

## SUBDIVISION REGULATIONS

### ARTICLE 1

#### Declaration of Policy

By the authority of the resolution of the Town Board of the Town of Marshall adopted on 14 Oct 03, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Marshall is authorized and empowered to approve Plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary plats, within that part of the Town of Marshall outside the limits of any incorporated city or village. It is declared to be the policy of the Planning Board to consider land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for stated purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be laid out and of such size as to be in harmony with the development pattern of the neighboring properties, that the proposed streets shall compose a convenient system conforming to the Official Map; if such exists and shall be properly related to the proposals shown on the Master Plan, if such exists and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Town of Marshall Land Subdivision Regulations" have been adopted by the Planning Board on 16 Jul 03 and approved by the Town Board of Marshall.

### Article II

#### Definitions

For the purpose of these regulations, certain words and terms used herein are defined as follows:

Subdivision: means the division of any parcel of land into two or more lots, blocks or sites; with or without streets or highways and includes re-subdivision.

Major Subdivision: means any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of any size requiring any new street or extension of municipal facilities.

Minor Subdivision: means any subdivision, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map or Zoning Ordinance, if such exists or these regulations.

Sketch Plan: means a sketch of a proposed subdivision showing the information specified in Article V, Section 1 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

Preliminary Plat: means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article V, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Subdivision Plat or Final Plat: means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Register.

Street: means and includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.

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Major Street: means a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Collector Street: means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

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

Dead-End or Cul-De-Sac: means a street or a portion of a street with only one vehicular traffic outlet.

Street Pavement: means the wearing or exposed surface of the roadway used by vehicular traffic.

Street Width: means the width of the right-of-way, measured at right angles to the center line of the street

Easement: means authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property

Planning Board: means the Planning Board of the Town.

Master or Comprehensive Plan: means a comprehensive plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

Official Map: means the map established by the Town Board pursuant to Section 270 of Town Law, showing streets, highways and parks and drainage, both existing and proposed.

Town Engineer: means the person appointed by the Town Board to act as an engineer for the Town either for a specific project or in general, or any person authorized by the Town Board to make field decisions as would normally be done by an engineer. The Town Board shall determine where funding to pay for such engineer acting in the interest of the Town is to come from and has every right to negotiate terms of funding with developer as part of the process for Major Subdivision Review.

Engineer or Licensed Professional Engineer: means a person licensed as a professional engineer by the State of New York.

Surveyor: means a person licensed as a land surveyor by the State of New York.

Subdivider: means any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Secretary of the Planning Board: means that person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations

## ARTICLE III

### Procedure in filing Subdivision Applications

Whenever any major subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures. However, when the proposed subdivision is clearly a Minor Subdivision as defined herein, the subdivider may legally proceed with no obligation to seek planning Board approval.

#### Section 1. Sketch Plan

**A. Submission of Sketch Plan**

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least ten days prior to the regular meeting of the Board two copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, Section 1, for the purposes of classification and preliminary discussion.

**B. Discussion of Requirements and Classification**

The subdivider or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Major or Minor Subdivision as defined in these regulations. If the Sketch Plan is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Sections 2, 3, 4, 5 and 6..

**C. Study of the Sketch Plan**

The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

**Section 2. Preliminary Plat For Major Subdivision**

**A. Application and Fee**

Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Article V, Section 3, hereof. The preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Section 276 and 277 of the Town Law and Article V, Section 2 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

The application for approval of the preliminary plat shall be accompanied by a fee of \$\_\_\_\_\_, plus \$\_\_\_\_\_, per lot for each lot in the proposed subdivision.

**B. Number of copies**

Five copies of the Preliminary Plat shall be presented to the Clerk of the Planning Board at the time of submission of the Preliminary Plat

**C. Subdivider to Attend Planning Board Meeting**

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat

**D. Study of the Preliminary Plat**

The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Master Plan, the Official Map and Zoning Regulations, if such exist.

**E. When Officially Submitted**

The time of submission of the Preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, Section 3 of these regulations, has been filed with the Clerk of the Planning Board.

**F. Approval of the Preliminary Plat**

Within forty-five [ 45 ] days after the receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the town at least five [ 5 ] days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within forty-five [ 45 ] days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form. Within five [5 ] days of the approval of such preliminary plat, it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in his office, a certified copy mailed to the owner and a copy forwarded to the Town Board. Failure of the Planning Board to act within such forty-five [ 45 ] day period shall constitute approval of the preliminary plat.

When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to [1] the modifications to the Preliminary Plat, [2] the character and extent of the required improvements for which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, [3] the amount of improvement of all bonds thereof which it will require as prerequisite to the approval of the Subdivision Plat. Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

**Section 3. Plat For Major Subdivision**

**A. Application for Approval and Fee**

The subdivider shall, within six [6] months after the approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form, using the approved application blank available from the Clerk of the Planning Board. All applications for Plat approval for Major Subdivisions shall be accompanied by a fee of \$ \_\_\_\_\_. If the final plat is not submitted within six months after the approval of the Preliminary Plat, the planning board may refuse to approve the final plat and require re-submission of the preliminary plat.

**B. Number of copies**

A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Clerk of the Board with a copy of the application and three copies[ one copy in ink on linen or an acceptable equal] of the Plat, the original and one true copy of all offers of cession, covenants and agreements and two prints of all construction drawings

**C. When Officially Submitted**

The time of submission of the Subdivision Plat shall be considered to be the date on which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, Section 3 of these regulations, has been filed with the Clerk of the Planning Board

**D. Endorsement of State and County Agencies**

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Oneida County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the Oneida County Department of Health shall be secured by the subdivider before official submission of Subdivision Plat.

#### **E. Public Hearing**

Within forty-five [45] days of the submission of a plat in final form for approval a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 3 of this article, and modified in accordance with requirements of such approval of such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

#### **F. Action on Proposed Subdivision Plat**

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat, within forty-five [45] days of its receipt by the Clerk of the Planning Board if no hearing is held, or in the event a hearing is held, within forty-five [45] days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five [5] days of such resolution, the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in the office and a copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire one year after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted.

### **Section 4. Required Improvements**

#### **A. Improvements and Performance Bond**

Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph [1] OR sub-paragraph [2] below:

[1] In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year[ or such other period as the Planning Board may determine appropriate, not to exceed 3 years] shall be set forth in the bond within which required improvements must be completed.

[2] The subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

[3] The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to sub-paragraph two then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in sub-paragraph [1], such bond shall not be released until such a map is submitted.

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## B Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modification are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting. The Town Board should appoint a person to authorize these changes.

### **C. Inspection of Improvements**

At least five [5] days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

## D Proper Installation of Improvements

if the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

## Section 5 Filing Of Approved Subdivision Plat

A. Final Approval and Filing

Upon completion of the requirements in Sections 3 and 4 above and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded 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.

B Plat Void if revised after Approval

No changes, erasures, modifications or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

## Section 6 Public Streets, Recreation Areas

#### A. Public acceptance of Streets

The approval by the Planning Board of a subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown of such Subdivision Plat.

#### B. Ownership and Maintenance of Recreation Areas

When a park, playground or other recreation area shall have been shown on a Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

## Section 7. Application Of Section 281 Of The Town Law

Whereas pursuant to resolution of the Town Board, the Planning Board is empowered to modify applicable provisions of the Zoning Ordinance in accordance with the provisions of Section 281 of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the procedure and standards:

### A. Request by Subdivider

A subdivider may request the use of Section 281 simultaneously with or subsequent to presentation of the sketch plan as per procedure described in Article III. Any submission subsequent to preliminary approval of a plat shall require a reapplication for sketch plat review

### B. Sketch Plan

A subdivider shall present along with a proposal in accordance with the provisions of Section 281, a standard sketch plat which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to streets, being consistent with the Street Specifications and lots being consistent with the Zoning Ordinance.

### C. Park, Recreation, Open Space or other Municipal Purposes

If the application of this procedure results in a plat showing land available for park, recreation open space or other municipal purposes, directly related to the plat, then conditions as to ownership, use and maintenance of such lands are necessary to assure the preservation of such lands for their intended purposes shall be set forth by the Planning Board

### D. Plat Submission

Upon determination that such sketch plat is suitable for the procedures under Section 281 and subsequent to the resolution authorizing the Planning Board to proceed, a preliminary plat meeting all of the requirements of the resolution shall be presented to the Planning Board and there after the Planning Board shall proceed with the required public hearings and all other requirements of these Regulations

### E. Filing, Notation on Zoning Map

On the filing of a plat in the office of the County Clerk in which Section 281 has been used, the subdivider shall file a copy with the Town Clerk who shall make appropriate notations and reference thereto in the Town Zoning Ordinance map. The Secretary of the Planning Board shall notify the Building Inspector when such a plat is filed

## ARTICLE IV

### General Requirements And Design Standards

In considering application for Subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

## Section 1. General

### A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for stated purposes without danger to health or peril from fire, flood or other menace.

### B. Conformity to Official Map and Master Planning

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan, if such exists.

### **C. Specifications for Required Improvements**

All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Town Engineer.

#### **Section 2 Street Layout**

##### **A. Width, Location and Construction**

Streets shall be of sufficient width, suitably located and adequately constructed to conform with the Master plan, if such exists, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

##### **B. Arrangement**

The arrangement of streets in the Subdivision shall provide for the continuation of principal streets of adjoining Subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

##### **C. Minor Streets**

Minor streets shall be so laid out that their use by through traffic will be discouraged.

#### **D. Special Treatment Along Major Arterial Streets**

When a Subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

#### **E. Provision for Future Resubdivision**

Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning district in which a Subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

#### **F. Dead-End Streets**

The creation of dead-end streets will be discouraged; the creation of loop or cul-de-sac streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 200 foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty [20] lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map, if such exists or streets on a approved Subdivision Plat for which a bond has been filed.

#### **G. Intersections with Collector or Major Arterial Roads**

Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

#### **H. Street Jogs**

Street jogs with center line offsets of less than 125 feet shall be avoided.

#### **Section 3 Other Improvements**

##### **A. Fire Hydrants**

Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York State Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

##### **B. Street lighting Facilities**

Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.

#### C Utilities in Streets

The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and the street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of lot within the Subdivision for such required utilities before the street is paved.

#### D Utility Easements

Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

#### E Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half [  $\frac{1}{2}$  ] nor more than 6 per cent for major or collector streets, or 10 per cent for minor streets in residential zones but in no case more than 3 per cent within 50 feet of any intersection.

#### F Changes in Grade

All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

#### G Curve Radii at Street Intersections

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

#### H Steep Grades and Curves; Visibility of Intersections

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot [ whether at an intersection entirely within the subdivision or of a new street with an existing street ] which is shown shaded on Sketch A shall be cleared of all growth [ except isolated trees ] and obstructions above the level 3 feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

#### I Dead-End streets [ Cul-De-Sacs ]

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length and shall terminate in a circular turn-around having a minimum right-of-way radius 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turn-around with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

#### J Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a Subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided as storm water easement or drainage right-of-way as required by Town Engineer and in no case less than 20 feet in width.

#### K Curve Radii

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

#### L Service streets or Loading Space in Commercial Development

Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

**M. Free Flow of Vehicular Traffic Abutting Commercial Developments**

In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district

**Section 4 Street Names**

**A. Type of Name**

All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters

**B. Names to be Substantially Different**

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name

**Section 5 Lots**

**A. Lots to be Buildable**

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear

**B. Side Lines**

All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

**C. Corner Lots**

In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site

**D. Driveway Access**

Driveway access and grades shall conform to specifications of the Town Driveway Ordinance. If one exists, if no such driveway ordinance exists, access and grades shall be approved by the Town Superintendent. Driveway grades between the street and the setback line shall not exceed 10 percent

**E. Access from Private Streets**

Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations

**F. Monuments and Lot Corner Markers**

Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation, shall be set as such block corners, angle points, points of curves in streets and other points as the Town Engineer may require and their location shall be shown on the Subdivision Plat.

**Section 6. Drainage Improvements**

**A. Removal of Spring and Surface Water**

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the Subdivision. Such drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width

**B. Drainage Structure to Accommodate Potential Development Upstream**

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the Subdivision. The Town Engineer shall approve the design and size of facility based on anticipated run-off from a 'ten year' storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

**C Responsibility from Drainage Downstream**

The subdivider's engineer shall also study the effect of each Subdivision on the existing downstream drainage facilities outside the area of the Subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the Subdivision will overload the existing downstream drainage facility during a five year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the Subdivision until such provision has been made for the improvement of said condition.

**D Land Subject to Flooding**

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, not for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous condition.

## Section 7 Parks, Open Spaces And Natural Features

**A Recreation Areas Shown on Town Plan**

Where a proposed park, playground or open space shown on the Town Plan is located in whole or in part in a Subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph [B], below. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

**B. Parks and Playgrounds not shown on Town Plan**

The Planning Board shall require that the Plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that developer satisfactorily grade any such recreation areas shown on the Plat.

The Board shall require that not less than 3 acres of recreation space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount be more than 10 per cent of the total area of the Subdivision. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication. Appropriate legal measures should be taken to assure that such land can never be developed for other than recreational purposes.

**C Information to be Submitted**

In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval to the Board, three prints showing at a scale of not less than thirty( 30 ) feet to the inch such area and the following features thereof:

- a. The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.
- b. Existing features such as brooks, ponds, clusters of trees, rock outcrops & structures
- c. Existing and if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent

**D Waiver of Plat Designation of Area for Parks and Playgrounds**

In cases where the Planning Board finds that due to the size, topography, or location of the Subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the Plat show land for such purposes. The Board shall then require as a condition to approval of the Plat a payment to the Town of \_\_\_\_\_ dollars per gross acre of land which other wise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Article IV, Section 7B.

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Such amount shall be paid to the Town Board at the time of final Plat approval, and no Plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that [a] is suitable for permanent park, playground or other recreational purposes and [b] is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies and [c] shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the Plat is situated, providing the Planning Board finds there is a need for such improvements.

## ARTICLE V

### Documents To Be Submitted

#### Section 1. Sketch Plan

A. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale[ preferable not less than 200 feet to the inch] to enable the entire tract to be shown on one sheet, the Sketch plan shall be submitted showing the following information

[1] The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection..

[2] All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 100 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.

[3] The name of the owner and all adjoining property owners as disclosed by the most recent tax records

[4] The tax map sheet, block and lot numbers, if available

[5] All the utilities available, and all streets which are either proposed, mapped or built.

[6] The proposed pattern of lots[including lot width and depth], street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area. All on site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Department of health and a note to this effect shall be stated on the Plat and signed by a licensed engineer.

[7] All existing restrictions on the use of land including easements, covenants or zoning lines

#### Section 2. Major Subdivision Preliminary Plat And Accompanying Data

The following documents shall be submitted for Approval:

A. Five copies of the preliminary plat prepared at a scale of not more than one hundred [100], but preferably not less than fifty [50] feet to the inch, showing

[1] Proposed Subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal

[2] The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property

[3] Zoning District, including exact boundary lines of district, if more than one district and any proposed changes to the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided

[4] All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

[5] Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of 8 inches or more as measured 3 feet above the base of the trunk, and other significant existing features for the proposed Subdivision and adjacent property

[6] Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

[7] Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.

[8] The width and location of any streets or public ways or places shown on the Official Map or Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.

The following documents shall be submitted for Plat approval:

A. The Plat to be filed with the County Clerk shall be printed upon linen or clearly drawn in India ink

Upon tracing cloth. The size of the sheets shall be \_\_\_\_\_ inches by \_\_\_\_\_ inches or \_\_\_\_\_ by \_\_\_\_\_ inches, including a margin for binding of 2 inches, outside of the border along the left side and a margin of one inch outside the border along the remaining sides. The Plat shall be drawn at a scale of no more than 100 feet to the inch and sheeted with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly printed with the remaining sheets.

C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

D. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract and the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivision entire holding submitted shall be considered in the light of the entire holdings.

Section 3 Major Subdivision Plan And Accompanying Data

Section 3 Major Subdivision Plan And Accompanying Data

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[6] All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

[7] Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

[8]. Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town Engineer. When referenced to the State system of plan coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be places as required by the Town Engineer and their location noted and referenced upon the Plat.

[9]. All lot corners markers shall be permanently located satisfactorily to the Town Engineer, at least three-quarters(  $\frac{3}{4}$  ) inches [ if metal ] in diameter and at least 24 inches in length, and located in the ground to existing grade

[10]. Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

**B** Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basin and other facilities.

## ARTICLE VI

### Waivers

#### Section 1.

Where the planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed Subdivision, it may waive such requirements subject to appropriate conditions, providing that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan or the Zoning Ordinance, if such exists.

#### Section 2.

In granting waivers, the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so waived.

## ARTICLE VII

### Separability

#### Section 1.

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.