

**DRAFT    DECEMBER 2011**  
**SUBDIVISION REGULATIONS**  
**TOWN OF WILLSBORO, NY**

**ARTICLE I. AUTHORITY, PURPOSE AND DEFINITIONS**

- A. The Willsboro Planning Board is empowered to review, approve, approve with conditions and disapprove subdivisions as defined in these regulations.
- B. The purpose of these regulations is to provide for the orderly, economic and efficient development of Willsboro. This includes:
- protection from fire, flood or other dangers
  - adequate surface drainage, sewerage, water supply
  - proper relationship to the land use plan, in terms of type and character of development
  - adequate access for future traffic, including fire-fighting equipment and other emergency use.
- C. These regulations apply to all land within the Town of Willsboro. In applying these regulations, the Planning Board shall adhere to the minimum lot area and dimensional regulations including the lakefront or shoreline provisions, where applicable, for the land use district in which the subdivision is located and shall also adhere to the other applicable procedures of the Zoning Ordinance for the Town of Willsboro.
- D. Notwithstanding anything else in these subdivision regulations, land transfers involving not more than four lots, parcels or sites by bona fide gift, devise or inheritance by a natural person to a member of his immediate family (which term includes children, parents, brothers and sisters, grandchildren or grandparents) shall be reviewed as a minor subdivision of ~~two~~ lots as set out in Article II (B) (1) of these regulations.

In the case of subdivisions involving such bona fide transfers to immediate family members in the LC-W, LC-R, LC-A, RR and RL-5 land use districts, the minimum lot area and dimensional requirements ~~which would be applicable were the land in the RL-3 District shall be complied with as regards all lots, parcels or sites resulting from such subdivision and, if of the RL-3 District shall be used for all lot, parcels, or sites in the subdivision. If~~ such lots, parcels or sites are lakefront or involve shoreline lots, parcels or sites, the lot area and dimensional requirements pertaining to lakefront or shoreline lots for the area in which such subdivision is actually located ~~are complied with~~ shall be used.

~~These regulations have been adopted by the Willsboro Planning Board on:~~

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## **DEFINITIONS**

Preliminary plat - means a drawing or drawings clearly marked “preliminary plat” showing the layout of a proposed subdivision, as specified in Article VIII of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form.

Required improvements - means any activities or improvements required by Article III of these regulations, except as such may be waived by the Planning Board, including but not limited to, streets and roads, utility installations, road ditches, drainage facilities and culverts, monuments, park and recreation areas, and re-vegetation operations.

Sketch plan - means a sketch of a proposed subdivision showing the information specified in Article VIII of these regulations, to enable the subdivider to save time and expense in reaching general understanding with the Planning Board as to the form of the layout and the site of the proposed subdivision in relation to the provisions of these regulations.

Street or road - means and includes streets, roads, avenues, lanes, or other traffic-ways, not including private rights-of-way providing access to four or fewer lots.

Subdivision of land - (or subdivision) means any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental, to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as a part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

Subdivision plat or final plat - means a drawing, in final form, showing a proposed subdivision containing all information or detail required by Article VIII of these regulations, to be presented to the Planning Board for approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

Class A Regional Subdivision - means a subdivision that is classified as a Class A Regional Project in Section 810 of the Adirondack Park Agency Act (see Appendix A).

Class B Regional Subdivision - means a subdivision that is classified as a Class B Regional Project in Section 810 of the Adirondack Park Agency Act (see Appendix A).

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

Major Subdivision - means any subdivision of five or more lots, parcels or sites, or any subdivision requiring any new public street.

Minor Street - means a street intended to serve primarily as an access to abutting properties.

Minor Subdivision - means any subdivision containing not more than four lots, parcels or sites and not requiring any new street.

## ARTICLE II. FILING PROCEDURE

Application and approval of subdivisions shall occur before any offer to sell<sup>1</sup>, sale, land clearing, road building or construction of any improvements, and before granting of any building permits.

### A. Sketch Plan

As a starting point for all subdivisions, two copies of a sketch plan shall be submitted to the Planning Board<sup>2</sup> at least ~~ten~~ five-days prior to a regular Board meeting.

The subdivider shall meet with the Board to review the regulations applicable to the proposed subdivision.

The Planning Board shall specify the proposal as a minor subdivision (not more than 4 lots, no new streets) or a major subdivision (five lots or more, or any subdivision with new streets). For review of the sketch plan, the Board shall use the Town Land Use Plan and available analysis maps to check for site limitations. At this point, the subdivider may be advised to consult with ~~technical~~ *collaborating* agencies such as the Soil Conservation Service, the County Planning Office, *The NYS Department of Health*, The NYS Department of Environmental Conservation, *The NYS Office of Historic Preservation, Parks, and Recreation*, and/or the Adirondack Park Agency.

~~If the proposal is a minor subdivision with two lots or one described in Article I (D) of these regulations, review and action on the sketch plan alone may be provided by the Planning Board, as described in the following section.~~

### B. Minor Subdivision (four lots or less, no new streets)

~~1. For a minor subdivision of 2 lots or a subdivision described in Article I (D) of these regulations, the Planning Board may approve the subdivision on the basis of the sketch plan, after notice and hearing, as described below. No fee shall be charged for such subdivisions.~~

2. For a minor subdivision of up to 4 lots, except those described in Article I (D) of these regulations, the subdivider shall submit the final plan (5 copies) within six months after the sketch plan review, together with a fee of \$25.00. The plan shall follow all regulations and reflect the Board's comments. If required by Section 239-M of the General Municipal Law, the plan shall be referred to the Essex County Planning Board for its review and comment.

Within forty-five days of the submittal, a public hearing shall be held. The Board shall act on the subdivision within forty-five days after the hearing<sup>3</sup>, or the subdivision is to be considered approved, and a certificate of the town clerk to this effect shall be issued upon demand. The grounds for disapproval or conditional approval shall be included in a written resolution.

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<sup>1</sup> Not a general advertisement, but a specific legal offer based on negotiation for a specific parcel of land.

<sup>2</sup> The Planning Board shall select a person to receive subdivision applications.

<sup>3</sup> The two forty-five day periods referred to above are maximums; the Planning Board may, in appropriate cases, give public notice of a hearing, immediately upon receipt of the sketch plan, and decide on the plan immediately after the hearing. Thus, a decision could be rendered 5 days after the hearing notice. Furthermore, the hearing (required by State law) need not be a formal adversarial hearing. It is expected that a number of hearings on non-controversial minor subdivisions could be concluded in one night.

~~At such time as the Town of Willsboro adopts an approved land use program pursuant to Section 807 of the Adirondack Park Agency Act, the Planning Board is authorized to act without such public hearings on subdivision plats of less than five lots, parcels or sites, provided that no such minor subdivision plat shall be disapproved without the Planning Board having first conducted a public hearing thereon.~~

If there are changes to be made (conditional approval) in the final plan or other parts of the subdivision<sup>4</sup>, a selected member of the Board will review subsequent changes and if satisfied, approve the plat. Normally, these final changes shall occur within 180 days; the Board may double that period if necessary<sup>5</sup>.

C. Major Subdivision (five or more lots, or any subdivision with new streets)

For a major subdivision, the subdivider shall submit 5 copies of a preliminary plat within six months after sketch plan review to the Planning Board, along with a base fee of ~~20 dollars~~ \$50.00, plus \$5.00 dollars for each lot in the plat (minimum fee ~~45 dollars~~ \$75.00). ~~The Planning Board shall send a copy to the Essex County Planning Board for its review and comments. If required by Section 239-M of the General Municipal Law, the plan shall be referred to the Essex County Planning Board for its review and comment.~~

The subdivider or his representative shall attend the Planning Board meeting to discuss the plat. The Planning Board shall consider at least the following aspects:

- best use of the land
- general community needs
- compliance with the Comprehensive Town Plan
- compliance with the Town Zoning Ordinance and any other provisions of the Town's Land Use Program
- street design, including topographic relationships
- water
- sewage
- drainage
- lot sizes and layout
- utilities
- traffic flow and impact
- adjoining land
- the development objectives set forth below
- review by collaborating agencies

Within forty-five days of the preliminary plat submission, the Planning Board shall hold a public hearing. Within forty-five days after the hearing, the Board must act on the plat, unless the Board and the subdivider agree in writing to extend the period. The grounds for disapproval or

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<sup>4</sup> One general concern may be the qualifications of the subdivider. Consideration should include financial capability to put in necessary improvements and maintain private roads and other facilities, years and variety of experience, completeness of application, etc.

<sup>5</sup> If the final plan changes are not completed and approved within the 180 or 360-day time period, then the plan shall be resubmitted to the Board.

conditional approval must also be in writing. Failure of the Board to act in forty-five days will mean that the preliminary plat is approved. Upon Board approval or conditional approval, the Board shall specify:

1. necessary changes to the plat
2. improvements which are to be waived
3. bonding amount (see Required Improvements).

The major subdivision plat (five copies), incorporating agreed changes, shall be submitted within six months<sup>6</sup> after preliminary approval. ~~along with an application and a fee of fifty dollars.~~

Within forty-five days of the subdivision plat submission, the Planning Board shall hold a public hearing, unless the Planning Board feels the subdivision plat is in substantial agreement with the preliminary plat as approved, or as modified for approval. Within forty-five days after the hearing, or, if no hearing is held, within forty-five days of subdivision plat submission, the Board must act on the plat, unless the Board and the subdivider agree in writing to extend the period. The grounds for disapproval or conditional approval must also be in writing. Failure of the Board to act in forty-five days will mean that the plat is approved, and a certificate of the town clerk to this effect will be issued on demand.

~~Endorsement of State and County Agencies, evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the subdivision plat requiring approval by the NY State Department of Environmental Conservation and or the NY State Department of Health have received at least preliminary approval(s) of such facilities.~~

Evidence of approvals from other collaborating agencies must be supplied to the planning Board in order to receive final approval.

### **ARTICLE III. REQUIRED IMPROVEMENTS**

A. Before final approval, the subdivider, shall either:

1. File a certified check, performance bond or irrevocable letter of credit with the Town Clerk to cover the full cost of improvements (streets, utilities, etc.). Improvements must be completed within one year, or
2. Complete the required improvements to the satisfaction of the Town representative, to be appointed by the Planning Board.<sup>7</sup> All uncompleted improvements shall be covered by a certified check, performance bond or letter of credit.

B. A map indicating all approved improvement installations and utility location markers (monuments) shall be submitted to the Planning Board before improvements are considered completed and approved.

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<sup>6</sup> If the plat is not submitted within six months, it would have to be resubmitted as a preliminary plat.

<sup>7</sup> The Town representative may be:

1. appointed on a project-by-project basis
2. a member of the Planning Board, or
3. the Code Enforcement Officer, if so designated by the Planning Board

- C. If improvements are to be modified during construction, they may be approved by the Town representative, if the modifications are within the spirit and intent of the Board approval and do not represent a waiver of requirements.
- D. The subdivider must notify the Planning Board at least five days before the start of construction to allow for proper inspection.
- E. The Town representative shall notify the Planning and Town Boards of any construction that is not in compliance with the plans and specifications.
- F. The Town Board shall, in writing, notify the subdivider (and the bonding company, if necessary) and take necessary steps to enforce the Town's rights under the bond.
- G. No plat shall be approved by the Planning Board while the subdivider is in default on another plat.

#### **ARTICLE IV. FILING APPROVED PLAT**

- A. A subdivision plat that has received final approval and has been signed by the chairman of the Planning Board or his designee shall be filed, within 60 days with the County Clerk. If the plat is a Class A or Class B APA regional subdivision, it shall be recorded in the APA record at the same County office, within 60 days.
- B. Unless approved in writing by the Planning Board, changes in the final plat shall represent grounds for the Board to have the plat taken off the County record.

#### **ARTICLE V. PUBLIC STREETS, PARKS, RECREATION AREAS**

- A. Public improvements are not accepted by the Town upon the Planning Board's approval of the plat.
- B. The Planning Board may require a written agreement between the Town Board and the subdivider covering deed, title, dedication, and the design, equipment and maintenance of recreation areas. The Planning Board may require a public hearing for the purposes of reviewing this written agreement.

#### **ARTICLE VI. CLUSTER DEVELOPMENT**

- A. The Planning Board is empowered to modify the lot size requirement of the zoning ordinance in order to encourage flexible, economical design and to preserve the natural and scenic qualities of a site, all in conformity with Article VIII of the Zoning Ordinance.
- B. If a subdivider submits a sketch plan as a cluster development, a sketch plan indicating separate lots which regularly conforms to the regulations shall also be submitted for purposes of comparison. The Planning Board may then grant that the cluster development standards may be used.

#### **ARTICLE VII. GENERAL REQUIREMENTS AND DESIGN STANDARDS**

The following minimum standards shall be used by the Planning Board for subdivision review.

#### A. General

Only land that is suitable for safe human occupancy shall be used for development. Proposed development located in moderate or severe areas as noted on the Development Limitations Map (Comprehensive Plan) require special design features or measures to overcome potential health, fire, flooding or similar hazards.

Future development should blend harmoniously with the surroundings, including the topography, vegetation and other natural features.

Future development should avoid the need for costly land alterations or elaborate engineering to overcome adverse site conditions.

All new on-site and replacement septic systems shall comply with the NYS Dept. of Health, Wastewater Treatment Standards (Appendix 75-A)

Subdivisions shall conform to the comprehensive plan.

All required improvements (streets, etc.) shall be installed in accordance with approved plans and specifications.

#### B. Street Layout and Design

All streets are to be logically related to natural features. Since utilities are to be planned at the same time, steep slopes (25%+) and soils that are shallow, erodible or with a high water table are to be avoided. Building sites should be at or above the grade of adjacent roads.

The number of stream crossings should be minimized.

Blind intersections and closely-spaced street jogs should be avoided.

Minor streets should not be designed to encourage through traffic.

Dead-end or loop street layouts should include an easement to allow a future through connection if the Board finds it appropriate.

Subdivisions with 20 lots or more shall have at least two street connections to public streets.

Principal streets on adjacent land shall be accommodated and extended as required to provide for the extension of utilities, and fire equipment access.

The Planning Board may require that street patterns for larger than minimum lot developments be arranged so that if possible, the area could be re-subdivided into minimum-sized, lots at a future date.

Gravel or paved surface drives at least 16 feet wide will be provided for commercial uses.

All major subdivisions shall have 50-foot minimum rights-of-way for street corridor. The road base and surface for roads to be dedicated to the town, shall be designed as follows:

- 12" crowned compacted gravel base<sup>8</sup>
- 20' wide driving surface - minimum
- 4' wide shoulders
- 20' radius at street intersections
- 12% maximum grade
- 3% maximum grade within 50 feet of any intersection
- oil treatment for all grades over 10%
- 20 m.p.h. minimum and 50 m.p.h. maximum design speeds for alignments and curves
- finished grade of road ditches at 1-½ feet below shoulder elevation. Ditches to accommodate five-year storm runoff
- culverts located and designed to maintain pre-construction surface drainage patterns, if patterns are acceptable.

The Planning Board may in its discretion require compliance with all or part of the above road standards, or similar standards, for private roads in any subdivision.

Bridge crossings, at right angles, with the following capacities:

- 50,000 lb. load capacity, to accommodate public maintenance vehicles
- 10-year storm runoff if drainage area is one square mile or less
- 25-year storm runoff if drainage area is one to four square miles.
- 100-year storm runoff if drainage is more than four square miles.

Maximum cut and fill slopes:

- 2:1 fill and for cuts in coarse sand and gravel.
- 2½:1 for cuts in fill or silty sand.
- 3:1 in sandy silt.
- 4:1 in silt, sandy clay or clay.

Clearing and grubbing required before fill. Fill to be deposited in 12-inch layers.

Turnarounds at the end of a dead-end road shall have a 60-foot radius right-of-way and a 50-foot pavement radius.

The Planning Board, whether via culvert or other means, shall approve access to private lots across watercourses.

The cross sections shown in Appendix C shall be used as a guide, with the following factors considered:

- extent and nature of existing vegetation
- topographic and geologic conditions, including unstable soils
- potential visual impact
- utility relocation caused by pavement widening, etc.

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<sup>8</sup> Wollastonite may be used as an alternative to gravel under appropriate conditions

Clearing and grubbing for all services shall be shown on the final grading plans.

Construction of roads and utilities should be phased to prevent conflicts or redundant work.

Cleared areas, except shoulders and road surfaces, shall be planted with suitable grasses or suitable ground cover. Ditch bottoms shall be planted, paved, riprapped or otherwise designed to minimize soil erosion.

Within the hamlet district, roads shall be paved and walks provided, as necessary, to provide safe circulation. Pedestrian paths or walks need not be required to follow road alignment, but should establish routes that suit the plan of the hamlet area.

The design of street-lights and other equipment should be in harmony with the rural, residential character of the community, in terms of size, materials (wood, dark metal, masonry) and color.

#### C. Re-vegetation of Disturbed Soil Areas

All cleared areas, with the exception of roads, drives, shoulders, building sites and parking areas shall be planted or otherwise stabilized to minimize erosion. Planting efforts are to be inspected six months or more after planting. If corrective measures are to be made, they must begin within 15 days after the inspection.

Re-vegetation shall be done in 1/2 acre increments or phases.

Re-vegetation shall be completed within a five to ten day period after final grading.

#### D. Street Names

Street names shall be approved by the Planning Board. New street names should be substantially different in sound and spelling from existing streets so as to avoid confusion.

#### E. Lots

Lots shall conform to the area and dimension requirements set forth in the zoning ordinance, unless the provisions of Article VI, Cluster Development, are used.

Lot boundaries and shape should be suitable to the topography.

Lot lines should be at approximately right angles to street lines unless a different alignment will result in a better plan. Driveways should not exceed 12% grade, over 150' in length, or over 5% within 50' of a connecting street.

Permanent monuments shall be located at block corners, angle points, points of curves and other prominent points.

#### F. Drainage

Spring or surface water drainage shall be carried, by ditch or culvert, within the street right-of-

way or in another permanent easement.

Drainage easements shall be provided for watercourses, at a minimum of 150 feet wide.

Culverts shall be designed to accommodate the peak runoff from all upstream areas, whether inside or outside the subdivision, under conditions of total potential development in the upstream area.

- 10- year peak runoff if drainage areas is one square mile or less
- 25-year peak runoff if drainage is between one and four square miles
- 100-year peak runoff if drainage is more than four square miles.

A study of the subdivision's downstream effect shall be required.

Lands within the Stream Conservation District shall not be used for residential occupancy. *Projects within flood plains (as identified on the FEMA – Flood Insurance Rate Maps –FIRM) shall comply with the provisions of Article XIII of the Zoning Ordinance. ~~relative to the Flood Hazard Area District shall also be complied with.~~*

## G. Parks, Open Space and Natural Features

All proposed public open spaces shall be indicated on the subdivision plat. At least 5% of the area of a major subdivision shall be public open space (park, playground, etc.).

An ink drawing of the proposed public area(s), at a minimum scale of 1"=30' shall be provided. The drawing shall indicate boundaries, natural features, existing and proposed contours, and any proposed equipment.

The Board may waive the 5% requirement of public open space.

The subdivider shall provide for the provision of natural features, including:

- large trees or unusual grove of trees<sup>9</sup>
- water courses and falls
- beaches
- historic sites
- scenic vistas arid areas.

## H. Regional Subdivisions

### 1. Applicability of this Section.

When a proposed subdivision is a Regional Subdivision, the provisions of this section shall apply in addition to all other provisions of these regulations. For the purpose of these regulations, if a subdivision constitutes both a Class B Regional Subdivision and a Class A Regional Subdivision, it shall be deemed a Class A Regional Subdivision in its entirety.

### 2. Special Requirements for Approval of Class B Regional Subdivisions.

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<sup>9</sup> In no case shall a live tree of 24" in diameter or more be removed unless it occupies a future area of permanent, approved construction.

When a proposed subdivision is a Class B Regional Subdivision, the Planning Board shall not render approval or conditional approval under Article II B or C unless the Board first determines that the subdivision should not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider those factors pertinent to the subdivision, and in so doing, the Planning Board shall be guided by the development objectives and general guidelines set forth at Section I. of this Article.

When the Planning Board renders final approval of a Class B Regional Subdivision under Article II, Section C, the Board shall issue a permit authorizing the subdivider to undertake the subdivision in accordance with any terms and conditions set forth therein. The Planning Board, in conjunction with its approval of any Class B Regional Subdivision, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in the zoning ordinance shall be respected, and the imposition of reasonable conditions to insure that the subdivision will be adequately supported by services and improvements made necessary thereby and to insure that the subdivision will be completed accordance with the terms of the approval and permit. In addition, the Planning Board may incorporate any such requirements and conditions in the permit issued with regard to such Class B Regional Subdivision.

### 3. Special Additional Procedures Regarding Class B Regional Subdivisions.

When a proposed subdivision is a Class B Regional Subdivision, within ten (10) days following receipt of a completed application under Article II B or C, the Planning Board shall furnish the Adirondack Park Agency a copy of the application and plat together with such further pertinent information as the agency may deem necessary. The Planning Board shall also mail a copy of the notice of public hearing on the subdivision to the Agency at least five (5) days before such hearing. The Agency shall be a full party in interest with standing to participate in the hearing and other proceedings pursuant to this section relative to Class B regional subdivisions.

### 4. Criteria and Certain Procedures for Adirondack Park Agency Review of Class A Regional Subdivisions

- a. The Adirondack Park Agency's review of Class A Regional Subdivisions within the territory of the town pursuant to and in accordance with Section 809 (9) of the Adirondack Park Agency Act, shall be governed by the criteria and certain procedures hereinafter set forth, as well as those set forth in the Act and the applicable Agency rules and regulations.
- b. As soon as reasonably practicable, following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A regional subdivision, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the application and formulating advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the town land use program. Not later than thirty (30) days following receipt

by the Planning Board from the Agency of such notice of application completion with regard to a Class A Regional Subdivision, or such shorter period as may be agreed upon in writing by the Agency and the town, the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the town land use program. Should the Planning Board fail to provide such recommendations within such thirty-day or otherwise agreed-upon period, the Agency may make the finding required by subparagraph 3) hereof without receipt of such recommendations.

- c. The Adirondack Park Agency shall not approve a Class A Regional Subdivision unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the subdivision that the subdivision would comply with these subdivision regulations, the Zoning Ordinance and any other components of the town land use program.
- d. In making the determination required by Section 809 of the Adirondack Park Agency Act as to the impact of a proposed Class A Regional Subdivision upon the resources of the Adirondack Park, including the ability of all levels of government to provide supporting facilities and services made necessary by the subdivision, the Agency shall consider those factors pertinent to the subdivision, and in so doing, shall make a net overall evaluation of the subdivision in relation to the development objectives set forth at Section I of this Article or as may be provided for in the Adirondack Park Agency Act or the rules and regulations issued there under.

#### 5. Establishment of Joint Procedures with the Adirondack Park Agency for Review of Class A Regional Subdivisions.

The Planning Board may establish whatever joint procedures with the Adirondack Park Agency for review of Class A Regional Subdivisions that the board in its discretion deems desirable to minimize duplication and generally expedite the review process.

#### 6. Optional Independent Jurisdiction

The Planning Board may, if it elects within 10 days of initial submission to it of the sketch plan, preliminary plat or final plat assert jurisdiction over any Class A Regional Subdivision independently from its advisory role with the Adirondack Park Agency outlined above. In so doing the Planning Board may approve, approve subject to conditions or disapprove any such subdivisions following the procedures and criteria which would otherwise be applicable were the subdivision a Class B Regional Subdivision. No such subdivision shall be undertaken, irrespective of any permit issued with the Adirondack Park Agency, unless and until the Planning Board approves such subdivision.

#### I. Development Objectives for Use in Review of All Subdivisions.

The principal natural and public resource aspects of a proposed subdivision site to be considered in connection with the review of all subdivisions, together with representative means for avoiding undue adverse impact thereupon include the following:

- 1. Soils
  - a. Soils, General

Objective: Prevent accelerated soil erosion and the potential for earth slippage.  
General Guideline: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly re-vegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

b. Agricultural Soils

Objective: Conserve viable agricultural soils.

General Guideline: Avoid activities on Class I and Class II agricultural soils presently in agricultural service, which would diminish or preclude continuing use thereof for agricultural purposes.

2. Topography

Objective: Minimize topographic alterations.

General Guideline: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result there from.

3. Surface Waters

a. Water Quality and Eutrophication

Objective: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

General Guideline: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

b. Surface Drainage

Objective: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

General Guideline: Minimize alterations to existing drainage patterns and drainage courses; preserve drainage ways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

c. Flood Plains

Objective: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains, which will result in dangers to life, safety and property if subjected to flooding.

General Guideline: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites; and within any floodway fringe special zoning district conform all development plans to the floodplain regulations contained in Article X Town of Willsboro Zoning Ordinance.

4. Ground Water

Objective: Preserve quality, infiltration rate, and levels of ground water.

General Guideline: Comply at a minimum with applicable government water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifer recharge areas; and avoid

impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

5. Shorelines

Objective: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

General Guideline: Comply at a minimum with applicable government shoreline restrictions, minimize construction or development of any kind near or on the shoreline; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

6. Mineral Resources

Objective: Conserve existing known mineral resources.

General Guideline: Avoid activities, which would preclude present or future use of important mineral resources that may be economic significance to the region.

7. Air Quality

Objective: Maintain or enhance existing air quality.

General Guideline: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

8. Noise Levels

Objective: Limit additions to noise levels.

General Guideline: Adhere at a minimum to applicable government noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

9. Wetlands

Objective: Preserve the hydrologic, wildlife, vegetative, aesthetic, educational, open space and recreational values of wetlands.

General Guideline: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

10. Aquatic Communities

Objective: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

General Guideline: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alternations such as beach construction and emplacement of docks, rafts, boat launching facilities and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

11. Terrestrial Vegetation

a. Vegetation, General

Objective: Preserve or quickly restore terrestrial vegetation.

General Guideline: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

b. Rare and Endangered Terrestrial Plant Species

Objective: Preserve rare and endangered terrestrial plant species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

c. Production Commercial Forest Land

Objective: Conserve productive forestlands.

General Guideline: Avoid impairment of productive forestlands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

12. Terrestrial Wildlife

a. Terrestrial Wildlife, General

Objective: Maximize the preservation of terrestrial wildlife species.

General Guideline: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

b. Rare and Endangered Terrestrial Wildlife Species.

Objective: Preserve rare and endangered terrestrial wildlife species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

13. Aesthetics

a. Aesthetics, General

Objective: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

General Guideline: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

b. Scenic Vistas

Objective: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

General Guideline: Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography, and careful siting methods.

c. Travel Corridors

Objective: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

General Guideline: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alternations.

14. Open Space

Objective: Maintain the open space character of the project site, adjacent land, and surrounding areas.

General Guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling and cross-country skiing trails as well as trail bike, jeep, all-terrain vehicle and horse trails, playgrounds, public areas, campgrounds, parks, beaches and similar uses.

15. Adjoining and Nearby Land Use

a. Surrounding Land Uses, General

Objective: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

General Guideline: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

b. Adjacent State Land

Objective: Preserve the wild and natural character of adjacent state lands designed as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

General Guideline: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audible impact in these wilderness-like areas, thereby insuring the continued capability of State and private types of ownership.

16. Wild, Scenic and Recreational Study Rivers

Objective: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

General Guideline: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and pressure the free-flowing character of such rivers

17. Historic Sites

Objective: Protect archeological sites, historic sites, and unique historical structures for their educational and culture value to the area, region or State.

General Guideline: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

18. Special Interest Areas

Objective: Preserve special interest areas such as unique natural features and their surrounding environs.

General Guideline: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

19. Governmental Considerations

a. Service and Finance

Objective: Fully explore and assure the ability of governmental services and facilities made necessary by the project.

General Guideline: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential any adverse impact upon the ability for the government to provide services and facilities.

b. Regulation

Objective: Conform development activities to all applicable governmental rules and regulations.

General Guideline: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Department of Health and Environmental Conservation, and the Adirondack Park Agency.

20. Public Utilities and Community Resources

Objective: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

General Guideline: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; avoid necessity for major uncompensated increase in community services and activities such as recreational facilities, social cultural and health services, and transportation facilities.

## ARTICLE VIII. APPLICATION REQUIREMENTS

A. Sketch Plan (Major or Minor Subdivision)

The sketch plan shall consist of a drawing based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire ownership of the subdivider to be shown on one sheet, and shall show:

1. The location of that portion of the subdivider's ownership which is to be subdivided in relation to the whole, and the location of nearby streets and road.
2. All existing structures, wooded areas and permanent and intermittent watercourses within the portion to be subdivided and within 200 feet thereof
3. The name of the owner(s) of the property to be subdivided and of all adjoining property owners as disclosed by the most recent municipal tax records
4. The tax map sheet, block, and lot numbers, if available

5. All available utilities, and streets which are either proposed, mapped or built
6. The proposed lot layout, street layout and any proposed recreation or open space areas
7. All existing restrictions on the use of land including easements or covenants.

B. An application for Minor Subdivision Plat approval shall include:

1. The plat to be filed with the County Clerk, at a scale of not more than two hundred (200) but not less than fifty (50) feet to the inch, drawn in ink, which shall show:
  - a. proposed subdivision name, Town of Willsboro, Essex County, and the names of all adjoining property owners
  - b. north point, map scale, and name and address of the subdivider, the owner (s) of record, and engineer or surveyor, if any, including license number and seal.
  - c. the boundary lines of the tract, giving complete descriptive data, by bearings and distances, if a survey is made. The corners of whatever part or parts of the tract may be offered for sale to the public shall also be located on the ground and marked by monuments as approved by the Planning Board, and shall be as shown on the plat.
  - d. all existing structures, easements, wooded areas and permanent and intermittent watercourses. The size of the sheet upon which the plat is drawn shall be not be less than 8½x11 inches, nor more than 34x44 inches.
2. Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the NY State Department of Health. ~~and the town sanitary code, when applicable.~~
3. A copy of the deed(s) relating to the property to be subdivided, and such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

C. An application for a Major Subdivision Preliminary Plat approval shall include:

1. The preliminary plat, clearly marked, at a scale of not more than one hundred (100) but not less than fifty (50) feet to the inch, which shall show:
  - a. proposed subdivision name or identifying title, Town of Willsboro, Essex County, and the names of all adjoining property owners
  - b. north point, map, scale, and name and address of subdivider, owner(s) of record, engineer or surveyor, including license number and seal
  - c. the boundary lines of the tract as determined by actual field survey, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor and bearing the date of the completing of the survey. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Planning Board, and shall be shown on the plat

- d. topographic contours, at intervals of ten (10) feet, including elevations on existing roads and approximate grading plan if natural contours are to be changed by more than two (2) feet
- e. location of existing structure, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property
- f. location of existing sewers, water mains, culverts and drains on the property, denoting pipe sizes, grades and directions of flow
- g. the width and location of any streets or road within the area to be subdivided, shown on the Official Map, if such exists, and the width, location and grades of all streets or roads proposed by the subdivider
- h. the proposed lot lines with approximate dimensions and the area of each lot
- i. the approximate location and size of all proposed water lines, valves, hydrants, sewer lines, fire alarm boxes, and connections to existing lines. Alternate means of water supply or sewage disposal and treatment shall be indicated
- j. storm drainage plan indicating the approximate location and size of proposed lines or ditches and their profiles, connections to existing lines or ditches, and any alternate means of drainage
- k. preliminary design of any proposed bridges or culverts
- l. typical lot layout(s), with building and on-site sewage disposal system sites
- m. typical clearing and grading cross section for construction of roads and installation of utilities
- n. proposed recreational or open space areas, including parcels or land proposed to be dedicated to public use.

When more than one sheet is required, an additional index sheet of the same size shall be submitted showing to scale the entire subdivision with lot and block numbers clearly legible.

- 2. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch showing all existing streets, an outline of the platted area with its, proposed streets, and an indication of the probable future street and drainage systems (if any) in the remaining portion of the tract with its grades and drainage.
- 3. Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the NY State Department of Health. ~~and the town sanitary code, when applicable.~~
- 4. A copy of such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

D. If the proposed subdivision is a Regional Subdivision, the subdivider may also be required to submit an analysis with supporting data of the ability of the public to provide supporting services and facilities which can reasonably be anticipated to be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project and information describing the applicant, evidence of his or its financial capacity to complete the project as planned, and the names of any professional advisors or consultants engaged in respect to the project.

E. An application for Major Subdivision plat approval shall include:

1. The plat to be filed with the County Clerk at a scale of not more than one hundred (100) but not less than fifty (50) feet to the inch, clearly drawn in ink, which shall show:
  - a. proposed subdivision more or identifying title, Town of Willsboro, Essex County, and the names of all adjoining property owners
  - b. north point, map scale, and name and address of subdivider, owner(s) of record, and engineer or surveyor, including License number and seal
  - c. the location of all boundary lines, proposed street lines and lot lines, as determined by actual field survey, including the length and bearings of straight lines and length and radii of all curves. All dimensions shall be shown in feet and decimals thereof. Such survey shall be made and certified to by a licensed land surveyor and the plat shall bear the date of the completion of the survey

Referenced on the plat shall be:

- 1) monuments of a type approved by the Planning Board set at all corners and angle points of the boundaries of the original tract to be subdivided, all street intersections, angles in street lines, points of curve and such other points as may be required by the Planning Board, and
  - 2) permanently lodged lot corner markers of at least 3/4-inch diameter and 24-inch length, located in the ground to existing grade.
- d. topographic contours, at intervals of five (5) feet or less as required by the Board, including elevations on existing roads and final grading plan if natural contours are to be changed by more than two (2) feet
  - e. location of existing structures, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas, single trees with a diameter of twenty-four (24) inches or more as measured at breast height, and other significant existing features for the proposed subdivision and adjacent property
  - f. location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow
  - g. the location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, and connections to existing lines

- h. storm drainage plan indicating the location and size of proposed lines or ditches and their profiles, and connections to existing lines or ditches
- i. final design of any proposed bridges or culverts
- j. all recreational or open space areas, including parcels of land proposed to be dedicated to the town
- k. typical lot layout(s) with building and on-site sewage disposal sites
- l. typical clearing and grading cross sections for construction of roads and installation of utilities

The size of the sheets shall be not less than 8½x11 inches nor more than 34x44 inches.

When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

- 2. Design of all proposed on-site sanitation and water supply facilities meeting the minimum specifications of the NY State Department of Health. ~~and the town sanitary code.~~
- 3. Offers of cession and deeds for any recreational or open space areas to be dedicated to the town and for such areas title to which is to be retained by the subdivider, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

Such offers, deeds, agreements or other documents shall bear the approval of the town attorney as to their legal sufficiency.

## **ARTICLE IX. WAIVERS**

Where the Planning Board finds, due to the specific circumstances of a particular plat, that meeting a certain requirement of these regulations is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirement subject to appropriate conditions. ~~Provided that, in no case shall any of the provisions of Article VIII be waived.~~

In granting waivers, the Planning Board shall impose such conditions as will substantially assure that the objectives of the standards or requirements so waived are met.

## **ARTICLE X. SEVERABILITY**

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

# APPENDIX A

## CLASS A AND CLASS B REGIONAL PROJECTS

All references in this article to Class A Regional Projects or to Class B Regional Projects shall mean, for the land use areas indicated, the following new land uses or development or subdivisions of land.

[Reference: Adirondack Park Agency Act (amended 1998), Section 810]

### 1. Class A Regional Projects

#### a. Hamlet areas.

- (1) All land uses and development and all subdivisions of land involving wetlands except for forestry uses (other than timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres), agricultural uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- (3) All land uses and development and all subdivisions of land involving one hundred or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- (4) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (5) Commercial or private airports.
- (6) Watershed management and flood control projects.
- (7) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

#### b. Moderate intensity use areas.

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - (b) involving wetlands;
  - (c) at elevations of twenty-five hundred feet or more;
  - (d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by

the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

- (3) All land uses and development and all subdivisions of land involving seventy-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- (4) Commercial or agricultural service uses involving ten thousand or more square feet of floor space.
- (5) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (6) Tourist attractions.
- (7) Ski centers.
- (8) Commercial or private airports.
- (9) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- (10) Sawmills, chipping mills, pallet mills and similar wood using facilities.
- (11) Mineral extractions.
- (12) Mineral extraction structures.
- (13) Watershed management and flood control projects.
- (14) Sewage treatment plants.
- (15) Major public utility uses.
- (16) Industrial uses.
- (17) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**c. Low intensity use areas.**

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - (b) involving wetlands;
  - (c) at elevations of twenty-five hundred feet or more;
  - (d) within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- (3) All land uses and development and all subdivisions of land involving thirty-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- (4) Commercial or agricultural service uses involving five thousand or more square feet of floor space.
- (5) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (6) Tourist attractions.

- (7) Ski centers.
- (8) Commercial or private airports.
- (9) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- (10) Sawmills, chipping mills, pallet mills and similar wood using facilities.
- (11) Mineral extractions.
- (12) Mineral extraction structures.
- (13) Watershed management and flood control projects.
- (14) Sewage treatment plants.
- (15) Waste disposal areas.
- (16) Junkyards.
- (17) Major public utility uses.
- (18) Industrial uses.
- (19) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**d. Rural use areas.**

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - (b) involving wetlands;
  - (c) at elevations of twenty-five hundred feet or more;
  - (d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management or state lands, except for an individual single family dwelling and accessory uses or structures thereto;
  - (e) within one hundred fifty feet of the edge of the right of way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;
  - (f) within one hundred fifty feet of the edge of the right of way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, as major travel corridors by the agency or local government, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number ten below and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- (3) All land uses and development and all subdivisions of land involving twenty or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- (4) Commercial and agricultural service uses involving twenty-five hundred or more square feet of floor space.

- (5) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (6) Tourist accommodations.
- (7) Ski centers.
- (8) Commercial seaplane bases.
- (9) Commercial or private airports.
- (10) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- (11) Sawmills, chipping mills, pallet mills and similar wood using facilities.
- (12) Mineral extractions.
- (13) Mineral extraction structures.
- (14) Watershed management and flood control projects.
- (15) Sewage treatment plants.
- (16) Waste disposal areas.
- (17) Junkyards.
- (18) Major public utility uses.
- (19) Industrial use.
- (20) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**e. Resource management areas.**

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - (b) involving wetlands;
  - (c) at elevations of twenty-five hundred feet or more;
  - (d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto;
  - (e) within three hundred feet of the edge of the right of way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;
  - (f) within three hundred feet of the edge of the right of way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, except for an individual single family dwelling and accessory uses or structures thereto. Provided however, that the above shall not include forestry uses (other than clearcutting as specified in number eleven below and sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any preexisting use.
- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

- (3) All subdivisions of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- (4) Campgrounds involving fifty or more sites.
- (5) Group camps.
- (6) Ski centers and related tourist accommodations.
- (7) Agricultural service uses.
- (8) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (9) Sawmills, chipping mills and pallet mills and similar wood using facilities.
- (10) Commercial sand and gravel extractions.
- (11) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- (12) Mineral extractions.
- (13) Mineral extraction structures.
- (14) Watershed management and flood control projects.
- (15) Sewage treatment plants.
- (16) Major public utility uses.
- (17) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**f. Industrial use areas.**

- (1) Mineral extractions.
- (2) Mineral extraction structures.
- (3) Commercial sand and gravel extractions.
- (4) Major public utility uses.
- (5) Sewage treatment plants.
- (6) Waste disposal areas.
- (7) Junkyards.
- (8) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

## **2. Class B Regional Projects**

**a. Moderate intensity use areas.**

- (1) Subdivisions of land (and all land uses and development related thereto) involving fifteen or more but less than seventy-five lots, parcels or sites, other than subdivisions of land involving mobile homes.
- (2) Subdivisions of land (and all land uses and development related thereto) involving less than fifteen lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria:
  - (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least twenty-five thousand square feet in size and complies with all of the provisions of the shoreline restrictions.

- (b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least forty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen.

- (3) Multiple family dwellings.
- (4) Mobile home courts.
- (5) Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.
- (6) Public and semi-public buildings.
- (7) Municipal roads.
- (8) Commercial or agricultural service uses involving less than ten thousand square feet of floor space.
- (9) Tourist accommodations.
- (10) Marinas, boatyards and boat launching sites.
- (11) Golf courses.
- (12) Campgrounds.
- (13) Group camps.
- (14) Commercial seaplane bases.
- (15) Commercial sand and gravel extractions.
- (16) Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- (17) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use areas.
- (18) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
- (19) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- (20) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**b. Low intensity use areas.**

- (1) Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than thirty-five lots, parcels or sites, other than subdivision of land involving mobile homes.
- (2) Subdivision of land (and all land uses and development related thereto) involving less than ten lots, parcels or sites which do not meet the following criteria:
  - (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least fifty thousand square feet in size and complies with all of the provisions of the shoreline restrictions.
  - (b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least one hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.

- (3) Multiple family dwellings.
- (4) Mobile home courts.
- (5) Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- (6) Public and semi-public buildings.
- (7) Municipal roads.
- (8) Commercial or agricultural service uses involving less than five thousand square feet of floor space.
- (9) Tourist accommodations.
- (10) Marinas, boatyards and boat launching sites.
- (11) Golf courses.
- (12) Campgrounds.
- (13) Group camps.
- (14) Commercial seaplane bases.
- (15) Commercial sand and gravel extractions.
- (16) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- (17) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low intensity use areas.
- (18) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
- (19) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- (20) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**c. Rural use areas.**

- (1) Subdivisions of land (and all land uses and development related thereto) involving five or more but less than twenty lots, parcels or sites, other than subdivisions of land involving mobile homes.
- (2) Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria:
  - (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least eighty thousand square feet in size and complies with all of the provisions of the shoreline restrictions of the plan.
  - (b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least three hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total

number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.

- (3) Multiple family dwellings.
- (4) Mobile home courts.
- (5) Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- (6) Public and semi-public buildings.
- (7) Municipal roads.
- (8) Marinas, boatyards and boat launching sites.
- (9) Golf courses.
- (10) Campgrounds.
- (11) Group camps.
- (12) Commercial sand and gravel extractions.
- (13) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- (14) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- (15) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas.
- (16) Commercial and agricultural service uses involving less than twenty-five hundred square feet.
- (17) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water described in item (d) of clause (1) of paragraph d of subdivision one or within one hundred fifty feet of a travel corridor described in such paragraph.
- (18) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**d. Resource management areas.**

- (1) Single family dwellings.
- (2) Individual mobile homes.
- (3) Forestry use structures.
- (4) Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred or more square feet of floor space.
- (5) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.
- (6) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas.
- (7) Municipal roads.
- (8) Golf courses.
- (9) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or waters described in item (d) of clause (1) of paragraph d of subdivision one or within three hundred feet of a travel corridor described in such paragraph.
- (10) Campgrounds involving fewer than fifty sites.
- (11) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic and recreational in accordance with the environmental

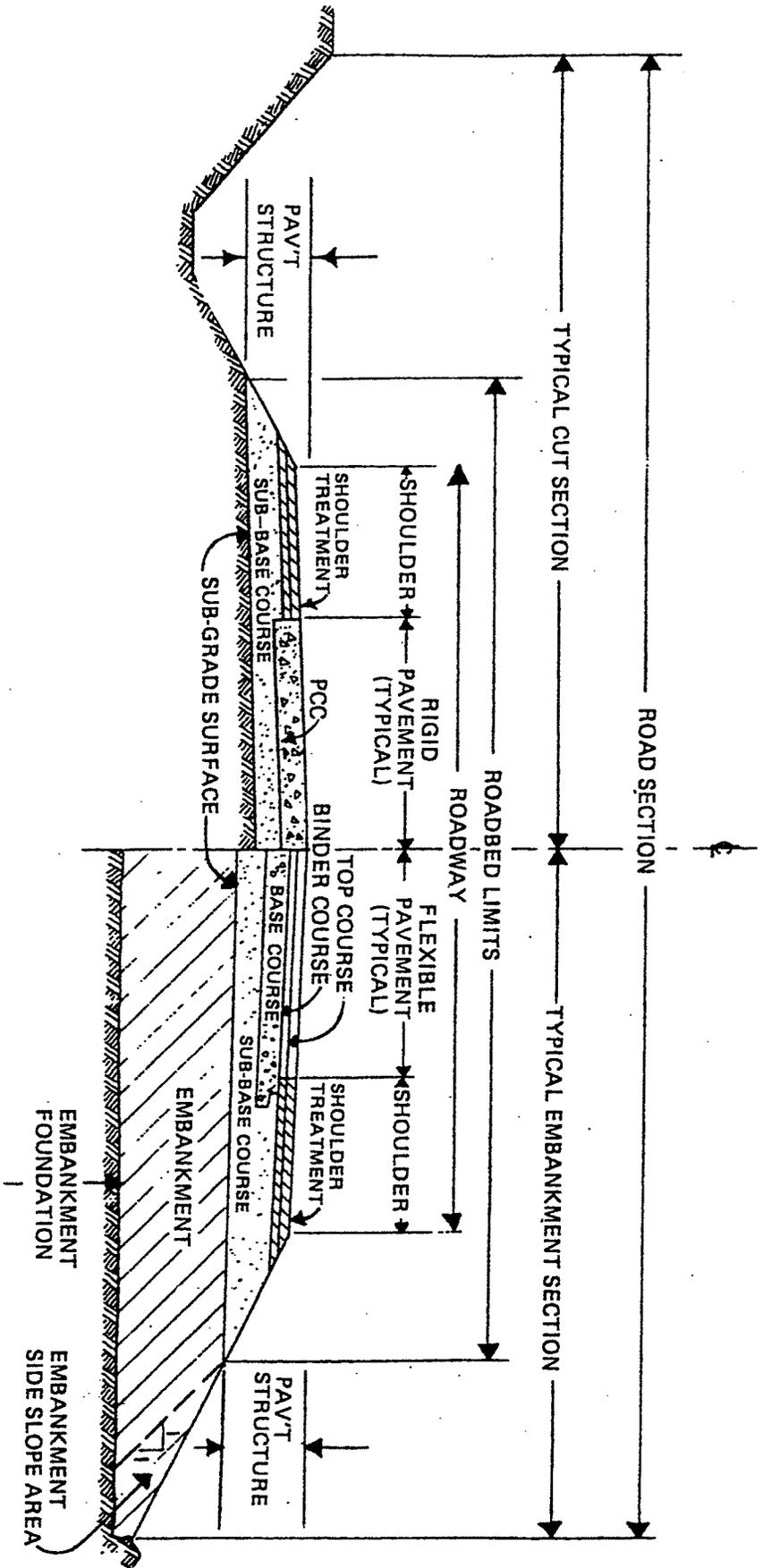
conservation law, other than those navigable by boat, during the period of such designation.

- (12) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**e. Industrial use areas.**

- (1) Sawmills, chipping mills, wood using facilities.
- (2) Industrial uses.
- (3) Commercial uses.
- (4) Agricultural service uses.
- (5) Public and semi-public buildings.
- (6) Municipal roads.
- (7) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for industrial use areas.
- (8) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure pallet mills and similar

# APPENDIX C TYPICAL ROAD CONSTRUCTION



- Road Section (right-of-way): 50 feet
- Roadway: 20 feet (minimum)
- Base Course: 12 inches
- Binder Course: 2 ½ inches
- Top Course: 2 ½ inches

# APPENDIX B - SUBDIVISION REVIEW PROCEDURE

