

Topic: Development Standards; Site Plan Approval; Subdivision Approvals
Resource Type: Regulations
State: New York
Jurisdiction Type: Municipal
Municipality: Town of Blooming Grove
Year (adopted, written, etc.): 1990-1991
Community Type - applicable to: Suburban; Rural
Title: Town of Blooming Grove Staged Development Ordinance
Document Last Updated in Database: April 5, 2017

Abstract

The Staged Development ordinance is intended to complement and be applied in accordance with subdivision regulations and is only intended to apply when final subdivision approval is sought in section. It covers procedure for applying, construction of improvements, expiration of approvals and, exemptions from zoning amendment, fees and applicability.

Resource

Town of Blooming Grove NY Staged Development
Code of the Town of Blooming Grove NY
Chapter 209: Subdivision Administration and Enforcement
General Code

ARTICLE III Staged Development [Adopted 7-9-1990 by L.L. No. 2-1990]

§ 209-18. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SECTION — A portion of land of an approved preliminary subdivision plat which is to be developed at a different time from other portions of the land shown on the preliminary plat, which development, however, is planned and constructed as an integrated part of the entire subdivision.

§ 209-19. Procedure.

The Planning Board shall grant final subdivision approval in sections pursuant to the following procedure:

- A. The subdivision applicant shall make written application to the Planning Board to section an approved preliminary subdivision plat prior to submission of the final plat for final subdivision approval.
- B. The applicant shall meet with the Planning Board at a regular meeting to receive the Board's determination as to the designation and location of each proposed section. The division lines between sections shall be established pursuant to the Planning Board's determination that, if the later sections of the subdivision plat are never developed, the section(s) which receive final approval can stand alone and comply with all laws and regulations as if such section(s) were the only land shown on the subdivision plat to be developed. The Planning Board may impose requirements, which requirements shall be shown or noted on the final plat, to assure compliance herewith.
- C. The applicant shall then submit the final plat clearly designating thereon each section and designating further the section(s) for which the applicant seeks final approval. Upon determination by the Planning Board that all other provisions of law and regulation have been complied with, including the posting of a performance bond for all sections for which the applicant seeks final approval, the Planning Board shall grant final approval to all such sections.
- D. The applicant may at its option seek final approval for one or more sections at a time. Each section not granted final approval shall be granted conditional final approval, the sole condition of final approval being the posting of the performance bond.
- E. All use and area regulations of the Zoning Law which pertain to the subdivision plat in effect at the time conditional final approval is granted shall be placed as a note on the final subdivision plat.
- F. The applicant may receive final approval for any section which has received conditional final approval, subject to the expiration period set forth below, by posting a performance bond in an amount determined by the Town Board in the form of cash or irrevocable letter of credit. The amount of the bond shall be sufficient to cover the full cost of public improvements and of any other improvements required by the Planning Board pursuant to Subsection B above, said amount to be established at the time the bond is posted.
- G. The Planning Board may require the posting of a maintenance bond, in an amount determined by the Town Board, to assure continued compliance with any requirements imposed pursuant to Subsection B above, in addition to the maintenance bond generally required after completion of public improvements.

§ 209-20. Construction of improvements.

Public improvements may be constructed in a section which has received conditional final approval prior to the posting of the performance bond for that section. However, that section shall not be filed in the Orange County Clerk's office until the performance bond is posted for all improvements, including those required by the Planning Board pursuant to § 209-19B above. No public improvements to be dedicated shall be constructed unless the applicant has deposited sufficient funds to defray the expense of engineering inspection of the improvements. The Planning Board may, in appropriate cases, require the posting of cash or an irrevocable letter of credit to ensure the adequate implementation of erosion control measures.

§ 209-21. Expiration of approvals.

- A. Conditional final approval. Conditional final approval of a section shall expire 180 days from the date of the Planning Board's resolution granting said approval; provided, however, that upon request of the applicant made prior to said expiration, the Planning Board may extend said one-hundred-eighty-day period for two additional periods of 90 days each if the Board determines that particular circumstances warrant such extensions. The applicant shall within said period post the performance bond in the form of cash or irrevocable letter of credit. The conditionally approved section shall then be granted final approval by the Planning Board, signed by the Chairman, and filed in the Orange County Clerk's office in accordance with law. Upon filing of said section, each lot shown therein can be developed in accordance with the use and area requirements originally noted on the final subdivision plat, subject to the expiration of said final approval set forth in Subsection B below. **[Amended 4-8-1991 by L.L. No. 2-1991]**

- B. Final approval. Final approval of a section shall expire three years after the section has been filed in the Orange County Clerk's office. Upon the expiration of said three-year period, each lot within said section shall be subject to the use and area requirements of the Zoning Law in effect at that time. Lots which do not comply with such requirements shall not thereafter be sold or developed, except in accordance with the zoning law.

§ 209-22. Exemption from zoning amendments.

Upon the filing in the County Clerk's office of the first section of the final plat, each lot shown on the final plat conditionally approved pursuant to § 209-19 can be developed in accordance with the use and area requirements noted thereon, subject to the expiration of approvals set forth in § 209-21.

§ 209-23. Fees.

- A. Sectioning fees. The applicant shall pay an additional fee in the amount of \$120 per section other than the first section, which amount shall be payable at the time of final

approval of the first section.

- B. Subdivision and inspection fees. All subdivision and inspection fees, including sectioning fees, for all sections shall be paid at the time of final approval of the first section. In the event that such fees are changed prior to final approval of a subsequent section, such increase or reduction, as the case may be, shall be paid by or returned to the applicant at the time of final approval of each subsequent section.
- C. Amount of fees. All fees shall be established and amended from time to time by resolution of the Town Board.

§ 209-24. Applicability; supersession of inconsistent provisions.

- A. This article and the procedures herein are intended to apply only where the applicant seeks final subdivision approval in sections. This article is intended to complement and be applied in accordance with the Town of Blooming Grove Subdivision Regulations. However, any provision of the Subdivision Regulations which is determined by the Planning Board to be inconsistent herewith shall be superseded by this article.
- B. This article expressly supersedes § 265-a of the Town Law and expressly supersedes provisions of § 276 which are inconsistent herewith.