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County City Town Village
(Select one.)

of HOWARD

Local Law No. 1 of the year 2015

A local law to administer procedures and standards for Subdivisions in the Town of Howard.
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of HOWARD as follows:

SEE ATTACHED.

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

LOCAL LAW NO. 1 – 2015

SUBDIVISION LAW

TOWN OF HOWARD

SECTION 1 – GENERAL PROVISIONS

1.1 AUTHORITY, ENACTMENT AND SHORT TITLE

Pursuant to provisions of Article 16 of the Town Law, Article 9 Section 334 of the Real Property Law, and Article 2 Section 10 of the Municipal Home Rule Law, of the State of New York:

- (1) From the effective date hereof, no land shall be subdivided in the Town of Howard, outside the limits of any incorporated village herein, except in conformity with the Regulations hereby adopted.
- (2) The Planning Board of the Town of Howard is hereby authorized and empowered:
 - (a) to approve Plats showing lots, blocks or sites, with or without streets or highways;
 - (b) to approve Preliminary Plats; and
 - (c) to administer procedures and standard that shall govern the preparation, review, approval, and development of Subdivision Plats in the Town of Howard as set forth in these Regulations.
- (3) These Regulations shall be known, and may be cited, as the Town of Howard Land Subdivision Regulations.

1.2 SUPERSESSSION

- (1) These Regulations supersede, for the Town of Howard, the provision of Article 16, Section 276 of the Town Law that a final Plat shall contain all information required to appear on a Preliminary Plat. Instead, these Regulations provide that the final Plat shall include only information necessary for proper filing or recording in the office of the County Clerk.

1.3 POLICY AND PURPOSE

It is declared to be the policy of the Town of Howard to consider Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Town. In furtherance thereof, it shall be the purpose of these Regulations to ensure that:

- (a) proposed roads shall form a convenient system conforming to the Official Map, when it exists; and shall be of such width, grade and location as to accommodate the prospective traffic, and to facilitate access of appropriate vehicles for road maintenance, and of fire fighting and other emergency vehicles; and

- (b) proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties, and to be in conformity with requirements of the Land Subdivision Permit Regulations; and
- (c) proper provision shall be made for: road access; drainage and storm water run-off; open space for recreational use and for environmental protection; and other needed improvements.

1.4 INTERPRETATION

- (1) Provisions of these Regulations are hereby declared to be the minimum requirements necessary and appropriate for the purpose hereof, adopted to protect the public health, safety, and general welfare, and shall be so interpreted and applied.
- (2) Notwithstanding the foregoing, whenever a provision of these Regulations is at variance with a requirement of another lawfully adopted regulation, standard, or rule, the more restrictive provision or the one that sets the higher standard shall govern.
- (3) No approval or certificate respecting a Plat or Preliminary Plat, duly issued pursuant to these Regulations, shall imply or be deemed evidence of compliance with any other regulation, standard, or rule of the Town, Steuben County, New York State, or the United States, or any agency thereof, that may be applicable to the land represented by such Plat or Preliminary Plat, except as may be expressly provided otherwise herein. Compliance with any such other applicable regulation, standard, or rule shall be a separate duty of the subdivider.

1.5 ADMINISTRATION

1.5.1: The Planning Board

These Regulations shall be administered by the Planning Board, with its office for this purpose in the Town Hall.

1.5.2: The Clerk Of The Planning Board

The Town Board shall appoint a Clerk of the Planning Board to perform the duties prescribed herein. The Clerk may be a member of the Planning Board, may also serve as Code Enforcement Officer, and shall serve as Clerk of the Planning Board at the pleasure of the Town Board. The Clerk shall prepare forms, checklists, and other materials necessary or useful in the efficient administration of these Regulations, and shall provide them on request.

1.5.3: The Town Clerk

Promptly when these Regulations become effective, the Town Clerk shall certify to the Steuben County Clerk that, pursuant to Section 276 of the Town Law, the Planning Board has been duly

authorized to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats, with the Town of Howard. The Town Clerk's certification also shall state that these Regulations constitute the rules and procedures adopted by the Planning Board for exercising such authority.

1.6 ENFORCEMENT

- (1) When any roads or other improvements are constructed, or land is subdivided, or a Plat is filed or recorded in the office of the Steuben County Clerk, in violation of these Regulations, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to correct, prevent, restrain, or abate such violation, and may seek monetary penalties therefore.

1.7 WAIVERS

- (1) Where the Planning Board finds that, due to specified circumstances of a particular Plat, the provision of certain required improvements of adherence to certain specified standards is not requisite in the interest of the public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements at the sub-divider's request, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, or Town Plan when either exists.
- (2) In granting waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived. Waiver may be granted only by a duly adopted Resolution of the Planning Board, specifying the justification thereof.

1.8 REVIEW AND APPEALS

- (1) An appeal may be taken by an applicant who has been denied or desires to have modified a permit issued by the Land Use Officer (LUO) or the Planning Board. Said appeal shall be submitted to the Board of Appeals, its Chairperson or the Town Clerk within 30 days of the denial or issuance of a permit by the Land Use Officer (LUO) or the Planning Board.

The appeal shall be on a form authorized by the Board of Appeals and shall state the reason for the appeal, contain a copy of the denial or permit issued, be signed by the applicant and contain all materials necessary for the Board of Appeals to consider in the appeal process.

The Board of Appeals shall be composed of five members who shall be appointed by the Town Board. The appointment and structure of the Board of Appeals shall be as contained in Section 267 of the Town Law of New York State in similar fashion as set forth for a zoning board of appeals for area variances.

At any proceedings of the Board of Appeals in its duties under this local law, the Chairperson of the Planning Board, or such Chairperson's designee who is a

member of the Planning Board, shall be invited to attend such proceedings as representative of the Planning Board.

The Board of Appeals shall hear the appeal within 30 days of the filing of the application for appeal upon public notice or at a regular meeting of the Board of Appeals. A decision shall be made within 62 days of said meeting or hearing, if such is required as set forth in this local law.

The Board of Appeals shall utilize and adhere to the standards of review and considerations as contained in Section 267-b., subsection 3. (b) and (c), and subsection 4. of the Town Law of New York State in similar fashion as set forth for a zoning board of appeals for area variances.

Any decision to modify or grant an application and permit previously denied by the Land Use Officer (LUO) or the Planning Board shall require all steps and procedures necessary for the initial grant of a permit by the Land Use Officer (LUO) or the Planning Board.

SECTION 2 – MEANING OF TERMS

2.1 CUSTOMARY USAGE

Except as stated in Section 2.2 and 2.3, all terms used in these Regulations shall have their customarily recognized meanings.

2.2 INTERPRETATION OF CERTAIN TERMS

Certain terms shall be interpreted as stated below, except where otherwise required by the context:

- (1) The word “shall” designates a mandatory action or condition, while “may” is permissive.
- (2) Masculine pronouns include feminine pronouns. Words used in the present tense include the future tense. Singular words include their plural forms, and vice versa.
- (3) The words “a” and “an” include the words “any” and “every”.

2.3 DEFINITIONS

The following terms are hereby defined as stated:

BOARD or PLANNING BOARD: the duly appointed Planning Board of the Town of Howard.

CLERK or CLERK OF THE PLANNING BOARD: the person appointed by the Town Board to perform the duties of the Clerk of the Planning Board for purposes of these Regulations.

COMPREHENSIVE DEVELOPMENT PLAN or TOWN PLAN: the Land Use and Development Plan published by the Planning Board, and any amendment to such plan or parts thereof.

EAF, FULL: a "Full Environmental Assessment Form", as specified in 6 NYCRR Part 617, Section 617.21, Appendix A; it is part of an Application for Approval of a Preliminary Plat for a subdivision deemed likely to have a significant effect on the environment. (See also: SEQR.)

EAF, SHORT: a "Short Environmental Assessment Form", as specified in 6 NYCRR Part 617, Section 617.21, Appendix C; it is part of an Application for Approval of a Preliminary Plat for a subdivision deemed not likely to have a significant effect on the environment.

EASEMENT: a grant of rights by a property owner for use of a designated part of his property by the Town or by others specified, for a particular purpose.

ENGINEER: a person licensed as a professional engineer by the State of New York.

LAND SUBDIVISION PERMIT: a permit issued pursuant to the Land Subdivision Permit Regulations, authorizing the applicant to begin a development.

LAND SUBDIVISION REGULATIONS: the duly enacted Town of Howard Land Subdivision Regulations, and amendments thereof.

LOT: a separately delineated parcel of land in single ownership, whether or not a lot of record, described by meted and bounds or survey map, or shown on a Plat or Preliminary Plat.

LOT OF RECORD: a lot shown on a Plat, survey or described in a property deed, duly filed or recorded in the office of the Steuben County Clerk.

OFFICIAL MAP: the map, when established by the Town Board pursuant to Section 270 of the Town Law, showing roads, parks and drainage systems, as laid out, adopted, and established by law.

PLAT or SUBDIVISION PLAT: a drawing of a proposed subdivision, in final form for filing or recording, containing all information specified in Section 5.3.

PRELIMINARY PLAT: a drawing or drawings of sufficient detail to apprise the Planning Board of the layout of a proposed subdivision, as specified in Section 5.2.

RE-SUBDIVISION: means a change in a map of an approved or filed final plat, including merging of tax parcels.

ROAD: a way for vehicular use by the general public, and which is the principal means of access to abutting lots; may be called a road, highway, street, avenue, lane or other term. Following are related terms:

DEAD-END ROAD: a road or a portion thereof with only one vehicular traffic outlet.

EXISTING ROAD: any public road, and any private road other than a new or proposed road.

NEW or PROPOSED ROAD: a road indicated on a Sketch Plan, Preliminary Plat, or

Subdivision Plat prior to its construction and approval pursuant to these Regulations; and, any road indicated on a subdivision plat filed or recorded at the office of the Steuben County Clerk prior to the effective date of these Regulations but not yet constructed or improved so as to allow normal public use thereof.

PRIVATE ROAD: a road owned by either the owners of abutting lots individually, or an association or such owners, or a single lot owner.

PUBLIC ROAD: a road owned by either the Town, or the County, or the State.

ROAD PAVEMENT: the part of a road comprising the surface designed to be used by vehicular traffic.

ROAD WIDTH: the width of road right-of-way, measured at right angles to the centerline of the road.

SEQR: the acronym for State Environmental Quality Review; refers herein to reviews and related procedures provided for by 6 NYCRR Part 617. (See also EAF, FULL and EAF, SHORT.)

SKETCH PLAN: a sketch of a proposed subdivision showing the information specified in Section 5.1.

SUBDIVIDER: a person, firm, corporation, partnership or association, who causes to be laid out a subdivision or part thereof.

SUBDIVISION: the division (including re-subdivision) of a parcel of land into two or more lots, plots, sites or other division of land with or without roads for the purpose of lease, sale, transfer of ownership, or development. If a new road or extension of an existing road or any municipal facilities is involved, any division of an original parcel of land constitutes a subdivision. The second lot of an original parcel creates a subdivision and all lots are required to meet the criteria of this title.

SUBDIVISION CYCLE: the period of a Subdivision Cycle will end 5 (Five) years after the most recent division, at which time a new cycle will begin, except in a subdivision of a land parcel over 10 (Ten) lots. A parcel that was included as a part of a major subdivision cannot be divided again during the 5 (Five) year period without also being a major subdivision.

SUBDIVISION, MINOR: any subdivision consisting or no more than two lots, plots, sites or other division of land.

SUBDIVISION, MAJOR: any subdivision consisting of three or more lots, plots, sites or other divisions of land.

SUPERINTENDENT or HIGHWAY SUPERINTENDENT: the Superintendent of Highways of the Town of Howard.

SURVEYOR: a person licensed as a land surveyor by the State of New York.

TOWN BOARD: the governing body of the Town of Howard.

SECTION 3 – PROCEDURES FOR PLAT APPROVAL

3.1 GENERAL PROVISIONS

- (1) When these Regulations are in effect, no Plat of a subdivision in the Town of Howard shall be filed or recorded in the office of the Steuben County Clerk unless it has been approved by the Planning Board in accordance with these regulations.
- (2) If a subdivider proposes a minor subdivision, said minor subdivision shall be subject to approval as set forth under Section 3.5 of these regulations.
- (3) If a subdivider proposes a major subdivision, said major subdivision shall comply with all provisions set forth herein except for Section 3.5 of these regulations.
- (4) The period of a Subdivision Cycle will end 5 (Five) years after the most recent division, at which time a new cycle will begin, except in a subdivision of a land parcel over 10 (Ten) lots.

3.2 SKETCH PLAN

3.2.1: Submittal Of Sketch Plan

A subdivider shall submit to the clerk of the Planning Board, at least ten (10) days before a regular meeting of the Board, five (5) copies of a Sketch Plan of a proposed subdivision, in accordance with Section 5.1. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the proposal and the requirements of these Regulations.

3.2.2: Review And Decision

- (1) Within thirty-five (35) days the Planning Board shall determine whether a Sketch Plan seems to conform with Town policy and otherwise meets the purposes of these Regulations. The Board may make specific recommendations to guide the sub-divider in preparing a Preliminary Plat. One copy of the Sketch Plan and recommendations shall be returned promptly to the subdivider in preparing a Preliminary Plat. One copy of the Sketch Plan and recommendations shall be returned promptly to the subdivider by the Clerk, and one copy retained in the Board's files.
- (2) Approval of a Sketch Plan shall lapse six (6) months from the date of approval, unless by then the applicant has submitted a Preliminary Plat for approval.

3.3. PRELIMINARY PLAT

3.3.1: Application

- (1) An Application for Approval of a Preliminary Plat shall conform with requirements in Section 5.2. A Preliminary Plat shall conform with the layout shown on an approved Sketch Plan and recommendations made by the Planning Board.
- (2) A Preliminary Plat shall be deemed to have been submitted as provided in paragraph (6) of Subsection 3.3.2.

3.3.2: Environmental Quality Review

- (1) **Policy:** In accordance with State Environmental Quality Review (SEQR) regulations, it is hereby declared to be a policy of the Town that protection and enhancement of the environment be given appropriate weight with social and economic considerations, and that those factors be considered together by the Planning Board in reaching a decision on a proposed subdivision. Accordingly, a proposed Preliminary Plat shall be reviewed as provided for in this Subsection, to determine whether the development would be likely to have a significant effect on the environment and, if so, how potential adverse effects might be prevented or mitigated.
- (2) **Standards:**
 - (a) The following classes of subdivisions are hereby declared likely to have a significant effect on the environment:
 - (i) A subdivision comprising of fifty (50) or more lots; and
 - (ii) A subdivision comprising more than twelve (12) lots, located within an agricultural district created pursuant to Article 25-AA of the NYS Agriculture and Markets Law.
 - (b) Except as stated above, a subdivision comprising fewer than fifty (50) lots may hereby be declared unlikely to have a significant effect on the environment.
- (3) **Determination Of Significance:** An Application for Approval of a Preliminary Plat shall include an Environmental Assessment Form (EAF) in accordance with Subsection 5.2.4(4). The Planning Board shall promptly complete Part II of the EAF and therefrom determine whether the subdivision could have a possibly significant effect on the environment. Part III of the EAF also shall be completed when necessary.
- (4) **Negative Declaration:** When the Board identifies no significant environmental effect that could result from a proposed subdivision, it shall so specify by resolution, and the Clerk shall prepare and certify a "Negative Declaration", which shall be duly filed pursuant to Section 616.10 of 6 NYCRR Part 617. Review of the Preliminary Plat shall thereupon continue pursuant to these Regulations.

- (5) **Positive Declaration:** When the Board identifies at least one significant environmental effect that could result from a proposed subdivision, it shall so specify by resolution, and the Clerk accordingly shall prepare and certify a "Positive Declaration", which shall be duly filed pursuant to Section 617.10 of 6 NYCRR Part 617. The subdivision shall thereupon be reviewed in accordance with SEQR regulations.
- (6) An Application for Preliminary Plat Approval shall be deemed to have been submitted on the date of either the Board's "Negative Declaration" or the Board's "Notice of Completion of Draft EIS". In the latter case, review shall proceed concurrently under these Regulations and SEQR; public hearings, as necessary, shall be combined whenever possible.
- (7) **Decision:** No final determination or decision respecting a Preliminary Plat shall be reached by the Planning Board before the date of its "Negative Declaration", or of its "Findings Statement" duly issued upon completing SEQR review.

3.3.3: Public Hearing Shall Be Held

- (1) **Notification:** Within forty-five (45) days after a Preliminary Plat was submitted, the Board shall hold a public hearing thereon. The hearing date shall be set by the Board, and the clerk shall promptly inform the subdivider thereof. The hearing shall be advertised by the clerk at least once in the official newspaper of the town at least ten (10) days before such hearing, and in any other manner the Board deems appropriate.
- (2) **Public Hearing:** A Preliminary Plat and supporting materials shall be available for public examination for at least ten (10) days prior to a hearing. At the hearing, the subdivider shall describe his proposal, and interested parties may present relevant information. The Board may invite testimony from public officials or other knowledgeable persons. The Board may question a part in order to clarify a point of information. Minutes of the hearing shall be kept by the Board, clearly recording relevant information obtained.

3.3.4: Review By The Planning Board

The Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the suitability of the site for development, and shall give particular attention to arrangement, location, and width of roads and their relation to topography; lot sizes and arrangement; facilities and measures for drainage and erosion control; potential development of adjoining lands as yet unsubdivided; and requirements of the Town Plan, the Official Map (when it exists), and the Land Subdivision Permit Regulations.

3.3.5: Time Within Which Decision Must Be Reached

The Planning Board shall reach its decision within forty-five (45) days after the close of a public hearing. The period of decision may be extended by agreement of the subdivider and the Board. Failure of the Board to decide within such period shall be deemed approval of the Preliminary Plat, and the Town Clerk, at the request of the Subdivider, shall so certify.

3.3.6: Decision

- (1) The Board shall set forth its decision, including its reasons therefore and any required conditions and modifications, in a duly adopted Resolution. The Clerk shall mail a certified copy to the subdivider within five (5) days.
- (2) When a Preliminary Plat is disapproved, the clerk shall return one print to the subdivider and file one print in the Board's records.
- (3) When a Preliminary Plat is approved, or granted conditional approval with or without modification, two prints shall be so certified by the Clerk. Within five (5) days of such approval, one print shall be mailed to the subdivider, and one print filed in the Board's records.

3.3.7: Approval May Be Conditional

- (1) The Planning Board may approve a Preliminary Plat subject to conditions, which may include: (1) modifications that the Board determines to be necessary for an acceptable Subdivision Plat; (2) waivers of improvements requested by the subdivider, that the Board finds may be granted without jeopardy to the public health, safety, and general welfare; (3) improvements required to be completed, or the amount of all bonds or other security therefore, that shall be prerequisite to final Plat Approval.
- (2) Where there are subdivision improvements to be completed, a Resolution of Preliminary Plat Approval shall either (a) authorize the Code Enforcement Officer to issue a Land Subdivision Permit for the improvements, or (b) direct the subdivider to post acceptable security for completion thereof, whichever the subdivider chose in accordance with Subsection 5.2.4, paragraph (1).

3.4 SUBDIVISION PLAT

3.4.1: Application For Approval

- (1) Within six (6) months after a Preliminary Plat was approved, or was deemed approved by reason of the Board's failure to act, and upon satisfaction of the requirements of Subsection 3.4.5, the subdivider may file with the Clerk an Application for Approval of a Subdivision Plat. When a subdivider does not do so, the Board may revoke its approval of his Preliminary Plat.

(2) An Application for Approval of a subdivision Plat shall conform with requirements in Section 5.3, and shall reflect conditions attached to Preliminary Plat Approval by the Board.

(3) A Plat shall be deemed submitted when the Application is filed with the Clerk.

3.4.2: Public Hearing

When the Planning Board finds a Plat to be in substantial agreement with a Preliminary Plat as approved, the Board may hold a public hearing. Otherwise, within forty-five (45) days after an Application for Plat Approval was submitted, a hearing shall be held by the Board as provided in Subsection 3.3.3.

3.4.3: Review By The Planning Board

The Board shall carefully consider a Plat and supplemental information submitted, together with all information gained at a public hearing, if held.

3.4.4: Time Within Which Decision Must Be Reached

The Planning Board shall reach its decision within forty-five (45) days after an Application was submitted, or after the close of a public hearing. The period for decision may be extended by mutual consent of the subdivider and the Board. Failure of the Board to decide within such period shall be deemed approval of the Plat, and the Town Clerk, at the request of the subdivider, shall so certify.

3.4.5: Providing For Proper Completion of Improvements

The Planning Board shall not finally approve a Plat until the subdivider shall have satisfied the provisions of either paragraph (1) or paragraph (2) below, as stated in Subsection 5.2.4(1):

- (1) The subdivider shall complete all required improvements in accordance with Section 3.5; or
- (2)
 - (a) In an amount set by the Planning Board, the subdivider shall file with the Town Clerk a certified check or performance bond to cover the full cost of required improvements. Such bond or other security shall comply with requirements of Section 277 of the Town Law and shall be approved by the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.
 - (b) After such approval, the Town Clerk shall notify the subdivider and the Code Enforcement Officer, who shall issue a Land Subdivision Permit for the required improvements. A period of from one year to three years, as the Board shall determine, shall be set forth in the bond and certificate, within which the required improvements shall be completed.

3.4.6 Decision

- (1) The Board shall set forth its decision, including its reasons therefore and any required conditions and modifications, in a duly adopted Resolution. The clerk shall mail a certified copy to the subdivider within five (5) days.
- (2) When a Plat is disapproved, the original or mylar duplicate of the Plat shall be returned by the Clerk to the subdivider. A print of the Plat shall be filed in the Board's records.
- (3) When a Plat is finally approved, the Plat original or mylar duplicate and two prints shall be so certified by the Clerk and signed by a duly designated officer of the Board. The print shall be filed in the Board's records; the original or mylar duplicate shall be returned to the subdivider by the Clerk.
 - (a) When a Plat is given conditional approval, the Board shall designate an officer to sign the Plat after the subdivider satisfies the conditions stated in its Resolution. Two prints of the Plat shall be so certified by the Clerk; one print shall be filed in the Board's records, and one sent to the subdivider.

When modifications are required by the Board, the Plat original or mylar duplicate also shall be returned to the subdivider for the necessary changes.

- (b) After the developer has complied with the conditions, the Plat original or mylar duplicate and two prints shall be certified by the Clerk and signed by the designated officer of the Board. The print shall be filed in the Board's records; the original or mylar duplicate shall be returned to the subdivider.

3.4.7: Lapse of Conditional Approval

Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the Resolution granting such approval unless compliance with the Board's conditions shall have been certified by the Clerk within that period. The Board may extend such period for compliance when it finds such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

3.5 MINOR SUBDIVISIONS

If a subdivider proposes a minor subdivision required to be approved under these regulations, the subdivider shall submit a sketch plan complying with section 5.1 of these regulations to the Town of Howard Land Use Officer for his or her approval. Said approval shall be summarily granted jointly by the Town of Howard Land Use Officer and Planning Board Chairman (or the Planning Board's designated Acting Chairman) upon said officials finding that all the requirements set forth under SEQRA and Section 4 of these regulations have been met. If the minor subdivision is denied, said decision shall be reviewed in accordance with Section 1.8 of these regulations.

3.6 FILING AN APPROVED PLAT

3.6.1: Plat Void When Not Filed or Recorded In Time

When a subdivider fails to file or record a Plat in the Office of the Steuben County Clerk within sixty (60) days after it was approved and signed by the designated officer of the Board, or after a certificate in lieu thereof was issued by the Town Clerk upon the Board's failure to act, the Plat shall be deemed void and shall not thereafter be accepted by the officer of the County Clerk.

3.6.2: Plat Void When Changed After Approval

No erasures, revisions, or other changes shall be made to a Plat (including endorsements or certifications thereon) after approval by the Planning Board, unless the Plat is first resubmitted to the Board and duly approved. When a Plat is recorded in violation of this requirement, it shall be deemed null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

3.6.3: Notifications Required; Lot Sales Allowed

After an approved Plat has been filed or recorded in the office of the Steuben County Clerk, the subdivider shall file one certified print each with the Clerk of the Planning Board, the Town Clerk, and the Steuben County Real Property Tax Service Agency. Lots may then be offered for sale.

3.7 PROVIDING FOR REQUIRED IMPROVEMENTS

3.7.1: Required Improvements

- (1) A subdivision shall be properly monumented in accordance with Subsection 5.3.4 (2). Proper driveway access to each lot shall be provided in accordance with Subsection 4.42. Erosion control measures and storm run-off facilities shall be in accordance with Section 4.5.
- (2) Where a subdivision includes a new road, it shall be laid out, designed and constructed in accordance with standards and specifications of the Superintendent and the requirements of Sections 4.2 and 4.3.

3.7.2: Optional Improvements

A subdivider may choose to construct or install improvements that are not required, such as sidewalks, streetlights, and shade trees. Such improvement shall comply with applicable standards and regulations of the Land Use Officer or other approving agency.

3.7.3: Required Improvements Shall Be Inspected

At least five (5) days before beginning a required improvement, the subdivider shall notify the Land Use Officer, in writing, when he proposes to begin so that the Land Use Officer may cause the work to be inspected.

3.7.4: Required Improvements May Be Modified

When the Land Use Officer finds that it would be preferable to modify the planned location or design of a required improvement, he may authorize appropriate modifications, upon approval by a previously delegated member of the Planning Board. Such modifications shall not include waiver or substantial alteration of the function of any improvement. The Land Use Officer's authorization shall be in writing and a copy thereof shall be received by the Planning Board at their next regular meeting.

3.7.5: Faulty Improvements Shall Not Be Approved

- (1) Notification: When the Land Use Officer finds that any required improvement was not constructed in accordance with approved plans and specifications, he shall so inform the subdivider, Town Board, and Planning Board.
- (2) No Approval: When construction undertaken pursuant to paragraph (1) of Subsection 3.4.5 is found to be faulty, the Board shall not approve the Plat until such faults have been corrected to the Land Use Officer's satisfaction, or the Planning Board is otherwise satisfied.
- (3) Forfeiture: When construction undertaken pursuant to paragraph (2) of Subsection 3.4.5 is found to be faulty, the Town Attorney shall notify the subdivider and, if necessary, the bonding company that the Town Board shall take all steps necessary to preserve the Town's rights under the bond or other financial security provided.

3.7.6: Improvements Shall Be Deemed Complete Upon Approval

- (1) Completion: Required improvements shall be deemed complete when approved by the Land Use Officer. He shall then so certify to the Board and to the Town Clerk.
- (2) Release of Security: The Land Use Officer's certification shall authorize release of a subdivider's bond or certified check by the Town Clerk, where the subdivider chose to proceed according to paragraph (2) of Subsection 3.4.5.
- (3) Plat Approval: Where a subdivider chose to complete all required improvements according to paragraph (1) of Subsection 3.4.5, the Land Use Officer's certification shall authorize final Plat Approval by the designated Planning Board officer.

3.8 STATUS OF ROADS AND OPEN AREAS

3.8.1: Roads and Easements

A road or easement on a Plat shall be deemed to be private until it shall have been formally offered for cession to the public and formally accepted by resolution to the Town Board.

3.8.2: Open Areas

Plat approval shall not be deemed to constitute or be evidence of acceptance by the town of a recreation area or other open space shown on such Plat. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect.

3.9 FEES

3.9.1: Application Fees

- (1) No Application for Approval shall be complete until a subdivider pays the Clerk the appropriate fee, as stated in a Schedule of Application Fees which shall be established, and from time to time may be changed, by a duly adopted Resolution of the Town Board.
- (2) The appointed Clerk shall accurately account for such fees, and shall transmit them to the Town Clerk monthly, or at such other interval as may be set by the Town Board from time to time.

3.9.2: Inspection Fee

At least five (5) days before starting work on a required improvement, the subdivider shall pay to the Town Clerk an inspection fee according to a schedule established by a duly adopted Resolution of the Town Board upon the Land Use Officer's recommendation. Such schedule may be changed from time to time by Resolution of the Town Board.

3.9.3: Construction Fee

The Town may charge a fee for culverts and driveways installed by the Superintendent in accordance with Subsection 4.4.2. Construction fees shall be stated in a schedule recommended by the Superintendent and adopted by Resolution of the Town Board. Such schedule may be changed from time to time by Resolution of the Town Board. When required, such fee shall be paid to the Clerk along with the Application for Subdivision Plat Approval.

3.9.4:

The Town may require the cost of expert or specialized services in the event it is decided by the Town Board or the Planning Board that advice or expertise is required in order to supplement analysis, inspections, or other matters in determining or deciding certain aspects or portions of an application for subdivision meet required standards. In such case an estimate of costs shall be provided to the applicant together with explanation of such services to be provided, and the applicant shall deposit with the Town such amounts toward such costs as shall be determined by such Board. Failure to provide such services may result in a rejection of an application at any stage.

SECTION 4 – SUBDIVISION DEVELOPMENT STANDARDS

4.1 GENERAL REQUIREMENTS

4.1.1: Character Of Land

Land to be subdivided shall be suitable for development in terms of topography, drainage, and soil conditions.

4.1.2: Standards

- (1) All roads shall be constructed in compliance with the Town of Howard's standards new roads and applicable provisions of this section.
- (2) Measures to control storm water run-off and soil erosion shall comply with standards and practices recommended by the District Conservationist, Steuben County Soil and Water Conservation District.
- (3) Permanent monuments to permit the accurate location of all property lines and improvements shall be as required by the Superintendent and/or the NYS Department of Transportation.

4.2 ROAD LAYOUT

4.2.1: General Considerations

- (1) New or proposed roads shall be suitably located, of sufficient width, and adequately constructed to accommodate expected normal traffic and to allow access for snow removal road maintenance, and emergency equipment.
- (2) The road layout of a proposed subdivision shall be related logically to topography of the property, so as to minimize grading. Roads shall be arranged so that as many of the building sites as possible will be at or above the road grade.
- (3) Road names in a proposed subdivision shall be subject to approval by the Planning Board. In general, roads shall have names and not numbers or letters. The subdivider shall choose road names that will not be confused in sound or spelling with present names, but a proposed road that extends or is in alignment with an existing road shall bear the same name.

4.2.2: Special Treatment Along Major Roads

Where a subdivision abuts or contains a County or State road, the Board may require reverse frontage lots with screen planting in a non-access strip along such County or State road right-of-way, or other treatment to protect residential properties from adverse effects of through traffic.

4.2.3: Reserve Strips Prohibited

Reserve strips of land used to control road access from a proposed subdivision to a neighboring property or to lands within the subdivision itself, shall be prohibited except as provided in Subsection 4.2.2.

4.2.4: Dead-End Roads

A dead-end road shall not exceed five hundred (500) feet in length.

4.2.5: Block Size

In general, blocks shall be between four hundred (400) feet and twelve hundred (1,200) feet long, and not less than twice the normal lot depth.

4.2.6: Intersections

- (1) All intersections shall be constructed to conform to the Standards for New Roads requirements for the Town of Howard.

4.3 ROAD STANDARDS

4.3.1: Width

- (1) All widths of roads shall conform to the Standards for New Roads requirements for the Town of Howard.
- (2) Dead-End Roads: A permanent dead-end road shall terminate in a circular turnaround having a right-of-way radius of not less than ninety (90) feet and pavement outside radius of not less than seventy-five (75) feet. At the end of a temporary dead-end road, a temporary turnaround with a roadway radius of not less than seventy-five (75) feet shall be provided, unless the Planning Board approves a "tee" or other arrangement.

4.3.2: Grades

- (1) All road grades shall conform to the Standards for New Roads requirements for the Town of Howard.

4.3.3: Curves

- (1) All road curves shall be constructed to conform to the Standards for New Roads requirements for the Town of Howard.

4.4 LOTS

4.4.1: Lots Shall Be Suitable For Buildings

Lots shall be laid out so that buildings can be constructed thereon without foreseeable difficulties

due to topography, drainage, or other natural conditions.

4.4.2: Driveway Access Shall be Provided

A subdivision lot shall front on and be accessible from an existing road or a new road complying with these regulations. For a lot fronting on an existing road, driveway access shall be provided to the road right-of-way line by the Superintendent. If a culvert is necessary, it shall be provided by the subdivider. All work by the subdivider shall be subject to inspection and approval by the Superintendent. No driveway shall enter a public road at a point that is located where the sight distance in either direction along a public road would be less than five hundred (500) feet where the posted speed limit exceeds thirty-five (35) miles per hour. Where the posted speed limit is thirty-five (35) miles per hour or less, sight distance shall be not less than two hundred fifty (250) feet.

4.4.3: Side Lines

In general, side lines of lots shall be at right angles to straight road lines, and radial to curved road lines.

4.4.4: Corner Lots

In general, corner lots shall be larger than others to provide for proper building setback from both roads and to provide a desirable building site.

4.4.5: Provision For Future Re-subdivision

Where a subdivision includes unusually large or irregular lots, the Board may require that it be laid out to permit future re-subdivision into smaller or more regular lots conforming with the minimum size allowed by the Land Subdivision Regulations, and with the requirements of Subsection 4.4.1.

4.5 DRAINAGE AND EROSION CONTROL

4.5.1: Policy

Hazards posed by storm water run-off and soil erosion are hereby declared to be a significant threat to the public health, safety, and general welfare. Accordingly, subdivisions shall be designed and improved so as to mitigate or prevent such adverse effects, as herein provided.

4.5.2: Watercourses

- (1) Where land to be subdivided is traversed by a watercourse or seasonal drainage way, the Town shall be granted a drainage easement. Generally, such an easement shall be not less than twenty (20) feet in width. Lots shall be laid out so that lot lines follow the center of such easements, to avoid creating unbuildable lots.
- (2) A subdivider may be required by the Board to provide drainage for spring or surface water on the site; drainage ways shall be located in a road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

4.5.3: Run-off From Upstream Areas

- (1) **Standard:** Required drainage facilities shall accommodate potential run-off from the upstream drainage area, including the area outside the subdivision. The Superintendent shall approve design and size based on anticipated run-off from a "twenty-five (25) year" storm, assuming maximum development of the watershed as permitted by the Land Subdivision Regulations.
- (2) **Hydrologic Study:** A subdivider may be required by the Board to provide a hydrologic study of the watershed, certified by an engineer. Results of such a study, when required, shall be reflected in a storm water run-off control plan prepared pursuant to Subsection 4.6.6.

4.5.4: Grading Plan

- (1) **Plan Required:** A grading plan shall be submitted with a Preliminary Plat where a new road is proposed. A grading plan may be required by the Board in other cases.
- (2) **Contents:** A grading plan shall be designed to minimize foreseeable problems arising from storm water run-off and soil erosion. It shall clearly depict the proposed finished ground surface throughout the subdivision, with graded areas properly tied back into areas of ungraded land. The plan shall distinguish cut from fill, and existing from proposed contour lines; contours shall be depicted at vertical intervals not greater than two (2) feet unless the Board specifies otherwise. The grading plan also shall reflect the requirements of Subsections 4.5.5 and 4.6.

4.5.5: Run-off And Erosion Control Plan

- (1) **Plan Required:** A grading plan shall be accompanied by a related plan for controlling storm water run-off and soil erosion. A run-off and erosion control plan may be required by the Board in other cases.
- (2) **Run-off Facilities:** The plan shall include drawings and description to clearly show proposed facilities to manage the course and rate of water run-off from and through the development, in order to prevent such water from being channeled onto lower adjacent properties in a manner likely to inflict substantial damage. Proposed temporary (construction) measures shall be distinguished from permanent measures.
- (3) **Erosion Control Measures:** The Plan shall identify proposed measures to prevent soil movement from the site, both during the construction period and following completion, keyed to the proposed construction schedule.

4.6 OPEN SPACE AND NATURAL FEATURES

- (1) **Policy:** It is hereby declared to be in the interest of the public health, safety, and general welfare, for the Planning Board, where appropriate, to require protection of significant landscape features that are unsuitable for development, or would

enhance the attractiveness of residential development, or otherwise would protect environmental quality of the community. These features may include large trees or groves, wetlands, streams, falls, steep slopes, cliffs, historic sites and scenic views.

- (2) **Standard:** No ground cover shall be removed from, but may be augmented on, slopes of sixty percent (60%) or from the banks of a perennial stream or from the boundary of a wetland regulated pursuant to Article 24 of the Environmental Conservation Law.
- (3) **Grading Considerations:** The purposes of this Section shall be observed by the subdivider in a subdivision layout, and specifically in a grading plan prepared pursuant to Subsection 4.5.4. The Board may require a grading plan to be modified in order to protect particular valuable features.

SECTION 5 – DOCUMENTS TO BE SUBMITTED

5.1. SKETCH PLAN

5.1.1: Graphic Standard

A Sketch Plan shall be based on tax map information or other comparably accurate base map at a scale allowing the entire tract to be shown on one sheet; mapping shall extend not less than five hundred (500) feet beyond the property to be subdivided. Five (5) copies shall be submitted.

5.1.2: Contents

A Sketch Plan shall show, or be accompanied by, the following information:

- (1) **Identification:**
 - (a) The name of the owner of property to be subdivided, and the owners of adjoining property.
 - (b) The location of the portion of a subdivider's property that is to be subdivided, in relation to his entire holding; the distance to the nearest existing road intersection (if such intersection lies off the area covered by the map).
 - (c) Steuben County tax map sheet, block and lot numbers.
- (2) **Existing Conditions:**
 - (a) Existing buildings and other structures, wooded areas, streams, wetlands, and other significant physical features, within the property to be subdivided and within two hundred (200) feet thereof. If topographic

conditions are significant, contours shall be shown at vertical intervals not greater than ten (10) feet.

(b) Approximate locations of property lines; existing restrictions on the use of land including easements, and covenant; land subdivision regulation district lines; and areas of 100-year flood as shown on current Flood Insurance Rate Map for the Town.

(c) Utilities available to the site; existing roads.

(3) **Proposed Development:**

The proposed pattern of lots (including lot width and depth), proposed road layout, reserved areas, generalized systems or storm water drainage.

5.2 PRELIMINARY PLAT

5.2.1: Application

An Application for Approval of a Preliminary Plat shall include a Form prescribed by the Clerk, a Preliminary Plat and supplemental materials as prescribed below, and an Application Fee as prescribed in Section 3.9.

5.2.2: Graphic Standard For Preliminary Plat

A Preliminary Plat shall be marked clearly "Not to be Recorded". It shall be prepared at a scale of not more than one hundred (100) feet to the inch. If more than one sheet is required to show the entire proposal, sheets shall be of the same size, and an index sheet of that size shall be included. Five (5) prints shall be submitted, together with as many copies of the required supplementary materials as the Clerk deems necessary.

5.2.3: Contents Of Preliminary Plat

A Preliminary Plat shall show:

(1) **Identification:**

- (a) Proposed subdivision name, and notation that it lies in the Town of Howard and County of Steuben; name and address of the property's record owner and subdivider; a general location diagram; the date, true north point and graphic scale.
- (b) An actual field survey of the boundary of the tract, giving complete descriptive data by bearings and distances, made and certified to by a surveyor, existing property lines, rights-of-way, and easements.
- (c) Names or owners of record of all adjacent properties.

(2) **Existing Site Conditions:**

- (a) Buildings and other structures; water courses, marshes, rock outcrops; wooded areas, large trees; other significant existing features within the proposed subdivision and adjacent property.
- (b) Location of existing sewers, water lines, culverts, ditches, and utility lines on the property, with pipe sizes and direction of flow.

(3) **Proposed Development:**

- (a) The width, location, profiles and typical cross-sections of proposed roads.
- (b) Grading plan, pursuant to Subsection 4.5.4.
- (c) The proposed lot lines with approximate dimensions and area of each lot.
- (d) Lands proposed to be dedicated to public use and the purposes of such dedication, including the boundaries of proposed easements for drainage ways, utility lines, or other purposes.

5.2.4: Supplemental Materials

- (1) Preliminary Plat shall be accompanied by a certificate executed by the subdivider, stating that when the Preliminary Plat is approved, he shall provide for proper completion of required improvements as a prerequisite to final Plat Approval and stating which of the options prescribed in Subsection 3.4.5. he shall choose.
- (2) **Run-off and Erosion Control:** A Preliminary Plat shall be accompanied by a storm water run-off and erosion control plan, pursuant to Subsection 4.5.5. When required by the Board, there shall be submitted one copy of an engineer's hydrologic study prepared pursuant to Subsection 4.5.3.
- (3) **Proposed Restrictions:** An Application shall include an draft of offers of dedication, covenants, maintenance agreements or deed restrictions intended to cover all or parts of the tract.
- (4) **Environmental Assessment Form:** An Application shall include one of the following, as appropriate:
 - (a) a Full EAG with Part I duly completed by the subdivider, in the case of a proposed subdivision having fifty (50) or more lots; or
 - (b) a Full EAF with Part I duly completed by the subdivider, in the case of a proposed subdivision of more than twelve (12) lots located within an agricultural district created pursuant to Article 25-AA of the NYS Agricultural and Markets Law; or

- (c) a Short EAF with Part I duly completed by the subdivider, in the case of a proposed subdivision having fewer than fifty (50) lots, other than as stated in subparagraph (b), above.

5.3 SUBDIVISION PLAT

5.3.1: Application

An Application for Approval of a Plat shall include a Form prescribed by the Clerk, a Plat and supplemental materials as prescribed below, and an Application Fee as prescribed in Section 3.8.

5.3.2: Graphic Standards for a Plat

- (1) A final Plat shall be the original, on linen or acceptable equal material, or a mylar duplicate thereof. Each sheet shall be not less than 8 ½ inches by 11 inches nor greater than 34 or 44 inches, including a margin for binding of two (2) inches, outside of the border along the left side, and a margin or one inch outside of the border along the remaining sides.
- (2) A Plat shall be drawn at a scale of not greater than one hundred (100) feet to the inch and oriented with the north point toward the top of the map. If more than one sheet is required, all shall be of the same size and shall be covered by an index sheet of the same size showing to scale the entire subdivision with map sheet lines and subdivision block letters clearly legible. A Plat original or mylar duplicate and five (5) prints shall be submitted together with the required supplemental materials as specified below. The Clerk may require additional copies to be submitted.

5.3.3: Contents Of A Plat

- (1) **Identification:**
 - (a) The subdivision name or identifying title, with notation that it lies in the Town of Howard and County of Steuben; the name and address of the owner of record and subdivider; a general location diagram, graphic scale, and true north point.
 - (b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances. The surveyor with his seal shall certify thereon the dates on which he completed the survey and the Plat of the subdivision.
- (2) **Contents:**
 - (a) Proper road right-of-way lines, pedestrian ways; road names; lots and blocks, numbered and lettered in numeric and alphabetical order, respectively; reservations, easements and areas to be dedicated to public use.

- (b) Sufficient data, acceptable to the Superintendent and Land Use Officer, to make it possible to determine readily and to reproduce upon the ground all roads, lots, easements and reservations. The length of radii and curves, the central angles of all curves, and tangent bearings shall be given for each road line. Dimensions shall be shown in feet and decimals of a foot. The survey shall be tied to reference points previously established by a public authority.
- (c) A certificate by the Town tax collector that all due property taxes have been paid on the lands to be subdivided.
- (d) A certificate of approval by the district office, NYS Department of Health, when the subdivision includes five or more lots each not larger than five (5) acres, in addition to any larger lots that it may include.

5.3.4: Supplemental Materials

- (1) **Deeds/Covenants:** The Plat shall be accompanied by the original and one true copy of all offers of cession and deeds of proposed town roads and other public spaces; one copy of all covenants, agreements, or other instruments governing the use and maintenance of unceded reserve spaces. The Town Attorney shall have approved the same to form and legal sufficiency.
- (2) **Monuments:** Permanent monuments of a type approved by the Land Use Officer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and such other points as shall be required by the Land Use Officer. Their locations shall be noted upon the Plat or supplement thereto. When referenced to the State system or plane coordinates, they shall also conform to the requirements of the State Department of Transportation.
- (3) **Construction Drawings:** Five (5) prints of construction drawings shall be submitted. These shall include, as required by the Superintendent and Land Use Officer, plans, profiles and typical cross-sections, showing the proposed (or, as-built) location, size, and type of: Roads (pavement and base), and permanent storm run-off facilities and erosion control measures.
- (4) A construction fee, where required pursuant to Subsection 3.8.3.

SECTION 6 – ADMINISTRATION AND ENFORCEMENT

6.1 Violations

6.1-1 Penalties

A Violation of this Land Subdivision Law is an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or both for conviction of a first offense.

Conviction of a second offense, committed within five (5) years of the first offense, is deemed a Class B misdemeanor and is punishable by a fine not less than three hundred fifty dollars (\$350.00) nor more than five hundred dollars (\$500.00) or imprisonment for a period not to exceed three months, or both.

Conviction of a third or subsequent offense committed within a period of five (5) years is deemed to be a Class A misdemeanor and is punishable by a fine of not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00), or imprisonment for a period not to exceed six (6) months, or both.

Each week's continued violation shall constitute a separate violation.

6.1-2 Accountability

For every violation of the provisions of this Land Subdivision law, the owner, agent, contractor, lessee, ground lessee, tenant, licensee or any other person who commits, takes part or assists in such a violation or who maintains any structure or premises in which any such violation exists, shall be punished according to the provisions of this Land Subdivision law.

SECTION 7 – MISCELLANEOUS PROVISIONS

7.1 Interpretation As Minimum Requirements

In their interpretation and application, the provisions of this Land Subdivision law shall be deemed minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this land subdivision law differ from the requirements of any other lawfully adopted laws, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

7.2 Severability

If any provision of this land subdivision law or the application thereof to any person, property or circumstances is held to be invalid, the remainder of this land subdivision law and the application of each provision to other persons, property or circumstances shall not be affected thereby.

7.3 Conflict With Other Laws

This land subdivision law shall not repeal, abrogate, annul or in any way impair or interfere with any provisions of law or rules or regulations previously adopted or issued and still in effect relating to the use of structures or premises, provided that where this land subdivision law imposes a greater restriction upon the use of structures or premises or requires larger lots or yards than are imposed or required by such existing laws, rules or regulations, the provisions of this land subdivision law shall control.

7.4 Appeal Of Board of Appeals Action

Any person aggrieved by a decision of the Board of Appeals may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

7.5 Repeal and Supersession

Local Law #3 for the year 2003 of the Town of Howard is hereby repealed and superseded by this local law.

7.6 Effective Date

This land subdivision law shall take effect upon filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2015 of the ~~(County)(City)~~(Town)(Village) of HOWARD was duly passed by the TOWN BOARD on JULY 8, 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

Sandra A. Kan

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/8/2015

(Seal)