



Planning Board Advanced Tools: *Subdivisions*



March 14, 2024

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According to the New York State Enabling Statutes, a subdivision is:

“...the division of any parcel of land into a number of lots, blocks or sites as specified in a law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development.”

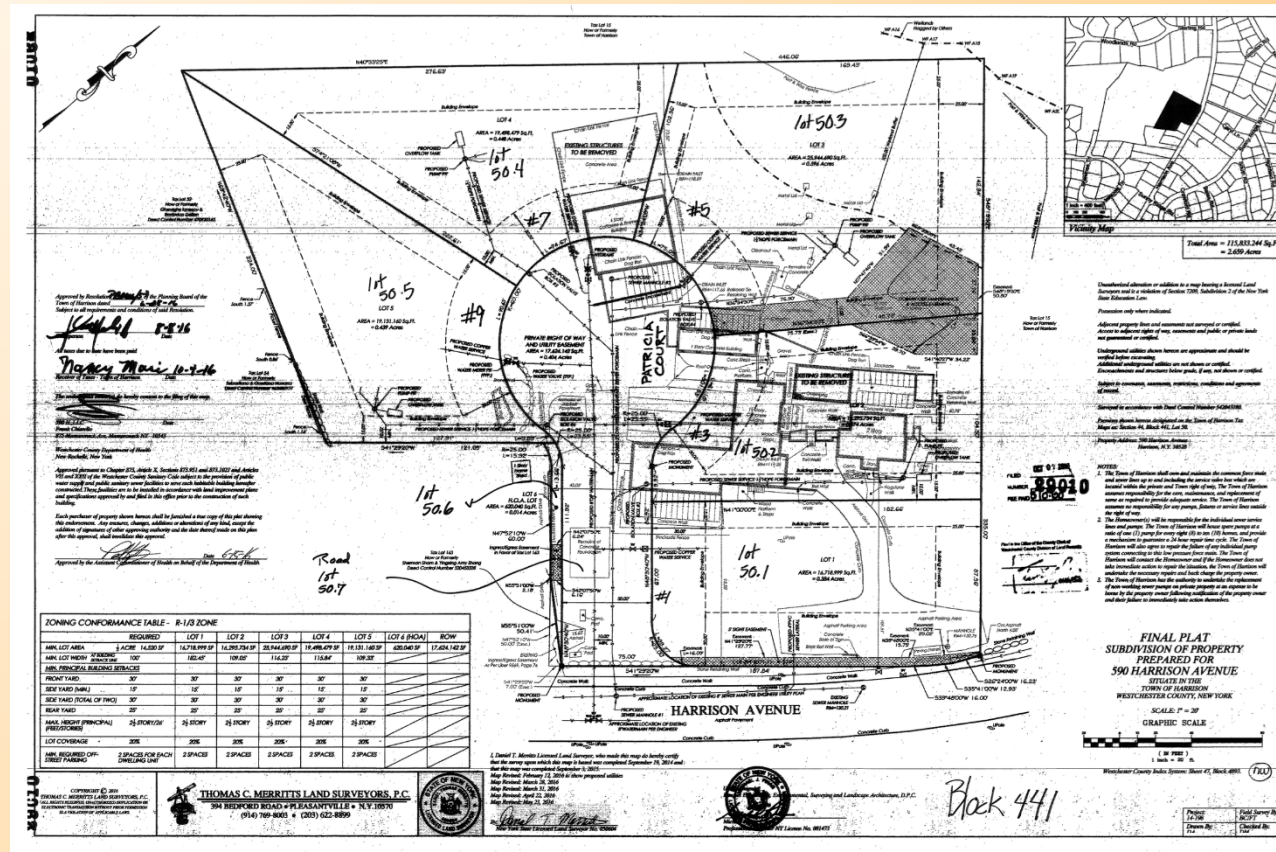
It is important to distinguish subdivision approval from the other major land use control - zoning.

While zoning and subdivision control are entirely separate and distinct parts of the planning implementation process, they complement each other, and taken together can ensure well-ordered development. Both are exercises of a municipality's "police power."

Zoning has as its principal purpose the prescription of **what land may be used** for. Zoning accomplishes this by establishing different districts and providing for permissible uses in each (e.g., residential, commercial, industrial).

Subdivision control, however, is concerned with **how land is used** - i.e., it attempts to ensure that when development does occur, it will be accompanied by adequate services and facilities.

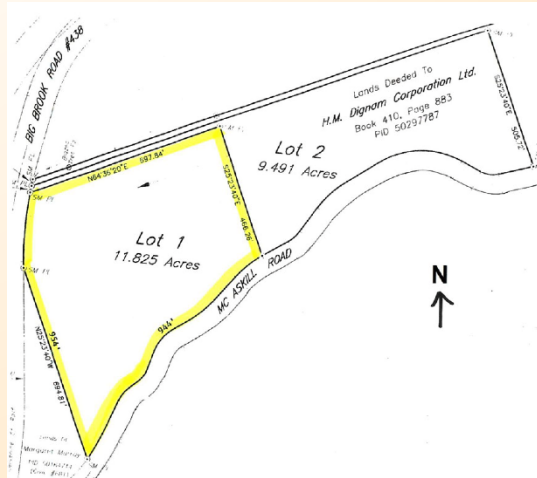
Subdivision Plat means the graphical representation of the subdivision of land, prepared by a licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.



Minor and Major Subdivisions:

Local subdivision ordinances often distinguish “Minor” from “Major” subdivisions.

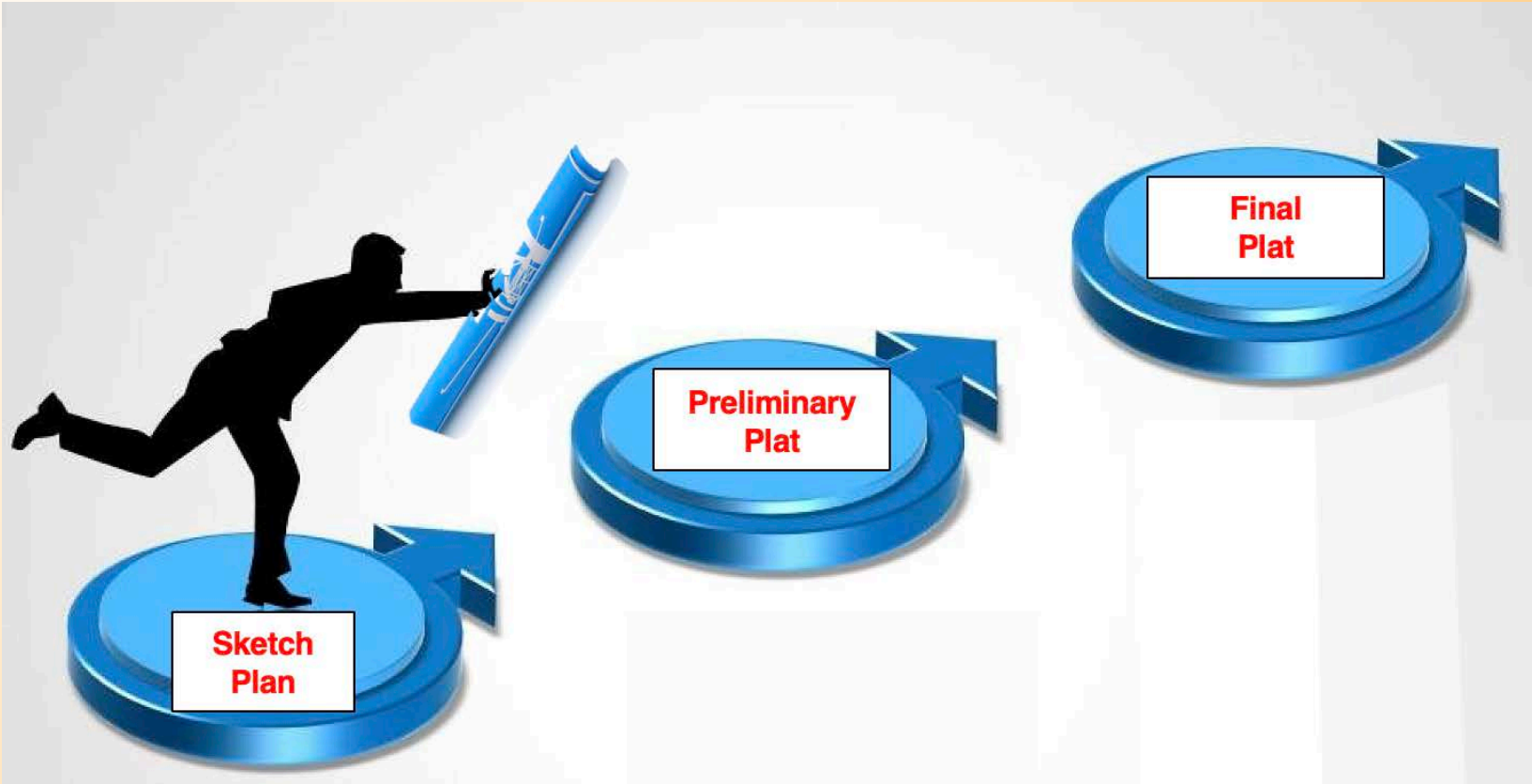
Minor Subdivision – A subdivision of 5 or fewer lots, and without the construction of a new roadway.



Major Subdivision – A subdivision of 5 or more lots, or one involving the construction of a new roadway



Subdivision Process



Subdivision Process

- Informal Review (Optional)
- Preliminary Review (Sometimes Optional)
 - Submit Complete Application
 - 62 Days – Public Hearing (close within 120 days)
 - 62 Days – Approve Preliminary Plat
- Final Plat
 - Submit Complete Application
 - 62 Days – Public Hearing (optional)
 - 62 Days – Approve Final Plat
- **Watch Out for Default Approval!!**



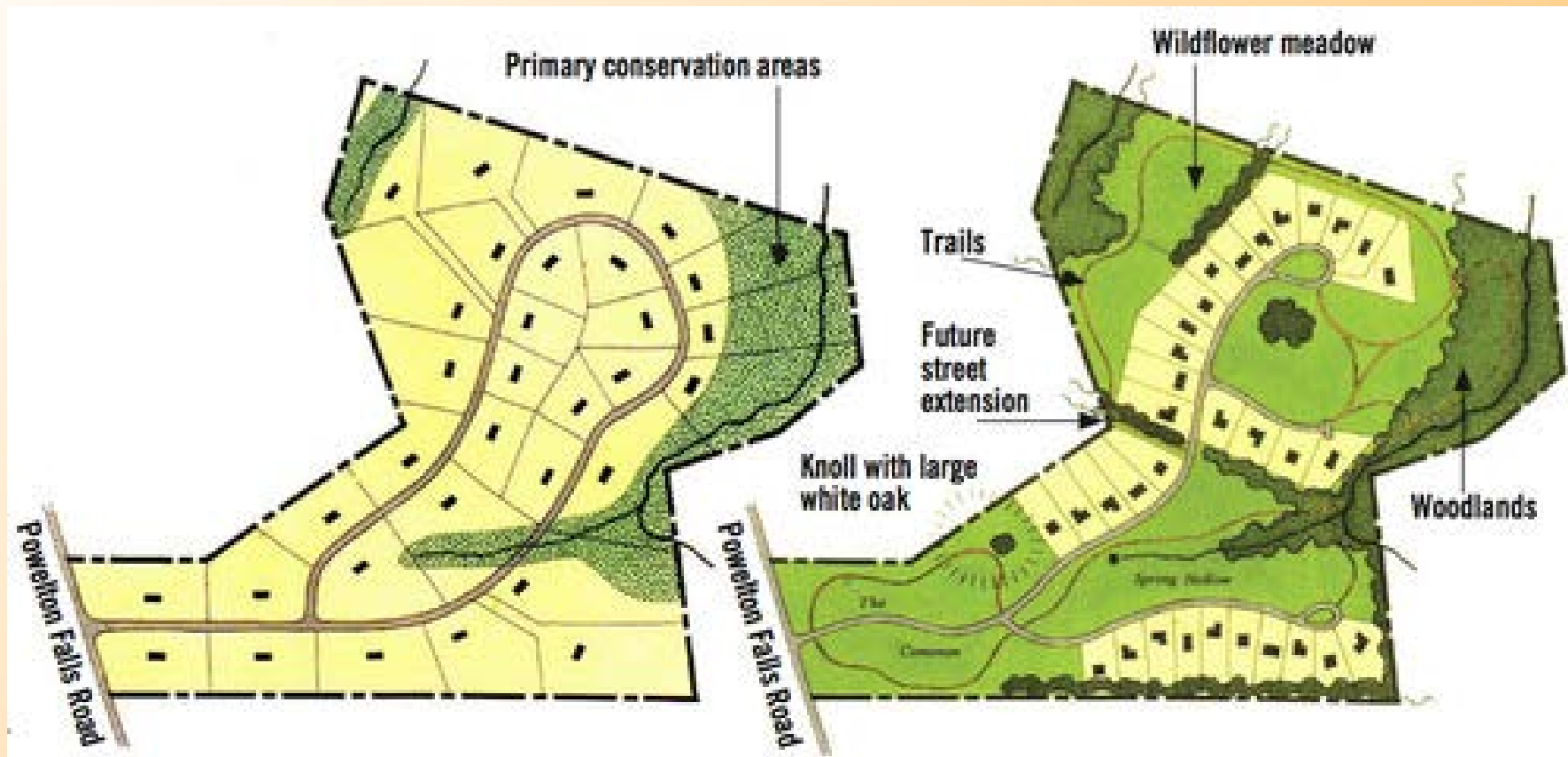
SEQRA and the Subdivision Process

- Subdivisions are actions subject to SEQRA.
- SEQRA can be an invaluable tool to “improve” subdivisions through the review process.
 - ✓ Identify environmental impacts that must be mitigated.
 - ✓ Require the consideration of alternatives



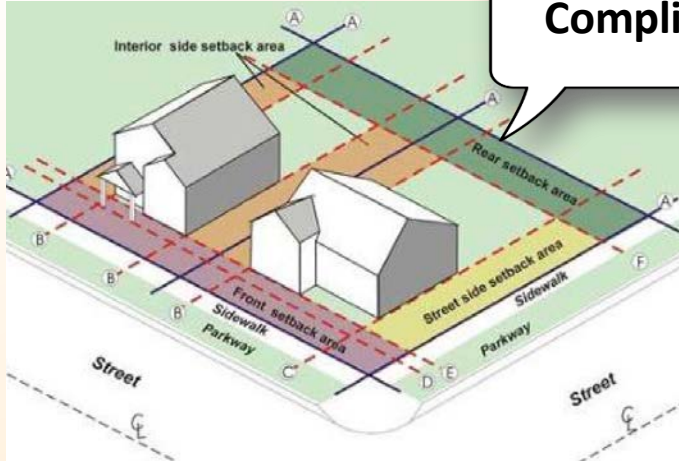
Conventional vs Cluster (Conservation) Subdivision

Importance of lot count

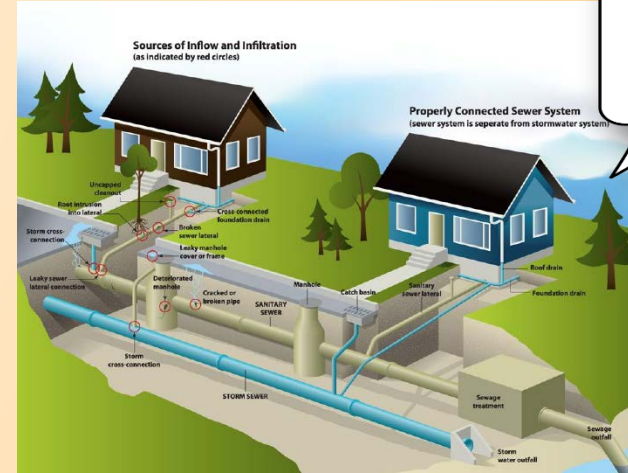


Factors to consider when reviewing a subdivision:

Zoning Compliance



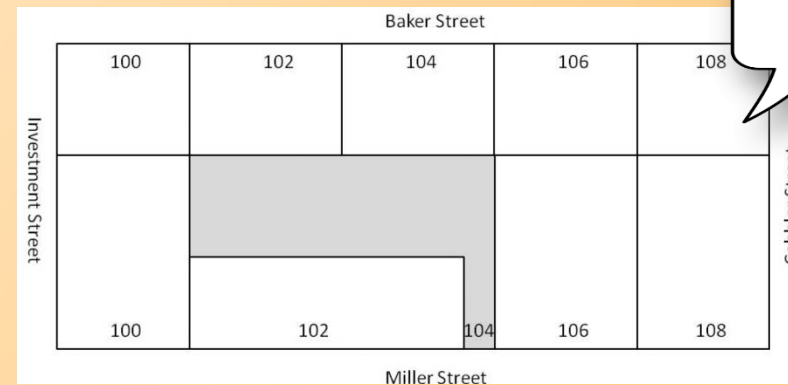
Utility Infrastructure



Site Constraints

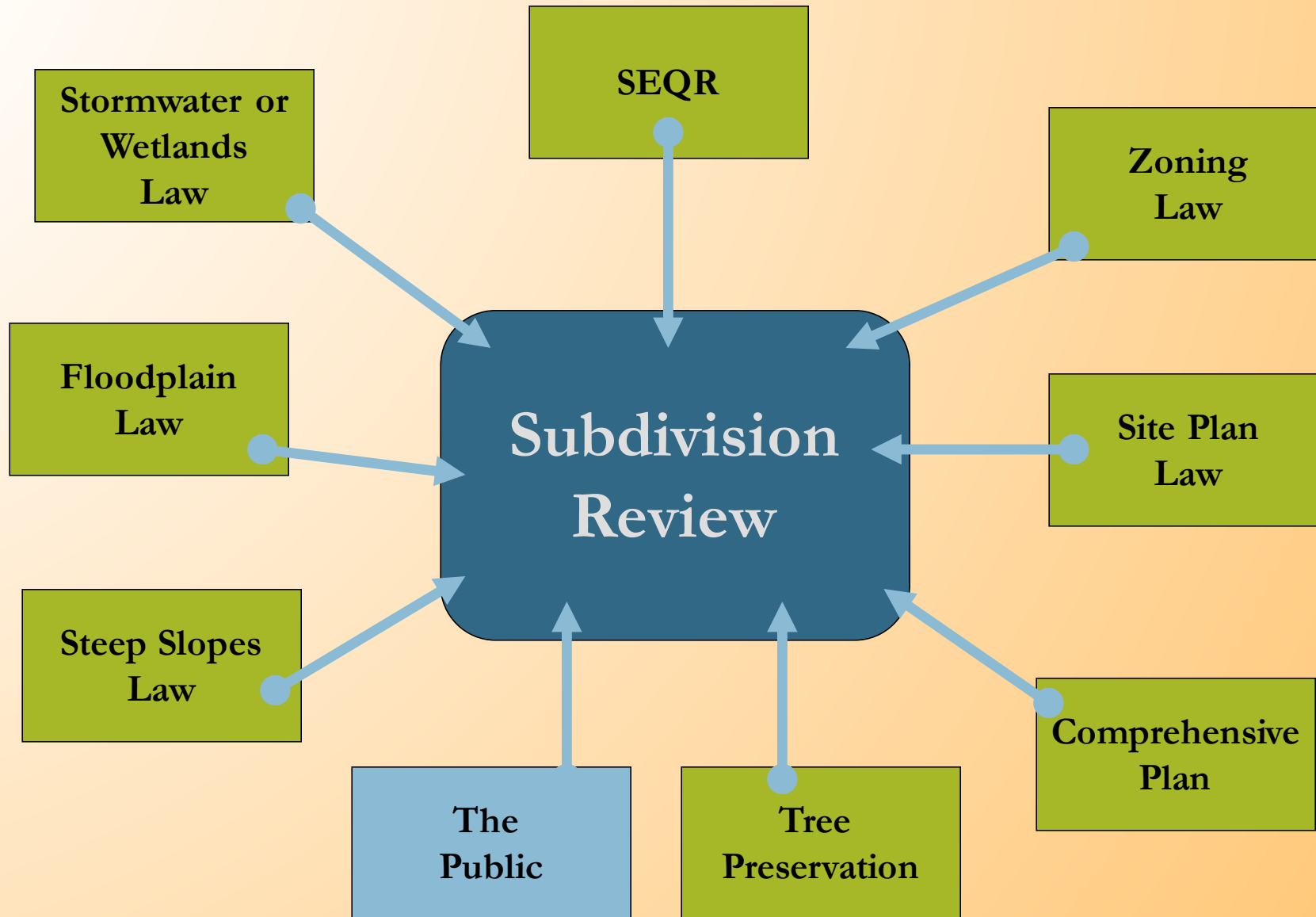


Lot Geometry & Configuration

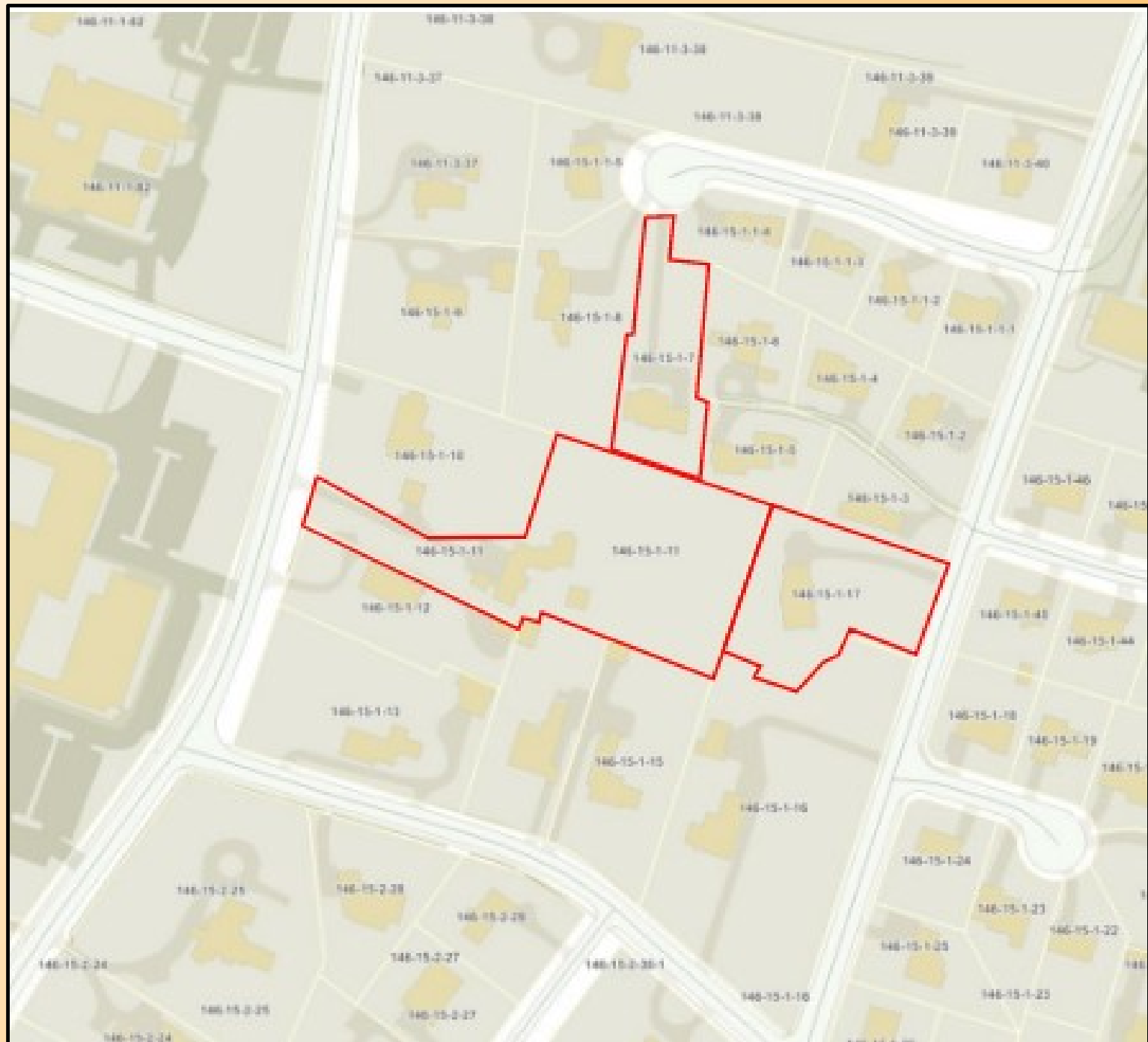
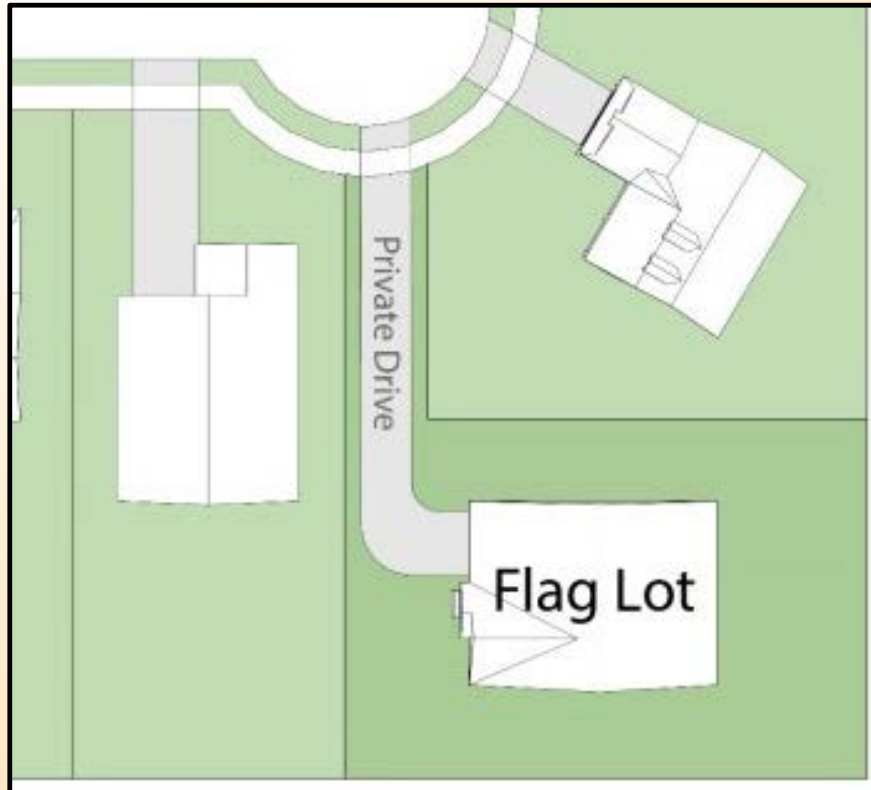


Common Subdivision Challenges

Integrating Approvals



Flag Lots and Gerrymandered Lots



Conditions and Compliance Strategies

Effective Conditions:

- Rational Basis
- Reasonable and Practical
- Avoid Vagueness
- Consider who's enforcing
- Anticipate future needs and changes
- Are consistent with local laws
- **Best approvals have fewer conditions**

Compliance Strategies:

- Performance Bonds
- Legal Easements*
- Covenants and Restrictions*
- Notes on a Plat*
- Conditions in Resolution
- Field delineations (i.e. markers)
- Work with local enforcement officials

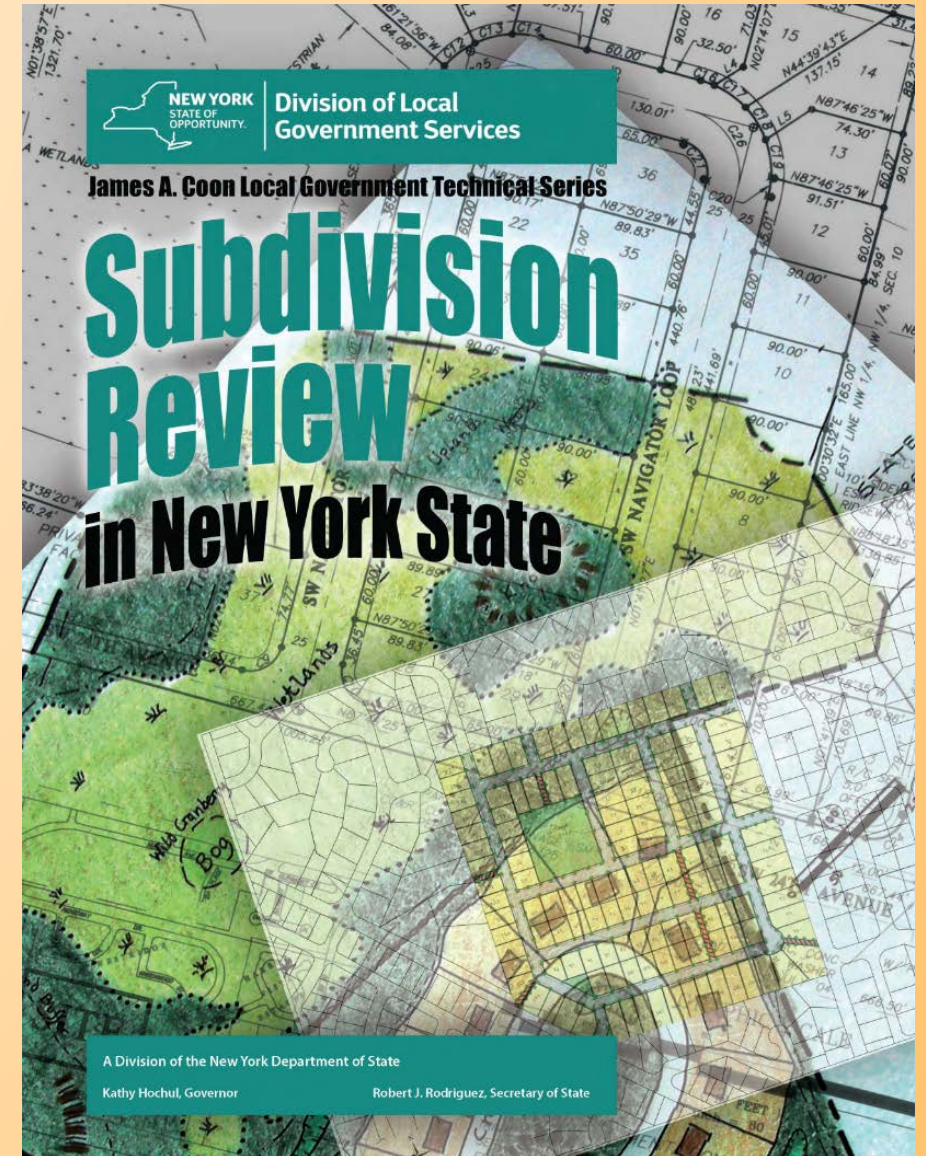
* Documents recorded in County Land Records Office

Discussion:

- ✓ Site planning for individual lots – Integrated Plot Plans
- ✓ Why denying two-lot subdivisions is tricky
- ✓ Open space (public/private open space)
- ✓ Integrating new subdivisions into the existing land use fabric (connectivity)

New York State Department of
State Publication (dos.ny.gov):

Search online for:
“subdivision review in nys”





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