

**ARTICLE 1: INTRODUCTION**

**INTRODUCTION**

**ARTICLE 1: INTRODUCTION** ..... **1**

INTRODUCTION..... 1

Section 101. **Legislative Authority.** ..... 1

Section 102. **Title and Organization.** ..... 1

Section 103. **Planning Basis.** ..... 2

Section 104. **Interpretations.**..... 2

Section 105. **Availability.** ..... 2

Section 106. **Severability.** ..... 2

Section 110. **Language of Development Control.**..... 3

Section 111. **Subdivision Definitions**..... 3

Section 112. **Access Definitions.**..... 4

Section 113. **Lot Definitions .** ..... 5

Section 114. **Yard Definitions.**..... 6

Section 115. **Environmental Definitions** ..... 7

**Section 101. Legislative Authority.**

The Village Board of Trustees of the Village of Trumansburg, New York, hereby establishes this Land Use and Development Law in accordance with the New York State Village Law and other applicable laws, which are cited in the text of this law.

**Section 102. Title and Organization.**

This law is known as, and may be cited as,

**The Village of Trumansburg  
Land Use and Development Law**

It is divided into five Articles:

**Article 1: Introduction.**

Legislative authority, planning basis, and definitions of special terms used in this law.

**Article 2: Land Use and Development Regulations.**

Regulations for the maintenance and upkeep of property; permit requirements for all types of new development and redevelopment.

**Article 3: Administration Procedures and Rules.**

Establishment of needed officers and boards; detailed procedures and rules for carrying out the provisions of this law; nonconformance policy; enforcement; amendment.

**Article 4: Subdivision Regulations.**

Subdivision review and approval procedures; minimum design criteria for approval; dedication of land to public use.

**Article 5: Trumansburg Village Environmental Quality Review (VEQR).**

Procedures and decision criteria for carrying out the NYS Environmental Quality Review Act, including locally determined list of

**ARTICLE 1:  
INTRODUCTION**

**DEFINITIONS**

Type I Actions.

**Section 103. Planning Basis.**

This Law and each of its parts are enacted for the purpose of promoting the health, safety, and general welfare of the citizens of Trumansburg through use of the powers granted the Village by the State of New York, and to that end the law is made in accordance with a comprehensive plan for the development of the community. This comprehensive plan is not to be understood solely as a document or documents, but as a coherent approach to development of the human, economic, and environmental resources of the community in the present and the near and distant future. The primary responsibility for reviewing and updating the comprehensive plan rests with the Village Planning Board; the responsibility for assuring that this law rests firmly on the planning basis provided by the comprehensive plan is with the Village Board of Trustees. Ultimately the responsibility for the effectiveness of the law rests with all the citizens of the Village of Trumansburg.

**Section 104. Interpretations.**

In their interpretation and application, the provisions of this law shall be held to be minimum requirements necessary to accomplish the purpose of the law. When requirements of this law conflict with the requirements of other lawfully developed rules, regulations, laws, or ordinances, the more restrictive or that imposing the higher standards shall govern.

Whenever any condition or limitation is included in an order authorizing a Planned Unit Development, Subdivision Approval, Zoning Permit, Special Permit, Certificate of Zoning Compliance, Certificate of Conformance, or any other action taken under this law it is to be conclusively presumed that the authorizing

officer or board considered the condition or limitation necessary to carry out the purpose of the law or the requirement of some provision hereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

**Section 105. Availability.**

Copies of this law are available for inspection at the office of the Village Clerk. Copies may be purchased from the Village Clerk.

**Section 106. Severability.**

This law and the various parts thereof (articles, sections, subsections, and clauses), are hereby declared to be severable. If any part is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the law is not affected thereby. If any part is adjudged unconstitutional or invalid as applied to a particular lot, facility, or activity, it is hereby provided that the application of that portion of the law to other lots, facilities, or activities is not affected thereby.

Section 107-109 reserved.

**DEFINITIONS**

**Section 110. Language of Development Control.**

The purpose of this and following sections is to define the development control terms and expressions and the descriptive classifications which appear frequently in this law. Terms and expressions which are used infrequently are defined in the body of the text where they are used.

To the extent possible the definitions herein are intended to correspond with established definitions found in general development control practice. Particularly, definitions should correspond with those of the New York State Uniform Fire Prevention and Building Code and its successor codes becoming effective hereafter, as well as other applicable state and federal laws and regulations.

Except where specifically defined in these sections all terms and expressions carry their customary dictionary meanings.

**Section 111. Subdivision Definitions**

**111.1 Subdivision:** division of a lot or lots into two (one new lot plus the remainder of the original lot) or more lots for the purpose of transfer of ownership or for land lease; realignment of boundary lines between lots so as to transfer land from one lot to another, or separation of noncontiguous lots (e.g., lots transected by public or quasipublic rights-of-way) into separate lots of record without new boundary alignment. No distinction is made between subdivision and resubdivision.

**111.2 Minor Subdivision:** subdivision of land

resulting in two to four lots, and which: (1) does not include new streets, water and sewer extensions, clustering, public open space or facilities; (2) does not conflict with the zoning regulations, official map, or any other Village development policy; and (3) does not adversely affect use or development of adjoining land.

**111.3 Major Subdivision:** subdivision of land resulting in five or more lots, or otherwise not qualifying as a Minor Subdivision. A Major Subdivision may involve new public right-of-way, utility extensions, or other new public facilities. Any cluster subdivision or other subdivision which deviates from the zoning regulations, official map, or other Village development policy will generally be considered a Major Subdivision.

**111.4 Cluster Subdivision:** subdivision of land according to Major Subdivision procedures, but in which the Planning Board exercises discretion given it by the Board of Trustees to vary applicable provisions of local laws (usually minimum lot sizes in the zoning regulations) for the purpose of preserving scenic, recreational, or other open space resources of the community. A cluster subdivision features open space in part of the site, residential development clustered in part of the site, and no change from the overall density allowed by the zoning regulations through conventional subdivision design.

**111.5 Sketch Plat:** a sketch of a proposed subdivision showing the form, layout, roads, public facilities, and other information specified in Section 412.; the first-stage submission to the Planning Board, sufficient for the proposal to be classified as to type of review required and for the Board to make general recommendations as to any adjustments needed to satisfy the objectives of these regulations.

111.6 **Preliminary Plat:** a drawing, clearly marked "preliminary plat", showing the salient features of a proposed subdivision including information specified in Section 432; the second-stage submission to the Planning for purposes of its detailed consideration and public hearing.

111.7 **Final Plat or Subdivision Plat:** a drawing in final form, showing a proposed subdivision prepared by a licensed surveyor and containing all information and detail required by law and by these regulations as specified in Section 440, 441; the final-stage submission to the Planning Board for review, public hearing, and approval, and which, if approved, shall be duly filed or recorded by the applicant in the office of the County Clerk (see Section 426, and 449.2).

111.8 **Submission Date of the Preliminary Plat:** the date of the Planning Board meeting at which a complete preliminary plat is accepted for review.

111.9 **Submission Date of the Final Subdivision Plat:** the date of the Planning Board meeting at which a complete application for plat approval is accepted for review.

111.10 **Clerk of the Planning Board:** the Village Clerk, unless otherwise established.

111.11 **Performance Guarantee:** A form of security, approved by the Village Board, guaranteeing that all improvements to be made by the subdivider in compliance with these Rules and Regulations will be made. May include a performance bond, escrow agreement, letter of credit, or similar collateral or surety agreement, running in favor of the Village.

111.12 **Village Engineer:** The duly licensed person or firm employed or otherwise retained

by the Village Board to review and approve the design and installation of improvements required by these Rules and Regulations.

## Section 112. Access Definitions

112.1 **Street:** a term used interchangeably with road, avenue, lane, and highway, among others; a public right-of-way improved or intended to be improved for traffic.

112.2 **Major Street:** a street with the capacity to serve heavy flows of traffic and which is intended primarily as a route for traffic between heavy traffic generating areas.

112.3 **Collector Street:** a street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

112.4 **Minor Street:** a street intended to serve primarily as an access to abutting properties.

112.5 **Dead-End Street or Cul-de-sac:** a street or a portion of a street with only one vehicular traffic outlet.

112.6 **Private Road:** a road that is not to be dedicated to, or accepted or maintained by, the Village. If provided to serve more than one lot, a private road shall be constructed to meet Village specifications for right-of-way, grade and cross section, as approved by the Village Superintendent of Public Works or Village Engineer.

112.7 **Private Access Drive:** a road that is used to provide access to one lot only which shall be 5' from lot lines and which is not to be dedicated to, or accepted by, the Village. See **Private Road**.

112.8 **Street Pavement:** the wearing or exposed surface of the roadway used by

vehicular traffic.

112.9 **Street Width:** the width of right-of-way, measured at right angles to the centerline of the street.

112.10 **Village Right-of-way (unimproved):** a strip of land owned or controlled by the Village government for the purpose of providing access to abutting lots or for providing a bed for a future improved roadway. All Village rights-of-way are shown on the Village of Trumansburg Official Map. Unless otherwise indicated all Village rights-of-way are 50 feet wide.

112.11 **Village Highway (seasonal maintenance):** a strip of land controlled or owned by the Village government for the purpose of providing access to abutting lots and providing a bed for an improved roadway which is maintained for traffic only during the part of the year designated by the Village Board of Trustees. All Village Highways (seasonal maintenance) are shown on the Village of Trumansburg Official Map; unless otherwise indicated they are 50 feet wide.

112.12 **Village Highway (all-year maintenance):** a strip of land controlled or owned by the Village government for the purpose of providing access to abutting lots and providing a bed for an improved roadway which is maintained for traffic throughout the year. All Village Highways (all-year maintenance) are shown on the Village of Trumansburg Official Map; unless otherwise indicated they are 50 feet wide.

112.13 **Easement:** an area of land owned by one party but over which another party has some legal rights short of ownership, e.g., an access easement: a driveway to a back lot; a utility easement: a strip of land along which runs a utility line or overhead power

transmission line; a conservation easement: an interest in land or water areas which keeps them in their natural, scenic, open, or wooded condition.

### Section 113. Lot Definitions .

113.1 **Lot.** An area of land considered as a unit in single ownership of record. This term is synonymous with parcel. See figure 1.

113.2 **Lot of Record:** a lot for which there is either a deed recorded or a map on file in the County Clerk's Office. The map must bear the County Clerk's seal with date of filing and, if applicable, the County Health Department's seal indicating approval of the lot or lots for development. To qualify for a zoning review under this ordinance the applicant must first establish that the lot is a lot of record. A lot of record is developable provided that all other requirements of this ordinance are met.

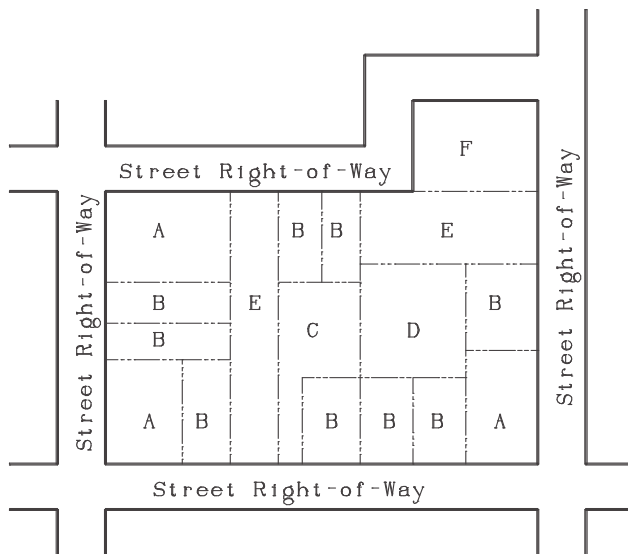
113.3 **Lot Line:** the boundary line of a lot.

113.4 **Street Line:** the edge of the public-right-of-way, a lot line dividing a lot from the public street. (frontage is measured along a street line.)

113.5 **Frontage:** that portion of a lot abutting on a public right-of-way.

113.6 **Principal Frontage:** on lots with two or more frontages, the one considered the main access to the lot.

113.7 **Secondary Frontage:** on lots with two or more frontages, all those frontages other than the Principal Frontage.



**Figure 1** Types of Lots

- A: Corner Lot
- B: Interior Lot
- C: Flag Lot
- D: Back Lot
- E: Double Frontage or Through Lot
- F: Multiple Frontage Lot

113.8 **Corner Lot:** a lot having frontage on two streets where they intersect.

113.9 **Double Frontage (or through) Lot:** a lot having frontage on two (or more) streets at points other than where they intersect.

113.10 **Multiple Frontage Lot:** a lot having frontage on more than two streets.

113.11 **Interior Lot:** a lot which is not a corner lot, and has frontage on only one street.

113.12 **Back Lot:** a lot which has no frontage on any public street.

113.13 **Lot Area:** an area of land which is determined by the limits of the lot line bounding such area and expressed in terms of square feet or acres. For purposes of determining compliance with zoning

regulations, any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

113.14 **Flag Lot:** a lot that meets the minimum area requirements of the Village Zoning Law and is connected to a public right-of-way by a strip of land containing a private access drive.

a. a flag lot must have 30' road frontage.

b. the driveway must be in the center of the "flagpole" section of the lot, and in no case shall its edge be closer than five feet from the lot line.

c. In a flag lot the entire "flagpole" is considered the side yard.

#### Section 114. Yard Definitions.

114.1 **Yard:** that part of a lot not occupied by the principal building or structure and which shall not be occupied by any other building or structure from the ground upward unless specifically authorized in this ordinance. See Figure 2.

114.2 **Front Yard:** the space within and extending the full width of the lot from the street line to the part of the principal building which is nearest to such front lot line.

114.3 **Rear Yard:** the space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such lot line.

114.4 **Side Yard:** the space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

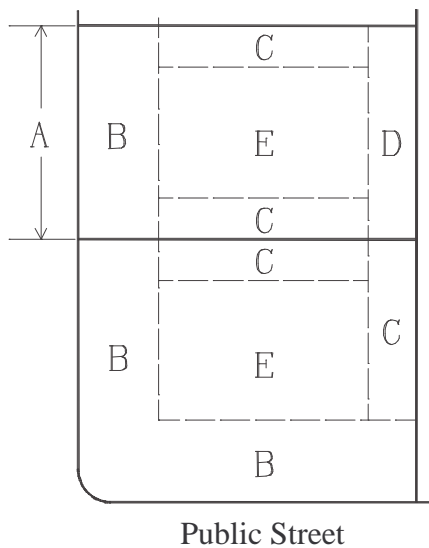
- (a) the side yard for a flag lot, the entire flag pole is considered the side yard (See Section 113.14. a, b, c).



114.5 **Unclassified yard:** the yard of a lot which, by virtue of the configuration or shape of the lot or the layout of improvements (erected or to be erected) thereon, could be considered more than one of the following: front yard, rear yard, side yard. Construction of improvements within such unclassified yard shall only be permitted by special exception granted by the Zoning Board upon duly submitted written application.

Sections 116-119 reserved.

Adopted by Village Board 12/9/02  
 Filed with State 12/13/02



**Figure 2.** Yards

- A: Frontage
- B: Front Yard
- C: Side Yard
- D: Rear Yard
- E: Buildable Area of Lot

**Section 115. Environmental Definitions**

**115.1 Wetlands:** Freshwater wetlands are those areas of land meeting the definition of wetlands established by the United States Environmental Protection Authority under the authority of the Federal Clean Water Act and/or listed in the Federal Wetlands Inventory. Freshwater wetlands commonly include marshes, swamps, bogs, vernal pools and fens.