TOWN OF EASTON

SUBDIVISION LAW

Local Law No. 3 - 1999

A Local Law on Subdivision of Land

Enacted: December 7, 1999

Effective Date: December 22, 1999

and "will' are always mandatory, the word "may" is permissive; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the term 'any' includes 'all'; and words used in the masculine gender include the feminine and neuter genders.

Except as otherwise provided herein, the definitions of terms for SEQR as set forth in 6 NYCRR Part 617 shall apply.

ARTICLE III. PROCEDURE IN FILING SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made, the subdivider, or his duly authorized agent, shall make written application to the Planning Board for review and approval of such proposed subdivision. Final Plat Approval by the Planning Board shall be obtained and all requirements of Section 6 of this Article shall be complied with before the sale, rental, lease, or contract sale of, or transfer of any interest in, any lots in such subdivision or any part thereof, and before any offer or contract therefor is executed. (See Article III, Section 21.) Any agreements made prior to Final Plat Approval by the Planning Board must be made completely contingent upon such approval and shall not be used as a factor in subdivision review. (Article VI Section 2)

Final Plat Approval shall be obtained and all requirements of Section 6 of this article shall be complied with before any development or physical alteration of a plat or of any subdivided land (except pre-existing lots or tracts) is commenced including the installation of any improvements and/or the erection of any structure thereon, and no permit authorizing any of the foregoing development, or any certificate of occupancy therefor, shall be granted before such Final Plat Approval is obtained, except as provided in Section 13, or Section 14, of this Article.

Application for such approval shall be made, Planning Board review of such application shall be carried out, and any such approval may be obtained, only in accordance with the following procedures.

Section 1. Sketch Plan and Subdivision Application

A. Preapplication Conferences

Prior to preparing a sketch plan for a subdivision and before a land survey therefor is commenced, the applicant shall discuss with the Planning Board, or its duly authorized representative, the general procedures for approval of a subdivision plat, and the purposes for which subdivision plat approval is carried out in the Town of Easton. A further purpose of the discussion is to allow the prospective subdivider to more accurately determine whether his proposed land subdivision would be consistent with (a) the development plan, policy, objectives and goals of the Town of Easton; (b) the Comprehensive Plan; (c) the intent and purpose of the Agricultural District; (d) the Critical Environmental Areas in the Town of Easton: (e) any requirements of other laws and standards applicable to development in the Town, and the stated purposes of these regulations; (f) site limitations for development in general; (g) the requirements for design and location of individual sewage disposal systems, including separation distances required between the components of such systems and wells, streams and other bodies of water; and soils characteristics and permeability, with particular reference to the Washington County Soil Survey prepared by the USDA Soil Conservation Service. Requirements of the State Environmental Quality Review Act in the administration of these regulations and in review of subdivision applications by the Planning Board and other involved agencies are also to be outlined.

The required application forms shall be provided; general questions shall be received in regard to preparation of an application including completion of the full EAF Part 1, which must be prepared by the applicant subdivider, and the Agricultural Data Statement.

No indication shall be given at this time as to whether an approval of any particular application will be granted; approvals may be obtained only after completion of the applicable requirements of this Article III,

effect on land values and speculation, costs of public community services, impact on property taxes both immediate and long-term, cumulative impacts, and other pertinent information. The Board may discuss with the subdivider possible changes in the proposal, and may suggest measures that may be utilized to reduce any potentially undesirable effects and adverse impacts of the subject subdivision. Where it deems it necessary, the Planning Board shall make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

When the Planning Board finds the Sketch Plan submission inadequate (for satisfactory Sketch Plan review) or finds the proposal presented not to be in compliance with the provisions of these regulations, it may require additional information and additional Sketch Plan review meeting/s so as to complete the initial review as provided in this sub-section.

(However, specifics of additional improvements or facilities which may be required or provided shall not be discussed until a formal application for approval has been submitted, ref. Article III, Section 2 or Section 3.)

(2) The Chairman or acting Chairman of the Planning Board shall appoint a committee of a minimum of two Planning Board members to make one or more field trips to the site of the proposed subdivision. The Board shall schedule, or make suitable arrangements for the timely scheduling of, such field trip so that the committee, accompanied by the applicant or his representative, may visit each of the proposed subdivision lots, sites, blocks or other divisions of land so as to be apprised of the specifics of the proposal in relation to the existing site conditions and considerations pertinent to proper subdivision review. When the proposed subdivision is to involve new roads, in order to facilitate such field inspection and review of the site, temporary staking along the approximate center line of all proposed roads in the subdivision may be required in time for such field trip/s or if impracticable the Planning Board may permit a suitable alternative procedure.

The committee shall make a report to the Planning Board of its on-site observations at the next regular Board meeting following such field trip/s.

(3) For the purpose of familiarizing the applicant with SEQR procedures, and indicating the depth of detail which may be required for an application for formal subdivision review, using the information concerning the proposal available to the Board at this time, the Planning Board shall make an initial tentative determination as to the extent to which the action, as proposed and described in the sketch plan application and the then available supplementary information, would be subject to SEQR review procedures, and the likelihood of an EIS being required. EIS content requirements shall be pointed out and discussed, as well as the possibility of the avoidance of the need for preparation of an EIS through alteration of the proposed action sufficiently to reduce potential adverse environmental impacts below the applicable thresholds.

(4) The subdivider shall advise the Planning Board as to whether it is his intention at this time to proceed to submit a formal application for subdivision approval within six (6) months. If the subdivider indicates in the affirmative, the Planning Board shall then discuss with the subdivider any items in the application that need clarification at this time and shall initiate the gathering of such additional information as it may require for timely review of a formal application. Where applicable, the applicant shall proceed as provided in Section I-D and I-E, below, and shall file a formal application for Plat approval as provided in Section I-F, below.

D. Preliminary agency consultation.

If after the Sketch Plan has been reviewed by the Planning Board and it is determined that approval of the proposed Subdivision Plat may be required by the N.Y. State Departments of Health and/or Environmental Conservation, county health department, county environmental health technician, or other health agency, the Sketch Plan shall be submitted by the subdivider, or his duly authorized representative, to such agency or agencies for preliminary review, recommendations, and advice as to the requirements for such agency approval. All design and layout requirements and such other information to be included in the Plat or which is to accompany the Plat to satisfy the requirements of such other agency for its formal review, together with a resume of any alternate or additional recommendations made by such agency, shall be incorporated by the applicant in the next submission to the Planning Board. A dated letter shall accompany the Plat from each

the Board requests prompt confirmation of agreement to same.

If the Planning Board is established as lead agency by such agreement, the Clerk of the Planning Board shall promptly notify the applicant, and all the other involved agencies in writing of that fact.

If, within 30 calendar days, the involved agencies are unable to agree on a lead agency, then the SEQR provisions therefor [617.6(b)(5)] shall apply.

Re-establishment of lead agency may occur under the circumstances, and pursuant to procedures provided in SEQR [617.6(6)]. Notice of re-establishment of lead agency must be given by the new lead agency to the applicant within ten days of its establishment.

The lead agency shall continue in that role until either a negative declaration is filed, a Findings Statement is adopted and filed ((in accordance with SEQR [617. 12(b)(1)], if the action has been the subject of an FEIS) or a lead agency is re-established in accordance with SEQR [617.6(6)].

H. Agency completion of EAF.

After the lead agency is established, the lead agency (which will be the Planning Board in most instances) shall complete Part 2 and, as needed, Part 3 of the full EAF.

When operating as lead agency the Planning Board shall in all cases also complete and utilize the Visual EAF Addendum, due to the prevalence of scenic and historic sites and visually sensitive areas in the Town. When completing Part 3, the Planning Board shall analyze the referenced impacts in relation to the SEQR criteria for making determinations of significance (see Appendix A-2.0, herein). The Planning Board shall review and discuss in detail the completed EAF and the environmental impact issues, taking into account any errors or omissions contained in Part 1.

I. Determination of significance.

(1) When the Planning Board is the only agency involved, and is therefore automatically lead agency, it shall make a determination of significance within 20 calendar days of its receipt of the application containing a property completed EAF Part 1, or within 20 calendar days of its receipt of any additional information it may reasonably need to make that determination, whichever occurs later.

(2) When more than one agency is involved, within 20 calendar days of its establishment as lead agency, or within 20 calendar days of its receipt of all information it may reasonably need to make the determination of significance, whichever occurs later, the lead agency (which will be the Planning Board in most instances) shall make the determination of significance, and shall immediately prepare, file and publish the determination in accordance with SEQR [617. 10].

All determinations of significance shall be made in writing in accordance with SEQR criteria and procedures [see 617.7 and 617.7(c)], and Appendix A-2.4, herein. In particular, when making decisions on determinations of significance, the Planning Board in its decision making shall include consideration of not only the division of the land and all impacts of the direct on-site physical activities such as construction and development, but also those secondary (and tertiary) off-site impacts which could reasonably be expected to occur as a result of approval of the particular application being considered. Such secondary (and tertiary) impacts may include future traffic generation, socio-economic effects, creation of demand for other subsequent actions that could result in the change in use of land (including agricultural land) or in its capacity to support existing uses, long-term and cumulative effects. Segmentation (see definition herein) of an environmental review shall not be permitted for the purpose of determination of significance or SEQR review.

Where a Federal FNSI (Finding of No Significant Impact), or other written threshold determination that the action will not require a federal impact statement, has been prepared under the National Environmental Policy Act (NEPA), that determination shall not constitute compliance with SEQR, and the requirements of this Section "I" shall nevertheless be complied with.

Determinations of significance shall be prepared in accordance with the provisions of either subparagraph 'a' or 'b' below:

(a) Positive Declarations: A Pos Dec is a finding that the action may have a significant effect on the environment and that an EIS will be required. A Pos Dec must be prepared and filed in accordance with SEQR

Completion.

G. Referrals.

(1) After Official Submission of the Preliminary Plat the Clerk of the Planning Board shall promptly submit a copy of the Application and Plat to such agencies and consultants as may be required by law or may be appropriate to enable the Planning Board to obtain additional information and/or recommendations for its consideration in review of the application; for the same purposes, notification shall also be made to the County Planning Board and County Superintendent of Highways for preliminary review and report, when such notification is required under the provisions of Section 239-f and/or Section 239-n of the General Municipal Law [see Section 4-D (3) and 4-D(4), of this Article].

(2) If on or before the time of Official Submission of the Preliminary Plat [ref. Article III, Section 3-F] any additional information is received which was not previously submitted and may be relevant for review of the action by other involved agencies, if any, the Clerk of the Planning Board shall promptly submit such information to all other involved agencies.

H. DEIS filing -notice of completion - comment period - FEIS.

(1) Upon acceptance of a DEIS as provided in Article III, Section 3-C(4) or 3-C(5), herein, the Clerk of the Planning Board shall file the Notice of Completion of the DEIS, together with a copy of the DEIS, in accordance with the requirements of SEQR [617.12]. Notice of the SEQR Hearing date may be included in the notice of completion [see Section 3, Subsection I(4), below).

(2) The Planning Board shall provide a public comment period on the DEIS, to be not less than 30 calendar days from publication of the Notice of Completion in the ENB, or not less than 10 calendar days following the SEQR Hearing or combined hearing which is to be held as required in Article III, Section 3, Subsection I, herein, whichever is later.

(3) Following the preparation and acceptance of a DEIS, an FEIS must be prepared in all cases (except as provided in Section 3-K(1), below). Since the Planning Board, when in the role of lead agency, is responsible for the preparation of the FEIS, immediately upon acceptance of the DEIS the Board shall commence preparation of the FEIS through the assembling and review of any written or oral public comments on the DEIS which are received, and through an on-going analysis of issues arising out of the consideration and study of the subdivision application and plat; as relevant, such issues are to include socio-economic, community, historic, visual and environmental issues, aspects of subdivision layout and design features, availability of public facilities, consistency of the proposal with the Comprehensive Plan, Agricultural District, and community goals and policy, consistency with the design standards in Article IV, herein, considering requested waivers thereof, and compliance with the general applicable requirements of these Regulations, alternatives to the proposal or to specific features of the subdivision, identification of adverse environmental effects, and mitigating measures which might be incorporated into the proposal to reduce such environmental effects. It is intended that simultaneous with the on-going process of assembling relevant and material facts, and identification of essential issues for the FEIS, the applicant will give due recognition to those issues and incorporate such changes into his application and plat (amended if necessary) as he deems appropriate for the Planning Board's consideration relative to a decision on approval of the Preliminary Plat.

I. Public hearings - notices.

(1) Within sixty-two (62) days after the Official Submission date of a Preliminary Plat [ref. Article III, Section 3-F], the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing. For all public hearings

expedite County Planning Board review pursuant to the provisions of Sections 239-l and 239-n of the General Municipal Law.

(5) In all cases where the proposed subdivision is located wholly or partially within an Agricultural District created pursuant to the provisions of Article 25AA of the Agriculture and Market Law, and the subdivider is, or is acting in behalf of, any agency of the state, any public benefit corporation or any local government, and:

(a) such subdivider intends to acquire land or any interest therein, provided that the acquisition from any one actively operated farm within the District would be in excess of one (1) acre or that the total acquisition within the District would be in excess of ten (10) acres; or

(b) such subdivider intends to construct, or advance a grant, loan, interest subsidy or other funds within a district to construct dwellings, commercial or industrial facilities, water or sewer facilities to serve non-farm structures; and/or

(c) if review by the Commissioner of Agriculture and Markets, or by the Washington County Agricultural and Farmland Protection Board, (or by any other agency is required by law to review Notice of Intent filings), is required under provisions of Article 25AA of the Agriculture and Markets Law, or as it may be amended,

the subdivider shall submit a statement from the Commissioner of Agriculture and Markets certifying that the review as required under the provisions of Section 305(4) of Article 25-AA of the Agricultural and Markets Law has been completed pursuant to the provisions of Section 305(4), op. cit., and further certifying that the subdivider intends to use all practicable means in undertaking such action to realize the policy and goals set forth in Article 25-AA, and intends to act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable, minimize or avoid adverse impacts on agriculture in order to sustain a viable farm enterprise or enterprises within the district; the adverse agricultural impacts to be minimized or avoided are to include the impacts revealed in the notice of intent process described in Section 305(4), op. cit..

Together with such certification shall be provided a copy of the findings of the Washington County Agricultural and Farmland Protection Board reported under the provisions of Section 305(4)(e), op. cit., if any and a copy of the findings of the Commissioner of Agriculture and Markets issued pursuant to the provisions of Section 305(4)(f), op. cit..

Such statement of certification shall accompany the Subdivision Plat upon submission (ref. Section 4-C, of this Article). A copy of the certification to the Commissioner issued by the subject agency, corporation, or government pursuant to the provisions of Section 305(4)(g), op. cit., shall also be furnished to the Planning Board by the subdivider/applicant when, or if, issued. (The meaning of all terms used in this sub-paragraph (5) shall be as defined in these regulations, except as may otherwise be provided in said Article 25AA or judicial interpretations thereof.)

Any application for subdivision subject to the provisions of this Section 4-D(5) shall not be considered complete until or unless the statement of certification from the Commissioner of Agriculture and Markets, as herein required, has been received in addition to all other submissions required to constitute a complete application.

(6) When an FEIS has been prepared for the proposed subdivision, a copy of the FEIS, as determined complete, shall accompany the Subdivision Plat and application when submitted to any of the above noted parties or agencies.

E. Referrals.

After the Official Submission date, the Clerk of the Planning Board shall promptly submit copies of the Application and Plat to such other agencies and consultants as may be required by law or may be appropriate to enable the Planning Board to obtain additional information and/or recommendations for its consideration in further review of the Application.

When an FEIS has been prepared for the proposed subdivision, a copy of the FEIS, as determined

avoid this pollution. The volume of water pumped and the well draw-down are also extremely important as they determine the distance and speed with which pollution may travel. Usually pollution in the ground will be minimized with increased distances and time of travel.

When pumping from a well, the direction of ground water flow around the well will be toward it. Since the pumping level of water in the well will probably be 50 feet to 150 feet more or less below the ground surface, it will exert an attractive influence on ground water perhaps as far as 500 feet to 1000 feet away from the well, regardless of the elevation of the top of the well. In other words, distances and elevations of sewage disposal systems must be considered relative to the elevation of the water level in the well while it is being pumped. A sewage disposal system 100 feet away on level ground or down grade from a well may still be 50 feet higher than the water level in the well.

Where the well is drilled into creviced, shattered, or otherwise fractured limestone, granite, quartzite or similar rock types, and the overburden is either clay, hardpan or shale to a depth of 40 feet or more, or unconsolidated material to a depth of less than 40 feet, and extending at least 2000 feet in all directions from the well site, oversize drill holes, grouting and other precautionary measures are required (see DOH 10 NYCRR Appendix 5-B, Rural Water Supply – Table 5). While required separation distance between wells and sewage disposal systems are adequate in most instances to avoid pollution, contamination possibility still exists. For newly created lots within a subdivision, shallow well points, driven wells, and dug wells shall not be acceptable for potable water supplies due to the increased possibility of contamination caused by varied types and conditions, variable depth of, and characteristics of, the overburden over bedrock; drilled wells into the rock strata shall be required. Where rock is close to the surface, very careful well construction, including proper depth of casing and correct grouting, will provide the best protection in addition to maximum separation from individual sewage disposal systems. (Any such individual sewage disposal system shall not dispose of sewage from more than one lot, and shall dispose of sewage or liquid water into the soil of that lot, without subsequent exposure to the ground surface.)

The above requirements shall not apply to any lot that is not to be developed, and where such permanent development restriction is to be enforced through suitable deed restrictions or permanent conservation easements, as defined herein.

(2) In lieu of individual water supply systems, a community water system, defined by the DOH as a source of water and necessary appurtenances together with a distribution system serving more than one lot, whether owned by a municipal corporation or private utility; such community water system shall be required when:

- **(a)** the subdivision is located in, or is reasonably accessible to, an existing water district or service area;
- **(b)** individual wells cannot provide an average yield of 5 gpm for each lot;
- **(c)** ground waters are non-potable pursuant to DOH water quality standards (i.e. a contaminated or polluted aquifer);
- **(d)** if individual sewage disposal systems are to be used, there is less than six feet of suitable soil above bedrock, and below the leaching level of the absorption fields; or
- **(e)** the subdivision will consist of 12 lots or more, or will contain 48 or more residents in the aggregate.

All community water systems shall be constructed, owned and operated in accordance with DOH and DEC requirements and standards, and further shall be in compliance with the requirements of Art. III, Section 7-D, herein.

C. Phasing. As a safeguard for protection of the quantity and quality of ground water, and in order to enable the monitoring of the impact upon these, as development slowly occurs, overdevelopment may be prevented, resulting in the avoidance of ground water supply depletion, and possible serious contamination, phasing will be required.

(1) Maximum number of lots.

approved by the Planning Board, and/or in accordance with a time frame included in a plan approved by the DOH, when the subdivision plat has been reviewed and approved by that agency.

For any plat submitted for review which contains a failing existing sewage system, and is for the purpose of creating one or more new lots, a Design Professional, as defined herein, shall be required to design the sewage disposal system/s and water supply facilities or system. Conventional sewage disposal systems, as defined herein, shall be required for the approval of all new lots to be created, and for all others presently un-built upon. For the lots containing existing facilities, installation of Alternative Sewage Disposal Systems, as defined herein, shall be permissible provided that the Design Professional engaged for the design of the systems for the entire plat, determines that site and soil conditions will not permit installation of Conventional Sewage Disposal systems within any one or more such lots.

Any plat which is so laid out that the site conditions within any new lot would require an Alternative Sewage Disposal System, shall not be approved unless a Community Sewage System, as defined in 10 NYCRR Part 74.1 of the DOH Administrative Rules and Regulations, either is to be required, installed to service such lots, and operating before any Certificate of Occupancy for the newly created lots is issued, or any such lot with site conditions not acceptable for installation of a Conventional Sewage Disposal System is not to be approved for development, and satisfactory legal commitments are executed by the subdivider/s to insure that the subject lot shall not be developed until, or unless, a community sewage system is installed, and which shall service such lots.

When installed, any community sewage system shall be in compliance with applicable DOH standards, specifications, and requirements, and also shall be in compliance with the provisions of Article III, Section 7-D, herein.

Section 21. Disclosure notices – offers, sales, contracts and purchases.

Prior to the sale, purchase, lease, presentation of a sales contract for, or exchange of any real property, or transfer of any interest in, or any offer therefore is made for, any real property located partially or wholly within an agricultural district as defined herein, and is a portion of a subdivision approved pursuant to these or prior regulations, the prospective grantor (or his agent) shall present to the prospective grantee a disclosure notice which states the following:

> "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer for such property under certain circumstances."

Such disclosure notices are also required by Section 333-c of the Real Property Law.

Section 22. Subdivision abandonment.

The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of Section 560 of the Real Property Tax Law.

Subdivision of tracts into two or more lots, plots or sites and for which abandonment is desired as described in the above cited Section 560:

(a) If the boundary of the entire tract as described before the said subdivision into lots, plots or sites is (at the time of desired abandonment) in one ownership, i.e. all said lots, plots or sites are in the same ownership, and provided that all filing requirements of said RPTL Section 560 have been complied with, upon the filing with the Town Clerk of a copy of the instrument duly filed with the assessors as required in said RPTL Section 560, there shall be no further requirements under these regulations.

The cost of all required or necessary improvements to be constructed or installed within a subdivision subject to or approved pursuant to these or prior regulations, shall be the responsibility of the subdivider and/or the subsequent grantees of any lots, plots, blocks or sites within such subdivision. No such improvements, whether or not required by the Planning Board shall be constructed, installed or acquired at the expense of the Town, or through any improvement district, or through any other mechanism which would require the use of any Town or other public funds, the provisions of Town Law Section 277, Subsection 10, not withstanding.

Where a subdivision street intersects an existing Town road, the Town Board may require the subdivider to improve the existing road as necessary to meet the requirements of the Town Highway Standards and Specifications. While a Planning Board may not require, as a condition of approval, a subdivider to improve an existing Town Road providing access, it may withhold approval, or deny approval of a subdivision until the public road providing the access to the subdivision has been improved to adequately accommodate the existing traffic plus the additional traffic needs to be generated by the proposed subdivision.

(1) Fire Hydrants

Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Prevention and Control of the State of New York.

(2) Street Lighting Facilities

Lighting facilities shall be in conformance with the street lighting system specifications of the Town, if such have been established; if no such Town specifications have been adopted, the applicant shall submit a proposed design and layout, together with specifications of street lighting standards and fixtures proposed to be installed. The Planning Board shall submit the proposal to an expert in the street lighting field; upon receipt the Board shall submit both the expert's comments and its recommendations to the Town Board for its decision on the proposal. Upon approval by the Town Board, the appropriate power company, and the authorized Town electrical inspector, the system shall be installed in accordance with an agreed upon construction schedule.

Street lighting power supply lines shall be installed underground in any subdivision within which an underground distribution line system has been, or is to be, installed for supplying power to the lots.

C. Utilities.

(a) All utility distribution lines, including those for electric power, street lighting, cable television, fire alarm, telephone, including fiber optic cable, and any other form of wired communication, necessary to furnish permanent service (i) to any new building within a subdivision approved pursuant to or subject to these regulations, and/or (ii) to any lot to contain, or containing, a new multiple-occupancy building designed to contain four or more individual dwelling units for permanent residential occupancy, shall be installed underground. Thereafter, no overhead lines for such circuits shall be installed within any such subdivision having underground electric distribution lines or service laterals.

(b) In cases where the layout of the subject subdivision includes any new street/s within the boundaries of the subdivision plat, and whether or not such are to be public or private streets, all utility distribution lines and facilities as are set out above, shall be installed underground in the street right-of-way between the paved roadway and street line, to simplify location and repair of lines when they require service.

(c) Each electric service lateral within the lot line and running from a utility's distribution lines or equipment and connecting to the building/s receiving service shall be installed underground either by the utility, at the applicant's expense, or by the applicant in accordance with the utility's specifications, all as provided in PSC Regulations 16 NYCRR Part 100.4(e). The other utilities to be provided shall be installed underground, preferably in the same trench pursuant to PSC Rules Part 100.8, op. cit.. Whenever possible under the circumstances of the construction schedule of a particular plat, the subdivider shall install the underground service lateral connections to the property line of each lot within the subdivision for such utilities before the street is paved to avoid the need for subsequent cross-street boring under the pavement.

For driveway entrances to lots (or fields) already approved pursuant to prior regulations, and where the above required driveway sight distances cannot be met for driveways giving access to such existing lots due to off-lot physical obstructions, street curves or grades, the non-conforming driveway location shall be subject to the approval of the Town Highway Superintendent; and a condition of such approval shall be the installation of "hidden driveway" signs at the expense of the lot owner.

(b) For Collector Streets, County and State roads, the minimum driveway sight distances from the observation point as described above to an object 3.5 feet high in the centerline of the street travel lane shall be as required below:

Driveway Sight Distances *

Street Posted MPH/Customary Travel Speed, MPH	30	35	40	50	55	60
Minimum Distance, Feet	325	400	475	600	650	700

* From Cornell Local Roads Program, and AASHTO Standards

Driveways shall not be located near street curves or grades and/or where the required sight distance shall otherwise be impeded; and subdivisions shall be so laid out that all new lots created shall be in compliance with all driveway requirements herein.

Where driveway is in a cut, the embankment shall be removed to the extent necessary in order that the required sight distance shall be maintained, provided that the resulting angle of repose shall be sufficiently slight to avoid erosion and other hazards; where such condition cannot be met, alternatively marginal access street/s may be required within the plat to achieve compliant driveway access, or the number of lots created may be limited to the number of compliant access points available on the subject property.

The removal of any growth (except isolated trees) and all other objects obstructing the sight distance shall be required, and no plants, signs, walls, fences or other obstructions of the sight distance shall thereafter be located or constructed that would reduce the driveway sight distances involved below the minimum required.

It shall be the responsibility of the lot owner/s for the continued maintenance upon his property of the measures required to preserve the driveway sight distance for both his own safety and that of the general public, and such requirements may be included as a covenant in the deeds of such lots.

A driveway shall be so located within a lot that it will not bisect agricultural land that could disrupt present or future generally accepted cropping patterns, nor be so located that it would remove agricultural land from crop production. A driveway to access an agricultural field shall end at the point where the natural topography has not changed and no driveway surface installed. From that point to the highway the driveway shall meet the applicable specifications.

With each application for subdivision the applicant shall submit necessary topographic and design information to demonstrate that the lot layout and site conditions will allow the construction of driveways meeting the requirements herein. There shall be submitted a "plan view" drawing to scale (1" =50') of the street showing that portion of the street located within 700 feet in each direction from the driveway location/s; the plan view shall indicate where each proposed driveway intersects the street, and each driveway shall be identified, if more than one. The drawing shall also show the unimpeded sight distance lines (dotted or dashed) in each direction from the point ten (10) feet back from the street

the acquisition of land that (a) is suitable for permanent park, playground or other recreational purposes, and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies, and (c) shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the Plat is situated, providing the Planning Board finds there is a need for such improvements.

E. Reserve strips prohibited.

Reserve strips of land, which might be used to control access from proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

F. Preservation of natural features.

(1) The Planning Board shall wherever possible, establish the preservation of all natural features which are of ecological, aesthetic or scenic value and which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, water bodies, wetlands, rock formations, historic spots, burial grounds, archeological sites, vistas and similar irreplaceable assets through harmonious design of the subdivision and, where it deems such appropriate, the Planning Board may encourage the protection of such features through conveyances of conservation easements to appropriate entities.

(2) Subdivisions of land shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, in so far as possible, the natural contours, to limit stormwater runoff, erosion, and to conserve the natural vegetation cover and soil. Except as may be otherwise authorized pursuant to the provisions of Article III, Section 14, herein, no tree, topsoil, or subsoil shall be removed from its natural position before Final Plat Approval.

(3) Topsoil shall not be removed from the subdivision property or used as spoil, but shall be redistributed so as to provide at least four (4) inches of cover on the lots where vegetation has been removed and shall be stabilized by seeding or planting.

(4) Residential development lots shall retain all trees with a diameter of eight (8) inches or more as measured three (3) feet above the bottom of the trunk, except those necessary and incidental to the improvement of lots and the construction of streets and related facilities, and others all as authorized for cutting by the Planning Board upon Final Plat Approval.

(5) In its determination as to the cutting or removal of particular trees, shrubbery or brush, the Planning Board shall not authorize such cutting as will compromise the effectiveness of buffer areas located pursuant to Article IV, Section 7-H, herein. When such buffer areas are too thinly treed to be effective, tree planting may be required, preferably of rapidly growing species.

Where new residential subdivisions or resubdivisions are located on open land (i.e. mostly without trees), and such subdivisions will result in the creation of four (4) or more lots, the subdivider shall submit a complete landscaping plan, prepared by a Licensed Landscape Architect, in order that the Planning Board shall have the benefit of professional expertise regarding appropriate planting density, species, design, intensity and location of such planting both to provide screening between the development lots for privacy, and for the appropriate adequate shielding of the subdivision from off-site negative impacts. Such planting may be provided by the subdivider or developer, but shall be completed on each lot before the issuance of a certificate of occupancy therefor.

(6) Purpose: the provisions set out herinbefore in this Subsection F, are for the purpose of reducing the physical and visual pollution that may otherwise occur within an urbanizing area; to reduce the transmission between properties of noise, dust, glare, and other undesirable effects; to establish a greater sense of privacy from visual and physical intrusions; to enhance the physical, aesthetic quality and desirability of residential development and to maintain the rural and scenic atmosphere of the Town, which is deemed one of the primary goals of Easton's planning program, all for the purpose of safeguarding the public health, safety and welfare.

development, that any unavoidable building sites shall not be located in the interior of such fields, but rather on the edge (clustered, if more than one) with adequate protective buffer provided, and premature subdivision of agricultural lands for non-agriculturally related purposes shall not be approved, except as may be permitted under the provisions of Article VI, herein.

The Planning Board shall be responsible for compiling and including in the record the location, size, and production information on all agricultural operations within one mile of a proposed subdivision, as referred to in this Section H-(1), above (applicant may not have the information, and/or expertise to accurately provide the information).

(2) Buffers.

Agricultural buffers are to be well-defined areas located between non-agricultural development and agricultural land. The purpose of such a buffer is to both shield agricultural operations from the effects of non-agricultural development and to protect residential areas from the effects of agricultural operations.

The Planning Board shall require that permanent, well-defined buffer areas be provided as part of new subdivisions or resubdivisions which are located adjacent to or sufficiently close to be affected by operations on agricultural land designated as prime, of state-wide importance or of local importance.

Buffer strips shall be no less than 30 feet in width and up to 200 yards wide, depending on the potential number of lots (present or future) to be, or possibly to be created within the subdivision tract, the topography and the proposed design, density and nature of planting of such strip. It shall be the responsibility of the subdivider/developer, in accordance with the approval of the Planning Board, to provide (or retain) tree, brush or shrub barriers of sufficient size to protect adjacent and nearby residential living areas from the noise, odor, dust, spray drift, nighttime activity and other effects of such operations.

It shall be the responsibility of each individual lot owner, when such buffers are established on the lots, to maintain the buffer in accordance with the designed intent; the Board may require that this owner responsibility be included in the deeds of the lots through a legally sufficient covenant.

Buffers shall also be of sufficient size to protect both agriculture and non-farm uses from the problems associated with such incompatible development; they shall be a physical separation of adequate depth (as determined by the Planning Board), and/or may be a topographic feature, a substantial tree stand or similar feature. In some circumstances, a landscaped berm or ridgeline may provide the buffer. The buffer area shall be retained or established within the subdivision tract, and shall protect the maximum amount of farmable land, shall be established at the most effective location for the proper shielding between the uses, shall be delineated and identified on the Plat; Plat notes shall be added requiring that such areas remain undisturbed or maintained in a manner to accomplish such purposes. Alternatively, a separate tract of land of adequate size for the purpose adjacent to the proposed subdivision may be required to be purchased to serve as or provide the buffer. Where such separate tract is to provide or include the buffer, the Planning Board shall encourage the owner to institute such provisions as he deems appropriate to retain the buffer area as needed shielding.

(3) Easements

In areas designated for agricultural uses, where development of legally subdivided land would promote incompatible residential development, the Planning Board shall solicit and encourage the voluntary donation of conservation easements to a qualified public or private non-profit organization or the offering of development rights of the property for purchase under a qualified purchase of development rights program, in order to retain the land for agricultural use.

Section 8. Public utilities.

As to utilities required by the Planning Board, the Board may require and accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved Construction Detail Sheets.

APPENDIX A

Attached to Town of Easton Local Law #3, 1999

A-1.0

Definition of "exempt", "excluded" and "Type II" actions shall be as defined in SEQR.
Effective date of SEQR within the Town of Easton: 9/1/77.

A-2.0

In making determinations of significance, as required in Article III, Section 1-I, of the Subdivision Regulations, using the criteria and procedures provided in SEQR [617.7], the relevant areas of environmental concern shall include those identified through the review of the EAF, and other supporting material, including also review of the following:

(a) That portion located within the Town of Easton of Washington County Agricultural District No. 2, effective 12/2/72, now included within Washington County Consolidated Agricultural District No. 3; District map filed at the Washington County Clerk's Office.

(b) The Town of Easton Comprehensive Plan, as defined herein, as further amended and reaffirmed on July 24, 1990, including the Land-Use Plan map, dated 10/10/78 and filed with the Town Clerk.

(c)Viewshed (suggested land-use) map – Town of Easton, prepared by the National Park Service, dated 4/29/69, and filed with the Town Clerk.

(d) Critical Environmental Areas map, effective 5/1/84, filed with the Town Clerk.

(e) Town of Easton Development Guidelines, (for MPLU Areas) adopted 7/24/90, available from the Planning Board Clerk for review.

(f) Federal Designated Flood Hazard Areas maps, as currently in effect on the submission date of an application for subdivision approval, available for review at the Town Clerk's Office.

A-2.2

Pursuant to the provisions of 6 NYCRR 617.14, the following additional procedures are adopted to implement SEQR in the administration of this Local Law:

(1) The following actions shall be added to the list of Type I actions:

(a) Any unlisted action which takes place wholly or partially within or substantially contiguous to any Critical Environmental Area (CEA) duly designated by a local or State agency pursuant to the provisions of SEQR.

(b) Any unlisted action that includes a non-agricultural use occurring wholly or partially within an Agricultural District (certified pursuant to Agriculture and Markets Law, Article 25-AA, Sections 303 and 304), which involves the physical alteration of one (1) acre or more, and/or exceeds ten (10) percent of any threshold established for Type I actions in SEQR [617.4], whichever threshold is lower..

(c) Any unlisted action which will be non-compliant with more than two (2) development guideline standards applicable to the MPLU area/s in which the proposed action is to take place.

(2) Appendix A of 6 NYCRR 617.20 shall be replaced by a modified Appendix A, Apendix D-EAF as attached hereto.

(h) the viability of active farming within the district and in areas adjacent thereto;

(I) the presence of any viable farm lands within the district and adjacent thereto that are not now in active farming;

(j) the nature and extent of land uses other than active farming within the district and adjacent thereto;

(k) any other matters which may be relevant; and

(l) such other information as the Planning Board may require.

In the preparation of the agricultural element of the Environmental Impact Statement/s, in addition to the requirements of SEQR Parts [617.9 and 617.10], and the requirements set out above, additional considerations for the proposed project shall include: distance of the action from the Agricultural District boundary (generally, the longer the distance into the district, the greater the environmental impact upon agriculture), distance from existing non-farm activities located within the District, amount of agricultural land to be converted, any need for new construction of utilities, utility corridors, roads, driveways, location of proposed property boundaries (do they follow a natural boundary?), location of any existing vegetative buffers (or need to establish same for screening purposes), or other encroachment on agricultural land. Also to be considered shall be the disruption of efficient cropping patterns, and subsurface drainage (tile) systems, the need for the clustering of agricultural land for the maintenance of large contiguous areas for exclusive agricultural use to maintain efficiency of tillage, planting and harvesting, compliance with the Town Development Standards of 7/24/90, including sliding scale provisions, with driveway entrance requirements, set-backs, and other such established standards (including those in these Regulations), as well as soil suitability for installation of a required sewage waste disposal system.

With respect to the Agricultural District as a whole, further impacts of the action to be considered shall include the effect on land resources including the percentage of prime land, land of statewide and local importance soil types to be lost -- initially or long-term if the action is approved -- out of the Agricultural District "land bank", and therefore the estimated quantity of production capability to be permanently lost from the District may be calculated; *The Washington County Soil Survey* contains information giving average production capability of each soil type in the County. The secondary effect of the loss of agricultural land, and location of non-agricultural activities within the district, the degree and rate of scatteration (scattered development and urban sprawl) penetrating the District boundaries, and the resultant effect on speculation, the effect on the feeling of permanence, which results in a slowing of the rate of further capital investment in new plant, resulting in eventual demise of individual farm operations because of failure to keep up with new agricultural technology, must be considered and mitigation measures proposed. The EIS agricultural element should also weigh the increased public community service costs vs. the increased property tax dollars expected from new non-agricultural development (a cost/benefit study) and the net effect on the Town and County economy shall be considered. Additional traffic generation on roads, including the need to build or rebuild roads, as well as additional maintenance costs within the District and on roads leading into the District, relating to the subject application (and its probable secondary impacts on same) should be considered and evaluated, as well as the physical safety issues related to additional traffic interfering with slow-moving, over-wide farm vehicles and harvest equipment traveling the roads between farms and fields. Further consideration should be given to the contribution of the Agricultural District to the local (and County) economy. An Agricultural District contributes significantly to the economic stability of the community. Since the multiplier effect of various types of agriculture varies from approximately 2.7 (average for all agriculture) to 7 or 8 (for concentrated dairy operations) the actual production dollars should be multiplied by the appropriate multiplier to evaluate the actual contribution to the local economy. Production figures should be available from the Cornell Cooperative Extension office in the County or from the County Agriculture and Farmland Protection Board.

Visual considerations are also important in maintaining strong morale in the agricultural community;

APPENDIX C

Attached to Town of Easton Local Law #3, 1999

C-1.0

The prospective purchaser of property subdivided subject to these or prior regulations, shall be provided with a copy of the *Notification of Real Estate Buyer*, a copy of which is included, as required by Local Law No. One, 1992. A copy of such statement shall be provided prior to a closing, and preferably early on in the purchase negotiations, in order that a prospective purchaser will be provided the opportunity to become familiar with the character of the Town and applicable regulations in effect.

Also included herein, is a copy of a notice to attorneys prepared by a Business Law Professor at Cornell, and a copy of the notice shall also accompany the notification presentation to buyer as required above.

The Planning Board may also prepare more current and additional material for distribution to prospective real estate purchasers pursuant to the authority granted herein.

(1) Notification of Real Estate Buyers: In order to promote harmony between farmers and their new neighbors, the Town of Easton requires land holders and/or their agents and assigns to provide notice to prospective purchasers and occupants as follows: "This property is within the Town of Easton. It is the policy of the town to conserve, protect and encourage the development and improvement of farm operations within our borders for the production of food and other products and one should be aware of the inherent potential conditions associated with such purchases or residence. Such conditions may include, but are not limited to noise, odors, fumes, dust, smoke, insects, operation of machinery during any hour, day or night, storage and disposal of plant and animal waste products, and the application of chemical fertilizers, soil amendments, herbicides and pesticides by ground or aerial spraying or other methods. Occupying land within the Town of Easton means that one should expect and accept such conditions as a normal and necessary aspect of living in such an area."

(2) "New York State Attorneys Should be Familiar with the Agricultural District Law. Attorneys in New York State who are involved in real estate closings and the preparation of abstracts and searches on real property should be familiar with the Agricultural District Legislation -- Amendment 25AA to the Agriculture and Markets Law. This was passed by the State Legislature in 1971. While this legislation does not place strong restrictions on properties located in Agricultural Districts, the provisions of the law are such that some persons might not want to purchase property within such a district.

The provision prohibiting the ordinances enacted by local municipalities from being enforced, if they effect the normal farming practices from being carried out, might be of concern to some landowners. This action applies only to ordinances passed after the Agricultural District is formed.

The same objections might be raised by persons buying property in an Agricultural District to the provision requiring state agencies to amend their regulations within the Agricultural District, so that they encourage farming.

The provision of the law that exempts farm land from ad valorem, front foot, or per acre taxes to finance the formation of special service districts might also raise concern by some buyers.

If a farmer has taken advantage of the provision of the law giving him an Agricultural Value Assessment on farmland, the purchaser of the land may be subject to a roll back on previous taxes, if he converts the land to a non-farm use.

It is also possible, that in some cases, a piece of property being in an Agricultural District would have a lower sale value to some purchasers than land outside such a district.

When an Agricultural District is formed, the description of the district and the properties involved is filed in the County Clerk's office. Therefore, it would seem important that this be checked by attorneys when conducting a search and preparing an abstract prior to sale of property."