

## **Village of Millerton**

### **Review of Subdivision Law (Chapter 140)**

**Submitted by Nan Stolzenburg, August 2018**

The purpose section of the Village subdivision law is excellent. Overall, the process offered and standards for development required are very good and in-line with meeting the goals of the Village. The law is in pretty good shape as is. I offer the following comments that could improve it further:

1. Additional definitions should be added. Add terms such as driveway, buffer area, building envelope, complete application, open space, character, SEQR, SPDES, and SWPPP. These are all terms that are either used or recommended to be added to the subdivision law (see recommendations below) and thus should be defined too.
2. 140-10 Sketch plan. The sketch phase of subdivision is very important – it gives the Planning Board and applicant the chance to more informally talk about the proposal and lay the groundwork for excellent design. This section could be improved by making the sketch phase mandatory first step of the subdivision process and adding specific items needed at that first meeting. Current language puts the detail to be submitted on a sketch plan to be decided by the applicant. There are three or four basic pieces of information that should be included in the sketch phase. Further, I recommend that this be enhanced to discuss what the sketch phase is for, what early decisions the Planning Board needs to make, and identify that a purpose is to identify any issues or concerns early in the process so that they can be addressed in the full application to be subsequently submitted.
3. The law does not split subdivisions into minor and major subdivisions. Instead it has a preliminary and final plat process for all subdivisions except boundary line adjustments. While this is certainly adequate, the Committee should discuss if there may be benefits to instead having a minor subdivision process (one plat only) and a major subdivision process (both preliminary and final plats).
4. All time frames need to be updated to reflect the 62 day requirement from State Village law, not 60 day.
5. 140-19 (B) (5) discusses the type of street pattern. It de-emphasizes the traditional grid pattern of streets and allows and encourages cul-de-sac and other methods. To address traffic flow, neighborhood continuity, connections and linkages, and community character, I strongly recommend that only grid style street patterns be allowed in new subdivisions.
6. Consider adding in traditional neighborhood development standards for large residential developments. All new lots should emulate the traditional lots found in the Village, and not be based on a suburban lot pattern. Some of this is addressed in the dimension rules and design standards in Zoning. Some of it however, is in subdivision, and the law should reflect the desire of the Village to maintain its traditional streetscapes – which only come from establishing traditional neighborhood lot and development standards.
7. The law exempts lot line adjustments (boundary line changes) from subdivision, but there are no processes to address how the Planning Board deals with such things. I recommend that the subdivision law be amended to create a specific section that outlines the process for approving a lot line adjustment. They would still be exempt from the preliminary/final plat process but would have its own process.

8. There is no mention of the greenway connections policies in the subdivision law, and that should be referenced.
9. A section, mirroring NYS Village Law, should be added indicating that in a subdivision, an application that creates lots that do not meet the zoning dimension requirements may go directly to the ZBA for an area variance without having to be disapproved by the enforcement officer. This section should be added.
10. There should be a new section added to discuss the subdivision process when the Village is not the lead agency for SEQR for a subdivision. As per NYS Village Law, there is a separate process when the Village is not lead agency.
11. Do you feel the number of copies submitted in an application is enough? The law says 4 copies, but you have a 5-member board.
12. I recommend adding a few items to the data required to be submitted. These include asking for soil perc tests (in areas where there is no sewer) as the Planning Board must ensure that each new lot created is actually a buildable lot, location of proposed driveways, location of all utility easements, and any stormwater control methods that may be needed.
13. There is no mention of the required State Environmental Quality Review process (SEQR). This must be added in to be an integrated part of the approval process.
14. There is no mention of the required County Planning Board review process (239-m). This must be added in to be an integrated part of the approval process.
15. There should be a section added in to define what a complete application is, when it is deemed complete by the Planning Board, and that time frames for decision making don't start until the application is deemed complete.
16. A section should be added in related to the state Village Law requirement for a default approval for the subdivision if the Planning Board does not meet the required timeframes. Time frames can only be extended by mutual consent of the Planning Board and applicant.
17. The separability clause as per Village Law 7-742 should be added in. This is when one section deemed invalid does not invalidate other sections of the law.
18. A section should be added for Court Review by aggrieved parties.
19. There should be adequate references to NYS DEC Stormwater Pollution Prevention Plan (SWPPP) requirements that may have to be met, depending on the acreage to be disturbed.