

References: Town of York Subdivision Regulations (1988)  
NYS Town Law Section 276

**What is the status of the current subdivision?**

Rules for filing subdivisions, according to Section 6(A) of the Town of York Subdivision Ordinance:

“Any subdivision plat not so filed or recorded [with the County Clerk] within thirty (30) days of the date upon which such plat is approved or considered approved by reasons of the failure of the planning Board to act, shall become null and void.”

(Note: This 30 day filing requirement is in conflict with NYS Town Law Section 276(7)(11). NYS Town Law allows filing within 62 days. The Town should revise this statement to reflect NYS Town Law.)

**What this means for the current subdivision:** Because the original subdivision plat approved by the Town of York Planning Board was not filed with the County Clerk within 30 (or 62) days of Planning Board approval, the Planning Board approval is null and void. The subdivision has to go through the entire review process again from the beginning as if it were a new subdivision before the Planning Board.

**What is the process for a major subdivision to be approved?**

**1. Preliminary Plat Review for Major Subdivision**

- ❑ Application: Subdivider files an application for the consideration of the Preliminary Plat for proposed subdivision. Preliminary Plat must comply with NYS Town Law regulations and Town of York Subdivision Ordinance Article V, Section 2 (pp. 16-17). These requirements must be met, “except where a waiver may be specifically authorized by the Planning Board.”
- ❑ Fee: The fee = \$20 + \$20 for each lot in the proposed subdivision (covers administrative and inspection costs.) Fee must be paid at time of application.
- ❑ Six copies of the Preliminary Plat must be given to the Planning Board secretary at least 10 days prior to the Planning Board meeting. All SEQR paperwork must be completed by the subdivider for the first Planning Board meeting where the subdivision is reviewed.
- ❑ Subdivider must be present at the Planning Board meeting where Preliminary Plat is reviewed.
- ❑ Planning Board reviews the Preliminary Plat, “taking into consideration the requirements of the community and the best use of the land being subdivided.” (Article III, Section 3D) Planning Board conducts SEQR review at this meeting. (Planning Board must complete SEQR review prior to granting approval of the Preliminary Plat.)

- ❑ Referral to County Planning Board if the subdivision meets the requirements for County Planning Board review.
- ❑ Planning Board holds public hearing within 45 days of application receipt by the Planning Board secretary. Public hearing must be advertised in a newspaper of general circulation at least five days before the hearing.
- ❑ Planning Board acts on the Preliminary Plat (approval, approval with modification or disapproval) within 45 days of the close of the public hearing. The grounds for any modifications or disapprovals must be stated in the minutes of the Planning Board. Modifications shall also be made in writing to the subdivider.
- ❑ Within 5 days of Preliminary Plat approval, the secretary of the Planning Board certifies that the preliminary approval is granted, files a copy of the approval with the Town Clerk, and sends a certified mail notice of approval to the subdivider.