

TOWN OF FARMINGTON



TO: Dan Delpriore, August Gordner, Paula Ruthven and Lance S. Brabant

FROM: Ron Brand, Director of Planning and Development

DATE: January 16, 2025

RE: Amendments to Chapter 144, Farmington Town Code, Land Subdivision

Attached is a draft of the proposed amendments I am recommending being made to this chapter of the Town Code for your review and then scheduling a meeting to discuss. What started out as being the need to only update the surety section (§144-32) has blossomed into additional amendments, several of which reference various provisions of the latest edition of the adopted Town of Farmington Site Design & Development Criteria Manual. You will need to compare the existing provisions in Chapter 144 to coordinate the proposed changes.

Chapter 144 Subdivision of Land

Section one: Article I General Provisions

§144-1 Legislative authority.

The Planning Board of the Town of Farmington, New York, has the power and authority to approve plat maps for the subdivision of land within its corporate limits, by virtue of adoption of Local Law No. __ of 2025, pursuant to the provisions within Article 16, Chapter 62, of New York State Town Law, including the provisions within §278 authorizing the Planning Board to modify applicable provisions of Chapter 165, Zoning Law, of the Farmington Town Code simultaneously with the approval of plats.

§144-2 Applicability.

- D. Any change to a plat recorded in the office of the Ontario County Clerk, that involves more than a Lot Line Adjustment, as is further regulated in § 144-38 of this chapter, requires the re-subdivision approval of a final plat map by the Planning Board in accordance with these regulations.

§144-3 Purpose.

- A. (2) Ensuring that the proposed subdivision plat can be developed in accordance with the Planning Board approval of a final site plan as further regulated in Chapter 165, Article VIII, Sections 100, Site Development Plans and 101, Average Density Site Development Plans, Zoning Law, of the Farmington Town Code and only when the following elements affecting site development can be provided:
- (a) Transportation.
 - (b) Sewage treatment.
 - (c) Water supply.
 - (d) Storm water drainage.
 - (e) Fire protection.
 - (f) Soil erosion and sediment control.
 - (g) Schools.
 - (h) Recreation facilities.
 - (i) Flooding.
 - (j) Freshwater Wetlands.
 - (k) Conservation of Class 1 through 4 soils.
- F. Conserve the natural resources and protect the environmental settings within the Town by fostering appropriate land subdivision and site development that protects environmentally sensitive areas that include the conservation of Class 1 through 4 soils necessary to sustain agricultural production; by encouraging or requiring alternate subdivision designs which vary minimum lot widths and areas without exceeding the maximum development densities established in Chapter 165, Zoning Law, of the Farmington Town Code.

§144-4 Short title.

These regulations shall be known as the “Town of Farmington Land Subdivision Regulations.”

§144-5 Interpretation and relationship to other regulations and actions.

- A. Other regulations. This chapter shall not, nor is it intended to, nullify other federal, state, county or town local regulations, laws, or ordinances in effect in the Town of Farmington, Ontario County, New York.
- B. This chapter shall not, nor is it intended to, nullify the requirements of Chapter 165, Zoning Law, Article VIII, Administration and Enforcement, Section 101, Site Development Plans, which requires final site plan approval, by the Planning Board, for any site improvements that are not shown on the Final Plat drawing. In the event, a Final Plat drawing does not propose any site improvements then there shall be a note affixed to the Final Plat drawing that reads as follows... “Prior to any Building Permit being issued for site development of the lot(s) shown on this Plat, Final Site Plan Approval shall be granted by the Planning Board in accordance with the provisions of Chapter 165 of the Town of Farmington Town Code.”

C. Conflict with public and private provisions.

- (1) Public provisions. This chapter shall not interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other provision of any local ordinance, regulation, or law, that provision which is more restrictive or imposes the higher standard shall control.

§144-7 Enforcement; penalties for offenses.

A. General enforcement.

- (1) A parcel of land shall not be divided into two (2) or more parcels unless a subdivision plat has received final plat approval by the Planning Board and has been duly filed in the office of the Ontario County Clerk.
- (2) The sale, transfer, or lease of any parcel of land that involves a subdivision as defined in this chapter, using a metes and bounds description with the intent of evading the provisions within this chapter, shall not be allowed and shall constitute a violation of the provisions in this chapter.

- B. Violations. Any person, association, corporation or limited liability corporation found guilty of not complying with or violating any of the provisions in this chapter shall be subject to the penalties of that offense or offenses as set forth in Article 16, Chapter 62, §268 of the New York State Town Law as may be amended.

§144-8 Definitions and word usage.

- A. Words used in this chapter are peculiar to this chapter and are defined in section B. below.

- B. Definitions. Words and terms as used in this chapter, the following words and terms shall have the meanings indicated:

BOND

Any form of security, excluding a cash deposit, including a letter of credit, surety bond, collateral, or property, acceptable to the Town Board. Whenever a bond is required by this chapter an alternate form of security may be approved by the Town Board.

CLERK OF THE PLANNING BOARD

The person retained by the Town Board to provide draft resolutions and attachments to the Planning Board, Town Staff, Applicants and Applicants Engineers, Surveyors or Attorneys. Said person shall also give notice to the Town's Official Newspaper of public meetings, take meeting minutes, prepare draft minutes for Planning Board approval and then, upon adoption by the Planning Board, the filing with the office of the Farmington Town Clerk. Legal Notices shall be prepared by the Town Director

of Planning & Development and the publishing and posting provided by administrative staff in the Town Development Office. The Clerk of the Planning Board also prepares an Abstract of each Application; prepare and mail all correspondences to those persons identified above herein; and assist the Town Supervisor, Town Director of Planning and Development, Town Code Enforcement Officer and other Town Officials in research and reporting on Development Office Files.

CLUSTER DEVELOPMENT

A subdivision plat or plats, approved by the Planning Board pursuant to §278 of New York State Town Law, in which the applicable dimensional requirements provided for elsewhere in Chapter 165, Zoning Law, of the Farmington Town Code, is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to conserve the site's natural resources and scenic qualities of land. The permitted number of building lots or dwelling units shall in no case exceed the number which could otherwise be permitted, in the Planning Board's judgement, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the above referenced Chapter 165, Zoning Law, of the Farmington Town Code. Where a cluster subdivision plat falls within two or more contiguous zoning districts, the Planning Board may approve a cluster development representing the cumulative density as derived from the summing of all units [lots and dwellings] allowed in all such zoning districts and may authorize site development in all or any portion of one or more of such districts. On the filing of the cluster subdivision plat in the office of the Ontario County Clerk, a copy thereof shall also be filed with the Town Clerk, who shall then make appropriate notations and references thereto on the Town of Farmington Official Zoning Map required to be maintained pursuant to §264 of New York State Town Law and Chapter 165, Article III, Section 165-12 of the Farmington Town Code.

RIGHT-OF-WAY

The line determining the street or highway limit of public ownership.

(1) PRIVATE RIGHT-OF-WAY

Land owned by a non-public agency or organization and occupied or intended to be used for access by a private driveway, transmission mains, electric lines, gas pipelines, rails or other types of special uses.

Section two: Article II Procedure and Applications

§144-9 General procedural requirements

- E. The Planning Board, pursuant to the provisions of Sections 239-l & -n of the New York State General Municipal Law, shall refer to the Ontario County Planning Board preliminary subdivision plans for review and recommendation prior to acting thereon. In addition, the Planning Board, pursuant to the provisions of Section 239-nn of the New York State General Municipal Law, shall give notice to the clerk of an adjacent municipality when a hearing is to be held by the Planning Board on a subdivision review and approval on property within five hundred feet of an adjacent municipality at least ten days prior to any such hearing.

- F. Approval of preliminary plans, including the signing and filing thereof in the Town Development Office, shall occur prior to the Planning Board accepting, scheduling, and acting to grant final approval, and only if the plan and supporting data comply with the requirements for the submission of final plans described in §§ 144-13 and 144-14 of this chapter.
- H. Clustering. The Planning Board is authorized to consider an application for a Cluster Development pursuant to §§ 144-16 and 144-29 of this chapter and Town Law §278, as may be amended. Pursuant to the provisions contained in the chapter and based upon the Planning Board's findings, the Planning Board may require clustering to protect environmentally sensitive resources, including but not limited to Class 1 through 4 soils, or to preserve open space.
- I. SEQR. All applications for preliminary subdivision plat approval shall be subject to compliance with the provisions contained in article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA) and 6NYCRR Part 617 regulations. No decision shall be made upon an application for preliminary subdivision plat approval until the SEQR regulations have been completed and a determination of significance made by the appropriate agency.
- L. Public hearing. All applications for preliminary subdivision approval shall require a public hearing before the Planning Board. Prior to the scheduling of a public hearing by the Planning Board, the Board shall determine: (1) the application materials submitted are accepted to enable the classification of the Action under SEQRA; and (2) to determine if a coordinated review is to take place with other involved and interested agencies; and (3) to determine the application complete for public review; and (4) to determine whether a referral is required to the Ontario County Planning Board; and (5) to determine whether a referral is required, under the provisions of Section 239-nn of the General Municipal Law, to the Clerk of an adjacent municipality; and (6) scheduling the date for said public hearing.

Once a public hearing date has been scheduled by the Planning Board, all owners of property located within 500 feet of the proposed subdivision of land shall be notified of the public hearing by publishing a legal notice in the Town's Official Newspaper, posting such notice on the Bulletin Board located in the Town Hall, posting notice thereof on the Town's Official Website, and the posting of public notice signs on each of the public highways fronting along the subject parcel, all in accordance with the requirements contained in the New York State Open Meetings Law and adopted Town Board procedures.
- M. Date of receipt. An application for preliminary subdivision plan approval shall not be considered accepted until the Planning Board has, as part of a public meeting, made findings upon each of the five determinations set forth above in L.
- N. Issuance of permits restricted. No site improvements shall be allowed within the boundaries of a proposed subdivision and no building or site development permits for construction within the proposed development shall be issued, until the plat has received final approval and, if development is proposed, final site plan approvals have been acted upon by the Planning Board, the final plat filed with the Ontario County Clerk's Office, all permit fees have been paid to the Town, there is a completed and accepted Pre-Construction Checklist Form, Appendix G-10.0,

Town of Farmington Site Design and Development Criteria Manual, and a determination made by the Town Code Enforcement Officer whether to conduct a Pre-Construction Meeting prior to issuing a notice to proceed.

§144-10 Sketch plan requirements.

The sketch or concept plan shall be clearly designated as such and shall identify the existing general land features, the available utilities, the proposed land use and zoning, the layout of lots and traffic patterns for the development. Planning Board members may suggest modifications to the plan, but the Board shall not approve or disapprove the plan represented. Comments made by individual board members shall further not be interpreted as constituting Board approval or disapproval. Planning Board review of sketch or concept plans does not involve a decision upon an Action as identified under SEQR and, therefore, is classified as an exempt Action.

§144-11 Preliminary plan procedural requirements.

- A. Preliminary Plans Submission. All preliminary plans shall be clearly identified on the drawings as being preliminary. A minimum of two (2) paper copies and one (1) electronic copy of the drawings and application materials shall be submitted to the Town Development Office, on or before the established submission date shown on the approved schedule for a specific meeting. Additional copies of all application materials may be required as necessary to notify any involved or interested agencies identified under the State Environmental Quality Review Act (SEQRA). Upon receipt of an application, the Planning Board as part of a meeting agenda shall determine whether such application is acceptable for classifying the Action under SEQRA, whether such Action is subject to a coordinated review under SEQRA, whether such Action is subject to a referral to the Ontario County Planning Board under the provisions of Sections 239-l & -n of the State General Municipal Law, whether the Action is subject to the provisions of Section 239-nn of the State General Municipal Law and then scheduling a public hearing thereon.
- B. Acceptance of Application. An application for preliminary plan approval shall not be determined complete until the lead agency established for a coordinated review, has filed a determination of non-significance or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act.
- C. Review Periods. The time periods for review of a preliminary plat shall begin upon filing of a negative declaration or such notice of completion.
- D. Public Hearing. All preliminary plans shall be subject to a public hearing before the Planning Board. The hearing on a preliminary plat shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen (14) days before a hearing held jointly therewith. In addition to the publishing of such legal notice, the legal notice shall also be posted on the Bulletin Board at the Town Hall and posted on the Town's Website. Finally, Public Notification Signs shall be posted on the subject property and along all highway frontages.

- E. Decision. The Planning Board shall by resolution approve with or without modifications or disapprove the preliminary plat as follows:
- (1) If the preparation of an environmental impact statement on the preliminary plan is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing on the preliminary plan.
 - (2) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plan within sixty-two (62) days after the close of the public hearing on such preliminary plan or within thirty (30) days of the adoption of findings by the lead agency, whichever period is longer.
- F. Certification & filing of preliminary plan. Within five (5) business days of the adoption of the resolution by the Planning Board granting approval of such preliminary plan, such plan shall be certified by the Clerk of the Planning Board as having been granted preliminary approval and a copy of the plan and resolution shall be filed in the Town Development Office and a certified copy of the resolution filed in the Town Clerk's Office. A certified copy of the resolution shall be mailed to the applicant.
- G. Revocation of preliminary plan approval. Within six (6) months of the approval of the preliminary plan the applicant must submit the plan for signature. If the preliminary plan is not submitted within six (6) months, approval of the preliminary plan may be revoked by the Planning Board.

§144-12 Preliminary plan checklist.

- A. A preliminary subdivision plan shall show or be accompanied by the following information:
- (7) Delineation of any land exceeding a slope of 10%, land located either within or within the 100-foot buffer area of a NYSDEC Freshwater Wetland boundary, land within a mapped FEMA Special Flood Hazard Zone or lands otherwise designated by Chapter 165, Zoning Law, as being within an overlay zoning district as shown on the most recent amendment to the Town's Official Zoning Map.
 - (9) Location and description of all swales, ponds (including stormwater facilities), basins, fences, dikes or other devices required to control soil erosion and sedimentation or otherwise comply with the provisions contained in Chapter 138 of the Farmington Town Code.
 - (20) The location, sizes, and design details for any on-site wastewater treatment system in accordance with the provisions contained in Chapter 126 of the Farmington Town Code.

- (28) When the property is located on land identified on the Town's Official Zoning Map as being within the ACOD Agricultural Conservation Overlay District and further defined as a SFPA Strategic Farmland Protection area, a soils classification map prepared by the Ontario County Soil & Water Conservation District delineating the location of Class 1 through 4 soils shall also be provided for Planning Board review and consideration.

§144-13 Final plan procedural requirements

- F. A minimum of two (2) paper copies and one (1) electronic copy of the final plan with supporting data shall be submitted to the Town Development Office on or before the established submission date shown on the approved schedule for a specific meeting. The Planning Board upon receipt of an application as part of a scheduled meeting shall determine whether such application is submitted conforming to the definition provided by this chapter and if so shall then schedule a public meeting thereon. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days of the date of the public meeting. Within five (5) business days of the adoption of the resolution by the Planning Board, the Clerk of the Planning Board shall provide a certified copy of said resolution via mail to the applicant and file a certified copy thereof with the Town Clerk's Office. Upon completion of any requirements the plat shall be signed by the Planning Board Chairperson and a copy of such signed plat shall be filed in the office of the Ontario County Clerk and with the Town Development Office within sixty-two (62) days of signing.

§144-15 Incorporation of provisions in all plans.

The design standards of this article and those contained in the latest edition adopted by the Town Board of the Town of Farmington Site Design and Development Criteria Manual shall be incorporated in all proposed plans.

- D. Subdividers of land shown on the Town of Farmington Official Zoning Map as being within a mapped Overlay District or subdivisions of land otherwise deemed by the Planning Board to be appropriate for preservation of open space are required to submit at least on plan reflecting modification of those particular zoning law provisions which impede the preservation/conservation of the natural and scenic qualities of land and its most appropriate use.

§144-17 Preservation of natural features.

- D. The subdivision design shall encourage the continuation of agricultural production, consider the effect the proposed development will likely have on agricultural production continuing on the balance of the site and/or surrounding parcels used for agricultural production, and shall consider the conservation of the site's Class 1 through 4 soils shall have on minimizing the impedance of such agricultural production.

§144-18 Lots and lot sizes.

- B. Lot sizes and dimensions in excess of the minimum standards of Chapter 165, Zoning Law, of the Farmington Town Code, shall be required by the Planning Board a finding that the size and dimensions of lots as proposed endanger the health, safety or welfare of the community or the environment.
- C. Where an on-site wastewater treatment system is to be provided such system shall be in accordance with the provisions of Chapter 126 of the Farmington Town Code.

§144-19 Street system layout.

- A. Street dimensions and design standards shall be in accordance with the criteria contained in the latest adopted edition adopted by the Town Board of The Town of Farmington Site Design and Development Criteria Manual.

§144-20 Street intersections.

- D. To the fullest extent possible, intersections along State and County highways shall be located not less than 220 feet apart measured from edge of rights-of-way.
- H. Where a proposed subdivision street abuts an existing street of inadequate right-of-way width, additional right-of-way width shall be provided for the new subdivision street in conformance with the criteria contained in the latest edition of the adopted Town of Farmington Site Design and Development Criteria Manual.

§144-21 Cul-de-sac streets.

- A. Cul-de-sac streets shall be designed in accordance with the criteria contained in the latest adopted edition of The Town of Farmington Site Design and Development Criteria Manual.

§144-22 Blocks.

- A. Concrete sidewalks shall be required across the frontage of all parcels located along State, County and Town highways shown on the adopted Sidewalk/Trail Connection/Bike Lane Master Plan Map and further within the mapped MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District. Said sidewalks shall be constructed to the criteria contained in the latest adopted edition of The Town of Farmington Site Design and Development Criteria Manual and those contained elsewhere in Chapter 140, Streets and Sidewalks, of the Farmington Town Code.
- B. Concrete sidewalks shall also be required between properties that connect existing sidewalks to the Auburn Trail Extension.

§144-23 Water supply.

- A. Within the Town of Farmington public water supplies are provided within established water districts and their extensions by either the Consolidated Canandaigua/Farmington Water District and by the Monroe County Water Authority.
- B. All design details for public water components are contained in the latest edition of the adopted Town of Farmington Site Design & Development Criteria Manual.
- C. Town water supplies and districts which are operated solely by the Town of Farmington are further governed by Chapter 159 of the Farmington Town Code, entitled “Water Rules and Regulations.”
- D. To the greatest extent practicable all new public water lines shall be looped with existing water lines.
- E. Provisions of potable water to sites not served by public water shall be the sole responsibility of the property owner. The adequacy, safety and reliability of such service shall be the sole responsibility of the property owner. The adequacy, safety and reliability of such systems shall not be reviewed, considered or authorized by the Planning Board.

§144-24 Individual On-Site Wastewater Treatment Systems and Publicly Owned Treatment Works (POTW).

- A. All Individual On-Site Wastewater Treatment Systems shall be installed to the standards contained in the latest edition of the adopted Town of Farmington Site Design & Development Criteria Manual and the provisions set forth in Chapter 126 of the Farmington Town Code, entitled “Individual On-Site Wastewater Treatment System.”
- B. All Publicly Owned Treatment Works (POTW) Systems shall be installed to the standards contained in the latest edition of the adopted Town of Farmington Site Design & Development Criteria Manual and the provisions set forth in Chapter 125 of the Farmington Town Code, entitled “The New Town of Farmington Sewer Use Law.”

§144-25 Storm drainage.

All lots shall be designed to provide positive drainage away from buildings and shall be in full compliance with the provisions set forth in Chapter 90 of the Farmington Town Code entitled “Illicit Discharges and Connections to Storm Sewers.”

§144-26 Community Facilities and Comprehensive Plan Requirements.

- F. Conservation of Class 1 through 4 Soils for agricultural production.
Pursuant to the provisions contained in Chapter 165 of the Farmington Town Code entitled “Zoning Law,” Article IV, District Regulations, Section 165-34.3 Agriculture Conservation Overlay District (ACOD), the Planning Board shall consider the conservation of Class 1 through 4 Soils located on a site proposed for land subdivision that is designated on the Town’s Official Zoning Map as being within the ACOD and further identified as a SFPA Strategic Farmland Protection Area.

§144-28 Easements.

- A. Easements shall specify their purpose (i.e. access, utility, conservation, stormwater, etc.). The minimum width for an easement shall be a total of twenty (20) feet plus the width of any required pipe or other improvement or the minimum required by the agency granting approval or acceptance.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. Easements shall comply with the criteria contained in SECTION 5 – Requirements for Dedication and Project Acceptance, Section 5.07, of the latest adopted edition of the Town of Farmington Site Design and Development Criteria Manual.
- D. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage, with an accompanying access-easement at least twenty (20) feet in width to same from a public right-of-way.
- E. All easements shown on the Final Subdivision Plat Map shall be identified within the General Note portion of the plat with a statement that reads as follows... “All Proposed Easements shown on the Final Plat drawing shall be recorded in the Office of the Ontario County Clerk and a copy of said filing record shall be provided to the Town Code Enforcement Officer prior to the issuing of a Notice to Proceed with Site Development.”
- F. Sample easement forms may be obtained from the Town’s Construction Inspectors for use in preparing specific easements to be accepted by the Town Board.

§144-29 Cluster Development.

A. Legislative authority.

The Town Planning Board is hereby empowered to review and approve a cluster development of land subdivision located within the RA-80 Rural Agricultural District, the RR-80 Rural Residential District and the RS-25 Residential Suburban District, pursuant to New York State Town Law §278. The Planning Board is further authorized to require the owner of land to submit an application for cluster development subject to the criteria set forth in Chapter 165 of the Farmington Town Code, Zoning Law, when a site is further identified as a SFPA Strategic Farmland Protection Site Area shown on the Town's Official Zoning Map, as being within a delineated Agriculture Conservation Overlay District (ACOD).

B. Purpose.

The purpose of cluster development of land subdivision is to mitigate adverse impacts that may be determined during the environmental review process of a proposed subdivision by enabling greater flexibility of design in the development of land in such a manner as to:

- (1) Conserve, to the extent most practical, the more highly productive agricultural soil resources, Class 1 through 4 Soils; and
- (2) Protect the natural and scenic qualities of other identified environmentally sensitive lands, including, but not limited to flood hazard areas, freshwater wetlands and their buffer areas, mature forest lands, glaciated features, areas of archeological significance, areas having slopes of fifteen percent (15%) or greater, and to restrict the further encroachment onto existing agricultural production sites and established agricultural areas in the community.

D. Modifications authorized.

The cluster provisions contained in the chapter may be followed at the discretion of the planning board if, in said board's judgment:

- (1) Its application has been determined to benefit the Town to better conserve and protect its natural land and water resources; and
- (2) Where the above referenced conservation and protection characteristics are deemed appropriate, to apply for cluster development subject to the criteria contained in this section of this chapter.

Number of dwelling units or building lots permitted. [note: this is F. but I can't get it print]

A cluster development shall result in a permitted number of building lots or dwelling units which in no case shall exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the respective zoning district. Where the plat falls within two or more contiguous districts, the Planning Board may approve a cluster development representing the cumulative density as derived from the summing of all units allowed in all such districts and may authorize actual construction to take place in all or any portion of one or more of such districts.

G. Conditions on the ownership, use, and maintenance of such open lands shown.

The Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to assure the conservation of the natural resources and scenic qualities of such open lands.

H. Areas within which structures may be located, the height and spacing of buildings, open spaces and other features required by the Planning Board.

The plat showing such cluster development may include areas within which structures may be located, the height and spacing of buildings, minimum setbacks, streets, driveways and any other feature required by the Planning Board. The dwelling units permitted may be, at the discretion of the Planning Board, in detached, semi-detached, or attached structures.

I. Filing of plat.

On the filing of the plat in the office of the Ontario County Clerk, a copy shall be filed with the Town Clerk, who shall then make appropriate notations and references thereto on the Town of Farmington Official Zoning Map required to be maintained pursuant to section two hundred sixty-four (264) of Article 16 of New York State Town Law.

J. Effect.

The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided for elsewhere in the Town of Farmington Town Code, Chapter 165.

Section three: Article IV, Required Improvements

§144-30 Required improvements.

The following minimum improvements may be required by the Planning Board to assure that all lots in subdivisions are adequately and properly served with streets, utilities, stormwater provisions, sanitation facilities which provide a healthy and safe environment, and other safeguards to assure the property is properly identified, accessible to pedestrians and vehicles and protected against dangers as flooding and erosion. Minimum improvements and construction standards required of all subdivisions shall be as set forth in this section and Article III, and within the latest edition of the adopted Town of Farmington Site Design and Development Criteria Manual.

A. Monuments and markers.

(1) Monuments shall be placed in accordance with Appendix H-10.0 of the latest edition of the adopted Town of Farmington Site Design and Development Criteria Manual and shall be located at:

- a) P.C. and P.T. of all horizontal curves along one side of the right-of-way; and
- b) Spaced a maximum of 1,000 feet along one side of right-of-way line.

(2) Deleted and reserved.

(3) Deleted and reserved.

B. Streets, driveways and sidewalks.

Shall be required on all properties in accordance with the following:

(1) Streets and driveways shall be constructed in accordance with Sections 1.06 through 1.14, Road Construction and Appendices H-1.0 through H-9.0 of the latest edition of the adopted Town of Farmington Site Design and Development Criteria Manual. Streets are further regulated within Chapter 140, Streets and Sidewalks, of the Town of Farmington Town Code.

(2) Deleted and Reserved.

(3) Deleted and Reserved.

- (4) Sidewalks shall be constructed on all properties located within the MTOD Major Throughfare Overlay District and the MSOD Main Street Overlay District, and in accordance with Appendix H-7.0 Sidewalk Detail, of the latest edition of the adopted Town of Farmington Site Design and Development Criteria Manual.
- (5) Sidewalks shall also be constructed across the frontages of those properties shown on the adopted Town of Farmington Sidewalk and Trail Connection Master Plan Map.
- (6) Sidewalks shall be further regulated in accordance with the provisions in Chapter 140, Streets and Sidewalks, of the Town of Farmington Town Code.

C. Public water supply.

Shall be provided on all properties in accordance with the following:

- (1) Sections 1.04 and 1.05 and Appendices W-1.0 through W-17.0 of the latest edition of the adopted Town of Farmington Site Design and Development Criteria Manual.

D. Public sanitary sewer system.

Shall be provided on all properties determined appropriate and in accordance with the following:

- (1) Sections 1.04 and 1.05 and Appendices S-1.0 through S-13.0 of the latest edition of the adopted Town of Farmington Site Design and Development Criteria Manual.

E. Storm sewers and drainage is hereby eliminated in its entirety and replaced with the following sub-section E. Private on-site wastewater treatment system to read as follows:

E. Private on-site wastewater treatment system.

Shall be installed and maintained by the property owner in accordance with the criteria contained in Chapter 126, Individual On-Site Wastewater Treatment System, of the Town of Farmington Town Code.

F. Site and surface improvements is hereby eliminated in its entirety and replaced with the following sub-section F.

F. Stormwater management improvements.

Stormwater management improvements shall be provided in accordance with the criteria contained in Chapter 138, Stormwater Management and Erosion and Sediment Control, of the Town of Farmington Town Code, and Appendices ST-1.0 through ST-13.0 of the latest adopted edition of the Town of Farmington Site Design and Development Criteria Manual.

There is hereby established a new sub-section 144 – 30 G. created which shall read in its entirety as follows:

G. Landscaping requirements.

Landscaping shall be required on all lots which are disturbed during site development and which are:

- (1) not covered by structures or paving shall be properly landscaped by the site developer; and/or
- (2) owned by the property owner, by written agreement with the developer, subdivider or builder may landscape their yards independently so long as soil erosion and sediment control on the site are not compromised; and/or
- (3) additional landscaping may be required by the Planning Board as further provided in Chapter 165, Zoning Law of the Town of Farmington Town Code, Sections 165-34 Major Thoroughfare Overlay District, 34-1 Incentive Zoning and 34-2 Main Street Overlay District.

§144-31 of the Farmington Town Code is hereby deleted in its entirety and replaced to read in its entirety as follows:

§144-31 Installation of required improvements.

- A. Required Site improvements. All improvements shown on the Final Subdivision Plat, or the Final Site Plan are to be completed and dedicated by the subdivider/owner of land prior to issuance of any Certificate of Occupancy or Certificate of Compliance unless otherwise authorized by the Town Board.
- B. Letter of Credit. No site development shall be allowed until a letter of credit, or an alternative form of surety has been reviewed by and recommended by the Planning Board to the Town Board, and then approved by the Town Board, filed with the Town Clerk's Office within 30 days of Town Board approval, and then a Pre-construction meeting completed with Town Staff to be followed by a Notice to Proceed from the Town Code Enforcement Officer. The surety shall specify the items to be dedicated to the Town as shown on the completed Appendix Form G-3.1, a part of the latest adopted edition of the Town of Farmington Site Design & Development Criteria Manual. The surety shall specify the proposed start and ending dates for the site improvements to be completed. The maximum period of time for completion of the required site improvements shall not be longer than three (3) calendar years from the start. Said dates shall coincide with the dates shown of the surety instrument. No surety shall be allowed to automatically expire without Town Board approval.

- C. Letter of Credit Renewal. In the event a site's development becomes dormant, without any activity being reported, for a period of six (6) calendar months, a formal notice from the Town Director of Development to the owner and/or developer shall then be given. Said notice shall identify that the amount listed in the surety shall be reviewed by the Town Engineer, the Town Development Office and the Applicant's Engineer to determine if the dollar amounts shown are still valid or are in need of amendment to be recommended by the Planning Board and then approved by the Town Board replacing the amount remaining in the original surety.
- D. Maintenance Bond. Before the final release of funds from a letter of credit, the developer shall submit a maintenance bond in the amount of at least ten percent (10%) of the cost of site improvements to guarantee repair(s) of the required site improvements being dedicated to the Town. Said maintenance bond shall be approved by the Town Board and filed with the Town Clerk's Office within 30 days of Town Board action.
- E. Inspections. All site improvements covered under a performance surety (either a letter of credit or a performance bond) shall be inspected by the Town's Construction Inspector(s) at the time of installation. Following each inspection Appendix Forms G-1.1 and G-2.0 shall be completed along with a letter from the Town Engineer to the Director of Planning & Development recommending whether to honor a partial or final release of funds from the surety on file.

§144-32 of the Farmington Town Code is hereby deleted in its entirety and replaced to read in its entirety as follows:

§144-32 Surety.

Provisions of the section are administered as provided for in Town Law §277, as amended.

- A. Purpose. Surety may be required to assure proper installation of facilities associated with development including but not limited to, landscaping, utilities, roads, sidewalks and trails, whether or not offered for dedication. The form of surety is to be accepted by the Town Board and filed with the Town Clerk's Office before the Code Enforcement Officer shall issue a notice to proceed with site development.
- B. Review and recommendation. The Planning Board shall review and make recommendation to the Town Board whether to accept a form of surety to cover the full cost of approved site improvement(s) which has first been prepared and accepted by the Town Engineer, in coordination with the Town Construction Inspector and the Director of Planning and Development. Upon favorable recommendation to the Town Board, the Town Board shall either accept, modify, or deny the proposed surety. Once approved by the Town Board, the surety is to be filed with the Town Clerk's Office within thirty (30) business days from the date of such acceptance. The property owner/developer shall not be permitted to begin any site development, including the construction of buildings until the approved final subdivision

plat has been filed in the Office of the Ontario County Clerk and a copy of the recording document filed with the Town Development Office; the approved surety instrument has been filed in the Town Clerk's Office; all outstanding fees have been paid; all proposed easements shown on the final subdivision plat have been accepted by the Town Board, filed in the office of the county clerk and a copy of said easement document also filed in the Town Development Office. The Owner/Developer shall not be permitted to begin site development, including the construction of buildings in any other section, until such section has provided documentation in compliance with that listed above herein for the first filed section.

- C. Form of surety. To ensure completion of the approved site improvements, a written security agreement with the Town, approved by the Town Board as to form, sufficiency and manner of execution, shall be limited to: (i) a performance bond issued by a bonding or surety company, or bank or trust company located and authorized to do business in this state; (ii) an irrevocable letter of credit from a bank located and authorized to do business in this state; (iii) obligations of the United States of America; or (iv) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. All surety shall be issued in favor of the Town of Farmington.
- D. Term of surety agreement. Any surety shall run for a term to be fixed by the Town Board, but in no case for a longer term than three (3) years from the date of approval by said Board. The term of the surety may be extended by the Town Board, upon favorable recommendation by the Town Board, and with the consent of the parties thereto. If the Planning Board shall decide at any time during the term of the surety on file that the extent of site improvements, including the construction of buildings, is not sufficient to warrant all the required improvements covered by such surety, or that the required site improvements have been installed as provided in this section and by the planning board in sufficient amount to warrant reduction in the amount of said surety, and upon approval by the Town Board, the Planning Board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced or increased by an amount so that the new amount will cover the cost in full of the amended list of site improvement values required by the Planning Board.
- E. Inspection. All site improvements covered by a filed surety must be inspected during time of construction. The filed surety amount shall always, reflect any increased costs that may incurred over the period of time resulting from delays in the installation of said site improvements.
 - (1) The inspection procedure(s) shall be conducted as described in the approved minutes of the Pre-Construction Meeting and documented on the applicable inspection forms contained in the latest edition of the Town of Farmington Site Design and Development Criteria Manual; and
 - (2) Inspections are the responsibilities of the Town Construction Inspector, Town Highway & Parks Superintendent; Town Water & Sewer Superintendent; the Town Code Enforcement Officer and the Town Engineer as appropriate.

- F. Partial/Final Release of surety. The process for either a partial or final release of funds from a filed surety shall be in accordance with that described in the approved Pre-Construction Meeting minutes for the project and shall be initiated by the owner/applicant. The Town Construction Inspector, upon receiving such notification, shall first determine that said site improvements have been made in accordance with the approved plans, whether the request is for a Partial or Final release, and then arrange for a site walk with the owner/applicant and the appropriate Town Officials. Any deficiencies found shall be noted on the appropriate Appendices Forms (G-1.1, G -2.0, G-3.0, G-3.1, G-3.2 or G-4.0) or any other Appendix Inspection Forms contained in the latest adopted edition of the Town of Farmington Site Design and Development Criteria Manual. Said deficiencies are to be re-inspected by the appropriate Town Officials and when found acceptable notice thereof shall be provided by the Town Engineer to the Town Director of Planning and Development to prepare a packet of resolutions for the Planning Board to make a recommendation upon and the Town Board to approve either the Partial or Final Release of funds from the surety. The Town Clerk, following Town Board authorization and within five business days, shall give notice (either in hard copy or electronically) to the owner/developer, or the lending institution of the authorization for the Partial or Final Release of funds from the surety.
- G. Default of surety agreement. In the event that any required site improvements have not been installed as provided for in this section within the term of such security agreement, the Town Board may thereupon declare said surety to be in default, give written notice thereof to the owner/developer and lending institution, and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such surety and as commensurate with the extent determined by the Town of site development that has taken place but not exceeding in cost the amount of such proceeds.
- H. Maintenance bond. All final releases of surety are first subject to retainage for contingencies in the form of a two (2) year maintenance bond and in an amount of ten percent (10%) of the approved surety amount. Upon Town Board acceptance of the Town Engineer's and Town Director of Planning and Development's recommendations and the filing of a maintenance bond in the proper amount with the Town Clerk's Office, the Town Board shall then authorize the final release of surety and direct the Town Clerk to give notice thereof.
- I. Release of final monies. The Town Board, upon recommendations from the Town Engineer, the Town Water & Sewer Superintendent, Town Highway & Parks Superintendent. The Town Code Enforcement Officer and the Town Director of Planning and Development shall authorize the final release of surety retained as maintenance bond.

Section four: Waivers and Reconsideration

§144-33 of the Farmington Town Code is hereby deleted in its entirety and replaced to read in its entirety as follows:

§144-33 Approval of Dedication.

- A. General. Site improvements offered for dedication to the Town shall be complete with all the appropriate signed Appendices Forms listed above in §144-32 of this Chapter which are part of the latest adopted edition of the Town of Farmington Site Design and Development Criteria Manual.
- B. Record Plans. Record plans and all testing results shall be supplied to the Town Development Office. Record maps shall be prepared by the Design Engineer. One (1) electronic pdf copy shall be submitted to the Town Director of Planning and Development and an additional pdf copy shall be submitted to the Town Engineer. The record map shall contain the following information:
 - (1) The locations and inverts of all sanitary and storm water facilities, water mains and appurtenances; and
 - (2) The locations of all valves, catch basins and hydrants; and
 - (3) The location at the property line of each individual lot or sanitary lateral, storm water lateral, and water service curb box; and
 - (4) Any other significant details affecting the operation of maintenance of the system by Town; and
 - (5) The locations of all facilities shall be related or tied to visible or fixed objects.