

# DRAFT

**TOWN OF DRYDEN SUBDIVISION LAW**

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**MAY 17, 2012**

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## **Article I. TITLE**

This Local Law should be referred to as the Town of Dryden Subdivision Law.

This Local Law may also be referred to as the Subdivision Law, or sometimes this Local Law.

## **Article II. PURPOSE**

The purpose of this local law is to provide regulations and standards for the future growth and development of the town and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of the population of the town and to insure orderly growth and development of land in the town including the conservation, protection and proper division parcels of land.

## **Article III. AUTHORITY**

This local law is enacted pursuant to the powers given to towns under New York Town Law Sections 276, 277, 278 and 279, Municipal Home Rule Law Section 10 and Statute of Local Governments Section 10.

## **Article IV. POLICY**

### **Section 400: Conformity and Specifications**

- A. Conformance with Town Design Guidelines - Each Subdivision design and plat shall conform, to the maximum extent practicable, to the recommendations contained in the Town of Dryden Residential and Commercial Development Design Guidelines.
- B. Specifications for Required Improvements - All required improvements required by this Local Law, or other applicable local laws, shall be constructed or installed to Town specifications.

## **Article V. GENERAL RULE; JURISDICTION; TIME LIMITS ON APPROVALS**

### **Section 500: General Rule**

#### **A. General Rule**

No Subdivision of any land in the Town of Dryden and no Lot Line Adjustment of any property or Lot Lines shall be made without first complying with the provisions of this Local Law.

#### **B. Jurisdiction**

Subdivision review by the Planning Board is limited to Major Subdivisions, Minor Subdivisions but only if a Public Road or Private Road is proposed, and Conservation Subdivisions as hereinafter provided, and the approval of common driveways as hereinafter provided or as provided in the Zoning Law. The Planning Board must approve any further Subdivision, or combining of approved Lots after Final Plat Approval.

#### **C. Time Limits**

1. If a Preliminary Plat is not filed with the Planning Department within one (1) year of Sketch Plan approval, such approval shall lapse.
2. If a Final Plat is not filed with the Tompkins County Clerk within one (1) year of Conditional Approval of a Final Plat, such approval shall lapse.
3. In the event the Zoning Law is amended to change the Lot area and bulk requirements pertaining to any proposed Lot, then the time limits provided in subsections (1) and (2) above shall be reduced to six (6) months from the effective date of such amendment or the period provided in such subsections, whichever is shorter.
4. For good cause shown, the Planning Board may grant extensions of these time limits on such conditions as may be appropriate under the circumstances. No such extension shall be granted unless a written request for such extension is filed prior to such lapse.

## **Article VI. DEFINITIONS**

Except where specifically defined herein, all words used in this Local Law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular.

Certain specific words and terms used in this Local Law and generally capitalized are to be interpreted as defined below. The failure to capitalize a word or term in this Local Law shall not be construed that such word or term should have a meaning different from that defined herein.

**COMMERCIAL DEVELOPMENT DESIGN GUIDELINES** - the Town of Dryden Commercial Development Design Guidelines adopted on DECEMBER 3, 2008 and all subsequent revisions. These guidelines are found in Appendix C to the Town of Dryden Zoning Law.

**COMMON DRIVEWAY** - a suitably improved portion of a Lot or Lots, other than a Private Road, which provides access for vehicles and pedestrians to and from a Public Highway. A Common Driveway may not serve more than four (4) Lots.

**CONDITIONAL APPROVAL OF A FINAL PLAT** - approval by the Planning Board of a Final Plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such Plat. Such conditional approval does not qualify a Final Plat for filing nor authorize issuance of any building permits prior to the signing of the Plat by a duly authorized officer of the Planning Board and filing of the Plat in the office of the county clerk as herein provided.

**CONSERVATION ANALYSIS** - the “residential site” analysis process found in Section IV of the Town of Dryden Residential Development Design Guidelines.

**CONSERVATION EASEMENT** - an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of the Environmental Conservation Law which limits or restricts development, management or use of property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the property in a manner consistent with the public policy and purpose set forth in this Article.

**CONSERVATION SUBDIVISION** - a Subdivision in which the otherwise applicable area and bulk regulations of the Zoning Law are modified to encourage flexibility of design and development of land in such a manner that the layout, configuration and design of lots, structures, driveways, roads, parks, trails and landscaping are designed to preserve important natural resources and scenic qualities of the site. A Conservation Subdivision is a cluster development authorized by Town Law Section 278 and this Local Law.

**CONSTRAINED LANDS** - land not suitable for actual development for Lots due to the presence of wetlands, flood plains, steep slopes, Unique Natural Areas or locally important Open Space or land with recreational, historic, ecological, geological, habitat, scenic or other natural resource value.

**DENSITY CALCULATION** - a calculation to determine the permitted number of Lots which shall in no event exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into Lots conforming to the minimum lot size and density requirements of the Zoning Law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements of the Zoning Law. Where a proposed Subdivision falls within two or more contiguous Districts, the calculation shall represent the cumulative density derived from the summing of all Lots allowed in all such districts.

**DISTRICT** – The zoning district(s) established by the Zoning Law.

**EAF** – Environmental Assessment Form

**EASEMENT** - authorization by a property owner for the use by another, for a specified purpose, of a designated portion of the owner's property.

**ENGINEER** - a person licensed as a professional Engineer by the New York State Education Department.

**EXISTING CONDITIONS REPORT** – a written report intended to document the existing condition of the Subdivision site. It should be an assessment of the site in relation to natural resources, constrained lands, developable areas, other special or unique features, and any other relevant factors that may influence the design of the Subdivision. Use of aerial or satellite imagery, photographs and references to published reports of the site condition are encouraged.

For a Subdivision site located in an agricultural district established pursuant to the provisions of Article 25-AA of the New York Agriculture and Markets Law, the report include an analysis of the site's value to the agricultural economy of the Town, its open space value, the consequences of conversion of viable agricultural lands for residential building lots and the level of conversion pressure on the property.

**FILED** – the receipt of a document by the Planning Department and receipt of the fee, if one is required. Filing is not complete until both the document and fee are received.

**FINAL PLAT** - a drawing prepared in a manner prescribed by this Local Law that shows a proposed Subdivision, containing such additional detail required by this Local Law and all information required to be shown on a Preliminary Plat and the modifications, if any, required by the Planning Board or in the case of a Minor Subdivision, the Planning Department.

**FINAL PLAT APPROVAL** - the signing of a Plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution granting final approval to the Plat or after conditions specified in a resolution granting conditional approval of the Plat are completed, or in the case of a Minor Subdivision, the signing of the Plat in final form by a duly authorized individual of the Planning Department. Such final approval qualifies the Plat for filing in the office of the county clerk.

**LOT** - an area of land having defined boundaries held in separate ownership from adjacent property and which in all respects complies with the requirements of the district in which it is situate.

**LOT LINE ADJUSTMENT** - the adjustment of one or more Lot lines between two or more existing and adjoining Lots which does not result in the creation of one or more new Lots.

**OPEN SPACE** - any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development, or would maintain or enhance the conservation of natural or scenic resources. For purposes of this Local Law natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.

**PERFORMANCE GUARANTEE** - security acceptable to the Town Board in lieu of completion of improvements required to be made by a Subdivider.

**PLANNING BOARD** - the Planning Board of the Town of Dryden.

**PLANNING DEPARTMENT** - the department of the Town established by the Town Board.

**PLAT** - a Subdivision map.

**PRELIMINARY PLAT** - a drawing prepared in a manner prescribed by this Local Law showing the layout of a proposed Subdivision including, but not restricted to, road and Lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as this Local Law requires.

**PRIVATE ROAD** – a road or street shown on a Plat providing access to the Lots in a Subdivision, which road or street is not dedicated to or owned by the Town.

**PUBLIC HIGHWAY** - A road or street, either deeded or by prescriptive easement, that is maintained by a village, town, county, state or the federal government.



RESIDENTIAL DESIGN GUIDELINES - the Town of Dryden Residential Design Guidelines adopted on DECEMBER 3, 2008 and all subsequent revisions. These guidelines are found in Appendix B to the Town of Dryden Zoning Law.

RESTRICTIVE COVENANT – a restriction imposed by a written instrument recorded in the Tompkins County Clerk’s Office and which limits or restricts the use of property and which is binding upon future owners of Lots and Open Spaces protected by such restriction, and is legally enforceable by Lot owners whose property is benefited by such covenant or by the Town.

ROAD – See PUBLIC HIGHWAY.

SEQR - the New York State Environmental Quality Review Act found in Environmental Conservation Law Article 8 and the implementing regulations found in 6 NYCRR Part 617.

SKETCH PLAN - a drawing or sketch of a proposed Subdivision made with sufficient accuracy to be used for the purpose of discussion and classification.

STREET - See PUBLIC HIGHWAY

SUBDIVIDER - any person or entity who shall propose any Subdivision, either for themselves or others. The terms include applicant and an authorized agent.

SUBDIVISION - the division of a parcel into two or more Lots. Notwithstanding this definition of “Subdivision,” a Lot Line Adjustment shall not be construed as a Subdivision.

SUBDIVISION, MAJOR - any Subdivision which creates five (5) or more Lots after the effective date of this Local Law. The calculation of the number of Lots shall include the number of Lots resulting from Subdivision after the effective date of this Local Law.

SUBDIVISION, MINOR - any Subdivision that creates two (2) but less than five (5) new Lots after the effective date of this Local Law, and does not propose any new Public Highway or Private Road.

SURVEYOR - a person licensed as a land Surveyor by the New York State Education Department.

TOWN - the Town of Dryden, Tompkins County, New York.

TOWN BOARD - the town board of the Town of Dryden, Tompkins County, New York.

UNIQUE NATURAL AREA (UNA) – an area identified in the document “Unique Areas of Tompkins County” (January 2000 Inventory), identified as having outstanding environmental qualities and deserving special attention for preservation in its natural state.

ZONING LAW - the Town of Dryden Zoning Law.

*The Zoning Law shall be consulted for definitions of terms not defined herein.*

## **Article VII. MAJOR SUBDIVISIONS**

### **Section 700: General Rule; Approval of Major Subdivision Required**

Whenever any Major Subdivision is proposed, and before any contract for the sale of, or any offer to sell any Lot in such Subdivision is made, and before any permit for the erection of a structure in such Subdivision shall be granted, the Subdivider, shall apply in writing for approval of such Subdivision in accordance with the applicable provisions of Town Law Sections 276, 277, 278, 279 and this Article.

### **Section 701: Procedure**

#### **A. Pre-Application Meeting**

1. Purpose. The Subdivider shall meet with the Planning Department to discuss Subdivision of the property and conformity, to the maximum extent practicable, with the Town of Dryden Residential and/or Commercial Development Design Guidelines, as the case may be.
2. Condition Precedent. The pre-application meeting is required prior to submission of a Sketch Plan to the Planning Board.
3. Fee. There is no fee for a pre-application meeting.
4. At the pre-application meeting the Planning Department shall advise the Subdivider of the amount of the initial deposit established by resolution of the Town Board to cover the fees and expenses incurred by the Town pursuant to the provisions of Local Law No. 5 of the year 2000 (A local law providing for the reimbursement by developers of engineers and attorneys representing the Town of Dryden) and Local law No. 5 of the year 2007 [A local law amending Local Law No. 5 of the year 2000 to provide for reimbursement by developers of expenses incurred by the Town in connection with Stormwater Pollution Prevention Plans (SWPPP)].

#### **B. Sketch Plan**

1. Submission of Sketch Plan. Seven (7) copies of the Sketch Plan and a Full Environmental Assessment Form (EAF) shall be filed at least 14 days prior to the regular meeting of the Planning Board at which the Sketch Plan will be first reviewed.
2. Discussion of Requirements. The Subdivider shall attend the meeting of the Planning Board to discuss the Sketch Plan, requirements of this Local Law, including the manner in which water service and sewer service will be provided, the availability of existing utility services, and conformance, to the maximum extent practicable, with the Residential and/or Commercial Development Design Guidelines, as the case may be.

3. Approval of Sketch Plan. The Planning Board shall determine whether the Sketch Plan meets the requirements of this Local Law and shall provide in writing its determination of what, if any, modifications are necessary for approval of the Sketch Plan, or if a revised Sketch Plan is not required, on the Preliminary Plat.
4. Fee. The application fee for Sketch Plan approval shall be paid at the time the Sketch Plan is filed.

### **C. Preliminary Plat Approval**

5. Approval Procedure. The provisions of Town Law 276(5) govern the procedure for approval of Preliminary Plats and coordination of Planning Board review with SEQR.
6. Application. After Sketch Plan approval, the applicant may file an application for Preliminary Plat approval. The Preliminary Plat shall comply with the requirements of this Local Law.
7. Number of copies. Seven (7) copies of the Preliminary Plat and one (1) digital copy shall be filed at least 30 days prior to the regular meeting of the Planning Board at which the Preliminary Plat will be reviewed.
8. Subdivider to Attend Planning Board Meeting. The Subdivider shall attend the meeting of the Planning Board for its review of the Preliminary Plat.
9. Review of Preliminary Plat. The Planning Board shall review the practicability of the Preliminary Plat taking into consideration Sketch Plan approval, the requirements of this Local Law, and the requirements and standards set forth in Town Law Section 277. The Planning Board shall by resolution set forth the grounds for its action on the Preliminary Plat.
10. Fee. The application fee for Preliminary Plat Approval shall be paid at the time the Preliminary Plat is filed.

### **D. Final Plat Approval Procedure**

1. Approval Procedure. The provisions of Town Law Section 276(6) govern the procedure for approval of a Final Plat.
2. Application. After Preliminary Plat Approval, the applicant may file an application for Final Plat Approval.
3. Number of Copies. Seven (7) copies of the Final Plat and one (1) digital copy shall be filed at least 30 days prior to the regular meeting of the Planning Board at which the Final Plat will be reviewed.

4. Review of Final Plat. The Planning Board shall review the Final Plat and by resolution set forth the grounds for its action on the Final Plat.
5. Conditional Final Approval of a Final Plat. If the Final Plat does not contain the approvals of all other governmental agencies having jurisdiction over the Subdivision, such as, but not limited to the approval of the Tompkins County Health Department, then the Planning Board may grant Conditional Approval of a Final Plat. In granting such conditional approval the Planning Board shall specify the requirements which, when completed, will authorize the signing of the Final Plat.
6. Fee. The application fee for Final Plat approval shall be paid at the time the Final Plat is filed.

## **Article VIII. MINOR SUBDIVISIONS**

### **Section 800. General Rule; Approval of Minor Subdivision Required**

Whenever any Minor Subdivision is proposed, and before any contract for the sale of, or any offer to sell any Lot in such Subdivision is made, and before any permit for the erection of a structure in such Subdivision shall be granted, the Subdivider, shall apply in writing for approval of such Subdivision in accordance with the applicable provisions of this Article.

### **Section 801. Pre-Application Meeting**

- A. Purpose.** The Subdivider shall meet with the Planning Department to discuss Subdivision of the property and conformity, to the maximum extent practicable, with the Town of Dryden Residential and/or Commercial Development Design Guidelines, as the case may be.
- B. Condition Precedent.** The pre-application meeting is required prior to submission of a Plat for approval.
- C. Submission of Sketch Plan.** Two (2) copies of a Sketch Plan and a Short Environmental Assessment Form (EAF) shall be filed at the pre-application meeting.
- D. Discussion of Requirements.** The Subdivider shall meet with the Planning Department to discuss the Sketch Plan, the requirements of this Local Law, including the manner in which water service and sewer service will be provided, the availability of existing utility services, and conformance, to the maximum extent practicable, with the Residential and/or Commercial Development Design Guidelines, as the case may be.
- E. Procedure.**
  - 1. **Approval of Sketch Plan.** The Planning Department shall determine whether the Sketch Plan meets the requirements of this Local Law and shall provide in writing its determination of what, if any, modifications are necessary for approval of the Sketch Plan, or if a revised Sketch Plan is not required, on the Final Plat.
  - 2. **Full EAF may be Required.** Based on its review of the Short EAF, the Planning Department may require that a Full EAF be filed, and in the case of a Minor Subdivision in a Conservation District (CV), or in the optional use of the Conservation Subdivision procedure (Article IX) in a Rural Agricultural District (RA) or the Rural Residential District (RR), shall require that a Full EAF be filed.
  - 3. **Compliance with SEQR, Lead Agency.**
    - b. The Planning Department shall determine whether the EAF filed is complete, and provided that no major impacts are determined to result from the proposed Subdivision, the Planning Department shall be the lead agency for purposes of SEQR.

- c. If the Planning Department determines that a potentially large impact may result, the Planning Board shall be the lead agency for purposes of SEQR, and the provisions of Article VII (Major Subdivisions) shall govern the procedure and approval of the Subdivision.
- F. Fee.** There is no fee for a pre-application meeting.

## **Section 802. Final Plat Approval**

### **No Preliminary Plat Approval Required**

- A.** Minor Subdivisions do not require Preliminary Plat Approval. Upon Planning Department approval of a Sketch Plan without modifications, the Subdivider may treat the approved Sketch Plan as Preliminary Plat Approval.
- B.** Modifications to the Sketch Plan. If the Planning Department approval of the Sketch Plan requires modifications, the Planning Department may, when in its opinion the modifications are minor and not substantial, and the public interest will not be served by the submission of a revised Sketch Plan, permit the submission of a Final Plat without the Subdivider filing a revised Sketch Plan.
- C.** Revised Sketch Plan May be Required. If the Planning Department approval of the Sketch Plan requires modifications, in the absence of an express approval to file a Final Plat, the Subdivider shall file a revised Sketch Plan in accordance with the provisions of 801(C) above.

## **Section 803. Final Plat Approval Procedure**

- A.** Application. After Sketch Plan approval, the applicant may file an application for Final Plat Approval. Sketch Plan approval by the Planning Department shall expire 180 days after such approval unless the Final Plat has been approved within that time. The Planning Department may extend for up to two periods of 90 days each, the time in which the Sketch Plan approval shall expire if, in the Planning Department's opinion, such extension is warranted by the particular circumstances.
- B.** Number of Copies. Two (2) copies of the Final Plat and one digital copy shall be filed.
- C.** Review of Final Plat. The Planning Department shall review the Final Plat and its conformity with the approved Sketch Plan, and if it otherwise complies with the requirements of this Local Law and other applicable local laws, including the Zoning Law, the Final Plat shall be approved.
- D.** Fee. The application fee for Final Plat approval shall be paid at the time the Final Plat is filed.

## **Article IX. CONSERVATION SUBDIVISIONS**

### **Section 900: General Rule; Optional Use of Article; Area and Bulk Regulations**

#### **A. General Rule**

Whenever any Major Subdivision of land in a Conservation District (CV) is proposed, and before any contract for the sale of, or any offer to sell any Lot in such Subdivision is made, and before any permit for the erection of a structure in such Subdivision shall be granted, the Subdivider, shall apply in writing for approval of such Subdivision in accordance with the applicable provisions of Town Law Sections 276, 277, 278, 279 and this Article.

#### **B. Optional Use of Article**

A Subdivider proposing a Subdivision in the Rural Agricultural District (RA) or the Rural Residential District (RR) may elect to proceed under this Article, in which event the provisions of this Article shall govern.

#### **C. Area and Bulk Regulations**

1. Lot Area. Other than as required by the Tompkins County Sanitary Code, there shall be no minimum Lot size in a Conservation Subdivision. The Planning Board shall determine appropriate Lot sizes in the course of its review of a Conservation Subdivision. In order to permit a clustered Lot configuration, wells and septic systems may be located in areas of protected Open Space, if there are easements for maintenance of these facilities. Shared septic systems or wells may be utilized with approval of the agencies having jurisdiction over the same. Shared driveways in accordance with the standards set forth herein are encouraged.
2. Other Dimensional Requirements.
  - a. In a Conservation Subdivision, where a proposed Subdivision Lot abuts an existing residence, a suitable buffer area may be required by the Planning Board. This buffer shall be at least the same as the minimum rear or side yard setbacks in the district in which the existing residence is located.
  - b. The Subdivider may propose all other dimensional requirements for the Conservation Subdivision Lots including setbacks.
3. Subdivision Lots shall be arranged in a manner that protects land of conservation value and Open Space and facilitates vehicle, pedestrian and bicycle circulation. Access management techniques, such as shared driveways, should be used to minimize curb cuts on rural highways.

#### **D. Conservation Subdivision of a Portion of a Larger Parcel**

The Planning Board may approve a Conservation Subdivision of only a portion of a parent parcel if a Conservation Analysis is provided for the entire parcel.



**E. Private Road Standards**

Proposed Private Roads and Common Driveways within a Conservation Subdivision shall be designed and constructed according to the requirements of this Local Law to ensure their suitability for access to the Lots in the Conservation Subdivision based on projected traffic, terrain and relevant safety factors. The design of Private Roads and Common Driveways shall be approved by the Planning Board and the Town's Engineer.

**Section 901: Procedure**

**A. Major Subdivision Procedure to Govern**

The procedures for approval of a Conservation Subdivision shall be the same as for a Major Subdivision (Article VII), except as specifically modified by the provisions of this Article.

**B. Pre-Application Meeting**

1. Purpose. The Subdivider shall meet with the Planning Department to discuss Subdivision of the property and conformity, to the maximum extent practicable, with the Town of Dryden Residential Development Design Guidelines.
2. Condition Precedent. The pre-application meeting is required prior to submission of a Sketch Plan to the Planning Board.
3. Fee. There is no fee for a pre-application meeting.
4. At the pre-application meeting the Planning Department shall advise the Subdivider of the amount of the initial deposit established by resolution of the Town Board to cover the fees and expenses incurred by the Town pursuant to the provisions of Local Law No. 5 of the year 2000 (A local law providing for the reimbursement by developers of engineers and attorneys representing the Town of Dryden) and Local law No. 5 of the year 2007 [A local law amending Local Law No. 5 of the year 2000 to provide for reimbursement by developers of expenses incurred by the Town in connection with Stormwater Pollution Prevention Plans (SWPPP)].

**C. Sketch Plan; Existing Conditions Report; Conservation Analysis**

1. Submission of Sketch Plan, Existing Conditions Report and Conservation Analysis. Seven (7) copies of the Sketch Plan, Full Environmental Assessment Form (EAF), Existing Conditions Report and Conservation Analysis shall be filed at least 14 days prior to the regular meeting of the Planning Board at which the Sketch Plan, Existing Conditions Report and Conservation Analysis will be first reviewed.
2. Discussion of Requirements. The Subdivider shall attend the meeting of the Planning Board to discuss the Sketch Plan, Existing Conditions Report and Conservation Analysis, other requirements of this Local Law, including the manner in which water service and sewer service will be provided, the availability of existing utility services, and conformance, to the maximum extent practicable, with the Residential Development Design Guidelines.

3. Approval of Sketch Plan, Existing Conditions Report and Conservation Analysis. The Planning Board shall determine whether the Sketch Plan meets the requirements of this Local Law and whether the Existing Conditions Report adequately describes the existing site conditions, and shall provide by resolution its determination of what, if any, modifications are necessary for approval of the Sketch Plan and Existing Conditions Report, or if a revised Sketch Plan or Existing Conditions Report are not required, on the Preliminary Plat. The Planning Board shall also review the Conservation Analysis and determine by resolution:
  - i. the permitted number of Lots in the Subdivision [in accordance with Town Law Section 278(3)(b)] which shall not exceed the number of Lots which could be permitted, in the Planning Board's judgment, if the property were subdivided into Lots conforming to the minimum Lot size requirements in such district without taking into account Constrained Lands, but taking into account infrastructure such as streets necessary to develop the property, and
  - ii. the portion or portions of the property which have the most conservation value and should be protected from development, and
  - iii. the preferred method of protection of such property, whether by Conservation Easement, restrictive covenant, conveyance to a suitable title holder or other method, or
  - iv. if a revised Conservation Analysis is required for approval, the modifications required.
4. Fee. The application fee for Sketch Plan, Existing Conditions Report and Conservation Analysis approval shall be paid at the time the same are filed.
5. Approval of a Sketch Plan, Existing Conditions Report and Conservation Analysis is a condition precedent to filing a Preliminary Plat.

#### **D. Preliminary Plat Approval**

1. Approval Procedure. The provisions of Town Law Sections 276(5) and 278 govern the procedure for approval of Preliminary Plats and coordination of Planning Board review with SEQR.
2. Application. After Sketch Plan, Existing Conditions Report and Conservation Analysis approval, the applicant may file an application for Preliminary Plat approval. The Preliminary Plat shall comply with the requirements of this Local Law and the requirements of this Article. In addition to the requirements of Article X, the Preliminary Plat shall show or be accompanied by:

- a. Constrained Land in the parent parcel and the proposed Subdivision.
  - b. All Open Space and environmental resources included in the approved Conservation Analysis and determined by the Planning Board to be protected from further development.
  - c. Locations of structures (“building envelopes”).
  - d. A protected Open Space management plan.
  - e. Proposed plans for private roads or any shared driveways.
  - f. Proposed instruments designed to protect the Open Space.
3. Number of copies. Seven (7) copies of the Preliminary Plat and one (1) digital copy shall be filed at least 30 days prior to the regular meeting of the Planning Board at which the Preliminary Plat will be reviewed.
  4. Subdivider to Attend Planning Board Meeting. The Subdivider shall attend the meeting of the Planning Board for its review of the Preliminary Plat.
  5. Review of Preliminary Plat. The Planning Board shall review the practicability of the Preliminary Plat taking into consideration Sketch Plan approval, the requirements of this Local Law, and the requirements and standards set forth in Town Law Sections 277 and 278. The Planning Board shall by resolution set forth the grounds for its action on the Preliminary Plat.
  6. Fee. The application fee for Preliminary Plat Approval shall be paid at the time the Preliminary Plat is filed.

**E. Final Plat Approval Procedure**

7. Approval Procedure. The provisions of Town Law Sections 276(6) and 278 govern the procedure for approval of a Final Plat.
8. Application. After Preliminary Plat Approval, the applicant may file an application for Final Plat Approval.
9. Number of Copies. Seven (7) copies of the Final Plat and one digital copy shall be filed at least 30 days prior to the regular meeting of the Planning Board at which the Final Plat will be reviewed.

10. Review of Final Plat. The Planning Board shall review the Final Plat and by resolution set forth the grounds for its action on the Final Plat.
11. Conditional Final Approval of a Final Plat. If the Final Plat does not contain the approvals of all other governmental agencies having jurisdiction over the Subdivision, such as, but not limited to the approval of the Tompkins County Health Department, then the Planning Board may grant Conditional Approval of a Final Plat. In granting such conditional approval the Planning Board shall specify the requirements which, when completed, will authorize the signing of the Final Plat.
12. Fee. The application fee for Final Plat approval shall be paid at the time the Final Plat is filed.

**Section 902: Open Space Protection**

Open Space in the Conservation Subdivision determined by the Planning Board to be protected shall be permanently protected by a suitable arrangement, such as Conservation Easement, Restrictive Covenant, homeowner's association, or title transfer to a grantee approved by the Planning Board. Any development permitted on land located in a Conservation Subdivision that is not protected as Open Space shall not compromise the conservation value of such Open Space, except for the installation of water and sewer facilities and other utilities. All arrangements for the protection of such Open Space shall be approved by the Planning Board, Town Board, if the town is to hold title or empowered to enforce the protective measures, and by the attorney for the Town as to legal sufficiency.

## **Article X. DOCUMENTS**

### **Section 1000: Sketch Plan**

- A.** A Sketch Plan shall be based on tax map information or some other similarly accurate base map at a scale, not less than 200 feet to the inch, to enable the entire tract to be shown on one sheet. The Sketch Plan should consider the principles in the Residential and/or Commercial Development Design Guidelines.
- B.** The Sketch Plan shall show the following:
1. The name of the owner and all adjoining property owners shown on the most current assessment roll.
  2. The tax map sheet, block and lot number of the parcel(s) to be subdivided and of all adjoining parcels.
  3. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within 500 feet of the property, including the area to be subdivided in relation to the entire parcel, and the approximate distance to the nearest existing streets and street intersections.
  4. Wooded areas, streams and other significant physical features including large bodies of water, within the area to be subdivided and within 200 feet thereof, including an indication of potentially significant, natural or cultural features on or adjacent to the site (e.g. wetlands, creeks, steep slopes, historic structures).
  5. If topographic conditions are significant, contours should be indicated at intervals of not more than 10 feet.
  6. Approximate location of existing and proposed buildings or other significant structures.
  7. Existing land use, proposed land use and existing land uses of immediately adjacent properties.
  8. Existing restrictions on the use of land including easements, covenants, and zoning district boundaries.
  9. Existing utilities and all existing streets.
  10. Written explanation of the character and purpose of the proposed development including the type and density of development, water and sewer systems proposed, and general timetable for the development.
  11. A general concept plan indicating approximate Lot dimensions, proposed location of structures, proposed street layout and widths, recreation areas, Open Spaces, stormwater

system areas, a general utilities plan, and an estimate of the number of Lots and/or dwelling units that might be possible within the Subdivision.

- C. A Sketch Plan approved by the Planning Board is required in order to file a Preliminary Plat.

**Section 1001: Preliminary Plat**

- A. The Preliminary Plat shall be at a suitable scale (generally one inch equals 100 feet or one inch equals 50 feet, whichever most clearly illustrates the plan). In addition to the printed copies of the Preliminary Plat, electronic submissions are encouraged by the Planning Department.
- B. The Preliminary Plat shall be based on the approved Sketch Plan and show the following:
1. Proposed Subdivision name, date, true north and declination, scale, name and address of record owner, Subdivider, Engineer or Surveyor, including license numbers and seals.
  2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  3. Identification of the Zoning District, including exact boundary lines of district, if more than one district. Any proposed changes in the zoning district lines.
  4. All parcels proposed to be dedicated to public use and any conditions of such dedication.
  5. Location of existing property lines, buildings, ditches, streams, water courses, marshes, rock outcrops, wooded areas, and other significant and existing features for the Subdivision and adjacent property following procedures described in the Residential and/or Commercial Development Design Guidelines.
  6. Location of existing sewers, water mains, and stormwater facilities on the property, with pipe sizes, grades and direction of flow.
  7. Contours with intervals of five (5) feet or less, including elevations on existing roads.
  8. The width and location of any streets or places shown on the Official Map or in the Comprehensive Plan within the area to be subdivided and the width, location, names, grades, and street profiles of all streets proposed by the Subdivider.
  9. Method for obtaining and furnishing an adequate and satisfactory water supply in accordance with the requirements of the Public Health Law and Tompkins County Sanitary Code.

10. Method for obtaining and furnishing adequate and satisfactory sewerage facilities in accordance with the requirements of the Environmental Conservation Law and the Tompkins County Sanitary Code.
  11. A Stormwater Pollution Prevention Plan.
  12. Plans and cross-sections showing the proposed location of type of sidewalks, street lighting, trees, curbs, storm drains, including the size and type thereof.
  13. Preliminary designs of any proposed bridges or culverts.
  14. Proposed locations of all water supplies and sewage facilities.
  15. The proposed lot lines with approximate dimensions and approximate area of each Lot.
  16. The boundaries of proposed permanent utility easements over private property, which shall not be less than 20 feet in width and which shall provide satisfactory access to an existing street or publicly-owned Open Space shown on the Subdivision, Official Map or Open Space Plans.
  17. Field survey of the boundary lines of the tract made by a Surveyor. The corners of the Subdivision shall be marked by permanent monuments and shall be shown on the Preliminary Plat. All Lot corner markers shall be made of metal, at least three-quarter (3/4) inches in diameter and at least 24 inches in length, and located in the ground to existing grade.
  18. Location, width, and purpose of all easements for access by pedestrians and vehicles.
  19. Location of all other features proposed by the Subdivider, required by this Local Law or other applicable local law, including proposed streets.
- C.** If the Subdivision is only a part of the Subdivider's property, the Subdivider shall file with the Preliminary Plat a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the Subdivision with proposed future streets with grades and stormwater calculations for the entire tract.
- D.** A copy of any covenants or deed restrictions proposed and any proposed homeowner's association agreements shall be filed with Preliminary Plat.
- E.** Unless Preliminary Plat approval is not required, as in the case of certain Minor Subdivisions, a Preliminary Plat approved by the Planning Board is required in order to file a Final Plat.

**Section 1002: Final Plat**

- A. The Final Plat shall be at a suitable scale (generally one inch equals 100 feet or one inch equals 50 feet, whichever most clearly illustrates the plan). In addition to the printed copies of the Preliminary Plat, electronic submissions are encouraged by the Planning Department.
- B. Final Plat shall be based upon the approved Preliminary Plat, shall include the items required on the approved Preliminary Plat, and in addition shall show or be accompanied by the following:
  - 1. Location, names and right of way widths of all existing streets and easements; locations of existing building lines, structures, creeks, ditches and other prominent features.
  - 2. Property lines of all Lots with accurate bearings, distances of all straight lines, radii, arcs and chords of all curves.
  - 3. The Final Plat shall also show by proper designation thereon all public Open Spaces for which an offer of dedication is made and those areas which are proposed to be reserved by the Subdivider. For the latter, there shall be submitted with the Final Plat copies of proposed agreements, covenants or other restrictions showing the manner in which such areas are to be maintained and provisions for maintenance.
  - 4. Where applicable, there should be reference to monuments included in the New York State system of plane coordinates.
  - 5. The bearings, distances of all straight lines, radii, arcs and chords of all curves for each proposed street.
  - 6. Detailed drawings showing profiles and cross sections of all proposed streets.
  - 7. All offers of dedication of land, interests in land and covenants governing the maintenance of non-dedicated Open Space shall be noted. The approval of the Town Attorney as to their legal sufficiency is required prior to acceptance.
  - 8. Lots and blocks within the Subdivision shall be sequentially numbered or lettered in numerical or alphabetical order, as the case may be.
  - 9. All Lot corner markers shall be made of metal, at least three-quarter (3/4) inches in diameter and at least 24 inches in length, and located in the ground to existing grade.
- C. Construction drawings in accordance with Local Law No. 3 of the year 2007 (A Local Law Establishing New Specifications for New Highways in the Town of Dryden) showing the proposed location, size and type of proposed streets, and for any proposed sidewalks, street lighting, street trees, and approved drawings for all proposed water mains and sanitary sewers; and for storm drains, manholes, catch-basins and other stormwater facilities as



required by Local Law No. 4 of the year 2007 (A Local Law Establishing the Town of Dryden Stormwater Management, Erosion and Sediment Control Law).

**D.** Space for the Tompkins County Health Department approvals.

**Section 1003: Waiver of Requirements**

On the request of the Subdivider, for good cause shown, the Planning Board may waive the submission of any of the items required to be shown on the Sketch Plan, Preliminary Plat or Final Plat. Such waiver shall be by resolution of the Planning Board and include all explanation and justification for such waiver.

## **Article XI. DESIGN STANDARDS**

### **Section 1100: Purpose**

- A.** The purpose of this Article is to provide design principles and minimum standards for the design of subdivisions and the improvements which a Subdivider is required to install. These principles and standards are established to promote and assure sound, efficient and safe long-range development throughout the Town. Unless waived by the Planning Board for good cause shown, all Subdividers shall observe the following requirements and principles of design in each subdivision, in addition to the Residential and/or Commercial Development Design Guidelines.
  
- B.** The provisions of this Article are intended to supplement the requirements of other Local Laws including Local Law No. 3 of the year 2007 (A local law establishing specifications for new highways in the Town of Dryden) and Local Law No. 4 of the year 2007 (A local law establishing the Town of Dryden Stormwater Management, Erosion and Sediment Control Law). Where a conflict exists between the requirements of this Local Law and these other Local Laws, the requirements of such other Local Laws shall control.

### **Section 1101: Streets**

#### **A. Layout**

- 1. **Arrangement.** The arrangement of streets in the subdivision shall provide for the continuation of streets of adjoining subdivisions, and for the future extension of streets to adjoining properties which are not yet subdivided, in order to facilitate fire protection, movement of vehicular traffic and pedestrians, and the construction or extension of public utilities and other facilities such as sewer, water and drainage facilities. The arrangement shall take into consideration topography, public convenience, safety and the proposed uses of the land to be served by such streets.
  
- 2. **Provision for Future Re-Subdivision.** Where a parcel is subdivided into Lots substantially larger than the minimum Lot size required in the zoning district in which the subdivision is located, the Planning Board may require that streets and Lots be laid out so as to permit future re-Subdivision of such Lots, after compliance with the requirements of this Local Law.
  
- 3. **Block Size.** Block size is determined based on safe and convenient vehicular and pedestrian circulation. Blocks generally may be not less than 500 feet long or more than 1250 feet long. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for utility installation and pedestrian traffic, and may further require a 5-foot wide foot pedestrian path be suitably improved.
  
- 4. **Intersections with Other Streets.** Street intersections, in general, shall be at least 500 feet apart.

5. Street Jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided.
6. Relations to Topography. The street plan of a proposed Subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building Lots as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. All natural features such as trees, streams, hilltops, and views shall be preserved whenever possible. The Planning Board may require that designs assure such features will be preserved.

## **B. Design**

1. Improvements. Streets shall be installed in accordance with the requirements of Local Law No. 3 of the year 2007 (A local law establishing specifications for new highways in the Town of Dryden). Pedestrian easements shall be provided as required by the Planning Board.
2. Street Lighting. All proposed street lighting shall be approved by the Planning Board, and shall be designed and installed so as to minimize light pollution as much as practicable.
3. Utilities in Streets. The Planning Board shall require that utilities be placed outside the street line to simplify installation, locating the same after installation and access to such utilities when they require maintenance, repair or replacement. The Subdivider shall install underground service connections to the property line of each Lot before any street or other improvements are accepted by the Town.
4. Utility Easements. Permanent easements at least 20 feet in width shall be provided for all utilities to be owned or to be maintained by the Town. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required. Easements across Lots or centered on rear or side Lot lines may be provided where necessary.

## **C. Street Names**

1. Proposed Name. All proposed street names shown on a Plat shall be subject to approval by the Town Board.
2. Names to be Substantially Different. Street names shall be substantially different so as not to be confused in sound or spelling with present street names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

## **Section 1102: Drainage Improvements**

For stormwater and drainage requirements, the Subdivider shall comply with the provisions of Local Law No. 4 of the year 2007 (A local law establishing the Town of Dryden Stormwater Management, Erosion and Sediment Control Law and Local Law No. 3 of the year 2007 (A local law establishing specifications for new highways in the Town of Dryden).

**Section 1103: Lots**

- A. Lots to be Buildable. The Lot arrangement shall be such that because of topography or other natural features construction of a structure made be done in compliance with the lot area and bulk requirements of the Zoning Law.
- B. Corner Lots. In general, corner Lots should be larger than interior Lots to provide for proper structure setbacks.
- C. Driveway Access. Each Lot shall have access to a public street. Driveway grades between the street and the front setback line shall not exceed 10 percent.

**Section 1104: Parks, Open Spaces, and Natural Features**

- A. Reference to Town Plans. Where features such as a proposed park, playground or other open space resources are shown in the Town Comprehensive Plan, Open Space Plan, Recreation Master Plan or other town plan, the Planning Board shall require that such area or areas be shown on the Plat in accordance with the procedural requirements of Town Law Section 277(4). No such area or areas shall be dedicated or protected by easements or restrictive covenants by the Subdivider without the approval of the Town Board.
- B. Reserve Strips Prohibited. Reserve strips of land used to control access from a Subdivision to any abutting parcel, or to any land within the Subdivision itself are prohibited.
- C. Preservation of Natural Features. The Planning Board shall, wherever possible, encourage the preservation of all natural features which will enhance residential developments.

## **Article XII. COMMON DRIVEWAYS**

### **Section 1200: Policy**

It shall be the policy of the Town to encourage, wherever feasible under the circumstances, the minimization of the number of driveways on a Public Highway by approving the use of Common Driveways in accordance with the provisions of this Article. The use of Common Driveways is desirable because of:

- a reduction in the number of curb cuts or road access points
- minimization of land disturbance
- minimization of new short dead end public highways
- the protection of the environment, community character and safety of the public
- the Residential and Commercial Development Design Guidelines

### **Section 1201: Procedure**

#### **A. Application**

1. Application for Common Driveway approval for a Common Driveway serving no more than four (4) Lots shall be made to the Planning Department.
2. Application for Common Driveway approval for a Common Driveway serving more than four (4) Lots shall be made to the Planning Board.

#### **B. Sketch**

1. The application for a Common Driveway shall be accomplished by a sketch of the location of the proposed Common Driveway showing the Lot lines and the location of the driveway, and a short EAF.
2. The application shall include the proposed design and specifications for the Common Driveway.
3. a. The application shall also include the proposed instrument, in recordable form, that provides for use, maintenance, repair and replacement of the Common Driveway, and an equitable method for apportioning the costs among the Lots utilizing the Common Driveway.
  - b. Such instrument must contain a provision providing for the common use of the proposed driveway in accordance with the purpose for which it is intended, without hindering the exercise of or encroaching upon the rights of others to use such driveway.

#### **C. Standards**

1. No portion of a Common Driveway shall be less than 16 feet wide.
2. The design and construction specifications shall take into account the underlying soil type, terrain, safety factors, sub-base course materials, base course material and soil

stabilization fabric when required because of soil type, wet areas or other conditions, and driving surface course materials.

3. Suitable drainage shall be provided for in the design and construction specifications.
4. The design and construction specifications shall address the location and manner in which the driveway entrances and exits to the Public Highway shall be constructed and such access shall not be greater than 60 feet onto the Public Highway.
5. The design and construction specifications shall be prepared by an Engineer.
6. The Common Driveway design must be of a sufficient width and suitable grade and location to accommodate the prospective traffic and to facilitate ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles.

**D. Consultation with Town Engineer**

After consultation and review by the Town's Engineer, and upon compliance with the requirements of this Article, the design and construction specifications for the Common Driveway may be approved by the Planning Board.

**E. Construction**

The construction of the Common Driveway shall be approved by the Town's Engineer before any building permits are issued.

**F. Fee**

There is no fee for a Common Driveway approval.

## **Article XIII. PRIVATE ROADS**

### **Section 1300: Policy**

When a Subdivider does not offer or intend to dedicate a Public Highway in connection with Subdivision approval, the provisions of this Article shall govern the construction and maintenance of a Private Road.

### **Section 1301: Procedure**

#### **A. Declaration**

When a Private Road is proposed the Subdivider shall declare such intention at the time of the pre-application meeting.

#### **B. Jurisdiction**

The Planning Board has jurisdiction to approve the design, construction specifications and maintenance requirements for Private Roads.

#### **C. Application**

The application for Preliminary Plat approval shall include the proposed design and construction specifications for the Private Road as required by this Article.

### **Section 1302: Standards**

#### **A. Construction and Maintenance of Private Roads**

All Private Roads shall be constructed and maintained according to the provisions of this Article.

#### **B. Design and Construction Standards**

1. No area reserved for a Private Road shall be less than 60 feet wide.
2. Construction specifications for a Private Road shall be prepared by an Engineer and shall take into account the terrain, location and manner in which the Private Road will be utilized, including the prospective traffic.
3. The design and construction specifications shall take into account the underlying soil type, terrain, safety factors, sub-base course materials, base course material and soil stabilization fabric when required because of soil type, wet areas or other conditions, and driving surface course materials.
4. Suitable drainage shall be provided for in the design and construction specifications.
5. The design and construction specifications shall address the location and manner in which the Private Road will intersect with the Public Highway. Such access shall not be greater than 60 feet onto the Public Highway.
6. The Private Road design must be of a sufficient width and suitable grade and location to accommodate the prospective traffic and to facilitate ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles.

7. Dead end Private Roads shall be avoided.

**C. Maintenance**

1. The application shall also include the proposed instrument or other provisions, in recordable form, which provide for use, maintenance, repair and replacement of the Private Road, and an equitable method for apportioning the costs among the Lots utilizing the Private Road, including the payment of any taxes assessed on such Private Road.
2. Such instrument must contain a provision providing for the common use of the Private Road in accordance with the purpose for which it is intended, without hindering the exercise of or encroaching upon the rights of others to use such Private Road.

**D. Consultation with Town Engineer**

After consultation and review by the Town's Engineer, and upon compliance with the requirements of this Article, the design and construction specifications and maintenance arrangements for a Private Road may be approved by the Planning Board.

**E. Construction**

The construction of the Private Road shall be approved by the Town's Engineer before any building permits are issued.

**F. Fee**

There is no additional fee for a Private Road approval.



## **Article XIV. LOT LINE ADJUSTMENTS**

### **Section 1400: Approval Required**

Lot Line Adjustments are subject to approval by the Planning Department as provided in this Article.

### **Section 1401: Procedure**

An application for a Lot Line Adjustment shall be made to the Planning Department. The application shall be accompanied by a survey map showing the proposed alteration of Lot Lines.

### **Section 1402: Approval**

If the proposed alteration does not result in a substandard Lot or Lots, or result in the improvements on either Lot not being in compliance with the area and bulk requirements of the zoning district or districts in which the Lots are situate, the application shall be approved.

### **Section 1403: Fee**

There is no fee for filing the application or the approval.

## **Article XV. ENFORCEMENT AND REMEDIES**

### **Section 1500: Violations**

- A. Any person, partnership, limited liability company, corporation or any other entity, whether as owner, lessee, agent or employee, who shall violate any of the provisions of this Local Law, any approval issued hereunder, or who fails to comply with any order or regulation made hereunder, or who offers for sale any land in violation of this Local Law shall be guilty of an offense. Each week of such violation shall be deemed a separate offense.
- B. Where the person or entity committing such violation is a partnership, limited liability company, corporation or other entity the principal executive officer, partner, agent, or manager may be considered to be the "person" for the purpose of this Section.
- C. The Code Enforcement Officers shall have the authority to issue accusatory instruments to those persons who are in violation of this Local Law.

### **Section 1501: Penalties**

A violation of this Local Law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$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 of not less than three hundred fifty dollars (\$350), nor more than seven hundred dollars (\$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 of not less than seven hundred dollars (\$700), not more than one thousand dollars (\$1000), or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

### **Section 1502: Actions, Proceedings**

In the event any land is used, or any land is divided into Lots, blocks, or sites in violation of this Local Law or conditions of approval by the Planning Board, in addition to any other remedies, the Town Board may institute any appropriate action or proceedings to prevent such unlawful use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business or use in or about such land.

**Section 1503: Misrepresentation**

Any approval granted under this Local Law based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of the Subdivider, shall be void. This section shall not be construed to affect all the other remedies available to the Town under this Local Law.

**Section 1504: Complaints of Violations**

Whenever a violation of this Local Law is alleged to have occurred, any person may file a written complaint in regard thereto. All such complaints shall be filed with the Planning Department. The Planning Department shall investigate such complaints and report the results of the investigation and prosecution of any violations to the Town Board.

**Article XVI. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this Local Law shall 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, paragraph, section, article or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

**Article XVII. COURT REVIEW**

Any person or persons, jointly or severally, aggrieved by any decision of the Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk.

**Article XVIII. EFFECTIVE DATE**

This Local Law shall take effect upon filing in the office of the Secretary of State.