) through Section 350, 4. (Public Hearing) of this law, and shall then continue with the provisions of this Article as follows.

2. PRELIMINARY ACTION. Within 62 days of the close of the public hearing, the Planning Board shall approve, with or without modifications, or disapprove the preliminary application and state its reasons for disapproval. The time in which the Planning Board must take action may be extended by mutual consent of the subdivider and the Planning Board. Within five days of approval, the action of the Planning Board shall be noted on three copies of the preliminary plat and reference made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by the Planning Board.

3. EFFECT OF APPROVAL. Approval of a preliminary application shall not constitute approval of the final application, but shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider shall comply with this law and all requirements set forth by the Planning Board in their review of the preliminary plat.

4. APPLICATION--FINAL PLAT. All major subdivisions shall require final application approval by the Planning Board. If the final application is not submitted for approval within six months of preliminary application approval, the planning board may revoke the preliminary application approval. The subdivider shall file an application with appropriate fees for final application approval, accompanied by documentation as specified in Article 4 (Documents to be Submitted) of this law, with the Planning Board. Such application shall be submitted at least ten days prior to the meeting at which it is to be considered by the Planning Board.

5. OFFICIAL SUBMISSION DATE. The Planning Board shall establish an official submission date for the major subdivision final application. Such date shall be the date that the Planning Board determines the application to be complete, including all information required in Article 4 (Documents to be Submitted) of this law.

6. PUBLIC HEARING. A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened. The public hearing may be waived by the Planning Board if the final application is in substantial agreement with the preliminary application. If the final application is not in substantial agreement with the approved preliminary application, then the public hearing shall be conducted.

7. GUARANTEES FOR REQUIRED IMPROVEMENTS. In order that the Town has the assurance that construction and installation of public improvements will be guaranteed, the applicant shall either 1) construct all improvements as required by this law, and by the Planning Board, prior to final approval of the application, or 2) furnish guarantee as provided in Town Law Section 277.



8. FINAL ACTION. The Planning Board shall by resolution 1) grant final approval by the signature of the Planning Board chairman on the plat, 2) conditionally approve, with or without modifications (see Subsection 9. below), or 3) disapprove the application; within 62 days of the close of the public hearing. If the public hearing has been waived, the Planning Board shall act within 62 days of the final application official submission date. The time in which the Planning Board must take action may be extended by mutual consent of the subdivider and the Planning Board. The subdivider shall be notified of the final action of the Planning Board. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provisions violated by the application.

9. CONDITIONAL APPROVAL. The application shall be certified by the Planning Board within five days of conditional approval. A copy shall be filed with the planning board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The Planning Board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon Planning Board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the Planning Board chairman shall sign the plat, granting final approval.

10. APPROVAL OF PLATS IN SECTIONS. Prior to granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be divided into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the Planning Board chairman. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Planning Board, shall be granted concurrently with conditional or final approval of the plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, two copies of the entire approved plat shall be filed within 30 days of the filing of such section with the Town Clerk. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed in the office of the county clerk within three years of the filing of the first section with the county clerk.

11. FILING OF PLAT. The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the Planning Board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 7 (Cluster Development) of this law, a copy of the plat shall be filed with the Town Clerk who shall make appropriate notations and references thereto in the Town Zoning Law or map.

12. MODIFICATION OF DESIGNS AFTER APPROVAL. If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the Planning Board, the board may authorize such modifications, provided these modifications are within the spirit and intent of the board's approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be entered into the record of the board.

13. PUBLIC ACCEPTANCE OF IMPROVEMENTS. 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 road, park, playground, recreation area, easement, public utility, or any other improvement. The plat shall 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 provision for the costs of developing and maintaining any such improvements.

## **ARTICLE 4        DOCUMENTS TO BE SUBMITTED**

### **SECTION 410        GENERAL APPLICATION REQUIREMENTS FOR ALL SUBDIVISIONS**

The following shall be submitted with all applications for subdivision approval:

1. Name and address of subdivider and professional advisers, including license numbers and seals.
2. Map of property, prepared by a New York State licensed surveyor, at a scale of one inch to 50 feet, one inch to 100 feet, or one inch to 200 feet, or other scale approved by the Planning Board, showing:

- A. Subdivision name, scale, north arrow and date.
  - B. Subdivision boundaries.
  - C. Contiguous properties and name of owners.
  - D. Existing and proposed streets, sidewalks, utilities, buildings and structures, storm drainage systems and drainage ways, public facilities, water supply and sewage disposal facilities.
  - E. Water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of 8" or more, as measured 3' above grade, and other significant physical features on or near the site.
  - F. Proposed pattern of lots, including lot widths and depths, street layout, and open space.
  - G. Land contours at ten foot intervals. At the discretion of the Planning Board, intervals less than ten feet may be required.
  - H. Zoning districts for all properties.
  - I. Proposed alterations to existing topography.
3. Copy of appropriate tax maps.
  4. Existing restrictions on the use of land including easements, covenants and zoning.
  5. Total acreage of subdivision and number of lots proposed.
  6. Building types, approximate size and cost.
  7. An agricultural data statement, when applicable.
  8. A statement of the nature and extent of the interest of any state employee, or officer or employee of the Town in the applicant pursuant to General Municipal Law Section 809, when applicable.
  9. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.
  10. A nonrefundable application fee.

**SECTION 420            MINOR SUBDIVISION – ADDITIONAL INFORMATION**

The following shall be submitted with all applications for approval of a plat for a minor subdivision:

1. One copy of the plat suitable for submission to the County Clerk, drawn with ink on appropriate material.
2. Five paper copies of the plat.
3. Information specified under Section 410 above, updated and accurate.
4. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every street line, lot line, and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Additional information as deemed necessary by the Planning Board.

**SECTION 430            PRELIMINARY PLAT - MAJOR SUBDIVISION -- ADDITIONAL INFORMATION**

The following shall be submitted with all applications for approval of a preliminary plat for a major subdivision.

1. Five copies of the plat map, drawn to scale. The map scale shall be one inch to 100 feet or 50 feet unless otherwise specified by the Planning Board.
2. Information specified under Section 410 above, updated and accurate.
3. Parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading, landscaping and erosion control plans showing all existing and proposed contours at five feet or less intervals.
5. The width and location of any streets or public ways and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
6. The approximate location and size of all proposed water lines, hydrants and sewer lines, showing connection to existing lines.
7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties with the direction of flow.
8. Plans and cross sections showing sidewalks, street lighting, streetside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase of all streets and parking lots, and the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate dimensions and area of each lot.
11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.

12. A copy of all covenants, easements or deed restrictions intended to cover all or part of the tract and a statement by the attorney of the developer and over the signature of the developer or his authorized agent holding the Town harmless to any and all disputes arising over alleged violations of covenants, easements, or deed restrictions as a result of the development.
13. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
14. Additional information as deemed necessary by the Planning Board.

## **SECTION 440 FINAL PLAT - MAJOR SUBDIVISION – APPLICATION REQUIREMENTS**

The following shall be submitted with all applications for approval of a final plat for a major subdivision.

1. One copy of the plat to be submitted to the County Clerk, drawn with ink on suitable materials, plus five copies. The map scale shall be one inch to 100 feet unless otherwise specified by the Planning Board.
2. Proposed subdivision name and the name of the town and county in which the subdivision is located; the name and address of record owner and subdivider; name, address, license number and seal of the surveyor and/or engineer.
3. Street lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every street line, lot line, boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each street. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point. Such data shall be sealed by a licensed land surveyor.
6. Offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
8. Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed.
9. Construction drawings sealed by licensed engineer or architect, including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of street, sidewalks, street lighting standards, streetside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and subbase and other facilities.
10. Evidence of legal ownership of property.
11. Deed restrictions, existing and proposed in form of recording.
12. Certification that the subdivider has complied with one of the following alternatives:
  - A. All improvements have been installed in accord with requirements of this law and with the action of the Planning Board giving approval of the preliminary plat, or
  - B. A performance guarantee has been posted in sufficient amount to assure such completion of all required improvements.
13. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this law.
14. A nonrefundable application fee.

## **SECTION 450 WAIVER OF SUBMISSION REQUIREMENTS**

The Planning Board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

## **ARTICLE 5. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

### **SECTION 505 ROAD DESIGN STANDARDS**

1. The Planning Board reviews and approves the arrangement, width, location and extent of all proposed roads, after consulting the Town Highway Superintendent and the Town of Champion Highway Standards adopted May 1987 and amended April 1998. All road improvements shall be installed at the expense of the subdivider.
2. An approved private road shall have a right-of-way no less than 50 feet in width and shall extend from a public road to and along the parcel to be subdivided.

- A. In the event that the approved private road shall terminate at a dead end, there shall be provided by the subdivider in addition to the right-of-way above specified, a turn around area which shall be of the same construction and quality as the approved private road and which is no less than 50 feet in length as measured on a continuation of the centerline of the approved private road, and which shall be no less than 100 feet in width measured along an axis which is perpendicular to the center line of the approved private road.
3. The deed conveying the subdivided parcel shall grant in perpetuity a right-of-way to the grantee of the subdivided parcel allowing ingress and egress over the approved private road as a right appurtenant to said subdivided parcel.
  4. At the time of application to the Planning Board, the subdivider shall cause to be prepared and submitted along with said application a road reservation and maintenance agreement which shall provide that a portion of the subdivider's land is reserved for the purposes of an approved private road for the benefit of the subdivider and any subsequent grantee of a lot as subdivided.
    - A. Said road reservation and maintenance agreement shall provide for maintenance of the approved private road by the subdivider.
    - B. Said road reservation and maintenance agreement shall provide that the approved private road will be kept in good, safe and passable condition at all times, free and clear of any and all hazards which would endanger any party using said approved private road.
    - C. Said road reservation and maintenance agreement shall be executed by the subdivider, properly acknowledged, and recorded in the deed records maintained in the office of the Jefferson County Clerk. Said road and reservation agreement shall contain a description of the subdivider's property in metes and bounds fashion and shall be indexed against the subdivider's name, in the Jefferson County Clerk's Office.
    - D. Said road reservation and maintenance agreement shall provide that any road built on or adjacent to the subdivider's parcel shall be subject to said road reservation and maintenance agreement.
    - E. Said road reservation and maintenance agreement may provide for modification of the road reservation and maintenance agreement by the addition of any subsequent grantee of a lot as subdivided. Said road reservation and maintenance agreement may provide for a shared maintenance obligation between the subdivider and any subsequent grantee of a lot as subdivided.
    - F. Said road reservation and maintenance agreement shall provide that the subdivider and any subsequent grantee of a subdivided parcel will indemnify and hold harmless the Town of Champion from any claim or cause of action based upon or arising out of the design, installation, maintenance or use of said approved private road.
  5. The Town of Champion shall not inspect, repair, construct or maintain the approved private road.

## **SECTION 510 PUBLIC UTILITIES**

If, in the opinion of the Planning Board, it is feasible and desirable to require public utilities, such utilities shall be installed at the expense of the subdivider in accordance to the following standards.

1. Fire Protection: The size, type and location of hydrants shall be approved by the Town Engineer.
2. Street Lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.
3. Electricity: Power lines shall be placed underground and shall be approved by the local power company.
4. Utility Services: Shall be located from six (6) to eight (8) feet from the front property line to the center line of the utility service between the sidewalk and curb line.

5. **Water Supply:** All wells shall be installed at the expense of the Subdivider. Where municipal water is available, the subdivision shall be connected to and serviced by such facilities in accordance with the regulations and conditions prescribed by the appropriate water district. All necessary mains and laterals for connection from the lots to the public water system as shown on the preliminary plan shall be installed by the subdivider at his expense.

6. **Sewage Disposal:** Sewage Disposal Systems shall be installed at the expense of the Subdivider. All sewage disposal systems shall meet the requirements of the New York State Department of Health and Department of Environmental Conservation to the satisfaction of the Planning Board. Where municipal sewer is available, the subdivision shall be connected to and serviced by such facilities in accordance with the regulations and conditions prescribed by the appropriate sewer district. All necessary mains and laterals for connection from the lots to the public sewer system as shown on the preliminary plan shall be installed by the subdivider at his expense. Dry sewers may be required in those parts of the Town deemed to have sufficient population density to merit community sewer systems in the future. Such requirements shall be in harmony with the Comprehensive Plan for the Town.

## **SECTION 525        LOTS**

1. **LOCATION.** All lots shall abut by their full frontage on a public or approved private road to ensure suitable access.

2. **DIMENSIONS.** The lot size, width, depth, shape and area shall comply with the Town Zoning Law.

3. **DOUBLE FRONTAGE LOTS.** Fronting on two roads other than corner lots, shall be discouraged.

4. **PEDESTRIAN EASEMENTS.** In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.

5. **LOT LINES.** Side lot lines shall be approximately at right angles of the road or radial to curved roads. On large size lots and except when indicated by topography, lots lines shall be straight.

6. **CORNER LOTS.** Lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

7. **UNDERSIZED LOTS.** Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning law, application may be made to the zoning board of appeals for an area variance pursuant to Section 267b of Town Law, without the necessity of a decision or determination of the zoning law. In reviewing such application, the zoning board of appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

## **SECTION 530        UNIQUE AND NATURAL FEATURES**

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

## **SECTION 535        UNSUITABLE LAND FOR SUBDIVISION**

As a safety measure for the protection of the health and welfare of the people of the Town, land which is found to be unsuitable for subdivision due to harmful features (e.g., drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

## **ARTICLE 6        INSTALLATION OF IMPROVEMENTS**

### **SECTION 610        GENERAL**

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, road signs, sidewalks and road surfacing will be constructed, the subdivider shall enter into one of the following agreements with the Town.

1. Construct all improvements directly affecting the subdivision as required by this Law and by the Planning Board prior to final approval of the Plat.
2. In lieu of the completion of the improvements, furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board. Costs should be considered as future costs.
3. In lieu of the completion of improvements, deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate. Interest income from deposit to be applied as necessary to offset any shortfall.

### **SECTION 620        CONDITIONS**

Before the final plat is approved, the developer shall have executed a subdivider contract with the Town, and a performance bond or certified check shall have been provided covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond or certified check shall be to the Town and shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

Any such bond shall require the approval of the Champion Town Board and the Town Attorney as to form sufficiency, manner of execution, and surety.

Whenever a certified check is made, the same shall be made payable to the Town.

### **SECTION 630        EXTENSION OF TIME**

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, or letter of credit shall be completed within one year from the date of approval of the final plat. Road improvements shall be completed within two years from the date of approval of the final plat. The subdivider may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

### **SECTION 640        AGREEMENT - SCHEDULE OF IMPROVEMENTS**

When a certified check, or performance bond are made pursuant to the preceding sections, the Town and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the subdivider until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the said instrument as outlined in the subdivider's contract.

## **SECTION 650           INSPECTIONS**

Periodic inspections during the installation of improvements shall be made by the Town Enforcement Officer to insure conformity with the approved plans and specifications as contained in the subdivider's contract and this law. The subdivider shall notify the Town Enforcement Officer and/or the Town Highway Superintendent when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the subdivider's contract to cover cost of such completed work.

## **SECTION 660           ACCEPTANCE OF ROADS AND FACILITIES**

When the Town Enforcement Officer and the Town Highway Superintendent, following final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installation and improvements have been completed in accordance with the subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

## **SECTION 670           MAINTENANCE GUARANTEE**

In order that the Town has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant shall enter into an agreement with the Town upon completion of the work required under the installation guarantee so that:

1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected.
2. Such work is guaranteed for a minimum of ten (10) percent of the total improvement costs or \$5,000, whichever is greater.

The method of providing the maintenance guarantee shall meet the approval of the Town Board and the Town Attorney.

## **ARTICLE 7           CLUSTER DEVELOPMENT**

### **SECTION 710           AUTHORITY**

The Planning Board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the zoning law as allowed by this Article, simultaneously with the approval of any subdivision application within the Town.

### **SECTION 720           APPLICABLE PROVISIONS**

The Planning Board may consider, or require, applications for major subdivisions which include the following deviations from the zoning law for any one of the following purposes:

1. To eliminate side and rear yard requirements to allow for innovative attached housing types;
2. To reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
3. To reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

### **SECTION 730           GENERAL CRITERIA FOR CLUSTER DEVELOPMENT**

The Planning Board may allow, or require, cluster development when the proposed development:

1. Will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law;
2. Complies with all applicable provisions of the zoning law, except as modified pursuant to the authority of this law;
3. Will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
4. Will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;

5. Will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

## **SECTION 740            REQUIRED CLUSTERING**

Cluster development may be required by the Planning Board to meet any one of the following objectives:

1. The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the comprehensive plan for the community;
2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the comprehensive plan for the community;
3. The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

## **SECTION 750            DETERMINATION OF OVERALL DEVELOPMENT DENSITY**

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the Planning Board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the sketch plat shall be buildable lots. The Planning Board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

## **SECTION 760            APPROVAL OF CLUSTER OPEN SPACE**

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the Planning Board. In the case of land offered for dedication to the public by the subdivider, the Town Board may, by resolution, accept the offer of dedication. In no case shall the Town Board be obligated to accept an offer of dedication.

## **SECTION 770            USE OF CLUSTER OPEN SPACE**

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the Planning Board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

## **SECTION 780            UNDEDICATED CLUSTER OPEN SPACE**

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board; sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.

# **ARTICLE 8            MISCELLANEOUS PROVISIONS**

## **SECTION 810            VIOLATIONS AND PENALTIES**

A. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial



officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

B. The Town Board may institute any appropriate action or proceedings to prevent unlawful division of land, to restrain, correct or abate any violation of this law, or to prevent the use or occupancy of said land; and upon the refusal of the Town Board to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing in the zoning district wherein the violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such Town Board is authorized to do.

## **SECTION 820            AMENDMENTS**

The Town Board may amend, supplement or change these regulation by local law, as provided for in Section 10 of Municipal Home Rule law, after referral to and recommendation of the Planning Board.

## **SECTION 830            SEVERABILITY**

If any clause, sentence, subsection, section, or article of this law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, section, or article thereof directly involved in the controversy in which said judgment shall have been rendered.

## **SECTION 840            EFFECTIVE DATE**

This law shall take effect upon filing in the Office of the Secretary of State and upon filing in the Office of the Town Clerk.

(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 2004 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the Town Board on May 10, 2004, in accordance with the applicable *(Name of Legislative body)* provisions of law.

**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. 1 of 2004 of the Town of Champion was duly passed by the Town Board on May 10, 2004, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2004 of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, and was ~~(approved)(not approved)~~ *(Name of Legislative Body)* ~~(repassed after disapproval)~~ by the \_\_\_\_\_ on \_\_\_\_\_, *(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_, in accordance with the applicable provisions of law.

**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 2004 of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2004, and was ~~(approved)(not approved)~~ ~~(repassed after disapproval)~~ by the \_\_\_\_\_ on \_\_\_\_\_ 2004. *(Name of Legislative Body)* *(Elective Chief Executive Officer\*)*<sup>1</sup>

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2004, in accordance with the applicable provisions of law.

**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 2004 of the Town of \_\_\_\_\_ having been submitted to referendum pursuant to the \_\_\_\_\_

<sup>1</sup> \* 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 chairperson 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.

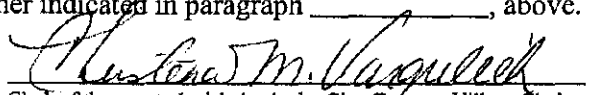
provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such town voting thereon at the (special)(general) election held on \_\_\_\_\_ 2004, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2004 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, 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  
Christina M. Vargulick

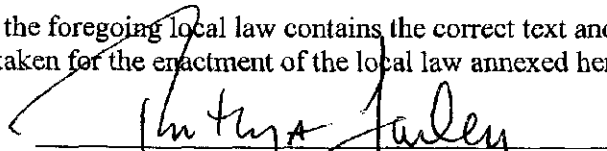
(Seal)

Date: 6-3-04

**(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 JEFFERSON

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 Timothy A. Farley  
Title: Town Attorney  
Town of Champion  
Date: 6/3/04