

TOWN OF FABIUS  
APPLICATION FOR SUBDIVISION APPROVAL

FILING INSTRUCTIONS

Before the application can be considered ready to submission to the Town of Fabius Planning Board, the applicant must file the following with the Town of Fabius Clerk:

- 1) Original of the completed and signed application
- 2) 6 copies of a Sketch Plan/Plat Map proposal as set forth as specified in Article III, Section 2 and Article VI, Section 2 of the Land Subdivision Regulations of the Town of Fabius. Further Plat submission should await classification of the proposal as a minor or major subdivision. A major subdivision is a subdivision containing 3 or more lots. See article section II & III of the Town of Fabius Subdivision regulations of 1987 for more details on subdivision classifications & requirements.
- 3) 6 copies of all plans, designs or drawings required by Article I, Section 2 and Article VI, Section 2 of the Land Subdivision Regulations of the Town of Fabius.

**Minor Subdivision:** Attach 6 copies of the Plat Map as specified in Article III, Section 2 and Article VI, Section 2 of the Land Subdivision Regulations of the Town of Fabius. Also, attach 6 copies of all plans, designs or drawings required by Article III, Section 2 and Article VI, Section 2 of the Land Subdivision Regulations of the Town of Fabius.

**Major Subdivision:** Attach 6 copies of the preliminary Plat Map as specified in Article III, Section 3 and Article VI, Section 3 of the Land Subdivision Regulations of the Town of Fabius. Also, attach 6 copies of all plans, designs or drawings required by Article III, Section 3 and Article VI, Section 3 of the Land Subdivision Regulations of the Town of Fabius.

- 4) 2 copies of an accurate legal description of the subject properties
- 5) Completed (SEQR) NYS Environmental Assessment Form
- 6) A check for the required application fee made payable to the "Town of Fabius"
- 7) Completed Payment Applicant Deposit Agreement

All Town of Fabius legal and engineering fees for work expended on subdivision reviews will be paid by the applicant via deposit(s) with the Town. Any unused monies will be returned to the applicant. Town of Fabius fee schedule is attached to the Application for Subdivision.

Please submit all required documentation for submittal to the Codes/Zoning Enforcement Office. Once the Codes/Zoning Office receives receipt of applicant's application the Town of Fabius Clerk will forward applicants Subdivision Application to the Town of Fabius Planning Board.

Also, the applicant needs to supply information as to whether, the application needs to be referred to the Onondaga County Planning Agency per New York State General Municipal Law section 239-n, copy is attached to application for reference.

Application Fee \$ \_\_\_\_\_ Date Paid \_\_\_\_\_ Tax Map ID# \_\_\_\_\_

Deposit \$ \_\_\_\_\_ Date Paid \_\_\_\_\_ Zoning District \_\_\_\_\_

TOWN OF FABIUS  
APPLICATION FOR SUBDIVISION PLAN APPROVAL

Date : \_\_\_\_\_ Application # \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Phone # \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Mailing Address (If Different) \_\_\_\_\_

I, \_\_\_\_\_, (Applicant) hereby requests approval by the Town of Fabius Planning Board of the Subdivision proposed herein and respectfully state:

- 1) The name of the proposed subdivision is: \_\_\_\_\_
- 2) The number of lots in the proposed subdivision is: \_\_\_\_\_
- 3) The applicant is (owner) (purchaser under contract) of the subject property containing approximately \_\_\_\_\_ acres, identified on the Town of Fabius tax map as parcel #(s) \_\_\_\_\_, and located at \_\_\_\_\_ (street address or general description).

4) The applicant acquired the subject property on (date): \_\_\_\_\_

5) If applicant is not the present owner of the property, ALL property names must be listed below:

Property Owner's Name: \_\_\_\_\_ Phone# \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_ Phone# \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

6) Present land use of the property is: \_\_\_\_\_

7) Please list any existing zoning violations with respect to this property: \_\_\_\_\_  
\_\_\_\_\_

8) Upon information and belief, the names and mailing addresses of all adjoining property owners and the current zoning classification of each adjoining parcel, are as follows:

	<u>Name</u>	<u>Address</u>	<u>Zoning Classification</u>
North:	_____	_____	_____
South:	_____	_____	_____
East:	_____	_____	_____
West:	_____	_____	_____

9) Applicant's Licensed Land Surveyor:

Name: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

10) Applicant's Engineer:

Name: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

11) Applicant's Architect:

Name: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

12) Applicant's Attorney:

Name: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

13) The applicant proposes to file the final plat in \_\_\_\_\_ section(s) as shown on the submitted drawing. The applicant acknowledges that the development of the subdivision in sections requires approval of the Town of Fabius Planning Board and that each sectional plat must be approved by the Town of Fabius Planning Board.

14) Attach descriptions of all utility and other easements with any applicable restrictions including protective covenants, on the land proposed for the subdivision.

In the event that all required documents are not furnished to the Planning Board at the time of submission of this application, the applicant hereby waives any and all rights which might otherwise occur by virtue of the Town of Fabius Code and Article 7 of the New York State Town Law.

**DISCLOSURE OF INTREST**

Pursuant to Section 809 of the General Municipal Law and the Town of Fabius Code, every applicant for subdivision approval must certify the name, residence, and the nature and extent of the interest of any officer or employee of the State of New York, the Town of Fabius, or the County of Onondaga, in the person, partnership, corporation, or association making such an application to the extent known to such applicants(s). The names, residences, and nature and extent of interest of all such public officers or employees are:

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Dated: \_\_\_\_\_

APPLICANT'S SIGNATURE:

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**(Individual Signature)**

\_\_\_\_\_ BY: \_\_\_\_\_

**(Corporate Name)**

**(Officer)**

**Approval of Owner who is not the Applicant:**

The undersigned owner(s) of the above described property hereby acknowledges(s) and consent(s) to the submission of this application for subdivision approval.

\_\_\_\_\_  
**(Owner's Signature)** **Date**

\_\_\_\_\_  
**(Owner's Signature)** **Date**

\_\_\_\_\_  
**(Owner's Signature)** **Date**

(Individual Applicant's Acknowledgment)

State of New York            )  
County of Onondaga        )        ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me personally came and appeared \_\_\_\_\_, to me known, and known to me to be the person described in and who executed the foregoing application, and he duly acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public

(Corporate Applicant's Acknowledgment)

State of New York            )  
County of Onondaga        )        ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me personally came and appeared \_\_\_\_\_, to me known, who being by me duly sworn did depose and say that he resides at \_\_\_\_\_, And that he is the \_\_\_\_\_ of the corporation described in and which executed the foregoing application; that he knows the seal of said corporation; that the seal affixed to said instrument is such seal; that it was so affixed by order of the directors of said corporation and that he signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
Address:		E-Mail:	
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____ Date: _____		
Signature: _____ Title: _____		

Agency Use Only [If applicable]

Project: \_\_\_\_\_

Date: \_\_\_\_\_

*Short Environmental Assessment Form  
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only (if applicable)

Project: \_\_\_\_\_  
Date: \_\_\_\_\_

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

PRINT FORM

TOWN OF FABIUS  
7786 Main Street  
Fabius, New York 13063

PAYMENT AGREEMENT

As a condition of the application(s) to the Town of Fabius, its Zoning Board of Appeals, Planning Board, codes administration/planning office, and/or Town Board (the "Town") as authorized by Article 10 of the Fabius Town Code, for various zoning, land use, construction and related reviews, of \_\_\_\_\_: (the "Application"), \_\_\_\_\_  
(legal address) ("Applicant") relative to proposed development at \_\_\_\_\_  
(project address), Tax Parcel # \_\_\_\_\_, Fabius, New York, and related matters (the "Project") agree as follows:

The application and Project may or will likely entail that the Town incur legal, engineering, architectural, administrative and related expense(s), including, without limitation, attendance at Zoning Board of Appeals, Planning Board, and Town Board meetings, consultation with the Applicant, its or the Town's engineer, architect, attorney, and/or other Town officers and employees, or consultants or professional service providers, incidental to the Application from the earlier of the filing of the Application for and/or first presentation of the Project to Town, and through final completion and issuance of all Town and other governmental permits, certifications and approvals.

In connection with and consideration of the foregoing, Applicant agrees to bear all cost and expense for such administrative, legal, engineering, architect and other professional and consulting assistance to the Town incidental to the Application and Project, and including that expense incurred by the Town employees and officers performing reasonable and necessary work on behalf of the Town incident to the Application or Project.

In connection with the foregoing, Applicant shall reimburse the Town for time spent by outside consultants and professionals at the usual rate charged by them to private clientele, or, if none, then the usual rate charged to municipalities. Reimbursement for the cost of Town employees and officers shall be based upon the cost to Town for the services of such persons, including salary and fringe benefits, reduced to an hourly rate and including overtime where directly attributable to the Application of Project.

Should the Town determine, in its sole discretion, that additional services are required to represent, supervise, inspect, evaluate and/or consult, including in order to protect the rights and/or interests of the Town such as relative to an enforcement or violation proceeding, the Applicant shall likewise bear all costs associated with such services.

This Agreement shall be effective as of \_\_\_\_\_, 20\_\_\_\_. The Applicant shall deposit an initial sum of \$\_\_\_\_\_ (see Schedule of Deposits attached), and such other amounts as from time to time the Town may determine, payable to and deposited with the Town and which sum or sums shall be applied against those sums reimbursable to the Town pursuant to the terms of this Agreement (the "Deposit"). Upon completion or discontinuance of the Application and Project and payment of all fees incurred, any unused Deposit shall be returned to the Applicant.

The Applicant shall receive periodically, one or more statements detailing charges for which reimbursement has been made against the Deposit, detailing unpaid amounts, if any, and setting for any additional Deposit required by the Town. Failure to pay any amounts due the Town of Fabius within twenty (20) days of the date of statement may result in the termination of work/services by Town relative to the Application, the non-issuance suspension or revocation of any certificates, permits or approvals, and/or denial of applications, the Town's commencement of collection efforts, and/or the exercise of any other rights or remedies available to Town hereunder or pursuant to applicable law, including under the Town Code. No certificates, approvals or permits, including, without limitation, Certificates of Occupancy/-Compliance, may be issued until all fees due hereunder are paid or sufficient Deposit for same made.

Notwithstanding any provision hereof to the contrary or otherwise, the intent of this Agreement is to subject all of those subject matter areas under applicable provisions of Federal, State, and County laws, rules and regulations whatsoever, the Town Code, in addition any financing or funding applications incidental to the Application or Project and requiring sponsorship or support of Town, and review under the State Environmental Quality Review Act or other State or Federal environmental, historical or related laws, rules or regulations shall likewise be subject to the provisions hereof.

In addition, and notwithstanding any provisions hereof to the contrary or otherwise, any provisions of the Town Code or other laws, rules or regulations providing rights more favorable to and protective of Town shall be deemed incorporated herein by reference, and shall not be deemed superseded by less protective provisions herein.

In the event of a breach or default by Applicant, Town shall be entitled to pursue any and all legal rights and remedies pursuant to applicable law, including, without limitation, the Town Code and shall be entitled to recover, in addition to any sums due, reasonable attorney's fees, costs and disbursements incurred in any such efforts.

If any part of this Agreement or the application thereof to any person or entity or circumstance is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such an order or judgment shall be confined in its operation to the part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Agreement or the application thereof to other persons, entities or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision or part thereof, the court shall attempt to modify same to a provision or part which is not illegal, invalid or unconstitutional and which best achieves the intent of such illegal, invalid or unconstitutional provision or part thereof.

The Town Supervisor, or such Town official as the Supervisor has authorized, has executed this agreement pursuant to a blanket Resolution adopted by the Town Board at a meeting thereof held on \_\_\_\_\_, 20\_\_\_\_, and is duly authorized and empowered to execute this instrument and enter into this Agreement on behalf of the Town of Fabius.

In the event Applicant is a closely held corporation, partnership or limited liability company, its three (3) largest principals shall be signatories to this Agreement, as joint and severable parties with Applicant and Town.

This instrument shall be executed in triplicate. At least one original shall be permanently filed, after execution thereof, in the office of the Town Clerk and one in the Code Enforcement Office.

Dated \_\_\_\_\_

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Applicant's Authorized Signature/Title

Applicant Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Print Applicant (Principal) Name

\_\_\_\_\_  
Applicant's Principal Signature

\_\_\_\_\_  
Print Applicant (Principal) Name

\_\_\_\_\_  
Applicant's Principal Signature

\_\_\_\_\_  
Print Applicant (Principal) Name

\_\_\_\_\_  
Applicant's Principal Signature

TOWN OF FABIVS

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

### SCHEDULE OF APPLICANT DEPOSITS

Subdivision	
Less than 5 lots	\$150.00 per lot
5 or more lots	\$100.00 per lot
Variance	
Residential	\$450.00
Commercial	\$1,500.00
Site Plan	
Residential	\$450.00
Commercial	\$2,500.00
Zone Change	
Residential	\$1,000.00
Commercial	\$2,500.00
ZBA, Appeal from Decision of Codes Officer	\$1,500.00

**TOWN OF FABIVS**  
**ZONING APPLICATION PROCEDURES**  
**FOR TOWN OF FABIVS PLANNING BOARD/ZONING BOARD OF APPEALS**

1. Applicant prints application form from website or picks up application form from the Town of Fabius Town Clerk.
2. Applicant contacts Code/Zoning Enforcement Official to ask any questions pertinent to application for submittal process.
3. Applicant submits application to Town of Fabius Code/Zoning Enforcement official to review along with the appropriate filing.
4. Code/Zoning Enforcement official submits copies of application to Town of Fabius Town Attorney.
5. Code/Zoning Enforcement official submits application and fees to the Town of Fabius Town Clerk.
6. Town of Fabius Town Clerk receives zoning application and fees. Town of Fabius Town Clerk deposits fees and forwards application to Planning Board/Zoning Board of Appeals.
7. Town of Fabius Planning Board/Zoning Board of Appeals contacts Town of Fabius Town Attorney for meeting date and other pertinent members. Notifies public and applicant of meeting dates for application.



-56, 59-127

**New York Consolidated Laws Service    General Municipal Law (Arts. 1 – 20)    Article 12-B**  
**County Planning Boards and Regional Planning Councils (§§ 239-b – 239-nn)**

**§ 239-n. Referral of certain proposed subdivision plats to the county planning agency or regional planning council; report thereon; final action**

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**1. Definitions. As used herein:**

**(a)** The term "proposed" as used in subparagraphs (ii) and (iii) of paragraph (a) of subdivision three of this section shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county comprehensive plan, adopted pursuant to subdivision seven of section two hundred thirty-nine-d of this article, or shown on an official map adopted pursuant to section two hundred thirty-nine-e of this article.

**(b)** The term "undeveloped plat" shall mean those plats already filed in the office of the clerk of the county in which such plat is located where twenty percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

**(c)** The term "referring body" shall mean the city, town or village body authorized by a municipal legislative body to approve preliminary or final plats or to approve the development of undeveloped plats and/or plats already filed in the office of the county clerk.

**2. Referral of proposed plats.** In any city, town or village which is located in a county which has a county planning agency authorized by the county legislative body to review preliminary or final plats or to approve the development of undeveloped plats, the clerk of the municipal planning agency, upon receipt of application for preliminary and/or final approval of a subdivision plat or proposal to develop an undeveloped plat and/or plats already filed in the office of the county clerk, shall refer certain of such plats to the county planning agency. In the absence of a county planning agency, the county legislative body may authorize a regional planning council whose geographic area includes the county, to perform the review functions prescribed herein.

**3. Plats subject to referral.**

**(a)** The following applications for approval of preliminary or final plats and undeveloped plats shall be subject to the referral requirements of this section, if the application applies to real property within five hundred feet of the following:

**(i)** the boundary of any city, village, or town; or

**(ii)** the boundary of any existing or proposed county or state park or other recreation area; or

**(iii)** the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

**(iv)** the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

**(v)** the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

**(vi)** the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law.

**(b)** The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed plats are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.

4. County planning agency or regional planning council review of proposed plats; recommendation, report.

(a) The county planning agency or regional planning council, when authorized by the county legislative body, shall review any referred plat for inter-community or county-wide considerations, including but not limited to those considerations identified in section two hundred thirty-nine-l of this article. The county planning agency or regional planning council may adopt such rules and regulations as are necessary to perform such function. Such county planning agency or regional planning council shall recommend approval, modification, or disapproval, of such plat, or report that such plat has no significant county-wide or inter-community impact.

(b) Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a preliminary or final plat or proposal to develop an undeveloped plat, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the referred plat without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.

5. Extraordinary vote upon recommendation of modification or disapproval. If such county planning agency or regional planning council recommends modification or disapproval of a referred plat, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

6. Report of final action. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

## History

Add, L 1994, ch 358, § 1, eff July 20, 1994; amd, L 1997, ch 451, § 4, eff July 1, 1998; L 1997, ch 459, § 3, eff July 1, 1998.

▼ Annotations

### Notes

**Prior Law:**

Former § 239-n, add, L 1968, ch 962, § 1; amd, L 1973, ch 545, § 1, eff Sept 1, 1973; repealed, L 1994, ch 358, § 1, eff July 20, 1994.

Another § 239-n, formerly § 239-l, add L 1960, ch 171, appears under Article 12-C.

### Notes to Decisions