

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

The Town Board of the Town of Pavilion held the regular monthly meeting on June 09, 2011 at the town hall, One Woodrow Drive, Pavilion, New York 14525 at 7:30 p.m. Present were:

Supervisor Gary Knepshield
ABSENT Councilperson Linda Thompson
Councilperson Bruce Stisser
Councilperson Thomas Klapper
Councilperson Ron Zarbo

Others: Attorney, Mark Boylan, Clerk Lynne Roblee, Hwy. Supt. John Strathearn, Assessor Tammy Baker, DR Roblee, Bill Kegler, Ed Hollwedel – Planning Board Chairman

Supervisor Knepshield opened the meeting followed by the pledge to the flag.

Councilperson Klapper offered a motion, seconded by Councilperson Stisser, to approve the May 12, 2011 minutes as submitted.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor Knepshield	Aye
Councilperson Zarbo	Aye
Councilperson Stisser	Aye
Councilperson Klapper	Aye
Councilperson Thompson	ABSENT

Councilperson Zarbo offered a motion, seconded by Councilperson Stisser, to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$21,755.27; Water \$51.26; Library \$1,696.62; Sewer \$5,762.07; T&A 60.00; Highway \$16,059.88. TOTAL \$45,385.10.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor Knepshield	Aye
Councilperson Zarbo	Aye
Councilperson Stisser	Aye
Councilperson Klapper	Aye
Councilperson Thompson	ABSENT

CORRESPONDENCE:

27. GCASA annual report
28. Letter from Cross Roads house
29. Zoning Officers monthly report

Attorney Mark Boylan went over the short form environmental form for the proposed local Laws #1 & 2, 2011. Also discussed how the Town can help the Fire Company out financially with

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

the cost of maintaining the Firemen's recreation hall. Councilperson Klapper suggested having a joint meeting with the Town Board and the Pavilion Fireman Board of Commissioners.

Councilperson Zarbo offered a motion, seconded by Councilperson Stisser to adopt **Resolution No. 23**, 2011 (adopt Local Law No. 1, 2011 Land Subdivision)

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE
TOWN OF PAVILION
OF LOCAL LAW NO. 1, 2011**

WHEREAS, a resolution was duly adopted by the TOWN BOARD of the TOWN of PAVILION for a public hearing to be held by said Governing Body on July 09, 2011 at 7 pm at the Town Hall, One Woodrow Drive Pavilion, NY 14525 to hear all interested parties on a proposed Local Law No. 1, 2011 regarding Town of Pavilion Land Subdivision Local Law, and

WHEREAS, notice of said public hearing was duly advertised in The Daily News, the official newspaper of said Town, on May 25, 2011, and

WHEREAS, said public hearing was duly held on June 09, 2011 at 7 pm at the Town Hall, One Woodrow Drive Pavilion, NY 14525 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the TOWN BOARD of said TOWN that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the TOWN BOARD of the TOWN of PAVILION, after due deliberation, finds it in the best interest of said TOWN to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the TOWN BOARD of the TOWN of PAVILION hereby adopts said Local Law No. 1 entitled Town of Pavilion Land Subdivision Local Law, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the TOWN of PAVILION, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor Knepshield	Aye
Councilperson Zarbo	Aye
Councilperson Stisser	Aye
Councilperson Klapper	Aye
Councilperson Thompson	ABSENT

TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.

Town of Pavilion Land Subdivision Local Law

TABLE OF CONTENTS

ARTICLE I	DECLARATION OF POLICY.....	6
ARTICLE II	DEFINITIONS	6
SECTION 1	GENERAL INTERPRETATION.....	6
SECTION 2	DEFINITIONS	7
SECTION 3	ABBREVIATIONS.....	13
ARTICLE III	PROCEDURE FOR FILING SUBDIVISION APPLICATION	14
SECTION 1	SKETCH PLAN	14
A.	Submission of Sketch Plan.....	14
B.	Discussion of Requirements	14
C.	Study of Sketch Plan and Classification Subdivision	14
SECTION 2	PRELIMINARY PLAT.....	15
A.	Application and Fee.....	15
B.	Number of Copies.....	15
C.	Coordination with the State Environmental Quality Review Act.....	15
D.	Receipt of a Complete Preliminary Plat.....	15
E.	Subdivider to Attend Planning Board Meeting	15
F.	Study of Preliminary Plat	16
G.	Planning Board as Lead Agency under the State Environmental Quality Review Act; Public Hearing; Notice; Decision.....	16
H.	Planning Board Not As Lead Agency under the State Environmental Quality Review Act; Public Hearing; Decision.....	17
I.	Certification and Filing of Preliminary Plat in Town Clerk’s Office.....	18
J.	Default Approval of Preliminary Plat	18
K.	Filing of Decision on Preliminary Plat.....	18
L.	Revocation of Approval of Preliminary Plat	19
SECTION 3	FINAL PLAT	19
A.	Application and Fee.....	19
B.	Number of Copies.....	19
C.	When Officially Submitted.....	19
D.	Endorsement of State and County Agencies.....	19
E.	Final Plats Which Are In Substantial Agreement with Approved Preliminary Plats	20
F.	Receipt of Complete Final Plat; When No Preliminary Plat Is Required To Be Submitted.....	20
G.	Final Plats; Not in Substantial Agreement with Approved Preliminary Plats or When No Preliminary Plat (Minor Subdivision) is Required to be Submitted	20
H.	Approval and Certification of Final Plats	22
I.	Default Approval of Final Plat.....	23

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

J.	Filing of Decision on Final Plat in Town Clerk's Office.....	23
K.	Notice to Genesee County Planning Board.....	23
L.	Expiration of Approval.....	24
M.	Subdivision Abandonment.....	24
SECTION 4	REQUIRED IMPROVEMENTS.....	24
A.	Improvements, Performance Bond or Other Security.....	24
B.	Mapping of Completed Improvements.....	26
C.	Modification of Design of Improvements.....	26
D.	Inspection of Improvements.....	26
E.	Proper Installation of Improvements.....	26
F.	Default under Previous Final Plat.....	27
SECTION 5	FILING OF APPROVED FINAL PLAT.....	27
A.	Final Approval and Filing.....	27
B.	Final Plat Void If Revised After Approval.....	27
SECTION 6	PUBLIC STREETS AND RECREATION AREAS.....	27
A.	Public Acceptance of Streets.....	27
B.	Ownership and Maintenance of Recreation Areas.....	28
SECTION 7	APPLICATION OF SECTION 278 OF NYS TOWN LAW.....	28
ARTICLE IV	DEVELOPMENT REQUIREMENTS.....	28
SECTION 1	GENERAL CONDITIONS.....	28
A.	General.....	28
B.	Floodplains, State and Federally Regulated Wetlands.....	29
C.	Rural/Agricultural Planning Guidelines.....	29
SECTION 2	DESIGN STANDARDS OF IMPROVEMENTS.....	31
A.	Streets.....	31
B.	Street Intersections.....	31
C.	Cul-de-Sac Streets.....	32
D.	Pedestrian Traffic Improvements.....	32
E.	Blocks.....	33
F.	Driveways.....	34
G.	Lot Size and Arrangement.....	34
H.	Building Lines.....	35
I.	Utilities.....	35
J.	Easements.....	35
K.	Reservation and Dedication of Lands for Public Use.....	36
L.	Tree Protection Guidelines.....	37
M.	Erosion Sediment Control.....	37
N.	Self-imposed Restrictions.....	39
ARTICLE V	IMPROVEMENTS.....	39
SECTION 1	GENERAL IMPROVEMENTS.....	39
A.	General.....	39
B.	Road Construction.....	40
C.	Sidewalks.....	41
D.	Storm and Surface Drainage.....	41
E.	Sewage Disposal Systems.....	42

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

F. Water Supply	43
G. Landscaping	43
H. Drainage Facilities.....	43
I. Monuments	43
J. Street Signs and House Numbers	44
K. Street Lighting.....	44
L. Electric, Telephone, Cable TV or Other Buried Cable Utility.....	44
M. General Site Consideration	44
SECTION 2 PERMITTED MODIFICATIONS	44
A. Curbing and Sidewalks.....	44
B. Fire Hydrants	45
ARTICLE VI RESIDENTIAL CLUSTER DEVELOPMENT.....	45
SECTION 1 PURPOSE	45
SECTION 2 APPLICABILITY AND GENERAL PROVISIONS	45
A. Applicable Zoning Districts.....	45
B. Permitted Number of Building Lots or Dwelling Units.....	45
C. Conditions on the Ownership, Use and Maintenance of Open Lands ...	46
D. Subdivision Plat Requirements.....	46
E. Calculation of Permitted Number of Dwelling Units	46
F. Procedure and Review Criteria	47
G. Reduction and/or Waiver of Certain Physical Design Requirements....	49
H. Conveyance of Open Space	49
ARTICLE VII DOCUMENTS TO BE SUBMITTED	49
SECTION 1 SKETCH PLAN	49
A. Requirements	50
SECTION 2 PRELIMINARY PLAT AND ACCOMPANYING DATA	50
A. Requirements	50
B. Phasing.....	52
C. Covenants and Deed Restrictions	53
SECTION 3 FINAL PLAT AND ACCOMPANYING DATA.....	53
A. Requirements	53
B. Construction Drawings	54
ARTICLE VIII TIME LIMITATIONS	54
ARTICLE IX WAIVER OF REQUIREMENTS.....	55
ARTICLE X AMENDMENTS	55
ARTICLE XI FEE SCHEDULE	55
ARTICLE XII VIOLATION AND PENALTY	55
ARTICLE XIII SUPERSEDING AND SAVINGS CLAUSE AND EFFECTIVE DATE ..	56
A. Conflict with Construction Specifications for Land Development.....	56
B. Interpretation.....	56
C. Severability.....	56
D. Repeal	56
E. Saving Clause.....	57
F. Effective Date	57

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

ARTICLE I DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Pavilion, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Pavilion is authorized and empowered to approve plans showing lots, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the Office of the County Clerk, to conditionally approve plats, and to require the clustering of development in new plats, within that part of the Town of Pavilion outside the limits of any incorporated village.

It is declared to be the policy of said Planning Board to consider land Subdivision Plats as a part of a plan for the orderly, efficient, and economical development of the Town. Land use has a significant impact upon the health, safety and welfare of the community and it is therefore necessary to govern the division of land. Residential land uses are highly valued and shall be in the form of functional neighborhoods or rural homesteads, and commercial and industrial areas shall be safe and convenient to access. Transportation and utility installations shall be planned to accommodate future use and connectivity. The horizon of which shall be in centuries, not decades. Natural habitats, scenic views, and sensitive environmental areas are considered vital to the quality of life and shall be protected.

This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, wastewater treatment, and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be of such width, grade, and location as to accommodate potential traffic, to facilitate fire protection, and to provide access of fire fighting equipment and other emergency vehicles; and that proper provision shall be made for open spaces, parks and playgrounds.

In order that land subdivision may be made in accordance with this policy, these regulations known as the "Town of Pavilion Land Subdivision Local Law" have been adopted by the Planning Board on March 08, 2011 and approved by the Town Board on June 09, 2011.

ARTICLE II DEFINITIONS

Section 1 General Interpretation

- A. Words in the singular include the plural and words in the plural include the singular. The word "person" includes a corporation, unincorporated association, limited liability company and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof". The word "street" includes "road," "highway" and "lane"; "watercourse" includes "drain," "ditch" and "stream". The words "shall" or "will" are mandatory; the word "may" is permissive.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

- B. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated.

SECTION 2 DEFINITIONS

AGRICULTURAL DATA STATEMENT: Agricultural data statement Required under Section 283-a of NYS Town Law, if a subdivision is within an Agricultural District containing a farm operation or on properties within boundaries within five hundred (500) feet of a farm operation in an Agricultural District.

BLOCK: An area bounded by streets.

BUFFER: A strip of land covered with sufficient permanent evergreen planting (consisting of both trees and shrubs) to provide a continuous physical screen preventing visual access from one use to another and to reduce the noise intensity transferred from one use area to another, subject to approval of the Planning Board.

BUILDER: A person who obtains a building permit for construction of a structure on an approved site.

BUILDING: A structure wholly or partially enclosed within exterior and party walls, and a roof, affording shelter to persons, animals or property.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

CLERK OF THE PLANNING BOARD: The Clerk of the Planning Board shall be the Town of Pavilion Town Clerk, or as appointed by the Pavilion Town Board.

CLUSTER or CLUSTERING: A subdivision technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open space being devoted by deed restrictions for one or more uses.

CLUSTER DEVELOPMENT: A Subdivision Plat or plats, approved pursuant to Article VI of this Land Subdivision Local Law and NYS Town Law Section 278, in which the Zoning Ordinance is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

CODE ENFORCEMENT OFFICER: An official appointed by the Town Board to enforce the NYS Uniform Fire Prevention and Building Code.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

COMMON OPEN SPACE: The portion of plat set aside in perpetuity as open space. This area may include wetlands, floodplains or flood-hazard areas, stream corridors, prime agricultural lands, habitats of endangered wildlife, as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, or other elements to be protected from development, as well as easements for public utilities.

COMPREHENSIVE PLAN: A plan adopted by the Town Board pursuant to Section 272-a of NYS Town Law.

CONDITIONAL APPROVAL OF A FINAL PLAT: Approval 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 recording nor authorize issuance of building permits prior to the signing of the Final Plat by a duly authorized officer of the Planning Board and recording of the Final Plat in the Office of the County Clerk in accordance with provisions of this Local Law.

CONSTRUCTION AND DESIGN CRITERIA LOCAL LAW: Criteria and specifications adopted by the Town Board of the Town of Pavilion together with all amendments thereto.

CONTRACTOR: A person acting for the Subdivider to construct the required improvements of the project. The Contractor is responsible to perform the work in conformance with the approved plans subject to a review by Town officials.

CROSSWALK: A right-of-way, municipally or privately owned, which traverses an area to furnish access for pedestrians.

CUL-DE-SAC: A short street with one end open for public vehicles and pedestrian access and the other end terminating in a vehicular turnaround.

DEDICATION: The deliberate appropriation of land by its Owner for any general and public uses, reserving to the Owner only rights which are compatible with the full exercise and enjoyment of the public uses to which the land has been designated.

DESIGN PROFESSIONAL: Architect, Professional Engineer or Land Surveyor licensed to practice in New York State.

DEVELOPMENT: The construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any structure; any mine, excavation, landfill or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

EASEMENT: Authorization by a property owner for the use of a part of the real property owned by him/her for a specified purpose by a public or private entity.

EMERGENCY VEHICLE: Vehicles and apparatus used by agencies providing emergency services including fire, ambulance and public safety.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

FINAL PLAT: Drawing(s) prepared in accordance with Article III and VI of these regulations showing a proposed subdivision, including all information required to be shown on a Preliminary Plat and the modifications, if any, required by the Planning Board at the time of approval of the Preliminary Plat.

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. Such approval qualifies the plat for recording in the Office of the County Clerk.

FLOODPLAIN OR FLOOD ZONE: The land-water boundary of a natural watercourse flowing at a frequency (i.e., 100-year) defined by a responsible agency such as the U.S. Army Corps of Engineers or the U.S. Federal Emergency Management Agency.

FORMAL OFFER TO SELL: Any offer to sell land which involves a form of public offering including but not limited to real estate listings, auction listings, media advertising including printed, radio, television or use of signs.

FRESHWATER WETLANDS: Areas within the Town of Pavilion as defined on the Freshwater Wetlands Map prepared pursuant to Article 24 of the Environmental Conservation Law or as defined by a U.S. Dept. of Interior's National Wetlands Inventory Map. Formal determination of freshwater wetlands is subject to review and approval by the New York State Department of Environmental Conservation and/or U.S. Army Corp of Engineers.

GRADING PLAN: A plan showing all present and proposed elevations for storm water drainage and disposal.

GROSS AREA: The total area of the site, including the net buildable area and public rights-of-way.

CONSTRUCTION OBSERVER: An agent of the Town empowered to observe the construction progress of the project and its compliance with the approved plans.

IMPROVEMENTS: Those physical additions and changes to the land that may be necessary to produce usable and buildable land areas. This may include but is not limited to highways/roadways, grading, water supply, sewage disposal, storm water management, lighting, landscaping, etc.

INFRASTRUCTURE: The facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

LAND SEPARATION: Any division of land into four or fewer lots within a three year period, where all such developable lots or parcels: (1) front on an existing public street, (2) do not require the extension of municipal facilities, and (3) comply with all the area requirements including lot width, lot area, side, rear and front setbacks as set forth in the Zoning Ordinance. Any division of

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

agricultural land for the purpose of continued agricultural use shall be considered a land separation and subject to the Town of Pavilion Land Separation Law.

The three-year period shall commence running upon the final approval by the Planning Board of the first application to divide the original parcel. Public acquisitions by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor subject to these Regulations.

Land separation shall also include the division of land to allow the transfer of property between adjacent parcels, provided nonconforming lots or parcels are not created, no existing degree of nonconformity is increased and the proposed division does not involve the alteration of lot lines or dimensions of any lots or sites shown on a Subdivision Plat previously approved and filed with the County Clerk.

Land separations shall be processed in compliance with the Town of Pavilion Land Separation Law unless the Planning Board deems it necessary for the protection of public health, safety, and welfare that a land separation be processed as a subdivision.

LOT: A piece, parcel, or plot of land intended as a unit for transfer of ownership or for development.

MUNICIPAL FACILITY: Facilities operated by a municipality, governmental agency, or a public utility for the provision of potable water; collection, treatment and/or disposal of waste water; lighting, storm water and/or erosion control; or provision of/for transportation (streets, highways, etc.).

NET BUILDABLE AREA: The portion of the cluster development that may be developed or used for common open space, whether publicly dedicated or private, but excluding private streets, public streets, and other publicly dedicated improvements.

OFFICIAL MAP: The map (if) established by the Town Board under Section 270 of the Town Law showing the streets, highways, and parks heretofore laid out, and any amendments thereto adopted by the Town Board, or additions thereto resulting from the approval of Subdivision Plats by the Planning Board, and subsequent filing of such approved plats in the Office of the County Clerk.

OPEN SPACE or OPEN AREA: Any space or area of undeveloped land characterized by natural scenic beauty, existing openness and natural condition. A variety of open space forms is encouraged and may include but not limited to formal squares and parks, informal natural areas, passive and active recreation areas, treed and open fields and agricultural lands used in agricultural production.

PLANNING BOARD: The Planning Board of the Town of Pavilion.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

PRELIMINARY PLAT: A drawing prepared in accordance with Article III and VI of this Local Law showing the layout of a proposed subdivision, including, but not restricted to, road and lots, layout and approximate dimensions, key plan, topography and drainage, all proposed utility facilities unsized, including preliminary plans and profiles.

PRELIMINARY PLAT APPROVAL: The approval of a layout of a proposed subdivision as set forth in the Preliminary Plat but subject to the approval of the plat in final form in accordance with the provisions of this Local Law and Section 276 of NYS Town Law.

RECORD DRAWINGS: Drawings submitted upon the completion of subdivision and prior to dedication and Certificate of Occupancy.

RESERVATION FOR HIGHWAY PURPOSES: A strip of land between the existing right-of-way line and the future right-of-way line of a highway as determined by the agency having jurisdictional responsibility over the maintenance and construction of the highway. Where a reservation is required, the front lot line shall be considered to be coincident with the future right-of-way line, with front setbacks and other necessary lot measurements being measured from the future right-of-way line. Where there is no requirement for a "reservation for highway purposes," the front lot line shall be considered to be coincident with the existing right-of-way line, with front setbacks and any other necessary lot measurements being measured from the existing right-of-way line.

RESUBDIVISION: A change in an approved or filed Subdivision Plat if such change affects any street layout or any change of a lot line. The same procedures shall be followed for a re-subdivision as for a subdivision.

SIGHT DISTANCE: The distance of visual sight available for access to a dedicated right-of-way from any parcel of land to be developed.

SITE PLAN: A drawing prepared for review by the Planning Board for the development of an existing lot or parcel without any new subdivision of land.

SEQR: State Environmental Quality Review - part of the Environmental Conservation Law applicable to land development per 6NYCRR Part 617.

SPDES: State Pollutant Discharge Elimination System - program authorized by the New York State Environmental Conservation Law issuing permits to control point source discharges to groundwater as well as surface water.

SPDES GENERAL PERMIT: SPDES General Permit for Construction Activities (GP-02-01) issued January 8, 2003 (or latest revision), pursuant to Article 17, Titles 7, 8 and Article 70 of the New York State Environmental Conservation Law, authorizing stormwater discharges from construction activities.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A plan prepared by a licensed professional in conformance with the requirements of SPDES General Permit, for the control of erosion, sedimentation, water quality and water quantity of stormwater runoff during and after construction activities.

STREET: A general term used to describe a right-of-way, municipally or privately owned, serving as a means of vehicular and pedestrian travel, and utility services. Streets are classified by function as follows:

Private - A new development serving primarily a neighborhood with relatively low volumes of traffic, not anticipated for dedication.

Public-Residential - A new development serving primarily a neighborhood with relatively low volumes of traffic.

Public-Commercial/Industrial - A road serving commercial and/or industrial areas anticipating continued large truck traffic.

STREET PAVEMENT: The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH: The right-of-way measured at right angles to the centerline of the street.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SUBDIVIDER: The owner(s) of the land from which the proposed subdivision is being created, or their agents.

SUBDIVISION: Division of land into lots that is not considered a land separation as defined herein. Subdivisions shall include, but are not limited to, the division of land into five or more lots in a three year period, or division into any number of lots when such lots: (1) do not front on an existing public street, (2) require the extension of municipal facilities, or (3) involve the creation of a lot, or lots, which would not comply with the Zoning Ordinance. This definition shall apply when land is divided for the purpose, whether immediate or future, of transfer of ownership or development, and shall include re-subdivision. Once the division of land is determined to be a subdivision, the Town of Pavilion Subdivision Regulations shall apply to all such lots, including any previous lots divided within the prior three year time period, regardless of whether said lots have been sold singly or collectively.

The three-year period shall commence running upon the final approval by the Planning Board of the first application to divide the original parcel. Public acquisitions by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor subject to said subdivision regulations.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

Once a subdivision has been created, any subsequent division of lots from the original tract of land, irrespective of when such division(s) occurs, shall be subject to review as a subdivision, unless such proposed lot(s) are greater than one half mile from any point on the boundary lines of a lot(s) created by a previous subdivision.

SUBDIVISION, MAJOR: A subdivision that requires the extension or significant modification of municipal facilities.

SUBDIVISION, MINOR: A subdivision that does not require the extension or significant modification of municipal facilities.

SUPERINTENDENT OF HIGHWAYS: Highway Superintendent of the Town of Pavilion.

TOTAL HOLDINGS MAP: A map of the contiguous parcels, including the land to be developed, owned by a person applying for development approval.

TOWN: The Town of Pavilion.

TOWN ATTORNEY: The designated attorney for the Town of Pavilion.

TOWN BOARD: The Town Board of the Town of Pavilion.

TOWN ENGINEER: A licensed professional engineer retained by the Town on a consulting or full-time basis.

ZONING ENFORCEMENT OFFICER: An official appointed by the Town Board to enforce the Town of Pavilion Zoning Ordinance.

ZONING ORDINANCE: The officially adopted Zoning Ordinance of the Town of Pavilion together with all amendments thereto.

Section 3 Abbreviations

Throughout these regulations one will find reference to publications of other agencies or testing methods such as:

AASHTO - American Association of State Highway and Transportation Officials.

ACE- U.S. Army Corp of Engineers.

ANSI - American National Standards Institute, Inc.

ASTM - American Society for Testing and Materials.

AWWA - American Water Works Association.

FEMA – Federal Emergency Management Agency

FIRM – Flood Insurance Rate Map

NSF - National Sanitation Foundation.

NYSDEC - New York State Department of Environmental Conservation.

NYSDOH - New York State Department of Health.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

NYS DOT - New York State Department of Transportation.

Abbreviations for these designations are widely accepted and readily available for the specifics and details that may be required for a design situation.

ARTICLE III PROCEDURE FOR FILING SUBDIVISION APPLICATION

Whenever any land separation, subdivision, or resubdivision of land is proposed, and before any contract for the sale of, or formal offer to sell any lots in such subdivision, land separation or resubdivision is made, and before any permit for the erection of a structure shall be granted, the Subdivider shall apply in writing for approval of such proposed land separation, subdivision or resubdivision in accordance with the following procedures or the Town of Pavilion Land Separation Local Law.

As set forth in NYS Town Law Section 277, Subsection 3, the proposed lot(s) shall comply with the dimensional requirements of the Town of Pavilion Zoning Ordinance. The proposed subdivision shall also comply with NYS Town Law Section 280-a.

Section 1 Sketch Plan

A. Submission of Sketch Plan

A Subdivider shall, prior to subdividing or resubdividing land, submit to the Clerk of the Planning Board at least ten days prior to the regular meeting of the Board, ten (10) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article VII, Section 1, for the purpose of preliminary discussion.

B. Discussion of Requirements

The Subdivider shall attend the meeting of the Planning Board to discuss the applicability of these regulations including, but not limited to, those for street improvements, drainage, sewerage, water supply, and fire protection, as well as the availability of existing services, and other pertinent issues.

C. Study of Sketch Plan and Classification Subdivision

The Planning Board shall determine whether the Sketch Plan complies with the requirements and purposes of these regulations, and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the Subdivider. The Planning Board shall also classify the proposed subdivision as either a major or minor subdivision and determine if a Preliminary Plat shall be waived allowing the Subdivider to proceed directly to a Final Plat.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

SECTION 2 PRELIMINARY PLAT

A. Application and Fee

Prior to the filing of an application for the approval of a Final Plat, the Subdivider shall file an application with the Clerk of the Planning Board for the approval of the Preliminary Plat (unless waived by the Planning Board) of the proposed subdivision, which application form shall be available at the Town Clerk's Office. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall comply with the requirements of Article VII, Section 2. The Preliminary Plat shall also comply with the requirements set forth in the provisions of Sections 276 and 277 of the NYS Town Law.

The application for approval of the Preliminary Plat shall be accompanied by a fee as specified in the fee schedule adopted by the Town Board. Such fee(s) shall be paid to the Town Clerk.

B. Number of Copies

Ten (10) copies of the Preliminary Plat, in the form required by Article VII, Section 2, shall be filed with the Clerk of the Planning Board at the time of submission of the application for Preliminary Plat.

C. Coordination with the State Environmental Quality Review Act

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article Eight of the Environmental Conservation Law and its implementing regulations.

D. Receipt of a Complete Preliminary Plat

A Preliminary Plat shall not be considered complete until ten copies of the Preliminary Plat, accompanied by the required fee and all other data required by Article VII, Section 2 hereof, has been filed with the Clerk of the Planning Board and a Negative Declaration has been filed or until a notice of completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time period for review of a Preliminary Plat shall begin upon filing of such Negative Declaration or such notice of completion.

E. Subdivider to Attend Planning Board Meeting

The Subdivider shall attend all meetings of the Planning Board during which the Preliminary Plat is reviewed.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

F. Study of Preliminary Plat

The Planning Board shall study the practicability of the proposal set forth in the Preliminary Plat, taking into consideration the nature of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, storm water drainage, erosion and sediment control, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, current zoning regulations, together with any existing master plan and official map.

G. Planning Board as Lead Agency under the State Environmental Quality Review Act; Public Hearing; Notice; Decision

1. Public Hearing on Preliminary Plats - The time within which the Planning Board shall hold a public hearing on the Preliminary Plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act as follows:
 - a. If the Planning Board determines that the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the public hearing on such plat shall be held within sixty-two (62) days after receipt of a complete Preliminary Plat by the Clerk of the Planning Board, or
 - b. If the Planning Board determines that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement (DEIS) is held, the public hearing on the Preliminary Plat and the DEIS shall be held jointly within sixty-two (62) days after the filing of the notice of completion of such DEIS in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the DEIS, a public hearing on the Preliminary Plat shall be held within sixty-two (62) days of filing the notice of completion.
2. Public Hearing; Notice, Length - The hearing on the Preliminary Plat shall be advertised at least once in the official newspaper so designated by the Town Board at least five (5) days before such hearing if no hearing is held on the DEIS, or fourteen (14) days before a hearing held jointly therewith. The Planning Board shall send, by regular mail, a copy of the notice of public hearing to all owners of property situate within five hundred (500) feet of the property which is the subject of the Preliminary Plat at least fourteen (14) days before the date of the hearing (for this purpose, the names and addresses of owners as shown on the latest official assessment records of the Town shall be used). The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

3. Decision - The Planning Board shall approve, with or without modification, or disapprove such Preliminary Plat as follows:
 - a. If the Planning Board determines that the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, such board shall make its decision within sixty-two (62) days after the close of the public hearing, or
 - b. If the Planning Board determines that an Environmental Impact Statement is required, and a public hearing is held on the DEIS, the Final Environmental Impact Statement (FEIS) shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the DEIS, the FEIS shall be filed within forty-five (45) days following the close of the public hearing on the Preliminary Plat. Within thirty days (30) of the filing of such FEIS, the Planning Board shall issue findings on the FEIS and make its decision on the Preliminary Plat.
4. Grounds For Decision - The grounds for a modification, if any, or the grounds for disapproval shall be stated in the resolution of the Planning Board, which shall be fully set forth in the minutes of the Planning Board meeting. Such resolution shall also state in writing any modifications it deems necessary for submission of the plat in final form.

H. Planning Board Not As Lead Agency under the State Environmental Quality Review Act; Public Hearing; Decision

1. Public Hearing On Preliminary Plats - The Planning Board shall, with the agreement of the Lead Agency, hold the public hearing on the Preliminary Plat jointly with the Lead Agency's hearing on the DEIS. Failing such agreement, the Planning Board shall hold the public hearing on the Preliminary Plat within sixty-two (62) days after receipt of a complete Preliminary Plat by the Clerk of the Planning Board.
2. Public Hearing; Notice, Length - The hearing on the Preliminary Plat shall be advertised at least once in the Town's official newspaper as designated by the Town Board at least five (5) days before such hearing is held independently of the hearing on the DEIS, or fourteen (14) days before a hearing held jointly therewith. The Planning Board shall send, by regular mail, a copy of the notice of public hearing to all owners of property situated within five hundred (500) feet of the property which is the subject of the Preliminary Plat at least fourteen (14) days before the date of the hearing (for this purpose, the names and addresses of owners as shown on the latest official assessment records of the Town shall be used). The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Preliminary Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

3. Decision - The Planning Board shall by resolution approve, with or without modification, or disapprove such Preliminary Plat as follows:
 - a. If the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing on the Preliminary Plat.
 - b. If an Environmental Impact Statement is required, the Planning Board shall make its own findings and its decision on the Preliminary Plat within sixty-two (62) days after the close of the public hearing on such Preliminary Plat or within thirty (30) days of the adoption of findings by the Lead Agency, whichever period is longer.
4. Grounds For Decision - The grounds for a modification, if any, or the grounds for disapproval shall be stated in the resolution of the Planning Board, which shall be fully set forth in the minutes of the Planning Board meeting. Such resolution shall also state in writing any modifications it deems necessary for submission of the plat in final form.

I. Certification and Filing of Preliminary Plat in Town Clerk's Office

Within five (5) business days of the adoption of the resolution granting approval of such Preliminary Plat, such plat shall be certified by the Clerk of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in the Town Clerk's office. A copy of the resolution shall be mailed to the Subdivider.

J. Default Approval of Preliminary Plat

The time periods herein within which a Planning Board must take action on a Preliminary Plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the Subdivider and the Planning Board. In the event a Planning Board fails to take action on a Preliminary Plat within the time prescribed therefore after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by the mutual consent of the Subdivider and the Planning Board, such Preliminary Plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the Preliminary Plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

K. Filing of Decision on Preliminary Plat

Within five (5) business days from the date of the adoption of the resolution approving the Preliminary Plat, the Chairperson or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the Office of the Town Clerk.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

L. Revocation of Approval of Preliminary Plat

Within six (6) months of the approval of the Preliminary Plat the Subdivider must submit the plat in final form. If the Final Plat is not submitted within six (6) months, approval of the Preliminary Plat may be revoked by the Planning Board.

Section 3 Final Plat

A. Application and Fee

The Subdivider shall, within six (6) months after the approval, or conditional approval, of the Preliminary Plat, file with the Clerk of the Planning Board an application for approval of the Final Plat, which application shall be available at the Town Clerk's Office. All applications for Final Plat approval shall be accompanied by the fee as specified in the fee schedule adopted by the Town Board. If the Final Plat is not submitted within six (6) months after the approval, or conditional approval, of the Preliminary Plat, the Planning Board may refuse to approve the Final Plat and require the re-submission of the Preliminary Plat. Final plats may require further review under the State Environmental Quality Review Act.

B. Number of Copies

A Subdivider shall also submit with the application and fee, ten (10) prints of the Final Plat in the form required by Article VII, Section 3, the original and eight (8) true copies of all offers of cession (eg. easements, right-of-ways, etc. dedicated to the Town) covenants, and agreements and four (4) prints of all construction drawings.

C. When Officially Submitted

The time of submission of the Final Plat shall be considered to be the date on which the application for the Final Plat, the required fee, and all other data required by Subsection B above and Article VII, Section 3, has been filed with the Clerk of the Planning Board.

D. Endorsement of State and County Agencies

Applications for approval of plans for water and/or sewer facilities shall be filed by the Subdivider with all necessary Town, County and State agencies. Water and sewer facility proposals contained in the Final Plat shall be properly endorsed and approved by the Genesee County Department of Health and/or the NYS Department of Environmental Conservation. Such endorsements shall be secured by the Subdivider before submission of the Final Plat to the Clerk of the Planning Board.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

E. Final Plats Which Are In Substantial Agreement with Approved Preliminary Plats

When a Final Plat is submitted which the Planning Board deems to be in substantial agreement with a Preliminary Plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days of its receipt by the Clerk of the Planning Board.

F. Receipt of Complete Final Plat; When No Preliminary Plat Is Required To Be Submitted

When no Preliminary Plat is required to be submitted, a Final Plat shall not be considered complete until a Negative Declaration has been filed or until a notice of completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of such plat shall begin upon filing of such Negative Declaration or such notice of completion.

G. Final Plats; Not in Substantial Agreement with Approved Preliminary Plats or When No Preliminary Plat (Minor Subdivision) is Required to be Submitted

When a Final Plat is submitted which the Planning Board deems not to be in substantial agreement with a Preliminary Plat approved pursuant to Section 2, or when no Preliminary Plat is required to be submitted and a Final Plat clearly marked "Final Plat" is submitted conforming to the definition provided by this section the following shall apply:

1. Planning Board as Lead Agency; Public Hearing; Notice; Decision
 - a. Public Hearing on Final Plats - The time within which the Planning Board shall hold a public hearing on such Final Plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
 - i. If such board determines that the preparation of an Environmental Impact Statement is not required, the public hearing on a Final Plat not in substantial agreement with a Preliminary Plat, or on a Final Plat when no Preliminary Plat is required to be submitted, shall be held within sixty-two (62) days after the receipt of a complete Final Plat by the Clerk of the Planning Board; or
 - ii. If such board determines that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement (DEIS) is held, the public hearing on the Final Plat and the DEIS shall be held jointly within sixty-two (62) days after the filing of the notice of

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

completion of such DEIS in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the DEIS, the public hearing on the Final Plat shall be held within sixty-two (62) days following filing of the notice of completion.

- b. Public Hearing; Notice. Length - The hearing on the Preliminary Plat shall be advertised at least once in the Town's official newspaper as designated by the Town Board at least five (5) days before such hearing is held independently of the hearing on the DEIS, or fourteen (14) days before a hearing held jointly therewith. The Planning Board shall send, by regular mail, a copy of the notice of public hearing to all owners of property situated within five hundred (500) feet of the property which is the subject of the Preliminary Plat at least fourteen (14) days before the date of the hearing (for this purpose, the names and addresses of owners as shown on the latest official assessment records of the Town shall be used). The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Final Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.
 - c. Decision - The Planning Board shall make its decision on the Final Plat as follows:
 - i. If such board determines that the preparation of an Environmental Impact Statement on the Final Plat is not required, the Planning Board shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat within sixty-two (62) days after the date of the public hearing; or
 - ii. If such board determines that an Environmental Impact Statement is required, and a public hearing is held on the DEIS, the Final Environmental Impact Statement (FEIS) shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the DEIS, the FEIS shall be filed within forty-five (45) days following the close of the public hearing on the Final Plat. Within thirty days (30) of the filing of the FEIS, the Planning Board shall issue findings on such FEIS and shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat.
 - d. Grounds For Decision - The grounds for a modification, if any, or the grounds for disapproval shall be stated in the resolution of the Planning Board, which shall be fully set forth in the minutes of the Planning Board meeting.
2. Planning Board Not As Lead Agency; Public Hearing; Notice; Decision
- a. Public Hearing On Final Plat - The Planning Board shall, with the agreement of the Lead Agency, hold the public hearing on the Final Plat jointly with the Lead

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

Agency's hearing on the DEIS. Failing such agreement or if no public hearing is held on the DEIS, the Planning Board shall hold the public hearing on the Final Plat within sixty-two (62) days after the receipt of a complete Final Plat by the Clerk of the Planning Board.

- b. Public Hearing; Notice. Length - The hearing on the Preliminary Plat shall be advertised at least once in the Town's official newspaper as designated by the Town Board at least five (5) days before such hearing is held independently of the hearing on the DEIS, or fourteen (14) days before a hearing held jointly therewith. The Planning Board shall send, by regular mail, a copy of the notice of public hearing to all owners of property situate within five hundred (500) feet of the property which is the subject of the Preliminary Plat at least fourteen (14) days before the date of the hearing (for this purpose, the names and addresses of owners as shown on the latest official assessment records of the Town shall be used). The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The hearing on the Final Plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened Board.
- c. Decision - The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:
 - i. If the preparation of an Environmental Impact Statement on the Final Plat is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing on the Final Plat.
 - ii. If an Environmental Impact Statement is required, the Planning Board shall make its own findings and its decision on the Final Plat within sixty-two (62) days after the close of the public hearing on such Final Plat or within thirty (30) days of the adoption of findings by the Lead Agency, whichever period is longer.
 - iii. The grounds for a modification, if any, or the grounds for disapproval shall be stated in the resolution of the Planning Board, which shall be fully set forth in the minutes of the Planning Board meeting.

H. Approval and Certification of Final Plats

- 1. Certification of Plat - Within five (5) business days of the adoption of the resolution granting conditional or final approval of the Final Plat, such plat shall be certified by the Clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the Subdivider. In the case of a conditionally approved plat,

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by the Chairperson or other duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the Office of the Town Clerk.

2. Approval of Plat in Sections - In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may, in its resolution granting conditional or final approval, state such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the Chairperson or other duly authorized officer of the Planning Board. Conditional or final approval of the sections of a Final Plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
3. Duration of Conditional Approval of Final Plat - Conditional approval of the Final Plat shall expire within one hundred eighty (180) days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of ninety (90) days each the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

I. Default Approval of Final Plat

The time periods herein within which a Planning Board must take action on a Final Plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the Subdivider and the Planning Board. In the event a Planning Board fails to take action on a Final Plat within the time prescribed therefore after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the Subdivider and the Planning Board, such Final Plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the Final Plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

J. Filing of Decision on Final Plat in Town Clerk's Office

Within five (5) business days from the date of the adoption of the resolution approving the Final Plat, the Chairperson or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the Office of the Town Clerk.

K. Notice to Genesee County Planning Board

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

The Clerk of the Planning Board shall refer all applicable preliminary and Final Plats to the Genesee County Planning Board as provided for in Section 239-n of the General Municipal Law and as authorized by the Genesee County Legislature.

L. Expiration of Approval

The Subdivider shall file in the Office of the County Clerk such approved Final Plat or a section of such plat within sixty-two (62) days from the date of final approval, or such approval shall expire. The following shall constitute final approval: the signature of the Chairperson or other duly authorized officer of the Planning Board following final approval by the Planning Board of a plat as herein provided; or the approval by such board of the development of a plat or plats already filed in the Office of the County Clerk of the County in which such plat or plats are located if such plats are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the Final Plat and the failure of the Planning Board to take action within the time herein provided. In the event the Subdivider shall file only a section of such approved plat in the Office of the County Clerk, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent (10%) of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Subdivision 2 of Section 265-a of NYS Town Law.

M. Subdivision Abandonment

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

Section 4 Required Improvements

A. Improvements, Performance Bond or Other Security

1. Improvements - Before the Planning Board grants approval of the Final Plat, the Subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board and in conformity with all applicable regulations, or provide a performance bond or other security as provided in Subsection A(2) of this Section.
2. Performance Bond or other Security
 - a. Furnishing of Performance Bond- As an alternative to the installation of infrastructure and improvements prior to Planning Board approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board or a Town department or officials designated by the Planning

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

Board to make such estimate, where such estimate is deemed acceptable by the Planning Board, shall be furnished to the Town by the Subdivider.

- b. Security where plat approved in sections - In the event that the Subdivider shall be authorized to file the approved plat in sections, as provided in Article III, Section 3, Subsection H(2), approval of the plat may be granted upon the installation of the required improvements in the section of the plat filed in the Office of the County Clerk or the furnishing of security covering the cost of such improvements. The Subdivider shall not be permitted to begin construction in any other section until such plat has been filed in the Office of the County Clerk and the required improvements have been installed in such section or security covering the cost of such improvements is provided.
- c. Form of security - Any such security shall be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution, and shall be limited to: (1) a performance bond issued by a bonding or surety company; (2) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in New York State; (3) an irrevocable letter of credit from a bank located and authorized to do business in New York State; (4) obligations of the United States of America; or (5) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a Town account at a bank or trust company.
- d. Term of security agreement - Any such performance bond or security agreement shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three (3) years, provided, however, that the term of such performance bond or security agreement may be extended by the Planning Board with consent of the parties thereto. If the Planning Board shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision does not necessitate all the improvements covered by such security, or that the required improvements have been installed as required by the Planning Board in sufficient amount to warrant reduction in the amount of said security the Planning Board may, upon Town Board approval, modify its requirements for any or all such improvements, and the amount of such security shall therein be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board.
- e. Default of security agreement - In the event that any required improvements have not been installed as provided herein within the term of such security agreement, the Town Board may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder, and upon the receipt of the proceeds thereof, the Town shall install such improvements

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

B. Mapping of Completed Improvements

The required improvements shall not be considered to be completed until Record Drawings are submitted by the Subdivider's Design Professional and approved by the Town Engineer. If the Subdivider completes all required improvements according to Subsection A(1) above, then said Record Drawings shall be submitted prior to endorsement of the Final Plat by the Chairperson or other duly authorized officer of the Planning Board. However, if the Subdivider elects to provide a certified check, performance bond, irrevocable letter of credit or other financial instrument as specified in Subsection A(2) above, such financial instrument shall not be released until Record Drawings are submitted by the Subdivider's Design Professional and approved by the Town Engineer.

C. Modification of Design of Improvements

If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by the Chairperson or other duly authorized member of the Planning Board, permit such modifications, provided they are within the intent of the Planning Board's prior approval and do not extend any waiver or constitute substantial alteration of any improvements required by the Planning Board. The Town Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board prior to its next regular meeting.

D. Inspection of Improvements

At least five (5) days prior to commencing construction of required improvements, the Subdivider shall pay to the Town Clerk the inspection fee as specified in the fee schedule adopted by the Town Board, and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause proper inspection thereof.

E. Proper Installation of Improvements

If prior to the expiration date of the performance bond, Irrevocable letter of credit or other applicable financial instrument, the Town Engineer determines that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, he shall so report to the Town Board, Zoning Enforcement Officer, and Planning Board. The Town Board then shall notify the Subdivider and, if necessary, the bonding company, bank or other financial institution involved, and take all necessary steps to preserve the Town's rights under the financial instrument.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

F. Default under Previous Final Plat

No pending Final Plat shall be approved by the Planning Board as long as the Subdivider is in default on a previously approved Final Plat.

Section 5 Filing of Approved Final Plat

A. Final Approval and Filing

Upon completion of the requirements of Section 3 and 4 herein, and entry of a notation to that effect upon the Final Plat, it shall be deemed finally approved. The Final Plat shall then be signed by the Chairperson or other duly authorized officer of the Planning Board, and forwarded to the Subdivider for filing at the County Clerk's Office. Any Final Plat not so filed within sixty-two days (62) of the date after which it is so signed or otherwise considered approved by the failure of the Planning Board to act as set forth in Article III, Section 3 Subsection L, shall become null and void.

B. Final Plat Void If Revised After Approval

No changes, erasures, modification(s), or revisions shall be made to any Final Plat after it has been approved by the Planning Board, and such approval has been endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Final Plat is filed without complying with this requirement, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the Final Plat stricken from the records of the County Clerk.

Section 6 Public Streets and Recreation Areas

A. Public Acceptance of Streets

The approval by the Planning Board and subsequent filing of the Final Plat at the County Clerk's Office shall not be deemed to constitute acceptance by the Town of any street, easement, or other open space shown on such Final Plat.

1. Cession or dedication of streets, highways or parks

- a. All streets, highways or parks shown on a filed or recorded plat are offered for dedication to the public unless the owner of the affected land, or the owner's agent, makes a notation on the plat to the contrary prior to Final Plat approval. Any street, highway or park shown on a filed or recorded plat shall be deemed to be private until such time as it has been formally accepted by a resolution of the Town Board, or until it has been condemned by the Town for use as a public street, highway or park.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

- b. In the event that such approved plat is not filed or recorded prior to the expiration date of the plat approval, then such offer of dedication shall be deemed to be invalid, void and of no effect.

B. Ownership and Maintenance of Recreation Areas

When a park, playground, or other recreation area shall have been shown on a Final Plat, the approval of said Final Plat shall not constitute an acceptance by the Town of such area, and the Final Plat shall be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the Subdivider and the Town Board covering future deeding of title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section 7 Application of Section 278 OF NYS Town Law

The Planning Board is hereby authorized, in its discretion, to require and approve Cluster Development simultaneously with the approval of a plat or plats or plans pursuant to this Local Law. Such discretion shall be exercised by the Planning Board in situations where it believes that application of Cluster Development is to the benefit of the Town.

The purpose of Cluster Development is to enable and encourage feasibility of design and development of land in such a manner as to preserve the natural and scenic qualities of local land.

Approval of Cluster Development shall be subject to the conditions set forth in Section 278 of NYS Town Law and this Article VI of this Local Law.

ARTICLE IV DEVELOPMENT REQUIREMENTS

Section 1 General Conditions

A. General

1. Land shall be suited for the purpose for which it is to be developed and the Subdivider's Engineer shall certify thereto such on the plans submitted for approval.
2. The Planning Board shall review a proposed development on the basis of its individual merit, from the perspective of preserving rural/agricultural land and shall consider its contribution to the Town.
3. The Subdivider shall strive to comply with standards of good planning and environmental conservation and adhere to the specification codes and other regulations and laws of the Town as well as rules of those agencies having jurisdiction over any particular phase of a development.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

4. The Subdivider shall comply with the Town's Construction and Design Criteria Local Law.
5. Subdivisions shall conform to the streets and parks shown on the Official Map of the Town as may be adopted, and shall be properly related to the Town's Comprehensive Plan.

B. Floodplains, State and Federally Regulated Wetlands

1. Use - Land subject to flooding as determined by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and land deemed by the Planning Board to be uninhabitable shall not be used for residential occupancy, nor for any other use as may involve danger to health, life or property or increase the flood hazard. Any such floodplains within the area of the Plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.
2. Mapping - If any portion of the land within the subdivision is subject to flooding as determined by FEMA FIRM maps or is designated as State or Federally regulated wetlands, such fact and area shall be clearly delineated on the Preliminary Plat and Final Plat wherever such area is shown.
3. State Regulated Wetlands - Lots within one hundred (100) feet of a designated wetland, whether incorporated as a part of the subdivision or not, are subject to Article 24 of the New York State Environmental Conservation Law.
4. Federally Regulated Wetlands - Wetlands falling under federal jurisdiction will be subject to a site-specific buffer zone, the width of which is to be as designated by the Planning Board, unless appropriate fill permits are obtained from the United States Army Corps of Engineers. Under no other circumstances shall the Planning Board approve any project or issue permits for a project that includes plans to build a structure or place fill within the designated buffer zone.

C. Rural/Agricultural Planning Guidelines

Subdividers are encouraged to employ the following general principles in the layout of proposed developments. These principles may serve as general guidelines in the assessment of the impact of the development on the rural/agricultural character of the Town.

1. Preserving rural character. A consideration used in the selection of subdivision locations should be the preservation of rural/agricultural open space areas in contiguous blocks of land to ensure the continuing feasibility of agriculture in the Town. The siting of developments upwind from areas subject to dust, noise, smoke, odors or similar annoyances is considered desirable.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

2. Compatibility with adjacent land uses. When residential districts directly abut state highways and/or commercial and industrial development or other areas as determined by the Planning Board, a buffer strip consisting of at least forty-five (45) feet shall be provided along the line where such land uses abut. For purposes of title, these buffer strips shall be part of the platted lots but shall have the following restriction set forth on the Final Plat: "This buffer strip is reserved for the planting of trees or shrubs by the owner or the preservation of natural features; the building of structures and other impervious surfaces hereon is prohibited." No rear yard drainage or utility easements shall be placed in this buffer area unless approval of the Planning Board is otherwise granted.

3. Protecting natural features. Whenever possible the development shall maintain the existing natural and scenic qualities of the locality. Environmentally sensitive lands and scenic vistas are to be protected. Individual lots, buildings, streets, drainage, utilities and parking areas shall be designed and situated to minimize alteration of existing grades and vegetation.
 - a. Topsoil moved during the course of construction shall be redistributed so as to provide a minimum depth of six (6) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting. At no time shall topsoil be removed from the site without written permission from the Planning Board.

 - b. Where a subdivision is traversed by a natural lake, pond or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Town Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in watercourse alignment and discharges to surface water bodies shall be in accordance with the New York State Environmental Conservation Law.

 - c. The Planning Board may require a buffer from stream banks suitable to protect creeks and streams from erosion and protect wildlife habitats therein.

 - d. Unique physical features such as historic landmarks and sites, rock out-croppings, hilltop lookouts, desirable natural contours, and similar features shall be preserved, if possible.

 - e. All surfaces, including hills or mounds of dirt, shall be removed and/or restored within six (6) months of the time of the completion. This requirement shall apply only to completed sections of a Subdivision.

 - f. The Subdivider shall not be permitted to leave any surface depressions which will collect pools of water, unless intentionally designed for stormwater collection as part of a Storm Water Pollution Prevention Plan.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

SECTION 2 DESIGN STANDARDS OF IMPROVEMENTS

A. Streets

1. Streets shall be of such width, grade, and location to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection.
2. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas, or their proper extension where adjoining land is not subdivided, at the same or greater width, as may be deemed necessary for public requirements.
3. All streets shall terminate at other streets, forming a network. All proposed subdivisions shall be designed to provide access to adjacent properties. Subdivisions of six (6) or more lots shall provide a minimum of two (2) connections to existing roads.
4. All streets shall be named subject to the approval of U.S. Postal Service, Genesee County Emergency Dispatch Center and, State and County Law Enforcement Agencies. Street signs shall be placed at all intersections and other locations as required by the Superintendent of Highways at the Subdivider's expense.
5. All street right-of-way widths and street roadways shall be measured at right angles or radial to the center line of the street and shall not be less than forty-nine and a half (49.5) feet in width. Roadways shall have a minimum of two (2) lanes, each of which shall be nine (9) feet or wider as specified by the Town Highway Superintendent.
6. Roadways shall be designed and constructed so as to be acceptable to the Town Highway Superintendent and/or Town Engineer.
7. Adequate plan consideration and provision for pedestrian and/or bicyclists shall be made accommodating safe and convenient circulation within the subdivision and between the subdivision and surrounding areas of interest (parks, schools, commercial activity, etc.). Design elements shall include sidewalks, paths, or other linkages along roads, property lines or other common areas within the boundaries of the subdivision, as acceptable to the Planning Board.

B. Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than seventy-five (75) degrees.
2. Multiple intersections involving the junction of more than two (2) streets shall be avoided whenever possible, but where unavoidable, such intersections shall be designed with extreme care for both vehicular and pedestrian safety.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

3. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum off-set of one hundred twenty-five (125) feet between their center lines.
4. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width shall be required.
5. A clear sight triangle shall be provided at all intersections for a minimum radial distance of thirty (30) feet from the intersection of right-of-way lines. Grading and landscaping within the clear sight triangle shall be designed, or existing conditions modified, as necessary to conform to this standard.
6. New streets shall not be placed so as to intersect another street directly opposite an existing residence.

C. Cul-de-Sac Streets

1. Cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties.
2. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through road network, not more than six (6) residential lots may gain access from either the initial development or extension of such cul-de-sac street.
3. Cul-de-sac streets, permanently designed as such should not exceed five hundred (500) feet in length and shall terminate in an offset-tee turnaround per Appendix R to allow for effective snow removal and lot placement. Subdivider may propose the use of a residential cul-de-sac or residential offset cu-de-sac per the Town's Construction and Design Criteria Local Law, with approval from the Superintendent of Highways.
4. Temporary turnarounds shall be constructed per the Town's Construction and Design Criteria Local Law, wherever cul-de-sac streets or continuous streets are to be completed in sections. The Superintendent of Highways may waive the requirement to pave the temporary turnaround.

Comment [p1]: Will Probably Need to Change

D. Pedestrian Traffic Improvements

Adequate provision shall be made for the convenient and safe movement of pedestrians and bicyclists in a subdivision for residential, institutional or commercial purposes throughout the Town of Pavilion.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

1. All streets designated as through roads shall have an improved pedestrian path, sidewalk, or bikeway provided on at least one (1) side of the street.
 - a. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than four (4) feet between the sidewalk and the street pavement.
 - b. A bikeway or combined bicyclist/pedestrian path, not less than four (4) feet in width, may be alternatively situated adjacent to the street pavement and be visually separated by striping on both its inner and outer edges.
 - c. Sidewalks on both sides of a proposed new public road, may be required in all major subdivisions of twenty-five (25) lots or more.
2. The Planning Board may require that additional or alternatively located pedestrian ways be provided within a subdivision to provide access to parks or public spaces, school sites, neighborhood shopping facilities or similar destinations. Any such pedestrian way may be situated within either a public right-of-way or established within a suitable easement.
3. In all subdivisions, where the unit densities are greater than two (2) units per acre and there is a destination or recreational benefit that can be achieved by the installation of a pedestrian path or sidewalk, such facilities of at least four (4) feet in width shall be installed by the developer. Such destinations include, but are not limited to, schools or other public buildings, public parks, polling places, and commercial districts, all of which are within a half (½) mile of any part of the proposed subdivision.

E. Blocks

1. The perimeter, width and shape of blocks shall be determined with due regard to the following:
 - a. Provision of adequate building sites
 - b. Zoning requirements
 - c. Topography
 - d. Requirements for safe and convenient vehicular and pedestrian circulation and access
 - e. Utility service and the operation and maintenance of same
2. All blocks in a subdivision shall have a maximum perimeter of three thousand (3,000) feet. Modifications are possible in commercial and industrial developments.
3. In large blocks with interior parks, in exceptionally long blocks, or where access to a school, shopping center, or other community facilities is necessary, a crosswalk with a minimum walk six (6) feet in width shall be provided.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

F. Driveways

1. Combined or common driveway curb cuts are encouraged when practical and at the discretion of the Planning Board.
2. Driveway width shall be a minimum of twelve (12) feet. Driveway layout shall provide accessibility to Emergency Vehicles. No structures, landscaping, utility components, fencing or other surface feature shall impede passage of vehicles for a minimum width of sixteen (16) feet, centered on the proposed driveway.
3. Driveways longer than five hundred (500) feet or serving more than a single residence shall meet the minimum horizontal alignment, vertical alignment and grades requirements of private streets as outlined in the Town's Construction and Design Criteria Local Law.
4. At the discretion of the Planning Board, layout and design of driveways is subject to the approval of the Fire Department with jurisdictional authority.
5. Driveways longer than five hundred (500) feet or serving more than a single residence shall provide a pull-off area at driveway mid-point, or at an alternative location at the discretion of the Planning Board. Driveway width at pull-off area shall be no less than twenty-five (25) feet wide and length no less than sixty (60) feet. The pull-off area may be centered on the driveway centerline or offset.
6. Design and Construction of driveways shall conform to the Highway, Vehicle and Traffic Regulations of the Town's Construction and Design Criteria Local Law and any additional requirements of the Superintendent of Highways.

Comment [p2]: May need to change

G. Lot Size and Arrangement

1. No Subdivision of land with existing frontage on a public road shall result in any of the subdivided parcels not having direct access to a public road. Subdivisions of land shall also comply with NYS Town Law Section 280-a.
2. Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Town Attorney that access is legally established and from the Town Engineer that the access road is adequately improved or that a sufficient performance bond has been executed and filed with the Town Supervisor to assure construction of the access road.
3. Lot lines shall be laid out so as not to cross Town boundary lines or zoning district lines.
4. Lot lines should be laid out so that side or rear lot lines follow the centerline of a stream or drainage way which may be within the subdivision.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

5. Side lines of lots shall be at right angles to straight streets, and radial to curved streets.
6. Plats reviewed under the provisions of Section 278 of the Town Law shall result in a number of lots which shall not 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 applicable zoning ordinance. In the event that the application of this procedure results in a plat showing lands available for park, recreation, open space, or other municipal purposes directly related to the plat, then the Planning Board may establish such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.
7. All lots shown on the Subdivision Plat must conform to the Zoning Ordinance as to area and dimensions, for the zone in which the subdivision is located. In the event Section 278 of the Town Law is utilized, however, the Planning Board may use discretion in determining lot sizes.
8. Corner lots shall be of sufficient size to meet the minimum building line, lot width and yard setback requirements of the Zoning Ordinance for each street.
9. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions or similar circumstances, the Planning Board may, after investigation, withhold approval of such lots.
10. Lots intended for commercial or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

H. Building Lines

The minimum building setbacks shall be controlled by the provisions set forth in the Zoning Ordinance.

I. Utilities

Sewer, water, gas, electrical, street lighting or other public utility facilities proposed, shall be installed and maintained underground in all residential, commercial and industrial developments.

J. Easements

1. Easements shall be provided for all utilities of a width necessary for installation, repair and/or replacement of said utility. The depth, type, size and location of a utility in addition to soil conditions will be considered when establishing an easement width.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
3. No structure shall have its foundation built less than five (5) feet from any easement line.
4. Where a development is traversed by a watercourse, the applicant may provide to the Town at no cost a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage and maintain the same.
5. Lakes, ponds, creeks and similar areas may be accepted for maintenance by the Town only if sufficient land is dedicated as a public recreation area or park. Such areas must be approved by the Town Board before approval of the Final Plat. Where such area constitutes a necessary part of the drainage control system, such area must be approved by the Town Engineer.
6. Drainage easements shall be provided for all natural and man-made drainageways which do not fall within a dedicated right-of-way. All drainage easements shall be plotted on the preliminary and Final Plats. The Town shall be provided with a metes and bounds description of all proposed easements prior to Final Plat approval. These descriptions will be used by the Town Engineer in creating or extending special districts.
7. The Planning Board reserves the right to require additional cross access easements when the purposes of the easements are found to be in the public interest.

K. Reservation and Dedication of Lands for Public Use

It is the policy of the Town to encourage the dedication of neighborhood or pocket parks in new residential development.

1. In reviewing subdivision plans, the Planning Board will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed on the Comprehensive Plan in effect at the time of the submission of the proposed plat.
2. The Planning Board may require the reservation and dedication of at least ten percent (10%) of the area of land to be subdivided for park, playground, recreation, open land or other public purposes. In locating lands to be reserved and dedicated, the Planning Board shall consider preservation of trees, shrubs, special environmental and geographic features, unsuitability of certain lands for building purposes, future expansion of public use areas, the most appropriate type of public land use for the area and the conditions necessary to preserve access, use and maintenance of such lands for their intended purpose.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

3. Prior to such lands being dedicated to the Town, a Phase I Environmental Audit shall be completed by the applicant at his/her expense.
4. In the event that the Planning Board, upon consultation with the Town Board, determines that reservation of land of adequate size and suitable purpose cannot be practically located in a proposed subdivision, or that said reservation would not appropriately serve the locale, the Board may condition its approval of a subdivision upon payment to the Town of a sum as set forth by the Town Board. The amount shall be available for use by the Town for neighborhood, playgrounds or other recreation purposes, including the acquisition of property.

L. Tree Protection Guidelines

The existing canopy in the Town is considered an asset to the character of the community and the Town encourages the preservation of existing trees where appropriate.

1. The Subdivider shall not begin clearing or tree cutting operations on any site or subdivision without first obtaining Planning Board approval of the Preliminary Plat. Any required landscaping plan shall include locations of isolated trees more than five (5) inches in diameter at breast height (DBH). Wooded areas, which will remain undisturbed, shall be outlined and labeled "wooded, to remain."
2. While it is understood that areas for roads and buildings must be clear cut, the Owner or Subdivider shall not clear-cut the remaining portions of the lots in the subdivision. Where clear-cutting is necessary, it shall be indicated on the Subdivision Plat and no clearing shall be accomplished until the plan is approved.
3. There shall be no clear-cutting permitted on slopes greater than fifteen percent (15%) in grade. However, selective cutting or trimming is permitted consistent with silviculture standards.
4. There shall be no piling or storage of building material or soil debris, around, or other obstruction of the open space at the base of trees and shrubs. Short-term exceptions will be authorized by discretion of the Zoning Enforcement Officer.
5. Where wooded or other vegetative areas abut an existing watercourse a buffer of at least 20 feet from the top of the bank shall be shown on the Preliminary and subsequent plats and left undisturbed before, during and after construction.
6. All proposed building lots shall have a minimum of two (2) trees, whether existing or planted after construction.

M. Erosion Sediment Control

1. General.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

- a. It is the Town's intent to control soil movement by employing effective erosion and sediment control measures before, during and after site disturbance.
 - b. Erosion and sediment control measures, both temporary and permanent, must be designed and presented for approval to the Planning Board prior to any site development or soil disturbance.
 - c. The Planning Board and its designated representatives will evaluate submitted erosion and sediment control design plans against the most current edition of "New York State Standards and Specifications for Erosion and Sediment Control".
 - d. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared for all subdivisions that include construction resulting in soil disturbance exceeding one (1) acre. At a minimum, the SWPPP shall include erosion and sediment controls. The SWPPP shall also include water quality and quantity controls (post-construction stormwater control practices) except in the case where soil disturbance is between one (1) and five (5) acres of land for the construction of single-family residences and construction activities at agricultural properties.
2. Vegetative Controls. To attain the Town's goals, vegetative measures should be used in a site design to control surface water runoff, provide soil stabilization methods and entrap soil sediments generated from the forces of erosion.
- a. Site slopes shall be graded to be stable and provide control of any surface or subsurface water prior to vegetative plantings.
 - b. Site disturbance, especially in sensitive areas, shall be kept at a minimum. Designs shall limit the removal of existing trees, hedgerows and indigenous plant cover. Physiographic features such as drumlins, wetlands and forested areas shall be retained in their natural form.
 - c. The Subdivider shall take whatever action is necessary to establish a stabilized vigorous stand of vegetative cover on all disturbed site soils within thirty (30) calendar days of initial soil movement. If phasing is necessary to meet these conditions, the Subdivider shall include such as part of the development plans presented to the Planning Board.
 - d. Upon completion of a subdivision road (base course) and gutters, a twenty-five (25) foot green strip paralleling both sides of the road shall be topsoiled, seeded and properly mulched. The intent is to create a filter strip, which will help prevent silt and sediment from entering the road and storm sewer network.
3. Structural Controls. Some projects may require permanent erosion and sediment controls. If these measures are required to be constructed, they must be fully functional before upland

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

site disturbance begins as determined by the Town Engineer. Such measures may include, but are not limited to, siltation traps, ponds, diversion swales or dikes.

4. Maintenance Measures. It is imperative that both the vegetative and structural components constructed be inspected and maintained for optimum erosion and sediment control according to the approved SWPPP for the subdivision in compliance with the SPDES General Permit.
Facilities must be cleaned, repaired and/or replaced as necessary to meet the original design criteria established in the project approval and SWPPP.
 - a. Dedicatable Projects: If the project under consideration involves possible dedication of constructed facilities to the Town, there shall be sufficient funds included in the maintenance bond to cover the projected cost of such facilities for a two (2) year period.
 - b. Private Projects: If a project is under consideration without dedicatable facilities to the Town, the Subdivider is responsible to make sure the erosion control facilities are constructed and properly maintained. Final acceptance of the erosion control facilities is necessary for the Town to issue a Certificate of Occupancy.
5. Penalty. The Town is empowered to assess reasonable penalties to a Site Owner for failure to properly construct, operate and maintain an approved soil erosion and sedimentation control plan. The penalties shall be as follows:
 - a. The Site Owner shall be charged for the costs incurred by the Town, including, but not limited to: cleaning ditches, swales, drains or streams, due to the failure of the Site Owner to properly construct, operate and maintain site erosion and sedimentation control devices.
 - b. No further reviews of such project shall be conducted by the Town until all payments for the Town charges have been satisfied and/or satisfactory completion of the required erosion and sediment control measures by the Site Owner.

N. Self-imposed Restrictions

The Subdivider may place restrictions on the development greater than those required by the Zoning Ordinance. Such restrictions, if any, shall be indicated on the Final Plat.

ARTICLE V IMPROVEMENTS

Section 1 General Improvements

A. General

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

The Subdivider of a parcel of land shall construct improvements in accordance with the approved plans and in conformity with the applicable standards set forth in these subdivision regulations, the Town's Construction and Design Criteria Local Law and any other applicable regulations and laws of the Town.

Where certain standards of development are not set forth, they shall be established by the Planning Board, following their review of the particular project.

In many cases, alternate improvement standards may be permitted if the Planning Board deems them equal in performance characteristics for the proposed use intended, with the approval of the Town Board as a deviation from adopted regulations. Additional or higher design standards for improvements may be required in certain cases where the Planning Board believes it necessary to create conditions essential to the health, safety, morals and general welfare of the citizens of the Town.

B. Road Construction

1. Basic Guidelines. The Town of Pavilion has established basic guidelines for the classification of roads to be constructed in the Town. The guidelines are listed in the Town's Construction and Design Criteria Local Law.
2. Minimum Standards. All streets or roads developed in the Town shall be constructed to at least the minimum standards as set forth in the specifications in the Town's Construction and Design Criteria Local Law or as shown on plans approved by the Town for a given project.
3. Procedures. Due to normal construction sequences for development, it is deemed to be in the best interests of the Town that the following procedures be followed:
 - a. Binder material shall not be placed prior to the completion and approval of all underground utilities including the private utility services and a review of the road base by the Superintendent of Highways.
 - b. The weather and seasonal limitations as specified under the Standard Specifications of New York State Department of Transportation shall apply for placing of bituminous mixtures.

Restrictions (1) and (2) imply completion of all underground systems well in advance of the Subdivider's schedule for paving.
 - c. No Certificates of Occupancy will be issued unless a proper road surface as herein specified has been constructed.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

- d. Upon completion of the binder pavement and all other items related to the completion of a project, the Town may elect to accept for dedication the completed facilities if: (1) an acceptable two [2] year maintenance bond is submitted to the Town; and, (2) the Subdivider presents a sum of money to complete the top pavement course. The amount of money to be transferred to the Town will be established by the Superintendent of Highways. This sum shall be sufficient to cover the cost of labor and materials to cause the proper installation of the top course.

It is the intent of this option by the Town to allow the Subdivider to offer the project for dedication before the final pavement is installed. This option will also allow the Subdivider to substantially complete the related construction in the developed area prior to installing the top course. In this manner the area will receive a new pavement top that is less susceptible to marring or patching as a result of normal construction activity.

In general, the final top course will not be installed by the Subdivider until one [1] year after the placement of binder course, unless a specific waiver of this time period is obtained (in writing) from the Superintendent of Highways.

Before the expiration of the maintenance bond and before the final top is applied, the Planning Board and the Subdivider will hold a final site review to assess any damages or repairs that may be necessary by the Subdivider under the maintenance agreement. Once the top course has been installed, final acceptance of all roadway improvements shall be obtained from the Town Board.

4. Driveway Culverts. The installation of driveway culverts requires the approval and a permit for culvert location, size and material from the State, County or Town Highway Department having jurisdiction over a given road. New driveway culvert installation shall be the responsibility of the Subdivider following the receipt of a permit.

The Town reserves the right to remove and/or install driveway or roadway culverts along any existing road to properly transmit surface drainage as determined by the Town Engineer and the Superintendent of Highways.

C. Sidewalks

Sidewalks within Residential Districts shall be installed on one or both sides of the street as the Planning Board may require, depending upon local conditions of public safety. Please refer to Article IV, Section 2, Subsection M of this regulation.

D. Storm and Surface Drainage

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

All storm sewers and drainage facilities such as gutters, catch basins, bridges, culverts and swales shall be designed for the development and be subject to the approval of the Planning Board. Such facilities shall be capable of handling upland flows that may be generated from future land development. The following points should be considered in the design of storm drainage facilities.

1. Lots shall be laid out and graded to provide positive drainage away from buildings.
2. Storm sewers, culverts and related installations shall be provided:
 - a. To permit unimpeded flow of natural watercourses.
 - b. To insure adequate drainage of all low points.
 - c. To intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
3. Discharge of sump pumps or roof leaders directly to roadside gutters or channels will not be permitted.
4. In the design of storm sewer systems, special consideration shall be given to avoidance of problems, which may arise from concentration of storm water runoff over adjacent properties.
5. The completed construction and the design engineer's certification of all surface drainage improvements and erosion control measures for a development must be submitted to the Planning Board before any building permits are issued.

E. Sewage Disposal Systems

Where the public sanitary sewer system, in the opinion of the Planning Board, is reasonably accessible, sanitary sewers and its accessory components shall be designed to adequately serve all units with connections to the public system. The design and installation of said sewers shall be subject to the approval of the Planning Board, Genesee County Health Department, and any other agencies having jurisdiction over this matter.

Where lots cannot be served by the extension of an existing public sanitary sewer, the Subdivider shall obtain the approval of individual subsurface disposal systems from the appropriate agencies. The Town assumes no liability for the performance of individual disposal systems.

In areas not presently served by public sanitary sewers, the Planning Board may require, in addition to installation of temporary individual on-site sewage disposal facilities, the installation and capping of sanitary sewer mains and house connections if extension of public sanitary sewer trunks or laterals to service the property subdivided appears probable or necessary to protect the public health.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

F. Water Supply

Where public water supply, in the opinion of the Planning Board, is reasonably accessible, the Subdivider shall provide and dedicate to the Town a complete water distribution system. The design and installation of said system shall be subject to the approval of the Planning Board and any other agencies having jurisdiction over this matter.

Where public water supply is not available within reasonable distance, an alternate supply, developed under the guidelines of the State Department of Health, shall be required. The Town is not responsible for the quantity or quality of an individual water supply as shown on development plans.

G. Landscaping

1. Adequate site landscaping will be required for any lands developed in the Town. A landscape plan shall designate plant species and locations. The Planning Board will notify the Subdivider at the preliminary plan stage if a specific landscape plan is required.
2. Trees.
 - a. Visual impacts shall be considered for planting on sight distances.
 - b. There shall be no underground utilities within fifteen (15) feet of any proposed tree.
 - c. On new subdivision roads, trees shall be spaced at forty-five (45) foot intervals on both sides of the rights-of-way (R.O.W).

(See the Town's Construction and Design Criteria Local Law)

H. Drainage Facilities

Any drainage ditch or water course, deemed significant by the Town or its agents as an important factor in maintaining or improving local storm water management conditions, shall be cleared of brush and debris and re-graded (if necessary) to assure positive drainage.

I. Monuments

Permanent reference monuments shall be set at final grade at all corners and angle points of the boundaries of any major subdivision plan and at all street intersections and such intermediate points as may be required per the Town's Construction and Design Criteria Local Law . These markers shall be set by a licensed land surveyor and certified to the Town as true and accurate before a Certificate of Occupancy is issued, or acceptance of dedication of the proposed road.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

J. Street Signs and House Numbers

1. Permanent street signs, of the same specifications as those of the Town Highway Department, shall be erected at each intersection by the Town Highway Department and paid for by the Subdivider.
2. Clearly marked house numbers shall be placed at the Subdivider expense.

K. Street Lighting

The Planning Board shall require adequate street, sidewalk or site lighting to be installed. Lighting shall be provided at all street intersections. Such a system shall be coordinated with the electrical utility system and designed to keep light from illuminating areas outside of the developed site.

L. Electric, Telephone, Cable TV or Other Buried Cable Utility

In every development, provisions shall be made for service from the private utility supply systems. All utilities and street lighting systems serving residential, commercial and industrial developments (for new subdivisions) shall be underground, rather than on poles, standard or towers. Underground conduit and cables shall be installed per the regulations of the Public Service Commission and a minimum of two (2) feet below any drainage way. Any new subdivisions on existing Town roads that have aboveground utilities shall have all utilities installed underground between the poles and structure. A road crossing height of a minimum of twenty (20) feet shall be required for all road crossings that serve these subdivisions.

M. General Site Consideration

In addition to the above, the following will also be considered by the Planning Board; pedestrian and vehicular access and circulation, provision for handicapped access, location arrangement, size, architectural features and design of buildings, lighting and signs, protection of adjacent properties and the general public against noise, glare and unsightliness, or other objectionable features.

Section 2 Permitted Modifications

A. Curbing and Sidewalks

Concrete curbing may be omitted, and in lieu thereof, rolled gutters or other means for controlling storm waters may be constructed as may be acceptable to the Town Engineer, Superintendent of Highways and the Planning Board.

Where curbing and/or sidewalks are not provided, adequate provisions for the protection of the edge of the road pavement and graded shoulders, at all driveway openings or other accessways, shall be provided in a manner acceptable to the Town Engineer and the Planning Board.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

Where curbing and/or sidewalks are not provided, grass curb strips shall not be required. However, grading and permanent seeding of the area between the pavement edge, shoulder or approved drainage structure and the front property line of any lot shall be provided.

B. Fire Hydrants

Where adequate water mains are neither existing, nor proposed for the subdivision, fire hydrants may be omitted.

ARTICLE VI RESIDENTIAL CLUSTER DEVELOPMENT

Section 1 Purpose

It is the purpose of this section to permit residential cluster development in order to:

1. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography.
2. Protect environmentally sensitive areas of a development site and preserve, on a permanent basis, open space, natural features, and prime agricultural lands.
3. Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development.
4. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets.
5. Provide opportunities for social interaction and walking and hiking in open space areas.

Section 2 Applicability and General Provisions

A. Applicable Zoning Districts

Clustering shall be permitted only in those Zoning Districts where it is allowed under the Zoning Ordinance.

B. Permitted Number of Building Lots or Dwelling Units

A Cluster Development shall result in a permitted number of building lots or dwelling units which shall not exceed the number that would 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 Town's Zoning Ordinance for the District or Districts in which such land is situated and all other applicable requirements. Where the Subdivision Plat falls into two (2) or more contiguous Districts, however, the Planning Board may approve a Cluster Development representing the cumulative density as derived from the summing of all units allowed in all such Districts, and may

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

authorize actual construction to take place in all or any portion of one (1) or more of such districts.

C. Conditions on the Ownership, Use and Maintenance of Open Lands

The Planning Board as a requirement of Subdivision Plat approval may establish such conditions for the ownership, use and maintenance of such open lands shown on the Subdivision Plat as deemed necessary to assure the preservation of the natural and scenic qualities of such lands. Any such conditions shall be approved by the Town Board before the Subdivision Plat may be approved for filing.

D. Subdivision Plat Requirements

The Preliminary and Final Plat for a residential cluster development shall include, but shall not be limited to, the following information:

1. The maximum number and type of dwelling units proposed.
2. The areas of the site on which the dwelling units are to be constructed or are currently located and their size (this may take the form of the footprint of the dwelling unit or a building envelope showing the general area in which the dwelling unit is to be located).
3. The calculations for the permitted number of dwelling units, derived pursuant to Part E below.
4. The areas of the site on which other proposed principal and accessory uses may be located and their size.
5. The areas of the site designated for common open space and their size.
6. The areas of the site designated for parking and loading and the number and size of individual spaces.
7. The location of sidewalks, trails, and bike paths.
8. The number of acres that are proposed to be conveyed as common open space.
9. All information otherwise required for land subdivisions as described in this Law

E. Calculation of Permitted Number of Dwelling Units

The calculations described here are intended to mirror those that would normally apply for determining the maximum number of dwelling units permitted for non-clustered development.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

1. The maximum numbers of dwelling units proposed for a residential cluster development shall not exceed the number of dwelling units otherwise permitted for the residential zoning district in which the parcel is located.
2. The number of permitted dwelling units on a site shall be calculated in the following manner.
 - a. Measure the gross area of the proposed cluster development site in acres and tenths of an acre.
 - b. Subtract from the gross area determined in subparagraph (a) the area of public and private streets, other publicly dedicated improvements, land in floodplains, and State and Federally Regulated Wetlands, measured in acres and tenths of an acre, excluding common open space (whether or not it is conveyed pursuant to Part H below). The remainder shall be the net buildable area.
 - c. Convert the net buildable area from acres to square feet (SF) using the equivalency of 43,560 SF = 1 acre.
 - d. Divide the net buildable area by the smallest minimum lot size (in square feet) per unit for a dwelling unit permitted in the zoning district. This figure shall be rounded to the nearest lower number to establish the maximum number of dwelling units to be permitted in the cluster development.

F Procedure and Review Criteria

1. A Subdivider may request the use of Clustering simultaneously with or subsequent to presentation of the Sketch Plan as provided in Article III, Section 1. However, any such request subsequent to Preliminary Plat approval shall require a re-application for Sketch Plan review.
2. A Subdivider shall present along with his request for Clustering, a standard Sketch Plan or "Yield" Plan consistent with the criteria established by this Land Subdivision Local Law including, but not limited to, streets being consistent with the Street Specifications, and lots being consistent with the Zoning Ordinance.
3. In reviewing a residential cluster development, the Planning Board shall determine whether:
 - a. The Subdivision Plat satisfies the requirements of this Section.
 - b. Buildings and structures are adequately grouped so at least twenty-five percent (25%) of the total area of the site is set aside as common open space.
 - c. To the greatest degree practicable, common open space shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

- d. Pedestrians can easily access common open space.
 - e. The Subdivision Plat establishes, where applicable, an upland buffer of vegetation of at least fifty (50) feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds.
 - f. Individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography.
 - g. Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets.
 - h. The Subdivision Plat accommodates and preserves any features of historic, cultural, or archaeological value.
 - i. Floodplains, wetlands, and areas with slopes in excess of twenty-five percent (25%) are protected from development.
 - j. The cluster development advances the purposes of this ordinance as stated in Section 1 above.
- 4. If the application for Clustering results in a Final Plat showing land available for park, recreation, open space, or other municipal purposes, directly related to the Sketch Plan, then conditions as to ownership, use and maintenance of such lands necessary to assure the preservation of such lands for their intended purposes, shall be made by the Planning Board and subject to Town Board approval.
 - 5. The proposed Cluster Development shall be subject to review at a public hearing or hearings as required by this Local Law for approval of Subdivision Plats.
 - 6. On the filing of a Final Plat in the Office of the County Clerk, a copy shall be filed with the Town Clerk, who shall make appropriate notations and references thereto on the Town's Zoning Map.
 - 7. The provisions of this Section shall not be deemed to authorize a change in the permissible use of lands as provided in the Town's Zoning Ordinance.
 - 8. The Planning Board may, in its opinion, apply such special conditions or stipulations to its approval of a residential cluster development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of the Comprehensive Plan, the Zoning Ordinance and this Law.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

G. Reduction and/or Waiver of Certain Physical Design Requirements

The following allows the Planning Board to reduce street pavement widths in order to minimize impervious surfaces on the site as well as limit the portions of the site that must be regraded to accommodate wider streets. If a street proposed in a cluster development is to be used as a connector from an adjoining development or as a through street, it is probably not a candidate for a reduction in width. However, determinations on reduction or waivers will be made on a case-by-case basis.

1. In approving a residential cluster development, the Planning Board may reduce the pavement width of any public or private streets that would otherwise be required by this Land Subdivision Local Law.
2. The Subdivider who wants the reduction of pavement width of public or private streets as provided for in paragraph (1) above, shall submit a statement of justification for the reduction and/or waiver along with the Preliminary Plat.

H. Conveyance of Open Space

1. Common open space provided by a residential cluster development shall be conveyed as follows:
 - a. To the Town and accepted by it for park, open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the Planning Board and is in a form approved by the Town Attorney; or
 - b. To a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The conveyance shall be approved by the Planning Board and shall be in a form approved by the Town Attorney.
2. In any case, where the common open space in a residential cluster development is conveyed pursuant to subparagraph (1)(b) above, a deed restriction enforceable by the Town shall be recorded that provides that the common open space shall:
 - a. Be kept in the authorized conditions(s); and
 - b. Not be developed for principal uses, accessory uses (e.g., parking), or roadways.

ARTICLE VII DOCUMENTS TO BE SUBMITTED

Section 1 Sketch Plan

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

A. Requirements

The Sketch Plan initially submitted to the Planning Board shall be prepared by using a tax map or some other similarly accurate base map at a scale (preferably not less than two hundred [200] feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

1. The location of that portion to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
2. All existing structures, wooded areas, streams and other significant physical features, within the area to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
3. The name of the record owner and record owners of all adjacent property(s) as disclosed by the most recent tax records of the Town.
4. The tax map sheet, block and lot numbers, if available.
5. All the utilities available and/or proposed including easements therefore, and all streets which are existing, proposed, or shown on the Official Map, if any.
6. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the area to be subdivided.
7. All existing and proposed restrictions on the use of land including easements, covenants, or zoning lines.
8. Total Holdings Map - where sketch plan covers only a portion of the applicant's holdings, a tax map or survey (if applicable) shall be submitted showing the proposed development of the overall parcel.

Section 2 Preliminary Plat and Accompanying Data

The following documents shall be submitted for approval.

A. Requirements

The Preliminary Plat prepared at a scale of not more than one hundred (100) feet, nor less than fifty (50) feet to the inch, showing:

1. Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, Subdivider and engineer or surveyor,

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

including license number and seal.

2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
3. Zoning District, including exact boundary lines of the District, if more than one (1) district and any proposed changes in the Zoning District lines and/or the Zoning Ordinance text applicable to the area to be subdivided.
4. Land areas proposed to be dedicated to public use and the conditions of such dedication.
5. Location of existing and proposed property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, isolated trees more than five (5) inches in diameter at breast height (DBH), and other significant existing features for the proposed subdivision and adjacent property.
6. Location of any existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Location of lands subject to flooding as determined by FEMA FIRM maps and any designated State or Federally regulated wetlands as determined by NYSDEC or U.S. Army Corps of Engineers.
8. Grading plan showing existing and proposed contours with intervals of one (1) foot as required by the Planning Board or Town Engineer, including elevations on existing and proposed roads.
9. The width and location of any streets or public ways or places shown on the Official Map, if one exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the Subdivider.
10. The approximate location and size of any proposed waterlines, valves, hydrants, sewer lines, and fire alarm boxes. Connections to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law or Environmental Conservation Law. Profiles of all proposed water and sewer lines.
11. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
12. Stormwater Pollution Prevention Plan indicating proposed erosion and sediment controls, water quality and quantity controls, mitigation measures, construction sequencing and post-construction maintenance schedule.
13. Percolation and deep test holes and locations with results (if applicable).
14. Landscaping Plan, showing removal of existing vegetation and locations of proposed

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

plantings (including any requirements of Article IV, Section 2, Subsection L herein).

15. Plans and cross-sections showing the proposed location and type of any sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
16. Preliminary designs of any bridges or culverts which may be required.
17. The proposed lot lines with approximate dimensions and area of each lot.
18. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
19. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the Preliminary Plat.
20. Erosion and Sediment Control Plan (including any requirements of Article IV, Section 2, Subsection M above).
21. Sight distances for access to the parcel of proposed streets (required and provided).
22. Preliminary Engineering Report, including proposed utilities and preliminary drainage design utilizing the format detailed in the Town's Construction and Design Criteria Local Law, to substantiate proposed designs.

B. Phasing

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 an outline of the platted area with its proposed streets together with the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The platted area of the Subdivider's entire holdings submitted shall be considered in the light of the entire holdings.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

C. Covenants and Deed Restrictions

A copy of the covenants or deed restrictions intended to cover all or part of the tract.

Section 3 Final Plat and Accompanying Data

The following documents shall be submitted for Final Plat approval:

A. Requirements

The Final Plat to be filed with the County Clerk shall be printed upon mylar or other base material acceptable to the Planning Board and County Clerk. The size of the sheets shall be fifteen (15) inches by twenty (20) inches or thirty (30) by forty-four (44) inches, including a margin for binding of two (2) inches, outside of the border, along the left side and a margin of one (1) inch outside of the border along the remaining sides. The Final Plat shall be drawn at a scale of not more than one hundred (100) feet to the inch and oriented with the north point at the top of the map. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block number clearly legible.

The Final Plat shall show:

1. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and Subdivider, name, license number and seal of the professional engineer or licensed land surveyor.
2. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
3. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates and in any event should be tied to reference points previously established by a public authority.
4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Final Plat shall show the boundaries of the property, location, graphic scale and true north point.
5. The Final Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces to which title is reserved by the Subdivider. For any of the latter, there shall be submitted with the Final Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

6. All offers of cession and covenants governing the maintenance of non- ceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
7. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
8. Permanent reference monuments shall be both shown and constructed in accordance with specification(s) of the Town Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the Plat.
9. Signature lines and dates of plan approval shall be affixed to the Final Plat and all submitted Construction Drawings as follows:
 - a. Duly Authorized Officer of the Planning Board
 - b. Superintendent of Highways
 - c. Town Engineer
10. Indication of approval from any jurisdictional agencies (eg. Genesee County Health Department, Monroe County Water Authority, etc.)
11. Final Engineering Report, including proposed road, utility and drainage design utilizing format detailed in the Town's Construction and Design Criteria Local Law, to substantiate proposed designs.
12. Note on all final plans: Placement and arrangement of building, waste disposal system, driveway and removal of excess material, utilities and drainage shall not be changed without prior approval of the Code Enforcement Officer.
13. Easement descriptions.
14. Legal covenants (if any).

B. Construction Drawings

Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

ARTICLE VIII TIME LIMITATIONS

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

The time limitations set forth in these regulations and the corresponding provisions of Town Law may be varied, when required, for the purpose of complying with the provisions of the State Environmental Quality Review Act (SEQR) (Part 617 of Article 8 of the Environmental Conservation Law)

ARTICLE IX WAIVER OF REQUIREMENTS

Where the Planning Board finds that extraordinary hardship may result from strict compliance with these regulations because of the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision, unusual circumstances due to shape, topography or other physical features of a proposed development, it may specifically waive, subject to appropriate conditions, portions of these regulations with Town Board approval, so that substantial justice may be done and the public interest secured. No such waiver shall be granted, however which will have the effect of nullifying the intent and purpose of these regulations or any other pertinent rules, regulations, local laws or ordinances of the Town of Pavilion.

ARTICLE X AMENDMENTS

The rules and regulations as set forth above may be amended, altered or revised by the Planning Board from time to time, after public hearing and subject to the approval of the Town Board per Section 271 of NYS Town Law.

ARTICLE XI FEE SCHEDULE

The Town of Pavilion has a Fee Schedule on file at the Town Clerk's Office. Copies of this Schedule are available and any fees due the Town must be paid in full before approvals are considered.

ARTICLE XII VIOLATION AND PENALTY

- A. Any violation of this Local Law shall be deemed an offense punishable by a fine and/or imprisonment as set forth in Section 268 of NYS Town Law. Each and every week such violation continues shall be deemed a separate and distinct violation.
- B. It shall be further unlawful for any person to fail to comply with a written order of the Zoning Enforcement Officer within the time fixed for compliance therewith.
- C. Appearance Ticket - The Zoning Enforcement Officer may issue an appearance ticket to any person who fails to respond to a notice of violation and written order to correct the violation.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

- D. The Zoning Enforcement Officer may, with permission of the Town Board, engage the Town Attorney or any other attorney approved by the Town Board to initiate legal action to enforce provisions of this Local Law.
- E. In addition to the foregoing remedies, the Town of Pavilion and/or its appropriate officials and authorities may maintain an action for injunction to restrain, correct or abate any violation of this Local Law and/or maintain an action at law for damages sustained as a result of any violation of this Local Law and/or seek any other remedy permitted by law including Town Law Section 268. Damages shall include, but not be limited to, the legal fees and court costs expended or incurred by the Town as a result of any legal proceedings brought hereunder.
- F. If the Subdivider is not the owner of the parcel being subdivided, then both the Subdivider and Owner shall be held jointly and severally liable for any violation of this Local Law.

ARTICLE XIII SUPERSEDING AND SAVINGS CLAUSE AND EFFECTIVE DATE

A. Conflict with Construction Specifications for Land Development

In the event of any conflict or inconsistency between the Town's Land Subdivision Local Law and the Town's Criteria for Design and Construction Local Law, it is the responsibility of the Subdivider to bring such alleged inconsistency or conflict to the Planning Board's attention, in writing. The Planning Board shall, in its sole discretion, determine what regulation or regulations shall then apply.

B. Interpretation

Where the conditions imposed by any provision of this Local Law are more restrictive than comparable conditions imposed by any other provisions of any other local law, ordinance, resolution or regulation of the Town, the provisions which are more restrictive shall govern.

C. Severability

The provisions of this Local Law are severable. If any article, section, subsection or provision of this Local Law shall be invalid, such invalidity shall apply only to that article, section, subsection or provision and the other articles, sections, subsections or provisions contained herein shall remain valid and effective and in full force and effect.

D. Repeal

All existing subdivision regulations of the Town are hereby repealed.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

E. Saving Clause

The adoption of this Local Law shall not affect or impair any conditions of approval, act done, violation committed or right incurred or acquired or liability, penalty, forfeiture or punishment incurred prior to the effective date of this Local Law under the Town's Subdivision Regulations herein repealed.

F. Effective Date

This Local Law shall take effect upon its filing with the New York State Secretary of State.

Councilperson Klapper offered a motion, seconded by Councilperson Stisser to adopt **Resolution No. 24**, 2011 (adopt Local Law No. 2, 2011 Land Separation)

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE
TOWN OF PAVILION
OF LOCAL LAW NO. 2, 2011

WHEREAS, a resolution was duly adopted by the TOWN BOARD of the TOWN of PAVILION for a public hearing to be held by said Governing Body on July 09, 2011 at 7 pm at the Town Hall, One Woodrow Drive Pavilion, NY 14525 to hear all interested parties on a proposed Local Law No. 2, 2011 regarding Town of Pavilion Land Separation Local Law, and

WHEREAS, notice of said public hearing was duly advertised in The Daily News, the official newspaper of said Town, on May 25, 2011, and

WHEREAS, said public hearing was duly held on June 09, 2011 at 7 pm at the Town Hall, One Woodrow Drive Pavilion, NY 14525 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the TOWN BOARD of said TOWN that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the TOWN BOARD of the TOWN of PAVILION, after due deliberation, finds it in the best interest of said TOWN to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the TOWN BOARD of the TOWN of PAVILION hereby adopts said Local Law No. 2 entitled Town of Pavilion Town of Pavilion Land Separation Local Law, a copy of which is attached hereto and made a part of this resolution, and be it further RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the TOWN of PAVILION, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor Knepshield	Aye
Councilperson Zarbo	Aye

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

Councilperson Stisser	Aye
Councilperson Klapper	Aye
Councilperson Thompson	ABSENT

**TOWN OF PAVILION
LAND SEPARATIONS
LOCAL LAW NO. 2 OF 2011**

ARTICLE I PURPOSE

This Local Law is enacted by the Town Board of the Town of Pavilion pursuant to the provisions of Section 10 of Municipal Home Rule Law to regulate the division of land into individual lots, when such divisions of land fail to meet the threshold for review as a subdivision as set forth in the Town of Pavilion Land Subdivision Regulations. It is declared to be the policy of the Town of Pavilion to consider land separations as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things, that lots created by land separations shall be of such character that they can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace; that proper provision shall be made for drainage, water supply, wastewater treatment, and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in compliance with the Town of Pavilion Zoning Ordinance and in harmony with the development pattern of the neighboring properties.

ARTICLE II TITLE

This Local Law shall be known as "the Town of Pavilion Land Separation Law".

ARTICLE III DEFINITIONS

Clerk of Planning Board: The Town of Pavilion Town Clerk, or as appointed by the Pavilion Town Board.

Formal Offer to Sell: Any offer to sell land which involves a form of public offering including but not limited to real estate listings, auction listings, media advertising including printed, radio, television or use of signs.

Land Separation: Any division of land into four or fewer lots within a three year period, where all such developable lots or parcels: (1) front on an existing public street, (2) do not require the extension of municipal facilities, and (3) comply with all the area requirements including lot width, lot area, side, rear and front setbacks as set forth in the Zoning Ordinance. Any division of agricultural land for the purpose of continued agricultural use shall be considered a land separation and subject to the Town of Pavilion Land Separation Law.

The three-year period shall commence running upon the final approval by the Planning Board of the first application to divide the original parcel. Public acquisitions by purchase of strips of land

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

for the widening or opening of streets shall not be included within this definition nor subject to these Regulations.

Land separation shall also include the division of land to allow the transfer of property between adjacent parcels, provided nonconforming lots or parcels are not created, no existing degree of nonconformity is increased and the proposed division does not involve the alteration of lot lines or dimensions of any lots or sites shown on a subdivision plat previously approved and filed with the County Clerk.

Land separations shall be processed in compliance with the Town of Pavilion Land Separation Law unless the Planning Board deems it necessary for the protection of public health, safety, and welfare that a land separation be processed as a subdivision.

Lot: A piece, parcel, or plot of land intended as a unit for transfer of ownership or for development.

Municipal Facility: Facilities operated by a municipality, governmental agency, or a public utility for the provision of potable water; collection, treatment and/or disposal of waste water; lighting, storm water and/or erosion control; or provision of/for transportation.

Property Owner: The owner of the property subject to the proposed land separation, or his/her duly authorized representative.

Subdivision: Division of land into lots that is not considered a land separation as defined herein. Subdivisions shall include, but are not limited to the division of land into five or more lots in a three year period, or division into any number of lots when such lots: (1) do not front on an existing public street, (2) require the extension of municipal facilities, or (3) involve the creation of a lot, or lots, which would not comply with the Zoning Ordinance. This definition shall apply when land is divided for the purpose, whether immediate or future, of transfer of ownership or development, and shall include re-subdivision. Once the division of land is determined to be a subdivision, the Town of Pavilion Subdivision Regulations shall apply to all such lots, including any previous lots divided within the prior three year time period, regardless of whether said lots have been sold singly or collectively.

The three-year period shall commence running upon the final approval by the Planning Board of the first application to divide the original parcel. Public acquisitions by purchase of strips of land for the widening or opening of streets shall not be included within this definition nor subject to said subdivision regulations.

Once a subdivision has been created, any subsequent division of lots from the original tract of land, irrespective of when such division(s) occurs, shall be subject to review as a subdivision, unless such proposed lot(s) are greater than one-half mile from any point on the boundary lines of a lot(s) created by a previous subdivision.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

Zoning Ordinance: The officially adopted Zoning Ordinance of the Town of Pavilion together with all amendments thereto.

ARTICLE IV PROCEDURE

Whenever any land separation is proposed, before any formal offer to sell any lots in such land separation, or any other part thereof, is made, and before any contract for sale is executed by the property owner, the property owner shall submit a sketch plan and obtain written approval of such sketch plan in accordance with the procedures set forth in Sections 1,2 and 3 of this Article. Before any land is transferred or any permit for the erection of a structure is issued for such land, final authorization of said land separation should be obtained as set forth in Section 4 of this Article.

SECTION 1 SUBMISSION OF SKETCH PLAN

A property owner shall, prior to undertaking a land separation, submit to the Clerk of the Planning Board at least seven (7) days prior to any regular meeting of the Board, a completed application for and eight copies of a Sketch Plan of the proposed land separation. The application shall include a completed application form, A SEQR Short Form with Part I completed, an Agricultural Data Statement (if the property is within 500 feet of a farm operation in a NYS Agricultural District), and a Sketch Plan based on a property survey. The Sketch Plan must show: (1) The entire parcel being divided, proposed lot lines, adjacent public roads, and (2) any existing easements, deed restrictions or covenants affecting the property. At that time, the property owner shall also pay the Land Separation fee established by separate resolution of the Town Board.

SECTION 2 DISCUSSIONS OF REQUIREMENTS AND CLASSIFICATION

The property owner may attend the meeting of the Planning Board to discuss his/her proposal as set forth in the Sketch Plan.

Classification of the Sketch Plan will be made at this time by the Planning Board as to whether the proposal qualifies as a land separation, or must be processed as a subdivision. When it deems necessary for protection of the public health, safety and welfare, the Planning Board may require a land separation to be processed as a subdivision in compliance with the Town of Pavilion Land Subdivision Regulations.

SECTION 3 PLANNING BOARD PRELIMINARY DECISION

The Planning Board shall review the Sketch Plan to determine whether it meets the purpose of these regulations as set forth in Article I. Prior to rendering its preliminary decision, the Planning Board shall first complete the SEQR (State Environmental Quality Review) process. The Planning Board shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant into the proposal prior to submitting it for final authorization. When deemed necessary by the Planning Board, the applicant may be required to resubmit his/her revised proposal for review by the entire Planning Board prior to submitting it for final authorization.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

SECTION 4 FINAL AUTHORIZATIONS

Within 180 days of Planning Board's preliminary decision, the property owner shall provide the Planning Board Chairperson, or his/her designee, three prints of a property survey prepared by a NYS Licensed Land Surveyor. This survey shall meet all the recommendations made by the Planning Board relative to its decision on the sketch plan. Upon determination that the survey complies with the Planning Board's recommendation, the Chairperson, or other duly designated Officer of the Planning Board, will sign the application and provide the property owner with a copy of such application. Failure of the property owner to submit the required survey documentation to the Planning Board Chairperson, or his/her designee, within the 180-day time period will render the Planning Board's approval null and void.

SECTION 5 FILING OF SURVEY (S) WITH GENESEE COUNTY CLERK

Within sixty (60) days of obtaining final authorization from the Planning Board Chairperson, or his/her designee, the property owner shall file the deeds at the Genesee County Clerk's Office. Failure of the property owner to file such documentation with the Genesee County Clerk within the specified time period will render both the Planning Board's approval and final authorization null and void.

ARTICLE V FEES

Fees may be charged for review of land separations and associated administrative activities. Such fees shall be set by resolution of the Town Board and may be obtained from the Town Clerk.

ARTICLE VI VIOLATIONS AND PENALTIES

A. It shall be unlawful for any person, firm or corporation to divide or otherwise alter existing property lines of lots or parcels of property without first complying with the Town of Pavilion Land Separations Local Law.

B. Where the Zoning Enforcement Officer finds a violation of these provisions he/she shall serve a written Order-Notice upon the owner by registered mail to remedy such condition. Such written notice shall include the provisions of law violated, the corrective action to be taken, the penalties and remedies which may be involved by the Town for noncompliance and time for compliance.

C. Any violation of this Local Law Regulating Land Separations shall be deemed a civil penalty punishable by a fine of not more than three hundred and fifty dollars (\$350) and/or imprisonment for a period not to exceed six (6) months, in accordance with Section 10(4)(b) of the Municipal Home Rule Law. Each and every week such a violation continues shall be deemed a separate and distinct violation.

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

D. The Zoning Enforcement Officer may, with permission of the Town Board, institute court action to enforce any violation of the provisions of this Local Law.

E. In addition to the remedies described in this Article, the Town of Pavilion may seek an injunction to restrain, correct or abate any violation of this Local Law and/or maintain an action at law for damages sustained as a result of any violation of this Local Law. Damages may include but not be limited to legal fees and court costs expended or incurred by the Town as a result of legal proceedings brought hereunder.

F. The Town Zoning Enforcement Officer is authorized herein to issue and serve appearance tickets with respect to violation(s) of this Local Law that he/she is required to enforce.

ARTICLE VII SUPERSEDING AND REPEALER CLAUSE

All applicable statutes, laws and local ordinances, in conflict with the provisions of this Local Law, including Sections 276 and 277 of New York State Town Law, are hereby superseded to the extent necessary to give this Local Law full force and effect.

ARTICLE VIII EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State.

Councilperson Klapper offered a motion, seconded by councilperson Zarbo, to adopt **Resolution No. 25**, 2011 (adopt Design Criteria and Construction Specifications for Land Development)

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF
PAVILION DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS FOR LAND
DEVELOPMENT

RESOLVED, that the TOWN BOARD of the TOWN of PAVILION adopt the Town of Pavilion Design Criteria And Construction Specifications For Land Development as recommended by the Town of Pavilion Planning Board. A copy of said Design Criteria And Construction Specifications For Land Development, a copy of which is on file at the office of the Town Clerk.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor Knepshield	Aye
Councilperson Zarbo	Aye
Councilperson Stisser	Aye
Councilperson Klapper	Aye

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

Councilperson Thompson ABSENT

Councilperson Klapper offered a motion, seconded by councilperson Zarbo, to adopt **Resolution No. 26**, 2011 (adopt Subdivision fee schedule)

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE
TOWN OF PAVILION SUBDIVISION AND LAND SEPARATION FEES

RESOLVED, that the TOWN BOARD of the TOWN of PAVILION adopt the Town of Pavilion subdivision and land separation fees as recommended by the Town of Pavilion Planning Board, a copy of which is on file at the office of the Town Clerk.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor Knepshield	Aye
Councilperson Zarbo	Aye
Councilperson Stisser	Aye
Councilperson Klapper	Aye
Councilperson Thompson	ABSENT

Councilperson Klapper made a motion, seconded by Councilperson Stisser to adopt **Resolution No. 26**, 2011 (set Public Hearing on proposed Roanoke Water District)

At a Regular Meeting of the
Town Board of the Town of Pavilion
in the County of Genesee, held at
the Town Hall, Town of Pavilion
on the 9th day of June, 2011.

Present:

Gary Knepshield, Supervisor
Thomas Klapper, Councilman
Bruce Stisser, Councilman
Ronald Zarbo, Councilman
ABSENT Linda Thompson, Councilwoman

In the Matter of the Establishment of
The Roanoke Road
Water District of the Town of Pavilion,
Genesee County, New York.

ORDER CALLING
PUBLIC HEARING

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

WHEREAS, previously hereto a map, plan and report have been prepared by Clark Patterson Lee, Licensed Engineers, in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Pavilion, New York, relating to the establishment of the proposed extension to the Water District in the Town of Pavilion, and

WHEREAS, such map, plan and report have been duly filed in the office of the Town Clerk of the said Town of Pavilion, and

WHEREAS, the boundaries of said Water District are as follows:

All that tract or parcel of land situate in the Town of Pavilion, County of Genesee, State of New York, being described as follows:

Beginning at the intersection of the centerline of Roanoke Road (49.5 feet wide right-of-way) and the existing southerly boundary of the existing Town of Stafford Water District No. 5; thence,

1. Easterly, along the town lines of the Town of Stafford and the Town of Pavilion, a distance of 826 feet, more or less, to the northeasterly corner of tax account 1-1-18; thence,
2. Southeasterly, along the easterly line of tax account number 1-1-18, a distance of 1,735 feet, more or less, to the southeasterly corner of said tax account number; thence,
3. Westerly, along the southerly line of tax account number 1-1-18, a distance of 2,025 feet, more or less, to a point on the easterly right-of-way line of Roanoke Road; thence,
4. Westerly, through the right-of-way of Roanoke Road, a distance of 25 feet, more or less, to a point along the centerline of Roanoke Road; thence,
5. Northerly, along the centerline of Roanoke Road, a distance of 449 feet, more or less, to the town lines of the Town of Stafford and Town of Pavilion and the existing Town of Stafford Water District No. 5, and the Point of beginning.

All as shown on a map prepared by Clark Patterson Lee, Figure No. 1, dated December 22, 2010, as described above, contains approximately 24.5 acres of land.

Attached hereto are maps and plans showing the boundaries of the proposed district, the source of the proposed water supply, the mode of constructing the proposed system, and the location thereof, including water mains, distributing pipes and hydrants.

Said map and plans have been prepared by Clark Patterson Lee, 205 St. Paul Street, Suite 500, Rochester, New York, competent engineers, duly licensed by the State of New York.

The maximum amount proposed to be expended in the construction of the water district is \$ 2,500 dollars and no/100 (\$2,500.00). The cost of construction shall be paid in full by the district resident.

The total cost to the district resident in the first year is \$632.00, of which \$421.00 represents the district residents payment to the Town of Stafford's water district as an out of district user fee covering their portion of the districts debt service and operation and maintenance costs and \$211 which is the average cost per unit for water service.

NOW, THEREFORE, BE IT

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

ORDERED, That a meeting of the Town Board of the Town of Pavilion will be held at the Town Hall at One Woodrow Drive, Pavilion NY at 7:00 P.M. on the 14th day of July, 2011 to consider the Establishment of said Water District of the Town of Pavilion, including the environmental significance thereof and to hear all persons present interested in the subject matter thereof, concerning the same and for such other and further action on the part of said Town Board may be necessary and proper, with relation to the premises.

Approved by unanimous vote (4-0). Voting was as follows:
Supervisor Knepshield Aye
Councilperson Zarbo Aye
Councilperson Stisser Aye
Councilperson Klapper Aye
Councilperson Thompson ABSENT

Assessor Tammy Baker explained that the NYS Office of Real Property Tax Services has determined the revised Residential Ratio Assessment (RAR) for the Town of Pavilion is 93.50%. Tammy has met with the state and they will still give Pavilion an equalization rate of 100%, but there will have to be adjustments to the residential properties next year in order to remain at 100%. Tammy has requested permission to attend class at Cornell to take RPSV4 Data Extraction-Reports & Valuation. The cost of the course is \$380.00, 4 night for hotel \$391.80, mileage \$104.00, approximate cost of meals \$184.00 for the week. Total cost of \$1,059.80, which would be split with the Town of LeRoy upon their board approval.

Councilperson Klapper offered a motion, seconded by Councilperson Stisser, to adopt **Resolution No. 27**, 2011 (approve paying for ½ cost of Assessor continued education schooling)

RESOLVED that the Town Board of the Town of Pavilion authorizes the Assessor Tammy Baker to attend a continued Education Class in Cornell. The cost of the class is \$1,059.80, Pavilion will split this cost with the Town of LeRoy.

Approved by unanimous vote (4-0). Voting was as follows:
Supervisor Knepshield Aye
Councilperson Zarbo Aye
Councilperson Stisser Aye
Councilperson Klapper Aye
Councilperson Thompson ABSENT

Tammy also noted that the Cell Tower has filed a grievance for the assessment.

Highway Superintendent John Strathearn report:

- Noted the bulk water fill station is back on line

**TOWN OF PAVILION
REGULAR MEETING
JUNE 09, 2011
7:30 P.M.**

- Has not had a chance to obtain prices on a trailer yet
- Plans on starting to redo parking lot in hamlet on Monday
- Wondered what the town board wants to do to repair the welcome to Pavilion signs
- Skid steer has been ordered

Supervisor Gary Kneppshield report:

- Contacted Stu Brown Re: Environmental Review on York Road Water District. They apologized for not starting yet, there was a miscommunication in their office about starting this review, they will start right away.
- Discussed insurance costs. The board would like to obtain bids for 2012
- Noted that Justice Welsh said State is looking into having a centrally located location in the County for court cases to be heard
- The phone system has not been working properly. He will investigate options to replace existing system
- Received \$5,815.44 for assessment state aid
- \$973,697.67 in Town CD's

Ed Hollwedel asked how the junk car situation was coming along. The Supervisor said the CEO and Attorney are working on this.

Councilperson Stisser offered a motion at 8:25 P.M. to adjourn the meeting. Seconded by Councilperson Zarbo. Voting all ayes.

Respectfully submitted,

Lynne Roblee, Town Clerk