

Chapter 134

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Town Board of the Town of Conesus 9-16-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 59.

Zoning — See Ch. 155.

Flood damage prevention — See Ch. 87.

ARTICLE I Declaration of Policy

§ 134-1. Authority of Planning Board to approve plats.

By the authority of the resolution of the Town Board of the Town of Conesus adopted on April 18, 1974, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Conesus 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 the Town.

§ 134-2. Policy of Planning Board in considering plats.

It is 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 building purposes without danger to health, or peril from fire, flood or other menace; that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements.

§ 134-3. Lot layout, street system and open spaces.

All proposed lots shall be so laid out and of such a size as to be in harmony with the development pattern of neighboring properties; 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 fire-fighting equipment to buildings; and proper provision shall be made for open spaces for parks and playgrounds.

§ 134-4. Title; adoption and approval.

In order that land subdivisions may be made in accordance with this policy, these regulations shall be known as the "Town of Conesus Land Subdivision Regulations" having been adopted by the Planning Board on April 18, 1974 and approved by the Town Board on September 16, 1974.

ARTICLE II
Definitions

§ 134-5. Terms defined.

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

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.

DEAD-END STREET or **CUL-DE-SAC** — A street or a portion of a street with only one vehicular traffic outlet.

EASEMENT — The authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER or **LICENSED PROFESSIONAL ENGINEER** — A person licensed as a professional engineer by the State of New York.

MAJOR STREET — 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.

MAJOR SUBDIVISION — Any subdivision of four or more lots, or any subdivision requiring any new street, road, or extension of municipal facilities. **[Amended 6-6-1989 by L.L. No. 1-1989]**

MASTER OR COMPREHENSIVE PLAN — A comprehensive plan, prepared by the Planning Board pursuant to § 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.

MINOR STREET — A street intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION — Any subdivision not classified as a major subdivision. **[Amended 6-6-1989 by L.L. No. 1-1989]**

OFFICIAL MAP — The map established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

PLANNING BOARD or **BOARD** — The Planning Board of the Town.

PRELIMINARY PLAT — A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in Article V, § 134-* Section 3 of these regulations, submitted to the Planning Board for the purposes of consideration 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.

STREET — Includes streets, roads, avenues, lanes, or other trafficways, between right-of-way lines.

STREET PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH — The width of the right-of-way, measured at right angles to the center line of the street.

SUBDIVIDER — Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION — The division of any parcel of land in existence on January 1, 1989, into two or more lots, blocks or sites, with or without streets. **[Amended 6-6-1989 by L.L. No. 1-1989]**

SUBDIVISION PLAT or FINAL PLAT — 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.

SURVEYOR — A person licensed as a land surveyor by the State of New York.

TOWN BOARD — The legislative body of the Town.

TOWN ENGINEER — The duly designated engineer of the Town or position assigned with similar duties.

UNDEVELOPED PLAT — Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.

ARTICLE III Application Procedures

§ 134-6. Approval in writing required.

Whenever any subdivision of land is proposed, 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.

§ 134-7. Sketch plan.

- A. Prior to submitting a final plat application for a minor subdivision or a preliminary plat application for a major subdivision, the subdivider may submit a sketch plan for informal review by the Planning Board. The sketch plan should show the location of the subdivision, all existing structures, wooded areas, significant physical features, available utilities and the proposed pattern of lots, drainage and sewer and water facilities.

- B. The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall inform the subdivider of the necessary action he should take in meeting the requirements of these regulations.

§ 134-8. Minor subdivision. ¹

A. Application and fee.

- (1) Any owner of land shall, prior to subdividing or resubdividing a minor subdivision, submit an application for approval of a subdivision plat to the Secretary of the Planning Board at least 10 days prior to the next regularly scheduled meeting of the Planning Board. The plat shall conform to the requirements listed in Article V, § 134-*Section 1-A.
- (2) All applications for plat approval for minor subdivisions shall be accompanied by a fee as set forth in the Schedule of Fees.²

B. Number of copies. The subdivider shall submit five copies of the plat.

C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representatives, shall attend the meeting of the Planning Board to discuss the subdivision plat.

D. The procedure for approval of the plat shall be in accordance with Subdivision 6 of § 276 of the Town Law.

§ 134-9. Preliminary plat for major subdivision. ³

A. Application and fee.

- (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in Article V, § 134-* Section 2. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law, and Article V, § 134-* Section 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board.
- (2) The application for review of the preliminary plat shall be accompanied by a fee as set forth in the Schedule of Fees to cover administrative and inspection costs.

B. Number of copies. Five copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a regularly scheduled meeting of the Board.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: The Schedule of Fees is on file in the Clerk's office.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representatives, shall attend the meeting of the Board to discuss the preliminary plat.
- D. Study of preliminary plat. The 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 arrangements, the future development of the adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, and zoning regulations, if such exist.
- E. The procedure for approval of the plat shall be in accordance with Subdivision 5 of § 276 of the Town Law.

§ 134-10. Final plat for major subdivision. ⁴

- A. Application and fee. Within six months of the approval of the preliminary plat the owner shall file with the Planning Board an application for approval of the subdivision plat in final form. All applications shall be accompanied by a fee as set forth in the Schedule of Fees. If the final plat is not submitted within six months of the approval of the preliminary plat, the Board may revoke the approval of the preliminary plat.
- B. Number of copies. The subdivider shall provide the Secretary of the Board with a copy of the application and three copies (on Mylar or its equivalent) of the plat, plus the original and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings. These documents shall be submitted at least 10 days prior of the regularly scheduled meeting of the Board.
- C. Endorsement of state and county agencies. Applications for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary town, county and state agencies. Endorsement and approval by the Livingston County Department of Health shall be secured by the subdivider before official submission of the subdivision plat.
- D. The procedure for approval of the plat shall be in accordance with Subdivision 6 of § 276 of the Town Law.

§ 134-11. 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 Subsection A(1) or (2) below:
 - (1) In an amount set by the Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full costs of the required improvements. Any such bond shall comply with the

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

requirements of § 277 of the Town Law and shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution and surety. A period of one year (or other period as the Planning Board may determine appropriate, not to exceed three 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 Engineer 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 Subsection A(2), 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 Subsection A(1), such bond shall not be released until such a map is submitted.
- B. Modification of design 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 that these modifications 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 regularly scheduled meeting.
- C. Inspection of improvements. At least five days prior to commencing construction of required improvements the subdivider 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 shall then 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.

§ 134-12. Filing of approved subdivision plat.

- A. Final approval and filing. Upon completion of the requirements in §§ 134-10 and 134-11 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 appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 62 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.⁵
- 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 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.

§ 134-13. Acceptance of public streets and 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 on 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.

ARTICLE IV

General Requirements and Design Standards

§ 134-14. Minimum standards; waiver.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth below. These standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article VI herein.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 134-15. General requirements.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Conformity to Official Map and Master Plan. 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.

§ 134-16. 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 nonaccess 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 resubdivision in accordance with the requirements contained in these regulations.
- F. Dead-end streets. The creation of dead-end or loop residential 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 twenty-foot wide easement to provide for

continuation of pedestrian traffic and utilities to the next street; subdivisions containing 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 an approved subdivision plat for which a bond has been filed.

- G. Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot wide paved footpath be included.
- H. Intersections with collector or major arterial streets. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- I. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.
- J. Angle of intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.
- K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

§ 134-17. Street design.

- A. Widths of rights-of-way. Streets shall have the following widths: (When not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board.)

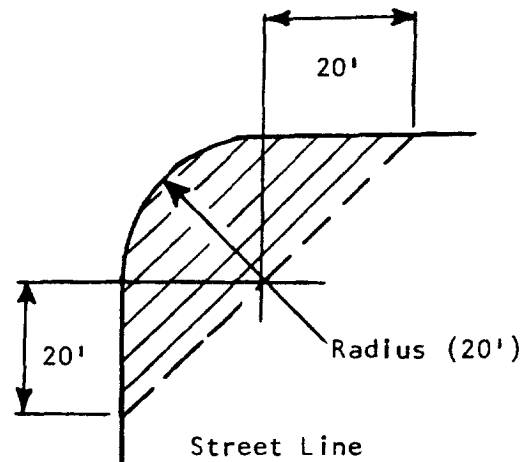
Type of Street	Minimum Right-of-Way (feet)	Minimum Pavement (feet)
Major	66	24
Collector	60	24
Local	50	22

- B. Improvements. Streets shall be graded and improved with pavements, curbs, gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street

trees, and fire hydrants, except where waivers may be requested, and the Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer. Such grading and improvements shall be approved as to design and specifications by the Town Engineer.

- (1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.
 - (2) Streetlighting 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 street line. The subdivider shall install underground service connections to the property line of each 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 of 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 1/2 nor more than 6% for major collector streets, or 10% for minor streets in residential zones, but in no case more than 3% 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 of three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

Sketch A



- I. Dead-end streets (culs-de-sac). 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 turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.
- J. Watercourses.
- (1) Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.
 - (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet.
- K. Curved radii. In general, street lines within a block, deflecting from each other at any one point by more than 10° , shall be connected with a curve, the radius of which for the center line 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 designated 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.

§ 134-18. 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, a street that is continuous shall retain the same name (such as a loop street).

§ 134-19. Lots.

- A. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with Chapter 155, Zoning, 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. Driveway grades between the street and the setback line shall not exceed 10%.
- 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 at 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.

§ 134-20. 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 runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted

by the Chapter 155, Zoning, in the watershed. The Town shall share the cost of culverts larger than that which is required to properly service the subdivision.

- 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 runoff incident to the development of the subdivision will overload an 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 provision has been made for the improvement of said condition.
- D. Land subject to flooding. Land subject to flooding or land deemed by the Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase the 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 Board to remedy said hazardous conditions.

§ 134-21. 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 subdivider shall show such areas on the plat in accordance with the requirements specified in Subsection B below and notify the Town Board. 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.
 - (1) The Planning Board shall require that the subdivider reserve sites of a character, extent, and location suitable for the development of a park, playground or other recreational purpose. For a major subdivision, each reservation shall be of an area equal to 5% of the total land within the subdivision, but in no case shall a reservation be less than two acres. The area to be preserved shall possess the suitable topography, general character, and adequate road access necessary for its recreational purposes.
 - (2) Where the Planning Board requires land to be set aside for parks, playgrounds, or other recreational purposes, the Board shall require that the site be graded, loamed and seeded and may require it to be fenced.
- C. Waiver of plat designation of area for parks and playgrounds.
 - (1) 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 purpose. The Board shall then require as a condition to approval of the plat a

payment to the Town of an amount as set forth in the Schedule of Fees.⁶ 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 Subsection B of this section.⁷

- (2) 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 is suitable for permanent park, playground or other recreational purposes, and is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies, and 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, provided that the Planning Board finds there is need for such improvements.
- D. Reserve strips prohibited. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.
- E. Preservation of natural features. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board.

ARTICLE V Documents to be Submitted

§ 134-22. Minor subdivision plat.

The following documents shall be submitted for approval:

- A. Five copies of the minor subdivision plat prepared at a scale of not more than 100 feet, but not less than 50 feet to the inch showing:
- (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) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

6. Editor's Note: The Schedule of Fees is on file in the Clerk's office.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) The Tax Map sheet, block and lot numbers, if available.
 - (4) All the utilities available, and all streets which are either proposed, mapped or built.
 - (5) The proposed pattern of lots (including lot width and depth) within the subdivided area.
 - (6) All existing restrictions on the use of the land including easements, covenants, or zoning lines.
 - (7) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the plat.
 - (8) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 - (9) Proposed subdivision name, name of the town and county in which it is located.
 - (10) The date, North point, map scale, name and address of record owner and subdivider.
- B. The plat to be filed with the County Clerk shall be printed upon linen or be clearly drawn on Mylar or its equivalent. The size of the sheet shall be 12 inches by 12 inches, or 12 inches by 24 inches.⁸

§ 134-23. Major subdivision preliminary plat and accompanying data.

- A. Five copies of the preliminary plat prepared at a scale of not more than 100 feet, but not less than 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 in the zoning district lines and/or the text of Chapter 155, Zoning, 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.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
 - (6) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction flow.
 - (7) Contours with intervals of five 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 two feet.
 - (8) The width and location of any streets or public ways or places shown on the Official Map or the 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.
 - (9) The approximate location and size of all proposed waterlines, valves, hydrants, and sewer lines, and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.
 - (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.
 - (11) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and subbase; the location of manholes, basins and underground conduits.
 - (12) Preliminary designs of any bridges or culverts which may be required.
 - (13) The proposed lot lines with approximate dimensions and area of each lot.
 - (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and shall provide satisfactory access to an existing public highway or public open space shown on the subdivision or the Official Map.
 - (15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract. The part of the

subdivider's entire holding submitted shall be considered in the light of the entire holdings.

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

§ 134-24. Major subdivision final plat and accompanying data.

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 plastic, or be clearly drawn on Mylar or its equivalent. The size of the sheet shall be 20 inches by 20 inches or 24 inches by 36 inches, including a margin for binding of two 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 the same scale required for the preliminary plat and oriented 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 legible. The plat will show:⁹
- (1) Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located; the name and address of record owner and subdivider; name, license number and seal of the licensed land surveyor.
 - (2) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.
 - (3) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 - (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.
 - (5) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof.
 - (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.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (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 plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
 - (9) All lot corner markers shall be permanently located satisfactorily to the Town Engineer at least 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, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

ARTICLE VI Variances and Waivers

§ 134-25. Variances due to extraordinary hardship.

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, Master Plan, or the Zoning Ordinance, if such exists.¹⁰

§ 134-26. Variances due to special circumstances.

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.

10. Editor's Note: See Ch. 155, Zoning.

§ 134-27. Conditions of variances to secure objectives of regulations.

In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

**ARTICLE VII
Enforcement****§ 134-28. Penalties for offenses.** ¹¹

The Town Board may provide by local law or ordinance for the enforcement of this article and of any local law, ordinance or regulation made thereunder. A violation of this article or of such local law, ordinance or regulation is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such local law, ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 134-29. Enforcement.

These regulations shall be enforced by the Code Enforcement Officer or designee.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).