

**BE IT ENACTED BY THE TOWN OF MOREAU AS FOLLOWS:****USE SCHEDULES**

The Schedule of Regulations of the Zoning Code of the Town of Moreau shall be amended as follows:

R-1

Permitted Principal Uses	Minimum Lot Area (square feet)
1-family dwelling	22,500 with public water and public sewer

R-2

Permitted Principal Uses	Minimum Lot Area (square feet)
1-family dwelling	22,500 with public water and public sewer
Senior 1-family dwelling	22,500 with public water and public sewer

C-2

Minimum Lot Area (square feet)
22,500 with public water and public sewer

C-3

Permitted Principal Uses	Minimum Lot Area (square feet)
Single family dwelling	22,500 with public water and public sewer

M-1

Permitted Principal Uses	Minimum Lot Area (square feet)
Uses Permitted by Planning Board	22,500 with public water and public sewer

M-1A

Permitted Principal Uses	Minimum Lot Area (square feet)
Uses Permitted by Planning Board	22,500 with public water and public sewer

## CHAPTER 124 SUBDIVISION

### § 124-4. Definitions and word usage.

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

**FINAL PLAT APPROVAL** – The signing of a plat in final form by a duly authorized officer of a Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the county clerk.

**LARGE DEVELOPMENT** – Any residential development greater than 10 Equivalent Dwelling Units, or a commercial development with an expected water use of 1,000 Gallons Per Day or more.

**WATER DEPARTMENT** – The Department which oversees the operation and maintenance of the Town's water works.

**SEWER DEPARTMENT** – The Department which oversees the operation and maintenance of the Town's sewerage works.

**PLAT, FINAL** - A drawing prepared in a manner prescribed by local regulation that shows a proposed subdivision, containing in such additional detail as shall be provided by local regulation all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

**PLAT, PRELIMINARY** - A drawing prepared in a manner prescribed by local regulation showing the layout of a proposed subdivision, including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

## ARTICLE IV PRELIMINARY PLAT REVIEW

### § 124-10 Procedures

#### E. Study of preliminary plat.

(2) Prior to approval of the preliminary plat, the Planning Board shall submit copies of the proposed subdivision to the appropriate town departments for their review and comment. If the proposed subdivision includes plans for connections to, or dedication of, water, sewer and/or roadways, the appropriate town Department Head, at his or her discretion, may require technical review by a professional engineer for the Town. In addition, the Planning Board shall receive

written comments from the appropriate town Department Heads or the professional engineer for the Town.

#### **F. Action on preliminary plat.**

The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat. Within 62 days after the completion of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat. In the event an environmental impact statement is required it shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. This time period may be extended by written agreement of the subdivider and the Planning Board. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing such modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat, it shall be signed by the chairman or other duly authorized member of the Planning Board and certified as having been granted preliminary approval and a copy filed in the Town Clerk's office, a finding sheet mailed to the owner and a copy forwarded to the Town Board. Within six months of the approval of the preliminary plat the subdivider shall submit the plat in final form. If the Final Plat is not submitted within six months, approval of the Preliminary Plat may be revoked by the Planning Board.

### **ARTICLE V FINAL PLAT REVIEW AND APPROVAL**

#### **§124-12 Requirements:**

B. Endorsement of other municipal, state and county agencies. Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the subdivision plat requiring approval by the Department of Environmental Conservation and/or New York State Department of Health have received final approval(s) of such facilities. Evidence shall further be supplied of any special district(s) or special district extension(s) approvals by the Moreau Town Board. Any proposed water supply and sewage disposal facility shall meet the Town of Moreau design and construction standards for such facility and shall receive technical review and approval by the Department Head or, if requested by the Department Head, the engineer for the Town. The plat shall not be stamped approved until all municipal state or county required approvals for each lot of the subdivision have been received in writing by the Planning Board.

#### **§124-13 Procedures**

##### **A. Application**

(1) Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for final plat approval within 6 months after preliminary plat approval. Preliminary plat approval may be extended for six additional months upon written request by the applicant and after due consideration by the Planning Board. Failure to do so within such time

period may will require resubmission of the preliminary plat to the Planning Board. The application shall be on a form provided by the Planning Board and shall include elements described in this Article, and the plat shall conform to the preliminary plat, as modified by the Planning Board, if such preliminary plat was approved with modifications. Application, including a full set of technically complete plans, specifications, and reports suitable for final review and fee must be submitted to the Planning Board at least 21 days before the regularly scheduled Planning Board meeting.

*Subsection B shall be deleted in its entirety.*

E. Action on subdivision plat.

(1) Within 62 days of the date of official submission of a subdivision plat, if no hearing is held or, in the event a hearing is held, not more than 62 days after the completion of such hearing, the Planning Board shall, by resolution, conditionally approve, disapprove or grant final approval and authorize the signing of such plat. In the event an environmental impact statement is required it shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure to take action on a final plat within such time period shall constitute approval of the plat.

(2) Upon granting conditional approval of the final plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions and requirements as may be stated in the resolution of conditional approval. Within five days of such resolution, the plat shall be signed by the Chairman or other duly authorized member of the Planning Board and certified by the Chairman of the Planning Board as conditionally approved and a copy filed in the Town Clerk's office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include two findings sheets, one of which shall be signed by the applicant and returned to the Planning Board. Such requirements, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the plat shall be deemed to have received final approval, and such officer shall sign the plat accordingly. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature if, in its opinion, such extension is warranted in the circumstances, for one or two additional periods of 90 days each.

G. (3) The Applicant shall provide a full set of technically complete plans and specifications suitable for construction upon final approval.

H. Expiration of approval and extensions.

(1) Final approval shall expire one (1) year after the date of approval of the subdivision plat if actual construction has not begun. "Actual construction" is hereby defined as the placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement or cellar is being excavated, such excavation shall be

deemed to be actual construction; where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction.

(2) The Planning Board may, in its sole discretion, grant the applicant an extension of time, provided that the following conditions are met: the applicant submits a written request for such extension and submits such other application materials as may be deemed necessary by the Planning Board; any fee required pursuant to the fee schedule adopted by the Town Board has been paid; the plans have been reviewed by the Town and such other agencies as it deems appropriate; and due consideration of the application has been made by the Planning Board. Application materials shall be for the purpose of determining whether any change in the condition of the site or its environs has occurred or whether the applicable law has been changed. Application materials must include copies of the plans and reports previously approved with the initial application and any other materials which the Planning Board deems necessary.

## **ARTICLE VI CONSTRUCTION**

### **§124-15 General requirements**

E. Construction inspection. The town shall retain a licensed professional engineering consultant to inspect the installation of all utilities and road construction and confirm for the town's benefit that construction is in accordance with the approved subdivision drawings. The engineer shall provide written approval prior to any continued construction on the subdivision. The cost of this construction inspection service shall be borne by the subdivider and shall be paid to the town prior to the acceptance of any roads in the subdivision.

I. No clearing or construction shall begin prior to receiving final approval and permits from all Local, County, and State agencies.

## **ARTICLE VIII DESIGN STANDARDS**

### **§ 124-27. Sanitary sewage disposal.**

#### **A. Sanitary sewers.**

(1) Where an existing public sanitary sewer is within one-half mile of the proposed large subdivision, the developer, at its own expense, shall prepare and file with the Town Board a petition and map, plan and report, as described in Town Law Article 12, requesting that the Town Board establish a district extension. If the Town Board establishes the district extension, the developer shall pay all costs of extending the district. No subdivision approval, including but not limited to conditional approval, shall be provided until the district extension is established.

(2) If individual lot sanitary waste disposal is proposed, the Planning Board shall require the subdivider to provide, at its sole expense, dry sewers to the limits of the subdivision for the purpose of serving the subdivision when sanitary sewers become available. This requirement shall only be made when a municipal sanitary sewer is projected to be available for connection of the subdivision within a reasonable period of time and when sufficient information is available regarding the location and elevation at which the subdivision sewers may be connected to the municipal system.

**§ 124-28. Water systems.****A. General.**

(1) Where an existing water main is within-one-half mile of the proposed large subdivision, the developer shall, at its own expense, prepare and file with the Town Board a petition and map, plan and report, as described in Town Law Article 12, requesting that the Town Board establish a district extension. If the Town Board establishes the district extension, the developer shall pay all costs of extending the district. No subdivision approval, including but not limited to conditional approval, shall be provided until the district extension is established.

(2) All components of the water system are subject to technical review by the engineer for the Town and must be approved by the Town of Moreau and shall meet the requirements of the Moreau Water Department design and construction standards, if such exists, and of the Rural Water Supply Manual of the New York State Department of Health.

**ARTICLE IX CLUSTER DEVELOPMENT****§ 124-33. Standards**

(G) Cluster developments shall only be considered by the Planning Board if the proposed development has a planned connection to both Municipal water and sewer utilities.

**§ 124-34A. Administration and Enforcement**

The provisions of this article shall be administered and enforced primarily by the Planning Board and Department Heads, which shall have the power to review the application materials for completeness, request additional documentation that may be required for Board review, and to make inspections necessary.

*Article X Phased Development shall be repealed in its entirety*

**CHAPTER 149 ZONING****ARTICLE VI SITE PLAN REVIEW****§149-5 Definitions**

**LARGE DEVELOPMENT**— Any residential development greater than 10 Equivalent Dwelling Units, or a commercial development with an expected water use of 1,000 Gallons Per Day or more.

### **§149-10 Space and construction regulations.**

Except as herein provided, no building or structure shall be hereafter erected, moved or altered to exceed the maximum permitted height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards or side yards than is specified herein for the district in which such building or structure is located. All large development projects within one half mile to existing water and/or sewer shall be required to connect to these utilities.

### **§ 149-38 Criteria for review**

B. The Planning Board is authorized to consult with appropriate town, county, state and federal personnel in connection with this Article, including legal and technical professionals retained pursuant to 149-35(D)(2). Unless written direction from the Department Head stating otherwise, any proposed development planning connections to, or dedication of, water, sewer and/or roadways shall receive a technical review by the engineer for the Town. Projects without planned connections to water and/or sewer are subject to a complete technical review by professional engineer or licensed landscape architect.

### **§149-41 Contents of report**

B. If the Planning Board determines that the foregoing, namely Subsection A(1), (2) and (3), have been adequately fulfilled, [including any legal and technical review required pursuant to 149-38], then it shall grant the applicant final approval, endorse its approval on the preliminary site plan and authorize its Chairman to affix his signature to the endorsement. Said site plan, together with supporting facts for the approval action, shall be forwarded to the Building Inspector and/or Code Enforcement Officer.

### **§149-42 Submission of final site plan.**

A. The applicant, having prepared a detailed final site plan in accordance with requirements established by the Planning Board and as set forth in Article VI, § 149-41, may forward or deliver it to the Building Inspector and/or Code Enforcement Officer for submission to the Planning Board for approval. If more than six months have elapsed since the time of the Planning Board's report on the preliminary site plan, or if the Planning Board finds that conditions have changed significantly in the interim period, the Planning Board will require resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

C. The applicant shall provide a full set of technically complete plans and specifications suitable for final site plan review.

### **§149-43 Action and report on final site plan**

B. If the Planning Board determines that the requirements established have received complete compliance by the applicant and that Article VI, § 149-41A(1), (2) and (3), have been fulfilled in every respect, including any legal and technical approval required pursuant to 149-38, it shall grant the applicant approval, endorse its approval on the final site plan and authorize its Chairman to affix his signature to the endorsement. Said final site plan, together with supporting facts for the approval action, shall be forwarded to the Building Inspector and/or Code Enforcement Officer.

### **§ 149-45. Final Approval Expiration**

(1) Final approval shall expire one (1) year after the date of approval of the site plan if actual construction has not begun. "Actual construction" is hereby defined as the placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement or cellar is being excavated, such excavation shall be deemed to be actual construction; where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction.

(2) The Planning Board may, in its sole discretion, grant the applicant an extension of time, provided that the following conditions are met: the applicant submits a written request for such extension and submits such other application materials as may be deemed necessary by the Planning Board; any fee required pursuant to the fee schedule adopted by the Town Board has been paid; the plans have been reviewed by the Town and such other agencies as it deems appropriate; and due consideration of the application has been made by the Planning Board. Application materials shall be for the purpose of determining whether any change in the condition of the site or its environs has occurred or whether the applicable law has been changed. Application materials must include copies of the plans and reports previously approved with the initial application and any other materials which the Planning Board deems necessary.

### **§ 149-46. Administration and enforcement.**

The provisions of this article shall be administered and enforced primarily by the Planning Board and Department Heads, which shall have the power to review the application materials for completeness, request additional documentation that may be required for Board review, and to make inspections necessary.