

TOWN OF GROVELAND  
LAND SUBDIVISION FEE SCHEDULE

MINOR SUBDIVISION - \$50. plus \$10. for each lot.

MAJOR SUBDIVISION - \$100. plus \$10. for each lot.

The \$100. fee covers the administrative costs of the first hearing for preliminary plat approval and the first hearing for final plat approval. Any costs incurred if additional hearings are necessary will be paid by the applicant.

RECREATION FEE - \$100. per lot for major and minor subdivisions, before final subdivision approval or the applicant may sign a contract allowing fee payment at the time of each lot resale.

The fees are subject to annual review by the Planning Board.

Dated: July 26, 1993

TOWN OF GROVELAND  
LAND SUBDIVISION REGULATIONS

Adopted by Planning Board: October 24, 1988

Approved by Town Board: December 27, 1988

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## ARTICLE I

### DECLARATION OF POLICY

By the authority of the 1966 Zoning Ordinance Article III, Section 22, paragraph K of the Town of Groveland, adopted on October 19, 1966, and pursuant to the provisions of Article 16 of the Town Law of the state of New York, the Planning Board of the Town of Groveland 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.

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.

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; 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 fire fighting 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 shall be known as the "Town of Groveland Land Subdivision Regulations" having been adopted by the Planning Board on October 24, 1988 and approved by the Town Board on December 27, 1988.

## 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 three or more lots, blocks, or sites, with or without streets or highways and includes re-subdivision. Exemption: Any division of land, that is officially included within an Agricultural

District established pursuant to New York State Agricultural and Markets Law, into one or more parcels whereby each parcel includes an area of 25 acres or more and each parcel, after division, will remain in such an Agricultural District, is exempt from these subdivision regulations.

Minor Subdivision: Means any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities.

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

Preliminary Plat: Means a drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in Article V, 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.

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.

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

Planning Board or Board: Means the Planning Board of the Town.

Town Board: Means the legislative body 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 the Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

Town Engineer: Means the duly designated engineer of the Town or position assigned with similar duties.

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.

Undeveloped Plat: Means those Plats existing at the time of the enactment of this Ordinance, that have been filed in the Office of the County Clerk, where twenty percent (20%) or more of the lots within the Plat are unimproved.

### ARTICLE III

#### PROCEDURES IN FILING SUBDIVISION APPLICATION

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.

#### Section 1-Sketch Plan

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.

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

#### Section 2-Minor Subdivision

##### A. Application and Fee:

Any owner of land shall, prior to subdividing or re-subdividing a minor subdivision, submit an application for approval of a Subdivision Plat to the Secretary or Chairman of the Planning Board at least ten (10) days prior to the next regularly scheduled meeting of the Planning Board. The Plat shall conform to the requirements listed in Article V, Section 1-A.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee as determined by the Planning Board.

##### B. Number of Copies:

The subdivider shall submit five (5) 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. Public Hearing:

A public hearing shall be held by the Planning Board within forty five (45) days from the submission of the Subdivision Plat for approval. Said hearing shall be advertised at least twice in



the Town's legal newspaper at least five (5) days before, but not more than twenty-five (25) days before such hearing.

E. Action On Subdivision Plat:

The Planning Board shall, within forty five (45) days from the date of the public hearing, conditionally approve, disapprove or grant final approval and authorize the signing of such Plat. Grounds for refusal or conditions shall be stated upon the record of the Planning Board.

Section 3-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 consideration of a Preliminary Plat of the proposed subdivision, in the form described in Article V, section 2. 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 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

The application for review of the Preliminary Plat shall be accompanied by a fee as determined by the Planning Board to cover administrative and inspection costs.

B. Number of Copies:

Five (5) copies of the Preliminary Plat shall be presented to the Secretary or Chairman of the Planning Board at least ten (10) days prior to a regularly scheduled meeting of the Board.

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 not subdivided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations, if such exist.

E. Public Hearing:

Within forty-five (45) days after the receipt of the Preliminary Plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing. The public hearing shall be advertised at least twice in the Town's legal newspaper at least five (5) days before, but not more than twenty-five (25) days before such hearing.

F. Action on Preliminary Plat:

Within forty five (45) days after the date of the public hearing, the Planning Board shall approve with or without modification or disapprove such Preliminary Plat. Grounds for a modification, if any, or the grounds for disapproval shall be stated upon the record of the Planning Board. When 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 Secretary or Chairman of the Planning Board as granted preliminary approval and a copy filed in his office and a certified copy mailed to the owner.

Section 4-Final Plat for Major Subdivision

A. Application and Fee:

Within six (6) 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 determined by the Planning Board. If the final Plat is not submitted within six (6) 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 or Chairman of the Board with a copy of the application and three (3) copies (one on mylar) of the Plat, plus the original and one (1) true copy of all offers of cession, covenants, and agreements and two (2) prints of all construction drawings. These documents shall be submitted at least ten (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. Public Hearing:

Within forty-five (45) days of the submission of a Plat in final form the Planning Board shall hold a public hearing which shall be advertised at least twice in the Town's legal newspaper at least five (5) days prior to, but not more than twenty-five (25) days before the date of such hearing. The Planning Board may, however, waive the requirement for such public hearing if the Board deems the Final Plat to be in substantial agreement with the Preliminary Plat and any recommended requirements.

E. Action on Proposed Subdivision Plat:

The Planning Board shall, by resolution, conditionally approve, conditionally approve with modifications, disapprove, or grant final approval of the Subdivision Plat. The action shall be taken within forty five (45) days of its receipt by the Chairman 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. If the Plat is conditionally approved the Secretary or Chairman of the Planning Board shall, within five (5) days of such action, mail a certified copy to the owner, including a certified statement of such requirements which when completed will authorize the signing of the final Plat. The Subdivision Plat shall not be signed for recording until the subdivider has complied with the provisions of Section 5 of this Land Subdivision Regulation.

Section 5-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, as well as sub-paragraph 3:

(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 requirements of Section 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 (1) year (or other period as the Planning Board may determine

appropriate, not to exceed three [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 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 sub-paragraph (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 sub-paragraph (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 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 (5) 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.

E. Town Engineer Expenses:

Initial routine reviews, inspections, and approvals by Town Engineer will be at the Town's expense. Any subsequent reviews, inspections, or approvals by the Town Engineer will be at the Subdivider's expense.

Section 6-Filing of Approved Subdivision Plat

A. Final Approval and Filing:

Upon completion of the requirements in Sections 4 and 5 above and notation to that effect upon the Subdivision Plat, the Plat 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 thirty (30) days of the date upon which such Plat is approved or considered approved by reason 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 7-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 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

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.

### Section 1-General

#### 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 or other menace, and in accordance with Local Law No. 1 of 1987 concerning flooding, or any other applicable Local Law.

#### 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. All utilities shall be underground.

D. All required approvals and/or permits from other governmental units or agencies, including compliance with SEQRA where required, shall be obtained prior to final approval by the Planning Board

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, and to allow for 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 Re-Subdivision:

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 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 20-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 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 20-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 4-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, each 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.

Section 3-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.)

	<u>Minimum Right-of-way</u>	<u>Minimum Pavement</u>
Major Streets	66 Feet	24 Feet
Collector Streets	60 Feet	24 Feet
Local Streets	50 Feet	22 Feet

B. Improvements:

Streets shall be graded and improved with pavements, curbs, gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights 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. A dry fire hydrant system may be required if appropriate.

(2) 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 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 one half ( $\frac{1}{2}$ ), nor more than 6 percent for major collector streets, or 10 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection.

F. Changes in Grade:

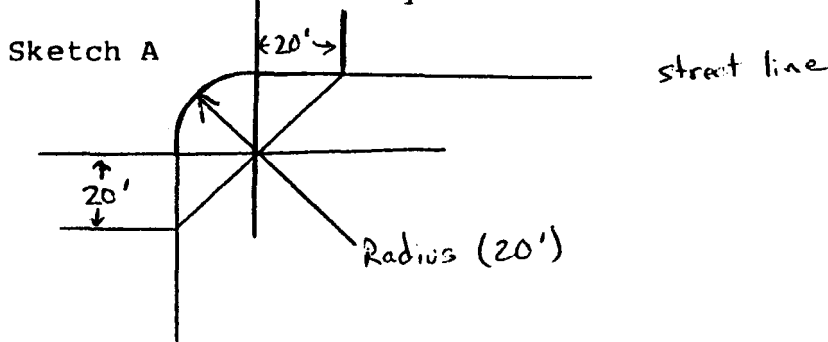
All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

G. Curve Radii at Street Intersections:

All streets 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 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 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:

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 a storm water 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 degrees 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 or industrial use.

M. Free Flow of Vehicular Traffic Abutting Commercial or Industrial Developments:

In front of areas zoned and designated for commercial or industrial use, or where a change of zoning to a zone which permits commercial or industrial 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, a street that is continuous shall retain the same name (such as a loop street).

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. 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 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.

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 runoff 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 runoff from a "ten year" storm under conditions of total potential development permitted by the Zoning Ordinance 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 (5) 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.

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 subdivider shall show such areas on the Plat in accordance with the requirements specified in paragraph (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:

The Planning Board may 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 should be of an area equal to 5 percent of the total land within the subdivision. The area to be preserved shall possess the suitable

topography, general character, and adequate road access necessary for its recreational purposes.

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:

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 can not be properly located therein, or, if in 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 payment to the Town of an appropriate fee per lot. 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.

Such amount shall be paid to the Town within thirty (30) days of final Plat approval. 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 lays, 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 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 8 inches or more as measured 3 feet above the base of the trunk should be unnecessarily removed unless such tree is within

the right-of-way of a street shown on the final Subdivision Plat. Removal of such trees shall be subject to the approval of the Planning Board. The Planning Board may also restrict removal of additional trees.

## ARTICLE V

### DOCUMENTS TO BE SUBMITTED

#### Section 1-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 One Hundred (100) Feet, But Not Less Than Fifty (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.
  - (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.
- (11) The Plat to be filed with the county clerk shall be printed upon Mylar. The size of the sheet shall be 12 inches by 12 inches, or 12 inches by 24 inches.

Section 2-Major Subdivision Preliminary Plat and Accompanying Data

- A. Five Copies of the Preliminary Plat Prepared at a Scale of Not More Than One Hundred (100) Feet, But 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 in 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, watercourses, 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) The 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 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 water lines, 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, street lighting 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 easement 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.
- (16) 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.

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

Section 3-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 Mylar. 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:

- (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, pedestrian ways, 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 not ceded 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 specifications 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 three quarter (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.
- (11) 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 subbase, manholes, catch-basins and other facilities.

## ARTICLE VI

### VARIANCES AND WAIVERS

#### Section 1

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.

## Section 2

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.

## Section 3.

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, VIOLATION AND PENALTIES

#### Section 1-Violation and Penalty

Pursuant to Section 268, Article 16 of the Town Law, a violation of these regulations is declared to be a misdemeanor and is punishable by a fine not exceeding Fifty Dollars (\$50) or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate additional violation.

#### Section 2-Enforcement

These regulations shall be enforced by the Building Inspector or Zoning Enforcement Officer of the town.

## ARTICLE VIII

### SEVERABILITY

#### 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.