

# TOWN OF TORREY

## Land Subdivision Law

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Local Law Number 1 of 2013

ADOPTED FEBRUARY 12, 2013

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<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
ARTICLE 1: PURPOSE AND INTENT	
§1 Title	3
§2 Purpose	3
§3 Effective Date	3
§4 Conflict with Existing Regulations	3
§5 Severability	3
ARTICLE 2: DECLARATION OF POLICY	
§6 Legislative Authority	3
§7 Planning Board Responsibility	3
§8 Subdivision Exemptions	4
ARTICLE 3: TYPES OF SUBDIVISION	
§9 Minor Subdivision	5
§10 Major Subdivision	5
§11 Conservation Subdivision (Cluster Development)	5
§12 Keyhole Subdivision	5
§13 Planned Unit Development (PUD)	5
ARTICLE 4: PROCEDURES	
§14 General Process Outline	5
§15 Sketch Plan Review	5
§16 Preliminary Plat Review	6
§17 Final Plat Review	8
§18 Re-subdivision	10
§19 Performance Bonds and Certificates	10
§20 Construction	11
§21 Dedication of Public Streets, Recreation Areas and Open Space	12
ARTICLE 5: DEVELOPMENT STANDARDS	
§22 General	12
§23 Physical Improvements	12
§24 Environmental Improvements	16
§25 Conservation Subdivision	17
§26 Keyhole Subdivision	17
ARTICLE 6: SPECIFICATIONS	
§27 Sketch Plan	18
§28 Preliminary Plat	18
§29 Final Plat for Major Subdivisions	19
§30 Construction Detail Sheet	20
§31 Approvals and Permits Needed	20
ARTICLE 7: DEFINITIONS AND WORD USAGE	
§32 Definitions and Word Usage	21

## **LAND SUBDIVISION LAW**

### **ARTICLE 1**

#### **GENERAL PROVISIONS**

##### **§ 1 TITLE**

This Law shall be known as the “Town of Torrey Land Subdivision Law.”

##### **§ 2 PURPOSE**

The purpose of this Law is to promote the goals of the Town of Torrey Comprehensive Plan and to:

- A. protect the public health, safety, and welfare;
- B. promote orderly development in the Town;
- C. secure adequate provision for streets, water supply, wastewater, drainage and flood control;
- D. preserve open space and farmland;
- E. provide lands for recreation and other public uses.

##### **§ 3 EFFECTIVE DATE**

The Town of Torrey Land Subdivision Law was adopted by the Town Board on 2/12/13 and became effective immediately upon filing with the Secretary of State..

##### **§ 4 CONFLICT WITH EXISTING REGULATIONS**

Where this Law imposes greater restrictions than are imposed by a provision of any other law, ordinance, regulation or private agreement, this Law shall govern. Where greater restrictions are imposed by any other law, ordinance, regulation or private agreement than are imposed by this Law, such greater restrictions shall govern.

##### **§ 5 SEVERABILITY**

Should any section or provision of this law be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or in part other than the part so declared to be unconstitutional or invalid.

### **ARTICLE 2**

#### **DECLARATION OF POLICY**

##### **§ 6 LEGISLATIVE AUTHORITY**

The Town of Torrey Planning Board has the authority to approve subdivision of land within the town boundaries, exclusive of that part of the Town within the limits of any incorporated village, pursuant to the provisions of Article 16, §262 of the Consolidated Town Laws of New York State, as amended.

##### **§ 7 PLANNING BOARD RESPONSIBILITY**

- A. The Planning Board of the Town of Torrey shall approve, approve with conditions and/or modifications, or disapprove new major and minor subdivision Sketch Plans, Preliminary Plats and Final Plats, and proposed changes in plats already on file in the office of the Yates County Clerk at the time of the adoption of this Law.
- B. The Planning Board may approve conservation subdivisions/cluster developments which permit variations in lot sizes specified in the Town of Torrey Zoning Law, Local Law 02-11, provided the overall building density does not exceed that which is permitted in the applicable zoning district.

- C. In reviewing and approving Sketch Plans, Preliminary Plats and Final Plats, the Planning Board shall consider those development standards and specifications set forth in Articles 5 and 6 of this Law and determine that the plat complies with the Town Comprehensive Plan, Town of Torrey Access Management Plan and, except for lot sizes in a conservation subdivision/cluster development, the Town of Torrey Zoning Law.
- D. During the review of a subdivision application, the Planning Board may determine that additional information or detail beyond that set forth in this Law is needed to protect the public health, safety, and welfare. In such a situation, the Planning Board is authorized and empowered to request the additional information or detail and to withhold a decision on the application until the material is provided and reviewed.
- E. The Planning Board may approve the development of a subdivision in phases. However, the entire project must be defined in the initial Sketch Plan. As the phases are implemented changes to the original Sketch Plan may be required. These changes to the Sketch Plan must be approved by the Planning Board before Preliminary Plats will be accepted for subsequent phases.
- F. The Planning Board shall not accept an application for subdivision if the subdivider is in default on another subdivision.

## **§ 8 SUBDIVISION EXEMPTIONS**

- A. This section shall apply only if the proposed subdivision will comply with the Town of Torrey Zoning Law. In addition, the proposed subdivision must comply with Town of Torrey Access Management Plan and the Official Map of the Town of Torrey, and not affect the location of existing curb cuts, access to the property or stormwater drainage on or from the property.
- B. A proposed subdivision of land may qualify for exemption under this Law if it meets the requirements in § 8 A and is either of the following:
  - 1) The division of a parcel into smaller parcels that are twenty (20) acres or more in size for agricultural use in a zoning district where agricultural uses are allowed.
  - 2) The moving of a lot line between two adjacent parcels.
- C. Exemption Review
  - 1) Within seven (7) calendar days of submission of the subdivision application the Zoning Officer shall determine eligibility of the application for exemption approval under this section.
  - 2) Upon initial determination of eligibility by the Zoning Officer, said subdivision application shall be reviewed by the Planning Board at their next scheduled meeting. If the Planning Board concurs that the subdivision application is eligible for exemption approval under this section, the Planning Board shall notify the Zoning Officer specifying any modifications or clarifications to the application to ensure compliance with this law.
  - 3) The Zoning Officer shall notify the applicant.

## **ARTICLE 3**

### **TYPES OF SUBDIVISION**

#### **§ 9 MINOR SUBDIVISION**

The subdivision of any single parcel shall be considered a minor subdivision if:

- 1) The parcel is divided into not more than four (4) lots;
- 2) All lots front on an existing street;
- 3) Extension of municipal facilities is not required.

#### **§ 10 MAJOR SUBDIVISION**

A major subdivision shall be any subdivision not conforming to the definition of a minor subdivision.

#### **§ 11 CONSERVATION SUBDIVISION (CLUSTER DEVELOPMENT)**

A conservation subdivision is a residential development in which a significant portion of the site is set aside as undivided, permanently protected open space, and residences are clustered on the remainder of the property.

#### **§ 12 KEYHOLE SUBDIVISION**

Keyhole subdivision is a residential subdivision that includes both lakefront and upland lots and in which the owners of the upland lots have legal access to Seneca Lake through the lakefront lots.

#### **§ 13 PLANNED UNIT DEVELOPMENT (PUD)**

See Town of Torrey Local Law 04-08

## **ARTICLE 4**

### **PROCEDURES**

#### **§ 14 GENERAL PROCESS OUTLINE**

Obtaining approval for subdivision of land within the Town of Torrey involves a two-step (Minor Subdivision) or a three-step (Major Subdivision) process of interaction between the Planning Board and the subdivider. The process for a minor subdivision requires Sketch Plan approval and Preliminary/Final Plat approval. The process for a major subdivision includes Sketch Plan approval, Preliminary Plat approval and Final Plat approval. Basic information is presented at the Sketch Plan review meeting with increasing levels of detail being provided at subsequent sessions. This approach is intended to allow the Planning Board and the subdivider to identify and resolve issues early in the process and to reach agreement with minimal cost. No building permits shall be issued and no contract for sale of land to be subdivided shall be finalized until the Planning Board has approved the Final Plat and a certified copy of the Final Plat filed at the office of the County Clerk has been delivered to the Town of Torrey Zoning Officer.

#### **§ 15 SKETCH PLAN REVIEW**

##### **A. SUBMISSION OF SKETCH PLAN**

A Sketch Plan received by the Town Clerk fourteen (14) or more days before a regularly scheduled Planning Board meeting shall be acted on at that meeting unless the Planning Board and the subdivider agree on an extension. A Sketch Plan received by the Town Clerk thirteen (13) or fewer days before a regularly scheduled Planning Board may be held for action at the following regularly scheduled Planning Board meeting. A Sketch Plan shall be submitted together with a subdivision application on forms available at the Town of Torrey Clerk's Office.

**B. NUMBER OF COPIES**

Ten (10) copies of the Sketch Plan shall be submitted to the Town of Torrey Clerk and shall comply with the requirements of Article 6, § 27.

**C. DISCUSSION AND CLASSIFICATION**

The subdivider, or an authorized representative, shall attend the meeting of the Planning Board to answer questions pertaining to the proposed subdivision and discuss the requirements of this Law. The Planning Board shall determine at this time the classification of the subdivision as Major or Minor, and shall classify the action pursuant to New York State Environmental Quality Review (SEQR) Act.

**D. ACCEPTANCE OF SKETCH PLAN**

The Planning Board shall determine whether the Sketch Plan meets the requirements of this Law and shall, if it deems necessary, make specific recommendations in writing for information and/or modifications to be incorporated in the Preliminary Plat.

**§ 16 PRELIMINARY PLAT REVIEW**

The following procedures apply to both Major and Minor subdivisions:

**A. SUBMISSION OF PRELIMINARY PLAT**

- 1) The subdivider shall submit a Preliminary Plat that shall in all respects comply with the requirements set forth in the provisions of §276 and §277 of the Town Law of the State of New York, and Articles 4, 5 & 6 of this Law.
- 2) The submission of the Preliminary Plat shall be accompanied by a fee as specified in the Town of Torrey Fees and Fines Schedule.
- 3) The submission of the Preliminary Plat shall also be accompanied by the appropriate Environmental Assessment Form (EAF) in accordance with SEQR.
- 4) The Subdivider must also submit an Agricultural Data Statement for every subdivision proposed for property located within the Agricultural District.
- 5) The subdivider, or an authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.
- 6) A Preliminary Plat received by the Town Clerk fourteen (14) or more days before a regularly scheduled Planning Board meeting shall be acted on at that meeting unless the Planning Board and the subdivider agree on an extension. A Preliminary Plat received by the Town Clerk thirteen (13) or fewer days before a regularly scheduled Planning Board meeting may be held for action at the following regularly scheduled Planning Board meeting.

**B. NUMBER OF COPIES**

Ten (10) copies of the Preliminary Plat and ten (10) copies of the Environmental Assessment Form (EAF), if required by the provisions of the New York State Environmental Quality Review Act (SEQR), shall be submitted to the Town of Torrey Clerk. Additional copies of the Preliminary Plat and Environmental Assessment Form may be requested by the Planning Board if the Planning Board determines that other agencies, employees of the Town, or consultants should review said Plat.

### **C. PROFESSIONAL SERVICES**

The Planning Board may obtain professional services to assist in the evaluation of subdivision applications. The cost for these professional services shall be borne by the applicant. Prior to the Town entering into a contract for professional services, the applicant shall deposit with the Town Clerk the estimated cost for such services. Any amount remaining after payment by the Town for the services rendered shall be returned to the applicant upon final decision of the Planning Board or upon withdrawal of the application.

### **D. COUNTY PLANNING BOARD REFERRAL**

Under the requirements of Section 239-n of the New York State General Municipal Law, a proposed subdivision shall be referred to the County Planning Board for review if the proposed subdivision lies within a distance of five hundred (500) feet from:

- 1) the boundary of a municipality;
- 2) the boundary of any existing or proposed county or state park or other recreation area;
- 3) the right of way of any existing or proposed county or state parkway, thruway, expressway, road or drainage channel owned by the county or for which the county has established channel lines;
- 4) the existing or proposed boundary of any county or state owned land on which a building is situated;
- 5) the boundary of a farm operation located in an agricultural district, as defined by article 25-AA of the Agriculture and Markets Law.

The Planning Board shall determine if a Preliminary Plat must be referred to the County Planning Board, and will direct the Town of Torrey Zoning Officer or other duly appointed officer to file said Preliminary Plat with the County Planning Board for review at its next regular monthly meeting. No decision shall be made on the Preliminary Plat by the Planning Board until a recommendation is received from the County Planning Board, although a public hearing may be held pursuant to § 16 F of this Law. If no recommendation is received from the County Planning Board within thirty (30) days, the Preliminary Plat shall be deemed approved by the County Planning Board. If the County Planning Board disapproves or recommends modification of a proposed Preliminary Plat, the Planning Board shall not act contrary to such disapproval or recommendation of modification except by a vote of a majority plus one of its members and then only after the adoption of a resolution fully setting forth the reasons for such contrary action.

### **E. PUBLIC HEARING**

A public hearing on a Preliminary Plat that has been accepted by the Planning Board shall be held within sixty-two (62) days after the date of acceptance. If the Planning Board has determined that an environmental impact statement (EIS) is required, and a public hearing on the draft EIS is held, the public hearing on the Preliminary Plat and the draft EIS shall be held jointly within sixty-two (62) days after acceptance of the plat and filing of the "Notice of Completion" on the draft EIS. The sixty-two (62) day time limit may be extended by mutual consent of the Planning Board and the subdivider. The hearing notice shall be advertised at least once in the official newspaper(s) of the Town at least five (5) days prior to the date of the hearing or if a joint hearing is held on any preliminary plat/ draft EIS on fourteen (14) days before a joint hearing. The subdivider shall notify by certified mail all property owners within five-hundred (500) feet of the nearest property line of the parcel proposed for subdivision and such other property owners as the Planning Board may direct. Such notice must be provided at least ten (10) days before the hearing or fourteen (14) days before a joint hearing.

## **F. ACTION OF PLANNING BOARD ON PRELIMINARY PLAT**

A Preliminary Plat submission must comply with this Law and all relevant provisions of the New York State Environmental Quality Review Act (SEQR). A Preliminary Plat shall not be deemed complete until a negative declaration has been filed or until a notice of completion of the draft Environmental Impact Statement (EIS) has been filed in accordance with the provisions of the SEQRA. The determination that a submission is complete shall be made by a resolution of the Planning Board.

- 1) An Environmental Impact Statement (EIS) may or may not be required depending on the particulars of the subdivision plan.
  - a. If an EIS is not required, the Planning board shall approve, approve with conditions and/or modifications or disapprove the Preliminary Plat within sixty-two (62) days following the close of the public hearing on the Preliminary Plat.
  - b. If an EIS is required, the final EIS shall be filed within forty-five (45) days following the close of the public hearing for the Preliminary Plat or the joint public hearing for the Preliminary Plat and the draft EIS. Within thirty (30) days of the filing of the final EIS, the Planning Board shall issue findings on the final EIS and approve, approve with conditions and/or modifications or disapprove the Preliminary Plat.
  - c. The time lines above may be extended by mutual consent of the Planning Board and the subdivider.
- 2) The Planning Board's decision shall be adopted by a resolution stating its findings the grounds for its decision, and filed in the clerk's office within five days. When approving a Preliminary Plat with conditions and/or modifications, the Planning Board shall by resolution and in writing to the subdivider state conditions and/or modifications it deems necessary for submission of the Final Plat.
- 3) In the case of a Minor subdivision, the Planning Board may grant final approval or approval with conditions and/or modifications of the subdivision and deem the Preliminary Plat a Final Plat.

## **§ 17 FINAL PLAT REVIEW**

### **A. SUBMISSION OF FINAL PLAT**

- 1) The subdivider shall, within six months after the approval of the Preliminary Plat, submit to the Planning Board a Final Plat. This time may be extended upon mutual consent of the Planning Board and subdivider. If no action is taken by the subdivider within the stipulated timeframe, the subdivision application will be considered withdrawn.
- 2) A Final Plat received by the Town Clerk fourteen (14) or more days before a regularly scheduled Planning Board meeting shall be acted on at that meeting unless the Planning Board and the subdivider agree on an extension. A Final Plat received by the Town Clerk thirteen (13) or fewer days before a regularly scheduled Planning Board may be held for action at the following regularly scheduled Planning Board meeting.

### **B. SUBMISSION OF CONSTRUCTION DETAIL SHEETS**

Construction detail sheets as defined in § 30 shall be submitted as part of the Final Plat.



### **C. NUMBER OF COPIES**

Ten (10) copies of the Final Plat are to be submitted to the Town of Torrey Clerk. Additional copies of the Final Plat may be requested of the applicant by the Planning Board if the Planning Board determines that other agencies, employees of the Town, or consultants should review said Plat. The subdivider shall also provide the original and one copy of all offers of cession, covenants, and agreements.

### **D. APPROVAL OF STATE, COUNTY, AND LOCAL AGENCIES**

Water and sewer facility proposals contained in the Final Plat shall be properly endorsed and approved by the New York State Department of Health and the Department of Environmental Conservation in areas subject to their jurisdiction. Request for approval of plans for sewer or water facilities shall be filed by the subdivider with all requisite Town, County, and State agencies. See Article 6, § 31 for a list of additional approvals or permits that may be required.

### **E. ACCEPTANCE OF FINAL PLAT**

A Final Plat submission must comply with all relevant provisions of this Law. The determination that a submission is complete shall be made by resolution of the Planning Board.

### **F. PUBLIC HEARING**

- 1) The Planning Board may waive the requirement for a public hearing on the Final Plat if it deems the Final Plat to be in substantial agreement with the Preliminary Plat previously approved or modified as required by the Planning Board.
- 2) If the Final Plat is not in substantial agreement with the Preliminary Plat, the Planning Board may require a new SEQRA determination and that will impact the timing of the hearing.
- 3) A public hearing on a Final Plat that has been accepted by the Planning Board shall be held within sixty-two (62) days after the date of acceptance unless the subdivider and the Planning Board agree on an extension. The hearing notice shall be advertised at least once in the official newspaper(s) of the Town at least five (5) days prior to the date of the hearing. The subdivider shall notify by certified mail all property owners within five-hundred (500) feet of the nearest property line of the parcel proposed for subdivision and such other property owners as the Planning Board may direct. Such notice must be provided at least ten (10) days before the hearing.

### **G. ACTION OF PLANNING BOARD**

- 1) The Planning Board shall by resolution approve, approve with conditions and/or modifications or disapprove the Final Plat within sixty-two (62) days of the public hearing. If there is no public hearing on the Final Plat, the Planning Board shall approve, approve with conditions and/or modifications or disapprove the Final Plat within sixty-two (62) days of acceptance of the Final Plat. These times may be extended by mutual consent of the subdivider and the Planning Board.
- 2) A copy of the Planning Board decision must be filed with the municipal clerk within five days of the decision.
- 3) The Planning Board may issue a conditional approval of the Final Plat. The conditions that may be applied are, but not limited to, any of the following:
  - a. approval of town, county or state agencies having jurisdiction over water, sewer, roads or other municipal service;

- b. review and approval of some element of the design by a New York State Licensed Land Surveyor, Engineer, Landscape Architect, or Certified Professional in Erosion and Sediment Control CPESC;
  - c. review by the NYS Attorney General's Office when a homeowner's association is involved;
  - d. review by the town's attorney of the adequacy of the performance bond or other surety required by the Planning Board.
- 4) The subdivider shall have one hundred eighty (180) days to satisfy any requirements specified in the Planning Board's resolution of approval of the Final Plat and provide evidence of same to the Planning Board. At the subdivider's request, the Planning Board may extend this time for two additional periods of ninety (90) days. If the time for satisfying the requirements for final approval has expired, the subdivider must reapply for review beginning with the Final Plat review stage within ninety (90) days of the expiration date and pay any required fee or the application for the subdivision will be considered withdrawn.

#### **H. FINAL APPROVAL AND FILING**

- 1) The Final Plat shall be signed by the Chairman or Acting Chairman of the Planning Board; however, the Chairman of the Planning Board cannot certify and sign the final plat until the conditions attached to any conditional approval have been satisfied. The Planning Board shall provide written notice to the subdivider within five (5) business days of reaching a decision on the Final Plat. The Plat must be certified by the Clerk of the Planning Board as having been granted conditional or final approval.
- 2) The subdivider shall file in the office of the Yates County Clerk such approved Final Plat or a phase of such plat within sixty-two (62) days from the date of final approval, as such is defined in New York State Town Law section 276-(11), as amended, or such approval shall expire. In addition, the subdivider shall furnish one paper and one digital copy of the certified Final Plat filed at the office of the Yates County Clerk to the Town of Torrey Zoning Officer.

#### **I. FINAL PLAT VOID IF REVISED AFTER APPROVAL**

No changes shall be made to any Final Plat after approval has been given by the Planning Board and endorsed in writing on the Final Plat, unless the Final Plat is first resubmitted to the Planning Board and that Board approves any modifications. In the event the Final Plat is recorded without complying with this requirement, the Final Plat shall be considered null and void, and the Planning Board shall institute proceedings to have the Final Plat stricken from the records of the Clerk of Yates County.

### **§ 18 RESUBDIVISION**

The same procedure, rules and regulations shall apply as for a subdivision.

### **§ 19 PERFORMANCE BONDS AND CERTIFICATES**

- A. After the Planning Board passes a resolution to approve or conditionally approve with or without modifications a Final Plat and before any site preparation or construction, the subdivider must:
  - 1) Post a performance bond or other security sufficient to cover the full cost of improvements as estimated by the Planning Board. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and approved by the Torrey Town Attorney as to form, sufficiency and manner of execution, and shall be limited to:
    - a) a performance bond issued by a bonding or surety company having a rating of A1 (Moody's) or A+ (Standard & Poor's) or higher;

- b) the deposit of funds in an escrow account in a bank or trust company located and authorized to do business in this state;
  - c) an irrevocable letter of credit from a bank located and authorized to do business in this state;
  - d) obligations of the United States of America;
  - e) any obligations fully guaranteed as to interest and principal by the United States of America.
- 2) Stipulate in the bond or other surety a period of one (1) year, or such other period as the Town Board may require, within which time required improvements must be completed and also stipulate an amount determined by the Town Board to be retained for one (1) year after the date of completion of the required improvements to ensure their satisfactory performance.
- 3) Provide a certified copy of a title search indicating no liens exist on the property being subdivided.
- B. If authorized to submit the Final Plat in phases, the subdivider must post a performance bond or other surety instrument to cover the full cost of all required improvements of each approved phase as outlined in § 19A above.
- C. As-built drawings satisfactory to the Planning Board shall be submitted indicating the location of all improvements as actually installed. The performance bond or other surety instrument shall not be released until such drawings are submitted and approved by the Planning Board.

## **§ 20 CONSTRUCTION**

- A. Upon posting of an acceptable performance bond or other surety instrument in accordance with Article 4 § 19 of this Law and after approval and filing of the Final Plat in the Yates County Clerk's Office, the subdivider may initiate land sales or apply for building permits. The subdivider is required to give five (5) days notice of the construction of any improvements to the Town Code Enforcement Officer.
- B. Construction shall start within one (1) year of the date of approval and shall be completed within a timeframe agreed to by the subdivider and the Planning Board. If such timeframe is not met by the subdivider, the subdivision development approval may be revoked by the Planning Board.
- C. The improvements shall not be considered completed until the installation of the improvements has been approved by the Town Highway Superintendent and, if applicable, the Town Water Supervisor, and the Watershed Inspector.
- D. If utilities or roads are offered for dedication to the Town, the subdivider shall be required to post a bond or other security in an amount, form, and term acceptable to the Town Board to pay for repair of dedicated utilities or roads which prove defective following dedication.
- E. The Town Board may employ a licensed professional during construction to ensure the satisfactory completion of improvements. The subdivider shall reimburse all costs associated with hiring the licensed professional to the Town.
- F. If the Town Highway Superintendent, Town Water Supervisor, Watershed Inspector or other inspector hired by the Town Board finds upon inspection of the improvements made before the expiration date of the performance bond or other surety instrument that any of the required improvements have not been constructed in accordance with the approved Final Plat, the subdivider and the bonding company shall be severally and jointly liable for the costs of completing said improvements.

## **§ 21 DEDICATION OF PUBLIC STREETS, RECREATION AREAS AND OPEN SPACE**

The approval by the Planning Board of a Final Plat shall not constitute or be evidence of any acceptance of dedication on the part of the Town of Torrey of any street, easement, park, playground, or other open space shown on any such Final Plat. The Town Board shall require the filing, in the office of the Clerk of Yates County, a written agreement between the applicant and the Town Board covering future title, dedication, equipment, and maintenance of any street, easement, park, playground, or other open space.

## **ARTICLE 5**

### **DEVELOPMENT STANDARDS**

#### **§ 22 GENERAL**

- A. The subdivider may place restrictions on the development greater than those required by the Town of Torrey Zoning Law. Such restrictions shall be indicated on the Final Plat and recorded in the deed for each lot affected.
- B. Common property, including but not limited to stormwater and wastewater systems, private roads, recreation areas and parking lots, must have reciprocal easements and a common maintenance agreement. Operation and maintenance agreements for these facilities shall be recorded in all deeds of the subdivision.
- C. The land shown on the plat must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.
- D. Street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, sanitary sewer and storm drains, and fire alarm systems shall be installed in accordance with the procedure, specifications and standards acceptable to appropriate departments.

#### **§ 23 PHYSICAL IMPROVEMENTS**

##### **A. STREETS**

The following regulations shall govern the layout of streets:

- 1) Streets shall be of sufficient width and suitable grade and shall be suitably located to accommodate prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings.
- 2) Subdivisions shall be designed upon a local residential or minor street pattern connected to a residential collector street system to compose a convenient system of streets.
- 3) The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas.
- 4) Local residential streets shall be designed so as to discourage through traffic.
- 5) All rights-of-way and pavement shall be measured at right angles to the center line of the street and shall not be less than the following:
  - a. All rights-of-way: fifty (50) ft.
  - b. Hard Surfaces: twenty (20) ft.
- 6) Whenever possible, streets should intersect at right angles, and in no case shall they intersect at angles of less than sixty degrees.
- 7) Intersections involving a junction of more than two streets, with the exception of traffic circles, shall be prohibited.

- 8) Local residential streets and residential collector streets shall not intersect with arterial streets at intervals of less than eight hundred (800) feet, measured from center line to center line, unless indicated in the Town of Torrey Road Access Management Plan.
- 9) All streets shall be paved and graded in accordance with specifications based on the approved Town of Torrey Road Access Management Plan.
- 10) The following standards shall apply to dead end streets:
  - a) All dead end streets shall terminate in turnarounds constructed so as to prevent storm water from ponding.
  - b) Unless there is an expectation of extending the street through to the adjoining property, a turnaround should not be brought to the property boundary line, but should be placed so that the lots can back on the property line of the subdivision.
  - c) All turnarounds shall have a minimum right-of-way radius of one hundred (100) feet, the outer curb at the turnaround shall have a minimum radius of seventy-five (75) feet, and minimum paving width of twenty (20) feet which creates a minimum turning radius of fifty-five (55) feet at the inside curb.
- 11) If a dead-end street is temporary, a turnaround shall be provided as specified above, and provisions made for future extension of the street to adjacent property and reversion of the temporary right-of-way to the adjoining properties.
- 12) No street shall have a name that duplicates or nearly duplicates the name of an existing street within the County. The continuation of an existing street shall have the same name. All street names shall be approved by Yates County 911 Coordinator.
- 13) The minimum radius of horizontal curves, minimum length of vertical curves, and minimum length of tangents between reverse curves, and the location of curb cuts on town roads shall be in accordance with specifications established by Town of Torrey Access Management Plan.
- 14) The Town Highway Superintendent shall approve all Highway Plans including road shoulders in writing, and shall have the right to inspect during construction of same.
- 15) Adequate street rights-of-way providing future points of access shall be provided if lots in the proposal are large enough to permit resubdivision or if a portion of the tract is not subdivided.
- 16) Access roads to a major subdivision must be public roads.
- 17) Planned access shall address the provisions of this ordinance, other state and local requirements, and the following:
  - a) Parcels that are the result of a major subdivision do not have the right of individual and exclusive access to state and local roads. The number of driveways or other connections shall be the minimum necessary to provide reasonable access to these parcels. Access shall be provided to the road with the lowest functional classification serving the proposed development.
  - b) Where a subdivision contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with town regulations shall be required.

## **B. LOTS**

The following regulations shall govern the layout of lots:

- 1) With the exception of conservation subdivisions, all lots and buildings shown on the Final Plat must conform to the requirements of the Town of Torrey Zoning Law as to area, dimensions and setbacks for the zoning district in which the subdivision is located.
- 2) Each lot shall front on a street built to Town of Torrey specifications.
- 3) If extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- 4) If the Planning Board determines that the dimensions of a lot are inadequate to protect the health, safety, and welfare of the community or environment, the Planning Board shall require that the size and dimensions of the lot exceed the minimums specified in the Town of Torrey Zoning Law.
- 5) The depth and width of lots laid out or reserved for non-residential use shall provide satisfactory space for off-street parking and unloading, or such other use as is proposed, consistent with the provisions of the Town of Torrey Zoning Law.
- 6) If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or proposed for dedication to the Town for public use where they are found to have value to the public.

## **C. STORMWATER MANAGEMENT**

- 1) The subdivider shall provide a stormwater management plan that includes:
  - a) Drainage features designed and installed in accordance with the NYSDEC Standards and Specifications for Erosion Control.
  - b) The location, length, depth, size, grade, and type of pipe.
  - c) Curbing, gutters and ditches designed and constructed to provide positive drainage from the road surface.

## **D. SIDEWALKS**

All sidewalks constructed within the road right-of-way shall meet the following minimum standards:

- 1) four (4) inches thick
- 2) forty-eight (48) inches wide
- 3) six (6) inches thick at driveway entrances
- 4) a compacted gravel base greater than or equal to the thickness of the sidewalk
- 5) expansion joints every twenty (20) feet
- 6) dummy joints every five (5) feet
- 7) expansion joints installed where sidewalks abut existing concrete

## **E. DRIVEWAY APRONS**

Aprons shall be constructed to prevent driveway stormwater from entering the roadway unless storm sewers are provided. Where curbing and/or sidewalks occur in the design, driveway aprons must be constructed of concrete or asphalt.

## **F. STREET SIGNS**

Street signs shall be installed in conformity with Town specifications.

## **G. LANDSCAPING**

- 1) All lot areas that are not covered by structures or paving shall be covered with vegetation or other landscaping material.
- 2) The Planning Board may require:
  - a) shade trees bordering streets and roads;
  - b) a landscape screen or buffer if a proposed subdivision borders an existing commercial, industrial or agricultural use.
- (3) The subdivider shall remove all stockpiles of dirt or any other material within six (6) months of completion of the subdivision or of each section or phase of the subdivision.
- (4) Topsoil shall be removed and stockpiled during construction from all areas where soil is to be either cut or filled. Said stockpile is to be seeded if it is not reused within fourteen (14) days. After construction, all areas not built upon or paved shall be covered with topsoil to a depth of not less than six (6) inches and, within fourteen (14) days, shall be seeded or planted. Topsoil shall not be removed from the subdivision without written permission from the Planning board.

## **H. SANITARY SEWERS / WASTEWATER TREATMENT FACILITIES**

Refer to Town of Torrey Wastewater Law in effect at the time of subdivision application.

## **I. PUBLIC WATER CONNECTIONS**

The subdivider shall connect to a public water main if available, provide a water connection for each lot and install fire hydrants at locations approved by the Fire Chief.

## **J. BLOCK CORNER MONUMENTS**

Permanent monuments shall be installed in lot corners. Their location shall be shown on the Final Plat. Monuments shall be reinforcing rods, 5/8 inch diameter, twenty four (24) inch long or concrete 4"x4"x5' with reinforcing rod.

## **K. UTILITIES**

Utilities providing service to the lots within the subdivision shall be installed underground.

**A. EASEMENTS**

- 1) An easement shall be provided for all drainage ways and all utilities that do not fall within a dedicated right-of-way.
- 2) Where a subdivision is traversed by a drainage way, channel, or stream, a drainage way easement conforming to the lines of such watercourse shall be provided. The easement shall provide sufficient width to preserve natural drainage and facilitate maintenance. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- 3) All easements shall be plotted on the Preliminary Plat and Final Plat. A clause shall be inserted in the deed of each lot affected by an easement indicating that the easement exists and its purpose.

**B. ENVIRONMENTALLY SENSITIVE AREAS TO BE CONSERVED**

The following areas shall be conserved to the greatest extent possible:

- 1) Class I,II,III and IV agricultural soils as defined by the USDA Natural Resource Conservation Service;
- 2) Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting erosion and sedimentation could be detrimental to water quality;
- 3) Lakes, ponds, stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas required to ensure their protection;
- 4) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;
- 5) Woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats;
- 6) Habitat for species listed as endangered or threatened;
- 7) Historic sites.

**C. PRESERVATION OF NATURAL FEATURES**

- 1) To the greatest extent possible, existing trees shall be conserved by the subdivider.
- 2) The Planning Board may require modification of building lots in order to preserve a tree or group of trees.
- 3) Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees without Planning Board approval.

**D. FLOODPLAIN**

If any portion of the land within the subdivision is subject to inundation or flood, as shown on the FEMA Flood Insurance Rates Map, such fact and portion shall be clearly indicated on the Preliminary Plat and Final Plat.

**E. RECREATION AREAS**

Land may be reserved for recreation space. The area to be preserved shall possess suitable topography, general character, and adequate road access necessary for its recreational purposes.

- 1) When an area for park, playground, or recreational purposes is included, approval of the Final Plat shall not constitute an acceptance of dedication by the Town of such an area.



- 2) Land set aside for recreation space shall be considered part of the permanent open space required for conservation subdivisions.

## **§ 25 CONSERVATION SUBDIVISIONS**

Conservation subdivision development shall conform to the following requirements:

- A. The intent of conservation subdivisions is to permit reduction in lot size in order to:
  - 1) facilitate the adequate and economical provision of streets and utilities;
  - 2) preserve open space and other natural resources in accordance with the Town of Torrey Comprehensive Plan;
  - 3) encourage flexibility of design.
- B. The size of lots in a conservation subdivision development may vary from the bulk coverage controls of the Town of Torrey Zoning Law. Setbacks shall conform to the bulk coverage controls of the Town of Torrey Zoning Law. Housing density shall be no greater than if the subdivision were developed in accordance with the existing zoning requirements.
- C. Open Space
  - 1) The permanent retention of open space along with its operation and maintenance shall be guaranteed.
  - 2) The Planning Board will approve the appropriate amount of open space based on characteristics of the site.
  - 3) All the land not contained in the lots or road rights-of-way shall be contiguous.
  - 4) Such land shall either be deeded to the Town, upon Town Board approval, or be held in corporate ownership by the owners of lots within the development. If open space is held in corporate ownership, the subdivider shall include in the deeds of all property within the development a clause giving to the owners an interest in such open space.
  - 5) No structure, except those incidental to recreational uses, shall be permitted.
  - 6) Open space lands shall be subject to taxation unless deeded to the Town.

## **§ 26 KEYHOLE SUBDIVISIONS**

- A. A keyhole subdivision must conform to the following requirements:
  - 1) The lakefront lot shall meet the minimum requirements for a residential lot in the zoning district in which it is located.
  - 2) The lakefront lot shall have at least fifty (50) feet of shoreline as measured along the mean high water mark for each upland lot in the subdivision.
  - 3) The lakefront lot shall not be used for any commercial purposes.
- B. Where the use of a lakefront lot as lake access has been established before the effective date of this local law, such historical access may be retained but it shall not be expanded unless conforming to the requirements in this section.

## **ARTICLE 6**

## **SPECIFICATIONS**

### **§ 27 SKETCH PLAN**

The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some similarly accurate base map drawn to the ratio of one to six thousand (1:6000) or less to enable the entire tract to be shown on one sheet. The Sketch Plan shall show the following information:

- A. The location of:
  - 1) All the lots within the subdivision (including lot width and depth);
  - 2) streets and sidewalks;
  - 3) recreation areas and open space.
- B. All existing structures, wooded areas, streams, steep slopes and other significant physical features, within the portion to be subdivided and within two hundred (200) feet of the subdivision boundary.
- C. The names of all property owners of record and/or the names of developments within five hundred (500) feet of the proposed subdivision.
- D. All existing and proposed utilities and streets in or bordering the proposed subdivision.
- E. preliminary plan for management of stormwater, sewerage, and water supply.
- F. All existing restrictions on the use of land including easements, rights-of-way, covenants, and zoning district(s).

### **§ 28 PRELIMINARY PLAT**

#### **A. MINOR SUBDIVISION**

A preliminary plat for a minor subdivision must provide the following information:

- 1) A map drawn to a ratio of one to six thousand (1:6000) or less showing the proposed subdivision and properties within fifteen hundred (1500) feet and shall include the names of property owners of record, existing streets, compass rose, scale, map completion date and the name of the drafter.
- 2) An additional map(s) drawn to a ratio of one to six hundred (1:600) or less showing the proposed subdivision including the following:
  - a. existing streets, structures and railroads;
  - b. water bodies, streams and swamps adjacent to or included in the proposed subdivision;
  - c. existing woods or large trees;
  - d. easements;
  - e. dimensions, and acreage of all existing and proposed lots;
  - f. the proposed location for access to each lot;
  - g. consecutively numbered lots;
  - h. steep slopes (15% or greater);
  - i. proposed structures;
  - j. property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed, covenant or by a homeowner's association for the common use of the property owners of the subdivision;
  - k. compass rose, scale, map completion date and the name of the drafter.

- 3) The property owner or subdivider, if other than the owner, shall also provide the following information:
  - a. The name and address of the owner or owners of the property to be subdivided and, if other than the owner, the name and address of the subdivider and the name and address of any New York State Licensed Land Surveyor, Engineer, or Landscape Architect engaged by the owner or subdivider with respect to the proposed subdivision;
  - b. The names and addresses of all property owners of record within five hundred (500) feet of the proposed subdivision;
  - c. A final plan for management of stormwater, sewerage and water supply.
  - d. The identification of all property owned, leased or held under contract by the property owner or subdivider within two thousand (2000) feet of the proposed subdivision;
  - e. A topographic map with contours at intervals agreed to by the Planning Board, unless waived by the Planning Board;
  - f. The most recent property survey available showing adjoining property;
  - g. Additional information as requested by the Planning Board.

## **B. MAJOR SUBDIVISIONS**

Preliminary Plats for major subdivisions must contain the information required for a minor subdivision as specified above and in addition, the following information:

- 1) A map drawn at a ratio of one to six hundred (1:600) showing the location, width and grade of all existing and proposed streets showing elevations at the beginning and end of each street, at street intersections and at all points where the street direction changes;
- 2) A profile of all proposed streets drawn at a ratio of one to six hundred (1:600) (unless waived by the Planning Board);
- 3) If a sewage treatment system is to be included, a map showing the location of the system and the results of both percolation and deep hole tests conducted within the appropriate area;
- 4) Setback lines for principal structures as specified in the Town of Torrey Zoning Law;
- 5) A copy of a property survey completed within the last twenty-four (24) months (unless waived by the Planning Board).

## **§ 29 FINAL PLAT FOR MAJOR SUBDIVISIONS**

A. All Final Plats shall:

- 1) bear the stamp and signature of a New York State Licensed Land Surveyor, Engineer, or Landscape Architect;
- 2) contain the information as required for a Preliminary Plat as defined in § 28 plus any revisions directed by the Planning Board;
- 3) be accompanied by Construction Detail Sheets showing all improvements as required in § 30 below;
- 4) be drawn at a ratio of one to six hundred (1:600) or less. Maps shall be on uniform size sheets in accordance with the applicable New York State Statutes. Whenever any project is of such size that more than one sheet is required, an index map on the same size sheet shall accompany these sheets.

B. Information to be shown on plat:

- 1) Proposed subdivision name or identifying title that shall not duplicate or closely approximate that of any other development in the Town;
- 2) Locations, names and widths of existing streets; locations and names of highways; locations of easements, buildings, and other public properties;
- 3) Locations, names and widths of proposed streets; locations and widths of proposed sidewalks; locations, dimensions and status of proposed easements;
- 4) Accurate dimensions and bearings to determine the location of all lot lines;
- 5) Radii of all curves and arcs if any;
- 6) Location and material of new and existing monuments.

### **§ 30 CONSTRUCTION DETAIL SHEETS**

Construction Detail Sheets shall show the following information:

- A. Profiles showing existing and proposed elevations along the centerlines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred (100) feet of the intersection, in both directions, shall be shown. All elevations must be referenced to established North American Vertical Datum 1929.
- B. Cross sections of the elevations of streets every one hundred (100) feet at five (5) points on a line drawn at right angles or, if on a curve, radial to the center line of the proposed street. Said five (5) elevation points shall be at the centerline of the street, each property line, and points thirty feet inside each property line abutting the street.
- C. Plans and profiles showing a typical section of street pavement including curbs, gutters, sidewalks, manholes, and catch basins; the location of street trees, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants; and the location and size of all water, gas, electric, or other underground utilities or structures.
- D. All erosion control practices as required by Town of Torrey law, the Yates County Soil and Water Conservation District and NYS Department of Environmental Conservation Law.
- E. Any other information that the Planning Board may have required.

### **§ 31 APPROVALS AND PERMITS NEEDED**

Before plats can be signed by the Chairperson of the Planning Board, the following shall be required where applicable:

- A. The appropriate highway superintendent must approve driveway access, culverts, roads and intersections.
- B. The water and sewer superintendent must approve proposed municipal water and sewer hookups.
- C. The New York State Department of Health must approve proposed hookups and extensions to existing municipal water and sewer mains.
- D. The Town of Torrey Watershed Inspector must approve proposed wastewater treatment system designs.

- E. Applicable permits must be obtained.

## **ARTICLE 7**

### **DEFINITIONS**

#### **§ 32 DEFINITIONS AND WORD USAGE**

**Word Usage.** Words in the singular include the plural, and words in the plural include the singular. The word “person” includes a corporation, unincorporated association, and a partnership as well as an individual. The word “lot” includes “parcel” or “plot”. The word “building” includes “structure” and shall be construed as if followed by the words “or part thereof”. The word “street” includes “road”, “highway”, and “lane”; while “watercourse” includes “drain”, “ditch”, and “stream”. The word “may” is permissive. The word “shall” is mandatory.

**Definitions.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Law, have the meanings indicated and shall also apply to the Subdivision Application.

**APPLICANT:** The owner of land proposed to be subdivided or his or her agent.

**ARCHITECT:** A person licensed as an architect by the State of New York.

**ACCESS MANAGEMENT PLAN:** The Cornell Local Road Program was adopted by the Town of Torrey Jan.14, 2003.

**BOND:** Any form of security including a cash deposit, surety bond, collateral, property, or letter of credit in an amount and form satisfactory to the attorney for the Town.

**BUILDING PERMIT:** An authorization issued by the Town of Torrey Code Enforcement Officer to begin work on a structure in accordance with approved plans and specifications and in compliance with the New York State Uniform Fire Prevention and Building Code.

**CLUSTER DEVELOPMENT: (CONSERVATION SUBDIVISION)** A conservation subdivision is a residential development in which a significant portion of the site is set aside as undivided, permanently protected open space, and residences are clustered on the remainder of the property.

**CODE ENFORCEMENT OFFICER:** The officer of the Town of Torrey appointed by the Torrey Town Board to enforce the Building Code.

**COMMON PROPERTY:** Open space, roads, sidewalks and public areas to be maintained by a Home Owners Association in a subdivision.

**CONSERVATION SUBDIVISION: (CLUSTER DEVELOPMENT)** A conservation subdivision is a residential development in which a significant portion of the site is set aside as undivided, permanently protected open space, and residences are clustered on the remainder of the property.

**CONSTRUCTION DETAIL SHEET:** The maps or drawings accompanying a Final Plat and showing the specific location and design of improvements to be installed in the subdivision pursuant to the requirements of this Law.

**EASEMENT:** A vested or acquired right to use land other than as a tenant for a specified purpose, such right being held by someone other than the owner of the land.

**FINAL PLAT:** A drawing showing a proposed subdivision containing all information or detail required by this Law, and the modification or conditions, if any, required by the Planning Board at the time of approval of the Preliminary Plat.

**FLOODPLAIN:** Areas subject to flooding, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map.

**IMPROVEMENTS:** Those physical additions and changes to the property necessary to produce functional lots. These may include grading, paving, curbing, fire hydrants, water mains, sanitary sewers and drains, sidewalks, and required plantings.

**KEYHOLE SUBDIVISION:** Keyhole subdivision is a residential subdivision that includes both lakefront and upland lots and in which the owners of the upland lots have legal access to Seneca Lake through the lakefront lots.

**LAKEFRONT LOT:** A lot with at least one property line along the mean high-water mark of Seneca Lake.

**LETTER OF CREDIT:** A document issued by the subdivider's bank that is an irrevocable guarantee that money will be available for the completion of required improvements.

**LOT:** Land identified by legal description and/or tax account number which is filed or proposed to be filed in the County Clerk's office, and intended for transfer of ownership or for development.

**MINOR SUBDIVISION:** The subdivision of any single parcel shall be considered a minor subdivision if:

- 1) The parcel is divided into not more than four (4) lots;
- 2) All lots front on an existing street;
- 3) Extension of municipal facilities is not required.

**MAJOR SUBDIVISION:** A major subdivision shall be any subdivision not conforming to the definition of a minor subdivision

**MONUMENT:** A permanent reference marker set at points as may be required in this Law.

**OFFICIAL MAP:** The map, established by the Town Board under §270 of the New York State Town Law showing the streets, highways, and parks laid out, adopted, and established by law.

**OPEN SPACE:** Space dedicated in a subdivision development or set aside by easement or other action in a form acceptable to the Town of Torrey for use as a park, recreation area, wildlife preserve, forest area, non commercial agriculture or other similar use.

**PLANNED UNIT DEVELOPMENT:** means a site upon which a primarily residential independent freestanding zoning district that may include commercial (not exceeding 20% of the gross site area), recreation and open space or any combination thereof may be authorized in a flexible manner.

**PLANNING BOARD:** Refers to the Town of Torrey Planning Board as established pursuant to the provisions of Article 16 of the Town Law of the State of New York.

**PRELIMINARY PLAT:** The preliminary drawing or drawings showing the proposed layout of the subdivision meeting the requirements of this Law.

**PRIVATE ROAD:** An undedicated access serving two or more lots and providing ingress or egress to a public road.

**SETBACK:** The distances from the lot line to the closest point of the structure including projections such as decks, porches and eaves.

**SKETCH PLAN:** A drawing prepared in accordance with this Law showing in general form the manner in which a tract of land is to be subdivided or developed.

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):** A formal review pursuant to part 617 of the New York Code Book of Rules and Regulations.

STEEP SLOPES: Ground areas with a slope of 15% or greater (1.8 inches vertical rise to 1 foot horizontal run).

SUBDIVIDER: Any person, firm, corporation, partnership, or association, who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: The division of any parcel of land into two or more lots.

TOWN BOARD: The municipal governing board of the Town of Torrey.

UPLAND LOT: A lot which does not have a property line along the mean high-water mark of Seneca Lake.

ZONING OFFICER: The officer of the Town of Torrey appointed by the Torrey Town Board to enforce the Zoning Law.