

IV. Procedures

- A. All applicants required to prepare a Conservation Design Subdivision shall provide the Planning Board with a conceptual conventional subdivision design as well as a proposed layout for a conceptual Conservation Design Subdivision during the Pre-Application Conference. During Pre-Application Conference, the applicant should demonstrate how the conservation subdivision design process was utilized to arrive at the conceptual design.

The following items shall be required as part of the Conceptual Subdivision submittals:

- A site map showing the parcel with USGS topography
- A soils map of the site
- An aerial photograph of the site
- A NYS wetlands map of the site
- A Conservation Analysis Checklist (Town will provide)

As part of the CDS conceptual design, the applicant utilizing the above information shall prepare and submit to the Planning Board a conservation analysis consisting of inventory maps, description of the land, and an analysis of the conservation value of the various site features (utilizing a Conservation Analysis Checklist available from the Town). The Conservation analysis shall show lands with conservation value, included but not limited to site lands exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. The Planning Board, utilizing the conceptual conventional subdivision design and the conceptual conservation subdivision design and the aforementioned conservation analysis, shall determine the usable Development Area and the number of residential building units which will be allowed to be constructed pursuant within the proposed Conservation Design Subdivision.

- B. The Preliminary and Final Subdivision approval process as outlined in the Town of Northumberland's Subdivision Regulations shall be utilized for all Conservation Design Subdivision. The Planning Board has the final authority to designate all Conservation Areas and Development Areas.

V. Rural Road Design Option

The applicant shall have the opportunity to submit a rural road design, which after review, consultation, and approval by the Planning Board and the Town's Highway Superintendent may be utilized within the CDS.

VI. Reduction of Dimensional Requirements

- A.** The Planning Board encourages applicants to modify lot size, shape and other requirements for dimensional lots within a CDS, subject to the following limitations:
1. Lots having reduced area or frontage shall not have frontage on a street or road other than a street or road created by the CDS; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this regulation.
 2. At least 50% of the required setbacks for the district shall be maintained in the CDS unless a reduction is otherwise authorized by the Planning Board.

VII. Open Space Requirements

- A.** Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
1. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon demonstration that such inclusion promotes the purposes of this regulation.
 2. The open space shall be contiguous. Contiguous shall be defined as being connected. Open space will still be considered connected if it is separated by roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this regulation and/or protect identified primary and secondary conservation areas.
 3. The open space shall be used for wildlife habitat, conservation and/or the following additional purposes: agriculture, historic preservation, recreation, trail, park purposes, horticulture, forestry, and a combination of these uses and shall be served by suitable access for such purposes. The Planning Board may permit open space to be paved or built upon

for structures accessory to the dedicated use or uses of such open space (i.e. pedestrian walks, bike paths, etc.)

4. Wastewater and storm water management systems serving the CDS may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space requirement.
5. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:
 - a. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
 - b. A corporation or trust owned jointly by or in common by the owners of lots within the CDS. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for the maintenance expenses to each lot.
 - c. An individual property owner with deed restrictions or conservation easements.
 - d. The Town of Northumberland (requires Town Board approval).

S. Solid Waste Management and/or Resource Recovery Facilities

Solid waste management and resource recovery facilities in the Town of Northumberland are regulated by Local Law #1 of 1992.

T. Soil Disturbance

Soil disturbance within the Town of Northumberland is regulated by Local Law #2 of 1991. Any soil disturbing activity which affects five (5) or more acres of land within the Town of Northumberland shall undergo site plan review and receive such permit prior to commencing said activity.

1. Exceptions:

Nothing contained within this Ordinance will preclude soil disturbing

activities in the event of a bona fide emergency for authorized governmental activities or for the customary cultivation of farmland associated with agricultural activities or the conversion of various lands for agricultural purposes or for the non-commercial selective cutting of trees for firewood and/or woodland management purposes.

U. Commercial Timber Harvesting

Local Law #1 of 2006 requires a permit from the Town for commercial timber harvests which removes more than ~~10,000~~^{15,000} board feet or ten ~~(10)~~²⁰ cords of wood.

V. Watercourse Protection

Watercourse protection within the Town of Northumberland is regulated by Local Law #1 of 1991.

1. Regulated Watercourse Areas.

These watercourse protection standards are applicable to all streams within the Town of Northumberland which are delineated on the most recent edition of the U.S. Geological Survey's 7.5 minute quadrangle maps for the Town of Northumberland and to all adjacent areas lying within one hundred feet (100') measured horizontally from the centerline of the stream in each direction.

Said maps are on file and copies are available for reference at the Town Clerk's Office.

2. Prohibited Activities.

The following activities shall be prohibited within the regulated watercourse areas:

- a. The installation of any septic tank, leach fields or other on-site sewage disposal facility.
- b. The storage or dumping of any waste material, junk, refuse, or other debris.
- c. Substantial clearing or grading, or any building construction. Substantial clearing shall be defined as removal of more than 50 percent of the existing vegetation.
- d. The piping or culvert of streams in excess of 50 feet.

3. Activities subject to site plan review and approval:

The following activities shall require site plan approval before being undertaken in the regulated watercourse areas:

- a. The alteration, repair, or removal of any existing buildings or structures.
 - b. The repair or replacement of existing faulty or deteriorating sewage facilities.
 - c. Culverts and bridges.
 - d. Discharges.
 - e. Agricultural activities within fifty feet (50') of a regulated watercourse.
4. Exempt Activities.

The following activities shall, to the extent provided, be exempt from site plan review:

- a. Active agricultural activities greater than 50' from a regulated watercourse which do not involve a point discharge to said watercourse.
- b. Watercourse maintenance activities, if carried out in accordance with applicable New York State DEC standards, requirements, and permits.
- c. The following activities related to the necessary, normal maintenance and upkeep of property:
 - (i) Ordinance care (required by decree, law or ordinance – municipal regulation)
 - (ii) Gardening
 - (iii) Tree and shrub care
 - (iv) Removal of dead and deteriorating vegetation
- d. Municipal utility and road crossings.
- e. Maintenance and reconstruction of municipal utilities and roads.

W. Right to Farm Law

The Town of Northumberland encourages the maintenance and preservation of farming within its boundaries. Local Law #7 of 1991, as amended by Local Law

#1 of 1992, known as the Right to Farm Law, has been adopted by the Town of Northumberland and requires the following public notification be included on all building permits and subdivision plats:

"This property may border a farm, as defined in Town of Northumberland Local Law No. 7 of the year 1991. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

X. Travel Trailers

Any travel trailer sited on property within the Town of Northumberland and actively used for more than thirty (30) consecutive days or forty-five (45) days aggregate in any one calendar year shall be considered a mobile home.

Y. Construction Trailers

Construction trailers are allowed to be located on active construction sites subject to the issuance of a temporary building permit which requires their removal within thirty (30) days after the completion of construction.

Z. Stormwater Management

The Zoning Administrator and the Town Planning Board shall require all applicants who will be disturbing one (1) acre or more of land due to construction-related activities to secure NYS Phase 2 stormwater management general permit coverage and provide all pertinent information, including a copy of the state-required Stormwater Pollution Prevention Plan (SWPPP) and proof of state general permit coverage approval, to the aforesaid parties for their review prior to the issuance of any local permits or approvals.