MODEL

SUBDIVISION LAW

FOR TOWNS

Information Current as of September 2009

NYS TUG HILL COMMISSION - Technical Assistance Service
Dulles State Office Building
317 Washington Street
Watertown, New York 13601-3782
315-785-2380/2570 or 1-888-785-2380
Fax: 315-785-2574
www.tughill.org

ARTICLE 1. INTRODUCTION

Section 105. Title

This law shall be known and may be cited as the "Town of _____ Subdivision Law."

Section 110. Purpose

This law has been enacted for the purpose of providing for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

Section 115. Authority

By the authority of Article 2 and 3 of Municipal Home Rule Law and Article 16 of the Town Law of the State of New York, the Planning Board of the Town of _____ is authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, and to approve the development of plats entirely or partially undeveloped, which were filed in the office of the county clerk prior to the appointment of the planning board and the grant to the planning board of the power to approve plats.

Section 120. Previous Regulations

This law shall replace and supersede the prior existing subdivision law.

Section 125. Definitions

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

Cluster Development: A form of development for subdivisions that permits a reduction in lot area requirements for some or all lots in a tract, provided there is no increase in the number of lots permitted under a conventional subdivision, and where the resultant land is either 1) devoted to permanent open space, or 2) is permanently combined with the remainder of the lots, where only some of the lots are reduced in area.

Easement: An authorization by a property owner for the use of any designated part of a property by another, and for a specific purpose.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be developed or built upon as a unit.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Parcel: Any area of land established by plat, subdivision, or as otherwise permitted by law, regardless of whether it is defined as a "lot" or whether it is to be developed or built upon as a unit.

Planning Board: The Town of _____ Planning Board.

Plat: A map of a subdivision.

Plot Plan: A surveyor's plat constructed from deed descriptions and actual physical building or improvement measurements.

Reallotment: The relocation of lot lines of any lot or parcel, the deed to which was previously recorded in the office of the county clerk; but not including conveyances made so as to combine existing lots by deed or other instrument.

Resubdivision: The further division of lots or parcels.

Road, Private: Any driveway, right-of-way, or vehicular access which is not intended to be used by the public.

Road, Public: Any vehicular way which is: 1) an existing state, county or town roadway; 2) shown upon a plat approved pursuant to law as a public road; 3) approved by other official action; or 4) shown as a public road on a plat duly filed in the office of the county clerk prior to the grant of plat approval authority to the planning board. A *public road* includes the land within the right-of-way, whether improved or unimproved.

Subdivider: Any person, firm, corporation, partnership or association, or their agent, 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 into two or more lots or parcels, including any remainder of the original parcel, with or without roads, and including reallotment and resubdivision.

Subdivision, Major: A subdivision not classified as a minor subdivision.

Subdivision, Minor: A subdivision containing two to five lots or parcels, and not involving 1) the creation of any new public road, 2) the dedication of lands or facilities to the public, 3) the extension of municipal facilities or other structural public improvements other than minor drainage facilities, or 4) the set-aside of open space through cluster development.

Town Board: The Town Board of the Town of _____.

Undeveloped Plat: A plat where 20 percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

Zoning Law: Zoning Law of the Town of _____ adopted by Local Law No. __ of 20__, as subsequently amended.

Section 130. Preapplication Conference

All potential subdividers are encouraged to meet with the planning board prior to the submission of a formal application for a subdivision approval. Such a meeting may be used to expedite the review process by allowing the planning board and the applicant to be advised of the following: 1) the potential classification of the subdivision as minor or major, 2) the requirements under the State Environmental Quality Review Act, 3) the possible involvement of other government agencies in the review process, 4) the determination of wetlands and floodplains, and 5) the need for referral to the county planning board pursuant to General Municipal Law Section 239-n.

Section 135. Procedural Waiver

The planning board may waive the application and review procedure as provided for in this law if the planning board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the following findings:

1. The proposed subdivision does not involve the creation of more than _____ lots.
2. The applicant has provided evidence acceptable to the planning board that all proposed lots conform to the requirements of the zoning law. Such evidence may consist of proposed deeds, plot plans or surveys of the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the planning board with evidence sufficient to make a determination.

3. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617.

Section 140. Subdivision Process

Proposed subdivisions shall be determined by the planning board to be either minor or major as defined in this law, and shall follow the procedures as summarized below:

Minor subdivision shall follow the procedures of Article 2 of this law, summarized as follows:

1. Submission of application for final plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on final plat.
5. Filing of plat in office of county clerk by subdivider.

Major subdivisions shall follow the procedures of Article 3 of this law, summarized as follows:

1. Submission of application for preliminary plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on preliminary plat.
5. Submission of application for final plat approval.
6. Planning board review.
7. Public hearing (optional).
8. Planning board action on final plat.
9. Filing of plat in office of county clerk by subdivider.

Section 145. Fees

Fees for subdivision reviews shall be as established in the Town of _____ Fee Schedule, adopted on _____ 20__, as subsequently amended.

Section 150. Waiver of Required Improvements

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, provided that such waiver will not have the effect of nullifying the intent and purpose of the zoning law. In granting waivers, the planning board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Section 155. Separability

If any clause, sentence, subsection, section, or article of this law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, section, or article thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 160. Violations and Penalties

1. Any violation of this law is 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 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 $750 nor more than $1000 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 law 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.

2. The town board may institute any appropriate action or proceedings to prevent unlawful division of land, to restrain, correct or abate any violation of this law, or to prevent the use or occupancy of said land; and upon the refusal of the town board to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the zoning district wherein the violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such town board is authorized to do.

Section 165. Effective Date

This law shall take effect upon filing in the Office of the Secretary of State and upon filing in the Office of the Town Clerk.

ARTICLE 2. MINOR SUBDIVISION REVIEW PROCEDURE

Section 205. Submission of Application

Applications and fees shall be submitted to the planning board at least ten days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article 4 of this law.

Section 210. Acceptance of Completed Application--Official Submission Date

The application shall not be considered complete until 1) all information as required in Article 4 of this law is provided, and 2) either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of 6 NYCRR Part 617. Upon acceptance of a completed application, the planning board shall establish the official submission date of the application.

Section 215. Agricultural Data Statement

The planning board shall mail written notice of the application to land owners as required by Town Law Section 283-a for any subdivision on property in an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation within an agricultural district. Such notice shall be mailed to any farm operation within an agricultural district which is within 500 feet of the proposed subdivision.

Section 220. Referral to County Planning Board

The planning board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-n to the county planning board. This shall include any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; a state or county highway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

Section 225. Area Variance

In order to expedite the review process, where the application shows lots which are not in compliance with the zoning law, the planning board may, at its discretion and upon agreement with the applicant, stay the review process and refer the application to the zoning board of appeals for the consideration of an area variance review without the necessity of disapproving the application and requiring its resubmission.

Section 230. Public Hearing

Following the review of the application and supplementary material submitted in conformance with this law, and following negotiations with the subdivider on changes deemed advisable, the planning board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of the State Environmental Quality Review Act for the draft environmental impact statement, where such hearing may be required. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing. Notice shall be given to the municipal clerk of any municipality bordering the town and within 500 feet of the project within ten days of the hearing. The hearing shall be closed within 120 days after it has been opened.

Section 235. Action on Application

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 240 below), or 3) disapprove the application. Such action shall be taken within 62 days of the close of the public hearing. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. A certified copy of any resolution granting conditional or final approval shall be filed with the board, with the town clerk, and mailed to the applicant within five business days of the action. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

Section 240. Conditional Approval of Application

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 245. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 8 (zoning modifications) of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town zoning law or map.

Section 250. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the board may authorize such modifications, provided these modifications are within the spirit and intent of the board's approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be entered into the record of the board.

ARTICLE 3. MAJOR SUBDIVISION PROCEDURE

Section 305. Preliminary Plat Procedure

The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in Sections 205 through 230 of this law, and shall then continue with the provisions of this Article as follows.

Section 310. Preliminary Action

Within 62 days of the close of the public hearing, the planning board shall approve, with or without modifications, or disapprove the preliminary application and state its reasons for disapproval. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. Within five days of approval, the action of the planning board shall be noted on three copies of the preliminary plat and reference made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by the planning board.

Section 315. Effect of Approval

Approval of a preliminary application shall not constitute approval of the final application, but shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider shall comply with this law and all requirements set forth by the planning board in their review of the preliminary plat.

Section 320. Application--Final Plat

All major subdivisions shall require final application approval by the planning board. If the final application is not submitted for approval within six months of preliminary application approval, the planning board may revoke the preliminary application approval. The subdivider shall file an application with appropriate fees for final application approval, accompanied by documentation as specified in Article 4 of this law, with the planning board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the planning board.

Section 325. Official Submission Date

The planning board shall establish an official submission date for the major subdivision final application. Such date shall be the date that the planning board determines the application to be complete, including all information required in Article 4 of this law.

Section 335. Public Hearing

A public hearing may be held by the planning board after a complete application is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. Notice shall be given to the municipal clerk of any municipality bordering the town and within 500 feet of the project within ten days of the hearing. The hearing shall be closed within 120 days after it has been opened. The public hearing may be waived by the planning board if the final application is in substantial agreement with the preliminary application. If the final application is not in substantial agreement with the approved preliminary application, then the public hearing shall be conducted.

Section 340. Guarantees for Required Improvements

In order that the town has the assurance that construction and installation of public improvements will be guaranteed, the applicant shall either 1) construct all improvements as required by this law, and by the planning board, prior to final approval of the application, or 2) furnish guarantee as provided in Town Law Section 277 and Article 8 of this law.

Section 345. Action on Application

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 350 below), or 3) disapprove the application; within 62 days of the close of the public hearing. If the public hearing has been waived, the planning board shall act within 62 days of the final application official submission date. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. A certified copy of any resolution

granting conditional or final approval shall be filed with the board, with the town clerk, and mailed to the applicant within five business days of the action. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application. Within 30 days of final action on any matter referred to the county planning board pursuant to Section 220 of this law, the planning board shall file a report of the final action it has taken with the county planning board.

Section 350. Conditional Approval

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 355. Approval of Plats in Sections

Prior to granting conditional or final approval of a plat in final form, the planning board may permit the plat to be divided into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the planning board chairman. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the planning board, may be granted concurrently with conditional or final approval of the entire plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, the entire approved plat shall be filed within 30 days of the filing of such section with the town clerk. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed in the office of the county clerk within three years of the filing of the first section with the county clerk.

Section 360. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 7 (Cluster Development) of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town zoning law or map.

Section 365. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the board may authorize such modifications, provided these modifications are within the spirit and intent of the board's approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be entered into the record of the board.

Section 370. Public Acceptance of Improvements

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 road, park, playground, recreation area, easement, public utility, or any other improvement. The plat shall 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 costs of developing and maintaining any such improvements.

ARTICLE 4. DOCUMENTS TO BE SUBMITTED

Section 400. General

Minor subdivisions must comply with sections 410 and 420 below.
Preliminary applications for major subdivisions must comply with sections 410, 430 and 440 below.
Final applications for major subdivisions must comply with sections 450 and 460 below.

Section 410. Application Requirements for All Subdivisions

All applications for minor subdivisions and preliminary plats for major subdivisions shall include the following:

1. _____ copies of the application form.
2. A nonrefundable application fee.
3. A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
4. _____ copies of the plat prepared at a scale of not more than 100 feet to the inch.
5. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
6. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

Section 420. Minor Subdivision Plat Requirements

All minor subdivision plats shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
3. The locations of all zoning front, side and rear yard lines; zoning district lines and the names of all applicable zones; floodplains; wetlands; and easements.
4. The words “final plat.”
5. Any other specifications required by the planning board.

Section 430. Preliminary Plat--Major Subdivision Application Requirements

Preliminary plat applications for major subdivisions shall contain the following:

1. All items specified in Section 410 above.
2. If the application is for a subdivision in sections, covering only a part of the subdivider's entire holding, a map of the entire subdivision, drawn at a scale of not less than 300 feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the subdivision and the probable future drainage layout of the entire subdivision shall be submitted. The section submitted shall be considered in the context of the entire subdivision.

Section 440. Preliminary Plat--Major Subdivision Plat Requirements

The preliminary plat for major subdivisions shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.

3. The locations of all zoning front, side and rear yard lines, zoning district lines and the names of all applicable zones.
4. The parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. The location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, floodplains, and other significant existing features for the proposed subdivision and adjacent property.
6. The location of existing wells, on-site sewage disposal systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of five feet or less, or as required by the planning board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than 2 feet.
8. The width and location of any roads or public ways or places shown on the comprehensive plan, within the area to be subdivided, and the width, location, grades and road profiles of all roads 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; and connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
10. A storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and connection to existing lines or alternate means of disposal.
11. Plans and cross-sections of the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
12. Preliminary designs of any bridges or culverts which may be required.
13. The words “preliminary plat.”
14. Any other specifications required by the planning board.

Section 450. Final Plat--Major Subdivision Application Requirements

Final plat applications for major subdivisions shall contain the following:

1. _____ copies of the application form.
2. A nonrefundable application fee.
3. Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made therefor.
4. Offers of cession and covenants governing the maintenance of unceded open space, bearing the certificate of approval of the town attorney as to their legal sufficiency.
5. A map indicating the location of monuments marking all underground utilities as actually installed.
6. _____ copies of the plat prepared at a scale of not more than 100 feet to the inch.

Section 460. Final Plat--Major Subdivision Plat Requirements

The final plat shall be prepared and drawn in conformity with Appendix A of this law and show:

1. Sufficient data from an actual field survey to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground.
2. The length and bearing of all straight lines; the radii, length, central angles and cord bearings for road curves; the dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
3. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
4. The locations of all zoning front, side and rear yard lines; zoning district lines and the names of all applicable zones; floodplains; wetlands; and easements.
5. Public open spaces for which deeds are included, and those spaces title to which is reserved by the developer.
6. Lots and blocks numbered and lettered in accordance with the prevailing town practice.

7. Permanent reference monuments.
8. The words “final plat.”
9. Any other specifications required by the planning board.

Section 470. Waiver of Submission Requirements

The planning board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

ARTICLE 5. GENERAL DESIGN STANDARDS

Section 505. General

Land to be subdivided shall be of such character that it can be used safely for development without danger to public health or safety; the subdivision plan shall be in harmony with the comprehensive plan for the community; and all required improvements shall be constructed and installed in conformance with town specifications.

Section 510. Future Resubdivision

Where land is subdivided into lots substantially larger than the minimum size required in the zoning district in which the subdivision is located, the lots and roads shall be laid out so as to permit future resubdivision in accordance with the requirements contained in this law.

Section 515. Approval of Substandard Parcels

All parcels shall comply with the provisions of the zoning law, except that the planning board may, in unique circumstances, approve parcels which are substandard in terms of size or dimension in the following circumstances:

1. for road or access rights-of-ways,
2. where the parcel is intended to be used permanently for nonstructural recreational purposes,
3. where land is intended to be conveyed to an adjacent landowner for purposes of combination with an adjacent parcel,
4. where the land is intended to be left permanently undeveloped, or
5. where land is to be used for essential facilities as defined by the zoning law.

Section 520. Lot Arrangement

1. The lot arrangement shall be such that in constructing a building in compliance with the zoning law there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.

2. All lot dimensions and areas shall conform to the requirements of the zoning law, except where such requirements have been modified pursuant to Article 8 (Cluster Development) of this law.

3. Lots fronting on two roads, other than corner lots, shall be avoided.

4. Corner lots shall have sufficient width to allow appropriate building setbacks from, and orientation to, all abutting roads.

5. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be avoided.

6. Side lot lines shall be approximately at right angles to straight roads or radial to curved roads. Lot lines shall generally not joint at less than a 75 degree angle or greater than a 105 degree angle. Lot lines shall be straight on large lots, except where the topography of the site would make this impractical.

7. Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for such on-site sanitary disposal systems as are required by the New York State and County Health Department.

Section 525. Lot Access

1. Each lot shall directly abut a public or approved private road meeting the requirements of this law, as required by Town Law Section 280-a. This abutment shall include at least 15 feet of road frontage suitable for access by emergency vehicles. Easements may be considered for access.

2. All lots shall be designed so as to allow for safe access.

3. All lots shall be designed so as to allow for the construction of driveways within the road right-of-way not exceeding a 10 percent grade.

4. Where a watercourse separates a road from abutting lots, provision shall be made for access to all lots by means of culverts or other structures.

5. At least one 50 foot right-of-way shall be reserved at a location suitable to the planning board, allowing access to land behind road frontage lots.

6. 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.

Section 530. Monuments

Permanent monuments shall be set at the subdivision boundaries at all corners, and at such other points as required by the planning board. Such monuments shall be of either iron rods or pipes, or concrete.

Section 535. Water Supply and Sewage Disposal

All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State and County Health Department.

Section 540. Preservation of Natural Features

Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings. Existing vegetation should be conserved by the subdivider where possible. Care shall be exercised in construction so as to avoid damage to existing trees and shrubs. Streams, lakes, ponds, and wetlands shall be left unaltered unless such alteration would serve to enhance the utility and quality of the subdivision. Easements along water courses as a part of a comprehensive recreational and open space plan for the development are encouraged. Unique physical, historical, and cultural sites which add value to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets shall be preserved where possible.

Section 545. Park and Recreation Areas

Upon a finding by the planning board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the planning board may require that the developer satisfactorily develop any such area shown on the plat. Any such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to

which the particular subdivision will contribute. Upon such finding, the planning board shall require that not more than 10% of the total area of the subdivision be allocated for park or recreational use. Such area may be dedicated to the town by the subdivider if the town board approves such dedication. Alternatively, park or recreational space may be conveyed to a homeowners association for control and joint private ownership and maintenance.

Section 550. Storm Water Management

No stormwater shall be caused to be discharged upon neighboring properties, across public sidewalks or into public streets. Surface water drainage facilities shall be designed to handle all on-site runoff (ten-year-storm frequency as the minimum design criteria), and the discharge into public storm sewers shall be at a rate which can be adequately handled by existing storm sewers and drainageways. Where storm sewers do not exist, the planning board may approve alternative means of discharging stormwater upon approval of a stormwater management plan, where such alternative adequately protects the public health, safety and welfare.

Section 555. Development in Floodplains

All subdivisions shall comply with the provisions of the Town of _____ Flood Damage Prevention Law, Local Law No. ___ of 20___, as subsequently amended.

Section 560. Steep Slopes

Development of steep slope sites of over 15% grade will be conditionally accepted only if there is no prudent or feasible alternative site, erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by the U.S. Natural Resource Conservation Service.

ARTICLE 6. ROAD STANDARDS

Section 605. General

Public roads shall be of sufficient width, suitably located, and adequately constructed to conform to the comprehensive plan, and to accommodate the prospective traffic and afford access for fire fighting, snow removal, school buses, and road maintenance equipment. The arrangement of roads shall be in harmony with surrounding areas and adjoining properties, and shall be coordinated so as to compose a convenient system. Public roads shall be graded and improved in accordance with the town road specifications. Storm drainage facilities, water mains, sewers, lights, signs, trees and fire hydrants shall be provided as required.

Section 610. Road Grades

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads. Road grades shall conform as closely as possible to the original topography, and shall not be greater than ten percent. No grade shall be more than three percent within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of length and radius such that clear visibility shall be provided for a safe distance. A combination of steep grades and curves shall be avoided.

Section 620. Road Connections to Adjacent Properties

The arrangement of roads shall provide for the continuation of principal roads of adjoining subdivisions, and for the proper projection of principal roads 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. Stub roads providing access to parcels adjacent to the subdivision may be required. Turnarounds may not be required for stub roads which do not provide access to dwellings within the subdivision.

Section 625. Dead-end Roads

1. The creation of dead-end roads may be allowed whenever such type of development will not interfere with normal traffic circulation in the area.

2. A 20 foot wide easement may be required to provide for the continuation of pedestrian traffic and utilities to the next road or public property.

3. Roads designed to be permanently dead-ended shall not generally exceed 800 feet in length or 20 dwelling units. Such roads shall be terminated in a circular turn-around having a minimum right-of-way radius of 75 feet and a pavement radius of 50 feet.

4. Roads designed to be dead-ended shall have a "No Outlet" or "Dead End" sign at the entrance.

Section 630. Intersections

1. In general, all roads shall join each other so that for a distance of at least 100 feet the road is approximately at right angles to the road it joins. Roads shall not intersect at angles of less than 60 degrees.

2. Intersections of minor roads with collector or major roads shall, in general, be at least 500 feet apart.

3. Road jogs with centerline offsets of less than 125 feet shall be avoided.

4. All road rights-of-ways at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

5. All corner lots shall be cleared of all growth and other obstructions, except for isolated trees, a level of three feet or higher above the centerline of the road, so as to achieve safe visibility for traffic entering the intersection.

6. No intersection of more than two roads is allowed.

Section 635. Curve Radii

In general, road lines shall be connected with a curve, the radius of which for the centerline of road shall not be less than 200 feet on collector roads, and 100 feet on minor roads.

Section 640. Partial Roads

Partial roads of less than full width are prohibited

Section 645. Road Names

All roads shall be named and the names placed on the plat. Road names shall not be numbers or letters. Road names shall be selected so as not to be confused in sound or spelling with existing or platted road names. Roads that join or align with roads of an abutting or neighboring property shall bear the same name. Signs bearing road names shall be erected by the subdivider at all intersections.

Section 650. Treatment Along Major Highways

In order to minimize driveway entrances onto major highways, the planning board may require marginal access roads parallel to major highways, or reverse frontage lots. Marginal access roads shall be separated from major highways by a distance which allows for an appropriate use of the intervening land. Where reverse frontage lots are

required, an access control easement of up to ten feet in width may be required along major highways, sufficient to prohibit access to the highway from rear yards.

Section 655. Underground Utilities

Underground utilities shall be placed, wherever possible, in the road right-of-way between the paved roadway and the road line to simplify location and repair of utilities. Underground service connections shall be installed to the lot line of each lot for all required utilities prior to road pavement. Where topography is such as to make impractical the inclusion of underground utilities within the road right-of-way, perpetual unobstructed easements at least 15 feet wide shall be provided with satisfactory access to the road. Such easements shall be cleared and graded where required.

ARTICLE 7. CLUSTER DEVELOPMENT

Section 710. Authority

The planning board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the zoning law as allowed by this Article, simultaneously with the approval of any subdivision application within the town.

Section 720. Applicable Provisions

The planning board may consider, or require, applications for major subdivisions which include the following deviations from the zoning law for any one of the following purposes:

1. to eliminate side and rear yard requirements to allow for innovative attached housing types;
2. to reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
3. to reduce road frontages to allow cul-de-sacs;
4. to reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

Section 730. General Criteria for Cluster Development

The planning board may allow, or require, cluster development when the proposed development:

1. will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law;
2. complies with all applicable provisions of the zoning law, except as modified pursuant to the authority of this law;
3. will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
4. will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
5. will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Section 740. Required Clustering

Cluster development may be required by the planning board to meet any one of the following objectives:

1. The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the comprehensive plan for the community;

2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the comprehensive plan for the community;
3. The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

Section 750. Determination of Overall Development Density

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the planning board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the sketch plat shall be buildable lots. The planning board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

Section 760. Approval of Cluster Open Space

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the planning board.

Section 770. Use of Cluster Open Space

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the planning board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

Section 780. Undedicated Cluster Open Space

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning board; and any other specifications deemed necessary by the planning board.

ARTICLE 8. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 805. Required Public Improvements

All public improvements required pursuant to this law shall be constructed and completed to the standards required by state and local laws, rules, and regulations. Applicants for subdivision plats shall provide the town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public required improvements.

Section 810. Time Limit on Installation of Improvements

The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this article shall be completed within one year from the date of the approval of the subdivision plat. Road improvements shall be completed within two years from the date of approval of the subdivision plat. At the end of such time, if the required public improvements are not completed and accepted by the town, the town may use as

much of the financial security required by this article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

Section 815. Extension of Time Limit

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

Section 820. Inspections of Improvements

At least five days prior to commencing construction of required public improvements the applicant shall pay to the town clerk the inspection fee required by the municipality and shall notify the town board or an official designated by the town board in writing of the time when the construction of such improvements will be commenced so that the town board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the planning board.

Section 825. Financial Security Options

Acceptable financial security shall be provided to the town in the form of a bond executed by a surety company, a certified check, or an irrevocable letter of credit drawn in favor of the town. Any such financial security shall be presented to the town clerk in an amount equal to the cost of construction of the public improvements required by the planning board pursuant to this law.

Section 830. Review of Proposed Financial Security

All required public improvements shall be shown on subdivision plats and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the town board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The town board and the town attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 835. Schedule of Improvements

When a guarantee agreement has been approved by the town board and the required surety bond, certified check, or letter of credit has been received by the town clerk, the town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 840. Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the town fiscal officer. If the statement is approved by the town fiscal officer, the statement shall be forwarded promptly to the town clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the town clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

Section 845. Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the planning board and the town board that all required public improvements have been completed in accordance with all applicable requirements, the town board may act by resolution to accept the public improvements.

Section 850. Maintenance Guarantee Required

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten percent of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section 825 above, but no maintenance bond shall be for less than $5,000 face value. All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two years therefrom or for two years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

Appendix A
Town of _____ Subdivision Law

I. **PURPOSE:** The purpose of this appendix is to set forth the plat requirements for both minor and major subdivisions, and shall be provided by the subdivider to the surveyor performing the work.

II. **PLAT REQUIREMENTS:** The plat shall contain the following information:

A. A ***title block*** containing subdivision name, name of town and county, date (different for each revision), scale, surveyor's name/company.

B. A ***certification block*** with the following statement:

> As owner I hereby certify that I have caused the land described by this plat to be surveyed, divided, mapped, dedicated, and access rights reserved as represented on the plat.
>
> _____ _____
> *Date* *Owner Signature*

C. A ***stamp or seal*** from the surveyor (and engineer if appropriate) showing license number.

D. The following ***statement*** for signature by the planning board chairman:

Plat Approved: _____
Town of _____ Planning Board Chairman *Dated*

E. ***Notes*** containing any covenant and deed restrictions.

F. The plat itself should cover all of the land being subdivided, at a scale of not more than 100 feet per inch and not less than 50 feet per inch, including any residual land retained by the owner, and shall include the following:

1. The name of all subdivisions and owners of record for lots immediately adjacent to the parcel being subdivided.

2. The following boundaries, if they exist, in the area adjacent to the subdivision or on the parcel: zoning boundaries, municipal boundaries, flood hazard areas, wetlands, property boundaries, easements, rights-of-way.

3. Parcels to be dedicated to public use and conditions.

4. Buildings, water courses, wells, septic systems and sewer lines, wooded areas, and other significant features on the parcel and adjacent parcels.

5. Contour intervals of five feet (or two feet when required by the planning board).

6. Width and location of streets and roads, and shall indicate the names of all existing and proposed streets and roads.

7. Location of all proposed facilities.

8. Storm drainage, culverts (with sizes indicated) and arrows indicating direction of flow.

9. Details such as cross-sections, plans, drains, etc.

10. Lot lines of all proposed lots, including bearings, distances, corners, and monuments (with descriptions).

11. Area of each lot (not to include area inside public rights-of-way).

12. North point prominently indicated on the plat and oriented to coincide with the locator map.

G. ***Additional Markings Required to be Displayed on the Plat***. One or more may be selected as determined by the planning board.

1. WETLANDS RESTRICTIONS APPLY
Lot(s) _____ subject to any development, housing, building and use restrictions under Article 24, State of New York Environmental Conservation Law.

2. FLOODPLAIN RESTRICTIONS APPLY
Lot(s) _____ subject to any development, housing, building and use restrictions under National Flood Insurance Program.

3. SUBDIVISION RESTRICTIONS APPLY
Further Subdivision of Lot(s) _____ prohibited as an agreed-on condition for approval of this plat.

4. BUILDING RESTRICTIONS APPLY
Lot(s) _____ subject to building restrictions as an agreed-on condition for approval of this plat. Restriction is as follows:

5. WATER SUPPLY/SANITATION CERTIFICATION
All sanitation and water supply facilities are designed to meet the minimum specifications of the County Department of Health.

Licensed Engineer Name _____
License Number _____
Date _____

6. CERTIFICATION OF MONUMENTATION
Surveyor certifies that monuments have been set as shown on the plat.

H. ***Special Marking Required***. Refer to Section _____ of the Subdivision Law.

Where applicable, a note, duly acknowledged by signature of the subdivider, stating:

Approval of this plat does not constitute town acceptance of the indicated, stated, or referenced improvements.

_____

Owner *Date*

I. ***Locator Maps***: One or more locator maps shall be included on the plat to clearly locate the subdivision of interest. As a minimum, the Town of _____ map shall be used in all cases (see

example in Figure 1). If additional detail is required, then a secondary locator map may be required (see example in Figure 2).

J. ***Conflicts of Requirements***: If conflicts between this appendix and the primary subdivision law occur, the planning board shall be contacted for resolution.

K. ***Waiver of Plat Requirements***: The planning board may waive any of the requirements in this appendix in the event that the information is not applicable or necessary.

EXAMPLES OF LOCATOR MAPS

Figure 1. Town Locator Map

Figure 2. Detailed Locator Map
(supplement to Figure 1, if required)