

Town of Southeast, Putnam County, NY
Local Law No. 15 of 2004

A LOCAL LAW entitled: “**A Local Law to Amend Chapter 123 of the Town Code, ‘Subdivision of Land’.**”

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

Section 1. Legislative Intent

The Town Board of the Town of Southeast intends to make certain corrections and additions to the Subdivision of Land regulations to ensure orderly development within the community.

Section 2. Amendments to Chapter 123

Section 123-8.A is amended, in part, to read:

(5) Chapter 78, Freshwater and Wetlands Protection of the Town of Southeast

Section 123-13, “Final Plat,” is amended, in part, to read:

J. Filing of approved final subdivision plat. Upon completion of the requirements of this Article and Article IV, the final plat or any section thereof shall be deemed to have final approval and it shall be signed by the duly authorized officer of the Planning Board. The original copy of the plat shall be returned to the subdivider, who shall file it in the office of the County Clerk. Any final plat or any section thereof not so filed or recorded within sixty (60) days of the date upon which such plat is signed by the duly authorized officer of the Planning Board or considered approved by reason of the failure of the Planning Board to act shall become null and void. The subdivider shall provide the Town of Southeast with five (5) copies of the full-size filed plat, to be distributed to the Town Engineer, the Planning Board, the Town Clerk, the Tax Assessor and the Building Inspector and five (5) copies of the filed plat and all construction drawings on 11 inch by 17 inch or similar paper to be distributed to the Town Engineer, the Planning Board, the Town Clerk, the Tax Assessor and the Building Inspector.

Section 123-15, “Commencement of construction,” is amended, in part, to read:

- A. The construction of required public improvements shall not be started nor shall any existing features, such as trees, be removed or relocated until the Planning Board has granted approval of the final plat or a section thereof and the subdivider has complied with all conditions, including those set forth in Article III, §123-13.H. Construction shall not commence until a pre-construction meeting has occurred and the approved limits of clearing, conservation easements, wetlands, watercourses, and wetland controlled areas have been flagged and demarked as “Protected Area”.
- B. No property owner with an application for subdivision approval pending before the Planning Board may make alterations to the land (including, but not limited to, grading, clearing, or excavating) or any structure on the land, unless otherwise permitted by a previously

approved permit or subdivision approval, the alterations are required to complete technical investigations in support of the subdivision application, or until final approval of the pending subdivision application has been granted by the Planning Board and all conditions thereto have been met. Alterations to the land made for the purpose of permitted technical investigations must be done with the minimum amount of disturbance and clearing possible and require 72 hours written notice to the Town Code Enforcement officer who shall determine whether the proposed disturbance required for the investigations is within reasonable limits of disturbance for the purpose intended.

Section 123-29.A, "Sketch Plan," is amended, in part, to read:

- F. Approximate location of wetlands, watercourses and their associated control areas as defined in Chapter 78.

Section 123-30.E, "Erosion and sediment control plan," is amended, in part, to read:

- E(1). "An erosion and sediment control plan shall be submitted by the subdivider setting forth the provisions to be made and measures to be taken to adequately control and minimize erosion and sedimentation on the site of the proposed subdivision or resubdivision during and after construction of all improvements thereon and to prevent off-site erosion and sedimentation. The Erosion and Sediment Control Plan shall be prepared in compliance with New York State Department of Environmental Conservation Phase II standards."

Section 123-31, "Final plat and supporting documents," is amended, in part, to read:

- A(13) "Street names; house numbers; monuments"

- (a) The name of each street shall be shown on the final plat and shall be submitted to the Planning Board together with a copy of a Town Board resolution approving the street names (see §123-35.E).

Section 123-35.A, "Streets," is amended, in part, to read:

- A(1)(b) "Streets should in general follow the contour of the land and should have a location and grade that preserves desirable trees and natural features. All streets should be located fifty (50) feet from adjoining property lines wherever possible. All driveways should be located ten (10) feet from adjoining property lines wherever possible."

Section 123-35.E, "Street names," is amended, in part, to read:

- E. Street names. All streets shall be named, and such names shall be subject to the approval of the Town Board. Names shall be sufficiently different in sound and spelling from other street names in the town or the Village of Brewster so as not to cause confusion; and the subdivider shall contact the Town Emergency 911 Coordinator to verify that this requirement has been met. The subdivider shall also contact the Town Historian to determine if historically significant names would be appropriate.

Section 123-18, "Inspections," is amended, in part, to read:

- A. The Planning Board may designate a representative or representatives to enforce the provisions of this chapter. Said designated representative(s) may cause any place, premises or work to be inspected or examined, order the cessation of any work when any condition is found to violate this chapter and order the remedy of any such condition. The Planning Board may institute an action or proceeding to prevent or restrain any such work or to correct or abate any such condition. In addition to any civil or criminal penalties or other remedies as may be provided by law, a violation of this chapter may be enforced by mandatory or other injunctive relief.
- B. Inspections of non-public improvements. The following inspections, at a minimum, shall be performed and no further work shall be permitted until each inspection has been made by the Town Engineer:
 - (1) The approved limits of clearing, conservation easements, wetlands, watercourses, and wetland controlled areas shall be flagged and demarked as "Protected Area" prior to the start of any work.
 - (2) After cutting of trees and brush and the installation of sediment and erosion control measures, but prior to any stumping and/or grading.
 - (3) After restoration of all disturbed areas.
 - (4) The Town Engineer shall make weekly inspections of all stormwater best management practices and sediment and erosion control measures and may require that corrections or improvements be made to such best management practices to ensure continued compliance with applicable stormwater regulations.
- C. Inspection of public improvements. The required inspection schedule established in Chapter A143 of Town Code shall be followed for all work on Town roads and/or the Town drainage system.

Section 3. Validity

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

Section 4. Effective Date

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