

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Warren

FILED  
STATE RECORDS

APR 23 2021

Local Law No. 3 of the year 2021

A local law to regulate Subdivisions in the Town of Warren  
(Insert Title)

DEPARTMENT OF STATE

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Warren

as follows:

## Article I. Declaration of Policy

### § 1. Authority for plat approval; compliance with policy.

A. By the authority of this local law passed by the Town Board of the Town of Warren, the Planning Board of the Town of Warren is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of Herkimer County and to approve preliminary plats within the Town of Warren.

B. It is the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town of Warren. 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 and that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements.

C. All proposed lots shall be laid out and of such a size so as to be in harmony with the development pattern of neighboring properties so that the proposed streets shall compose a convenient system and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings, and so that proper provision shall be made for open spaces for parks and playgrounds or for natural resource protection.

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

D. In order that land subdivisions may be made in accordance with this policy, these regulations shall be known as the "Warren Land Subdivision Regulations."

## **Article II. Terminology**

**§ 2. Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

### **AGRICULTURAL DATA STATEMENT**

A written identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which a site plan review is being conducted, as provided in Section 305-a of the Agricultural and Markets Law of the State of New York. An "Agricultural Data Statement" shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other maps showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

### **APPLICANT**

An Applicant is the individual or business entity that seeks to secure a license under this Local Law.

### **CODE ENFORCEMENT OFFICER or CEO**

The Code Enforcement Officer appointed by the Town Board of the Town of Warren or such officer authorized to enforce the land use regulations of the Town of Warren.

### **COLLECTOR STREET**

A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

### **COMPREHENSIVE PLAN**

The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive materials that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of Warren.

### **DEAD-END STREET or CUL-DE-SAC**

A street or portion of a street with only one vehicular traffic outlet.

### **DEED OR TRACT RESTRICTIONS**

Legal language recorded in an instrument in the chain of title for a lot which describes specifically limitations or restrictions on the use of property.

### **DRAINAGE RIGHT-OF-WAY**

The lands required for the installation of stormwater sewers or drainage ditches or field tile or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage and nuisance water conditions.

**EASEMENT**

The authorization by a property owner for use by another, for a specified purpose, of any designated part of such property or, as in a conservation easement, an agreement by the property owner to restrict the use of a designated portion of such property to a particular use or to prohibit use of a designated portion of such property for certain uses.

**ENGINEER or LICENSED PROFESSIONAL ENGINEER**

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

**LETTER OF CREDIT**

A security which may be accepted as a guarantee of a requirement that certain improvements be made before the Planning Board approves a plat, including escrow agreements and other similar collateral and surety agreements acceptable in form and amount to the Town Attorney and Town Designated Engineer and approved by the Town Board.

**LOT**

A piece, parcel or plot of land intended as a unit for transfer of ownership, lease or for development. All proposed lots must be a minimum of two (2) acres in size, 200 ft road frontage; unless waived by the Planning Board.

**LOT LINE CHANGE**

Any transfer of property from one adjacent lot to another (the "receiving lot") for the purposes of enlargement of the transferee lot. A lot line change shall not constitute a subdivision, provided that it is clear that the land being transferred is not intended to create a new lot, but instead is intended to be merged with the receiving lot.

**MAJOR STREET**

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

**MAJOR SUBDIVISION**

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four or more lots or any size subdivision requiring any new street or extension of Town Designated facilities.

**MINOR STREET**

A street intended to serve primary access to abutting properties.

**MINOR SUBDIVISION**

Any subdivision which contains not more than three lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not

adversely affect adjacent properties; and is not in conflict with any provision or portion of the Comprehensive Plan, Site Plan Review Law of the Town of Warren, or these regulations.

**PLANNING BOARD or BOARD**

The Planning Board of the Town of Warren.

**PRELIMINARY PLAT**

A drawing or drawings, clearly marked "preliminary plat," showing the significant features of a proposed subdivision, as specified in Article III, of this local law, submitted to the Planning Board for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**PROPERTY LINE**

The recognized and mapped property parcel boundary line.

**PROPERTY OWNER**

The owner of a parcel within the Project Boundary.

**RESUBDIVISION**

Revision of all or part of an existing filed plat.

**SEQRA**

The New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

**STREET**

*Includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.*

**STREET PAVEMENT**

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

**STREET WIDTH**

The width of the right-of-way, measured at right angles to the center line of the street.

**SUBDIVIDER**

Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either personally or on behalf of others.

**SUBDIVISION**

The division of any tract of land into two or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, and shall include resubdivision.

**SUBDIVISION PLAT or FINAL PLAT**

A drawing, in final form, showing a proposed subdivision, containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and

which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

**SURVEYOR**

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

**TOWN**

The Town of Warren.

**TOWN BOARD**

The legislative body of the Town of Warren.

**TOWN DESIGNATED ENGINEER**

The duly designated engineer of the Town of Warren or a position assigned with similar duties, as may be required.

**UNDEVELOPED PLATS**

Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.

**Article III. Procedure**

**§ 3. Applicability.** Whenever any subdivision or resubdivision of land is proposed and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or a duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.

**§ 4. Preapplication and sketch plan submission requirements.**

- A. Prior to submitting an application for approval of a subdivision plat, for either a lot line adjustment, major or a minor subdivision, the subdivider shall submit a sketch plan for informal review by the Planning Board at a preapplication conference. The sketch plan shall contain the following information:
1. The general location of the site with respect to existing and proposed streets and rights-of-way, permanent open space, as well as buildings and other facilities.
  2. Specific identification of all properties, subdivisions, streets and easements within 200 feet of the parcel.
  3. General identification of all existing utilities in the area.
  4. Identification of internal streets or traffic circulation pattern, if any, of the proposed development, including pedestrian ways.

5. The location of all existing and proposed structures on the site, and designated uses for each.
  6. Identification of existing zoning classification(s) of the property and all adjacent properties, and any restrictions on land use of the site.
  7. Identification of existing natural features on the site or within 200 feet of the site, including but not limited to those features subject to state or federal regulations which may restrict development.
  8. If general site grades exceed 5% or portions of the site are susceptible to erosion, flooding or ponding, a soils overlay and topographic map showing contour intervals of not more than twenty (20) feet of elevation shall be provided.
- B. The Planning Board shall determine whether the sketch plan meets the purposes of this local law. The Planning Board shall also determine whether the proposed subdivision is a lot line change, minor subdivision or a major subdivision for the purposes of this chapter. The Planning Board shall inform the Applicant of the necessary action to take in meeting the requirements of this local law.
- C. Number of copies. Once the preapplication meeting is complete and the type of subdivision has been determined, the Applicant shall submit a minimum of three (3) copies of the plat unless otherwise specified by the Planning Board. Applications shall be accompanied by the application fee set by the Town Board.

**§ 5. Procedure for Review - Lot Line Changes.**

- A. Application. If the proposed application is determined to be a lot line change in the pre-application meeting of the Planning Board, the Planning Board may approve the application without a public hearing.
- B. Application Materials.
1. The application shall be signed by the current owners of both affected lots and shall include a partial survey prepared by a surveyor licensed by New York State, showing the proposed lot line change, existing and proposed structures and the location on each lot of any existing well and septic system; and
  2. Copies of proposed legal descriptions to effect the lot line change, including the merger of the transferred property with the receiving lot.
- C. Review of lot line changes. The Planning Board shall review any proposed lot line change to determine if it fits the definition as set forth in Article **II**. The Planning Board shall determine that the resulting lots have the required minimum lot size, road frontage or otherwise conform to the Site Plan Review Law.

D. Approval by Planning Board. If the lot line change is granted, a copy of the survey shall be signed by the Chairman of the Planning Board and shall be filed with the Town Clerk of the Town of Warren.

E. Filing of approved Survey.

1. Final approval and filing. Upon completion of the requirements and notation to that effect upon the survey, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairperson or Acting Chairperson) and shall be filed by the applicant in the office of the County Clerk. Any survey not so filed or recorded within 62 days of the date upon which such survey is approved shall become null and void.
2. Survey void if revised after approval. No changes, erasures, modifications or revisions shall be made in any lot line change survey after approval has been given by the Planning Board and endorsed in writing on the survey, unless said survey is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such lot line change survey is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the survey stricken from the records of the Herkimer County Clerk.

**§ 6. Procedure for Review – Minor Subdivision.**

A. Application. If the proposed subdivision is determined to be a minor subdivision in the preapplication meeting of the Planning Board, the Applicant shall submit a final plat for a minor subdivision in conformance with the requirements listed in this article. Final plats for minor subdivision must be prepared by a licensed surveyor, other maps and drawings submitted as part of a final minor subdivision plat approval may be required to be prepared by a licensed engineer, architect, landscape architect or surveyor, and certified by the seal and signature of such engineer, architect or surveyor.

B. Application Materials.

1. Final Plat, which must include the following:
  - a) A location map, showing that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection. The location map may be drawn to a smaller scale than the subdivision plat itself.
  - b) The name and address of the owner(s) of the land to be subdivided and the subdivider and the names of all adjoining property owners as disclosed by the most recent municipal tax records.
  - c) The Tax Map sheet, block and lot numbers.

- d) Within 500 feet of the property, all the utilities available and all streets which are either proposed, mapped or built.
- e) The proposed pattern of lots, including lot width, depth and area, within the subdivided area.
- f) All existing restrictions on the use of land, including easements and covenants.
- g) The location of any wells and septic systems within 100 feet of any property boundary.
- h) Boundaries and designation of any flood hazard zones located on the property.
- i) The location of existing property lines, easements, structures and natural features within 200 feet of the proposed subdivision. Natural features shall include, but are not limited to, natural forests, steep slopes, floodplains, scenic views, stream corridors and wetlands, subject to state or federal regulations which may restrict development.
- j) 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.
- k) *All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat.*
- l) The proposed subdivision name and the location. The location shall specifically list Town of Warren, Herkimer County.
- m) The date, North point, map scale, name and address of the record owner and subdivider.
- n) The plat to be filed with the Herkimer County Clerk shall be printed and produced in accordance with the standards established by the Herkimer County Clerk.

2. Short Environmental Assessment Form (EAF).

3. An agricultural data statement if the proposed subdivision is in or within 500 feet of a farm operation in a county agricultural district.

C. Action on final plat for minor subdivision. Upon receiving a completed application, a public hearing will be scheduled before the Planning Board makes a decision. The Planning Board shall, within 62 days from the date of the public hearing, conditionally



approve, disapprove or grant final approval and authorize the signing of such plat. The grounds for refusal shall be stated in the records of the Planning Board.

D. Filing of approved subdivision plats.

1. Final approval and filing. Upon completion of the requirements and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairperson or Acting Chairperson) and shall be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 62 days of the date upon which such plat is approved shall become null and void.
2. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the Herkimer County Clerk.

**§ 7. Procedure for Review – Major Subdivision.**

A. Application. If the proposed subdivision is determined to be a major subdivision at the pre-application meeting of the Town Planning Board, the Applicant shall, prior to filing a final plat for a major subdivision, submit a preliminary plat for a major subdivision in conformance with the requirements listed in this article. All applications for preliminary major subdivision plat approval shall be made in writing. Preliminary plats for a major subdivision must be prepared by a licensed land surveyor, other maps and drawings submitted as part of a preliminary major subdivision plat approval shall be prepared by a licensed engineer, architect, landscape architect or surveyor and certified by the seal and signature of such engineer, architect or surveyor.

B. Application Materials.

1. Preliminary Plat, which must include the following:
  - a) A location map, showing that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection. The location map may be drawn to a smaller scale than the subdivision plat itself.
  - b) The name and address of the owner of the land to be subdivided and the subdivider and the names of all adjoining property owners as disclosed by the most recent municipal tax records.
  - c) The Tax Map sheet, block and lot numbers.

- d) Within 500 feet of the property, all the utilities available and all streets which are either proposed, mapped or built.
- e) The proposed pattern of lots, including lot width, depth and area, within the subdivided area.
- f) All existing restrictions on the use of land, including easements and covenants.
- g) The location of any wells and septic systems within 100 feet of any property boundary.
- h) Boundaries and designation of any flood hazard zones located on the property.
- i) The location of existing property lines, easements, structures and natural features within 200 feet of the proposed subdivision. Natural features shall include but are not limited to natural forests, steep slopes, floodplains, scenic views, stream corridors and wetlands subject to state or federal regulations which may restrict development.
- j) 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 the tract shall also be located on the ground and marked by monuments as approved by the Town Designated Engineer and shall be referenced and shown on the plat.
- k) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and all other applicable public utilities, and a note to this effect shall be stated on the plat.
- l) The proposed subdivision name and the names of the Town of Warren and Herkimer County in which it is located.
- m) The date, North point, map scale, name and address of the record owner and subdivider.
- n) The plat to be filed with the Herkimer County Clerk shall be printed and produced in accordance with the standards established by the Herkimer County Clerk.
- o) All parcels of land proposed to be dedicated to public use and the conditions of such dedication, including maintenance easements.
- p) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

- q) Contours with intervals of two feet or less as required by the Board, including elevations on existing roads and the approximate grading plan if natural contours are to be changed more than two feet.
  - r) Location of proposed permanent open space.
2. Full Environmental Assessment Form (EAF).
  3. An agricultural data statement if the proposed subdivision is in or within 500 feet of a farm operation in a county agricultural district.
  4. Records of soil percolation tests and groundwater availability, demonstrating that any proposed on-site water supply and sewage disposal systems are feasible for the lot sizes and density of the proposed subdivision.
  5. If the application covers only part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract, shall be considered in light of the entire holdings.
  6. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract shall be provided.

C. Action on preliminary plat for major subdivision. After receiving the completed preliminary plat, a public hearing will be scheduled. Within 62 days after the date of the public hearing, the Planning Board shall approve, with or without modifications, or disapprove such preliminary plat. The grounds of a modification, if any, as the Planning Board deems necessary, shall be made a part of the written resolution. The resolution, including any conditions or modifications necessary for final plat approval shall also be mailed to the subdivider or duly authorized agent.

D. Final major subdivision plat approval.

1. Submission Requirements.
  - a) Within six months of the approval of the preliminary plat, the subdivider shall file with the Planning Board an application for approval of the subdivision plat in final form. If the final plat is not submitted within six months of the approval of the preliminary plat, the Board may revoke the approval of the preliminary plat.
  - b) Number of copies. The subdivider shall submit to the Code Enforcement Officer a copy of the application and three copies of the plat, plus the original and one true copy of all offers of cession, covenants and agreements and two

prints of all construction drawings. These documents shall be submitted at least 10 days prior to the regularly scheduled meeting of the Planning Board.

- c) Endorsement of state and county agencies. Applications for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary town, county and state agencies. Endorsement and approval by the Herkimer County Department of Health shall be secured by the subdivider before official submission of the final subdivision plat.
- d) The following documents shall be submitted for approval:
  - i. The plat to be filed with the Herkimer County Clerk shall be printed and produced in accordance with the standards established by the Herkimer County Clerk. The plat shall be drawn at the same scale required for the preliminary plat and oriented with the North point at the top of the map. When more than one sheet of the same size shall be filed, an index sheet of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible. The plat will show:
    - a. The proposed subdivision name or identifying title and the name of the municipality and county in which the subdivision is located, the name and address of the record owner and subdivider and the name, license number and seal of the licensed land surveyor.
    - b. Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.
    - c. Sufficient data acceptable to the Town Designated Engineer to determine readily the location, bearing and length of every street line, lot line and 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.
    - d. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and 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 plat shall show the boundaries of the property, location, graphic scale and true North point.
    - e. The plat shall also clearly label those public open spaces which are to be dedicated to the municipality and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other

documents showing the manner in which such areas are to be maintained and the provisions for such maintenance.

- f. All offers of cessation and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  - g. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing municipal practice.
  - h. Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Town Designated Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Designated Engineer and their location noted and referenced upon the plat.
  - i. All lot corner markers shall be permanently located satisfactorily to the Town Designated Engineer and shall be at least 5/8 inch (if metal) in diameter and at least 24 inches in length and located in the ground at existing grade.
  - j. Monuments of a type approved by the Town Designated Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curves and such intermediate points as shall be required by the Town Designated Engineer.
  - k. Street names must be indicated on the plat and shall have been approved by the Herkimer County 911 Coordinator to ensure that they do not duplicate nor resemble phonetically existing street names within the emergency service area.
- ii. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, facilities, shall be submitted as part of the plat.

## 2. Required improvements.

- a) Improvements and letter of credit. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection A(1) or (2) below.

- i. Letter of credit. A letter of credit shall be submitted for construction and improvements, and shall be approved as to form by the Town Attorney and as to amount by the Town Designated Engineer. The member of the Planning Board designated to sign plats shall not sign a plat until a letter of credit, if required, has been received by the Code Enforcement Officer and approved by the Town Board.
  - ii. Installation of required improvements. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Designated Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements prior to final subdivision approval, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection A(1), such bond shall not be released until such map is submitted.
- b) Modification of design improvements. If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Designated Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the subdivider shall submit the proposed modifications in a form acceptable to the Town Designated Engineer. The Town Designated Engineer may approve, upon agreement by the previously delegated member of the Planning Board, that the proposed modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Designated Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regularly scheduled meeting.
- c) Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall notify the Code Enforcement Officer, in writing, of the proposed construction schedule. It is the applicant's responsibility to schedule and coordinate required inspections and to assure that all specifications and requirements are met and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- d) Proper installation of improvements. If the Town Designated Engineer or Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the letter of credit, that any of the required improvements have not been constructed in accordance with plans and

specifications filed by the subdivider, he/she shall so report to the Town Board, Code Enforcement Officer and Planning Board. The Town Board shall then notify the subdivider and, if necessary, take all necessary steps to preserve the municipality's right under the letter of credit. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

3. Acceptance of public streets and recreation areas.

- a) Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of Warren of any street, easement or other open space shown on such subdivision plat.
- b) Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of Warren of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provisions for the cost of grading, development, equipment and maintenance of any such recreation area.

E. Action on proposed subdivision plat. The Planning Board shall, by resolution, grant final approval, conditionally approve with or without modifications, or disapprove the subdivision plat. The action shall be taken within 62 days of its receipt by the Clerk of the Planning Board if no hearing is required to be held or, in the event a hearing is held, within 62 days after the date of such hearing or within such other time specified by state or town law. If the plat is conditionally approved, the Clerk of the Planning Board shall, within five days of such action, mail a certified statement of such requirements which, when completed, will authorize the signing of the final plat. Signing of the final plat for recording also requires the completion of required improvements or posting of an irrevocable letter of credit as outlined in § 10 which follows.

F. Filing of approved subdivision plats.

1. Final approval and filing. Upon completion of the requirements and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairperson or Acting Chairperson) and shall be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 62 days of the date upon which such plat is approved shall become null and void.
2. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the

Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the Herkimer County Clerk.

**Article IV. Administration**

**§ 8. Waivers.**

A. Waiver of requirements. The Planning Board may waive, when reasonable, any requirements of improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

**§ 9. Effective Date.** This law shall take effect immediately upon filing with the Department 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. 3 of 2021 of the (County)(City)(Town)(Village) of Town of Warren was duly passed by the Town Board on April 12 2021, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local 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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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.)

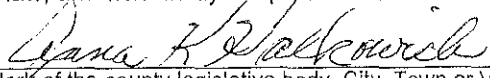
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 \_\_\_\_\_ above.

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

Date: April 12, 2021

(Seal)