

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 12 2002

~~COUNTY~~  
~~CITY~~ of Stark, County of Herkimer  
~~Town~~  
~~Village~~

Local Law No. 1 of the year 2002

MISCELLANEOUS  
& STATE RECORDS

23 pages

A local law Subdivision Regulations  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~COUNTY~~  
~~CITY~~ of Stark as follows:  
~~Town~~  
~~Village~~

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2002 of the ~~(County)~~(City)(Town)(Village) of Stark \_\_\_\_\_ was duly passed by the ~~Town Board~~ \_\_\_\_\_ on December 3, 2002, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1), above.

Alma Rogers  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: December 10, 2002

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Herkimer

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]  
Signature

Town Attorney  
Title

~~XXXXXX~~  
~~XXXXXX~~ of Stark  
Town  
~~XXXXXX~~  
Village

Date: December 10, 2002

**SUBDIVISION REGULATIONS**

**TOWN OF STARK**

**HERKIMER COUNTY  
NEW YORK**

**DRAFT**

FOR DISCUSSION PURPOSES ONLY

June 29, 2000  
Revised August 7, 2001

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## **SECTION I: ENACTMENT, AUTHORIZATION, PURPOSE**

### **A. ENACTMENT AND AUTHORIZATION**

Pursuant to the authority granted to the Town in Articles 2 and 3 of the Municipal Home Rule Law and Article 16 of the Town Law, the Town Board of the Town of Stark authorizes and empowers the Planning Board of the Town of Stark to approve plats within that part of the Town of Stark outside the limits of any incorporated city or village; and to pass and approve the development of plats already filed in the office of the Clerk of Herkimer County if such plats are entirely or partially undeveloped.

### **B. TITLE**

This law shall be known as the "Subdivision Regulations of the Town of Stark."

### **C. PURPOSE**

The purpose of this law is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health, and welfare of its population.

### **D. ADMINISTRATION**

These Subdivision Regulations shall be administered by the Planning Board.

### **E. FEES**

Application review and inspection fees shall be set by Town Board resolution.

## SECTION II: DEFINITIONS

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

**Board** - means the duly appointed Planning Board of the Town of Stark.

**Subdivision** - means the division of any parcel of land into two or more lots, plots, sites, or other division of land, within any consecutive eight-year period, for the purpose, whether immediate or future, of transfer of ownership or building development, of one or more of the parcels and shall include re-subdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped.

**Preliminary Plat** - means the preliminary drawing or drawings indicating the proposed manner or layout of the subdivision and width of proposed streets to be submitted to the Board for its consideration.

**Final Plat** - means the final map or drawing on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the County Clerk for filing.

**Master Plan** - means a comprehensive plan prepared for and by the Board, if any. Pursuant to Section 272-a of the Town Law which plan indicates the general locations recommended for the various public works, places and structures and for the general physical development of the Town, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts there of.

**Official Map** - means the map established by the Town of Stark, if any, pursuant to Section 270 of the Town Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such approved plats. Streets not accepted by the Town as public streets may be shown thereon, but shall be marked as private streets.

**Street** - means a public or private way for vehicular traffic.

1. *Arterial streets and highways* are those which are used primarily for traffic with limited access.
2. *Major streets* are those which carry traffic from minor streets to the business and industrial districts.
3. *Minor streets* are those which are used primarily for access to abutting residential

properties. A "*cul-de-sac*" is a minor street with only one outlet and having a turning loop or wye at the closed end.

4. *Frontage roads* are generally parallel with and adjacent to arterial streets and highways; and provide access to abutting properties and protection from through traffic.
5. *Alleys* are minor ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

**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.



## **SECTION III: PROCEDURE**

### **A. PRE-APPLICATION PROCEDURE**

Prior to the filing of an application for approval of a Preliminary Plat, the subdivider, his agent or engineer, may appear and submit general site information and data regarding existing conditions, a location map and a sketch plan with a request for informal consideration by the Board and for an expression of its views. No formal application is hereby required. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Board with the view toward conserving the time and expense of the subdivider and creating mutual opportunities of the parties for the achievement of a desirable subdivision in the public interest.

### **B. APPLICATION**

Whenever any subdivision of land as herein before defined is proposed to be made, the subdividing owner thereof, or his agent, shall apply in writing to the Board for approval of such subdivision. There shall first be filed with the Board a preliminary Plat or Layout of the entire property for approval and subsequently thereto a Final Plat, as hereinafter specified.

### **C. PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT**

1. On reaching conclusions regarding the general program and objectives following the Pre-Application appearances, if any, the Subdivider shall cause to be prepared a Preliminary Plat, together with the following supplementary or supporting material:
  - a. Topographic data on the tract and existing drainage ways.
  - b. Tract boundary lines, tract area and street layout.
  - c. Name and right-of-way width of each street or other right-of-way.
  - d. Utilities on and adjacent to the tract.
  - e. Location, dimensions and purpose of any easements.
  - f. Number to identify each lot and letter to identify each block.
  - g. Purpose for which sites other than residential lots, are dedicated or reserved.
  - h. Site data, including number of residential lots, typical lot size, lineal feet of streets, acres in parks, etc.
  - i. Minimum setback line on all lots and other sites.

- j. Names of owners of record of adjoining unplatted land.
  - k. Title, scale, north arrow and date.
2. When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.
  3. Four copies of the Preliminary Plat and supplementary material so required shall be submitted to the Board with written application for Approval not less than ten (10) business days prior to a regularly scheduled meeting.
  4. The Board shall, within sixty-two (62) days after the filing of the application for Preliminary Plat approval, hold a public hearing. The Board shall advertise the notice of the public hearing in a newspaper of general circulation at least five (5) days prior to such meeting. Within sixty-two (62) days of the public hearing, or at a mutually agreed upon extension with the Subdivider, the Board shall either approve with or without modifications, or disapprove the Preliminary Plat. The Board shall notify the Subdivider in writing of its decision. Failure of the Board to act on the application for Preliminary Plat approval within the specified time period shall constitute approval of the Preliminary Plat.

**D. PROCEDURE FOR APPROVAL OF FINAL PLAT**

1. The Final Plat shall conform substantially to the Preliminary Plat as approved. If desired by the Subdivider, the Final Plat may constitute only that portion of the approved Preliminary Plat which be proposed to record and develop at the time, provided however, that such portion conforms to all requirements of this law.
2. The Subdivider shall, within six (6) months after the approval date of the Preliminary Plat file with the Board an application for approval of the final plat; otherwise such approval of the Preliminary Plat shall become null and void unless an extension of time is applied for and granted by the Board.
3. Application for Approval of the Final Plat shall be accompanied by four (4) copies of the Final Plat and other material required for approval. Such items shall be submitted to the Board at least ten (10) business days prior to the regular monthly meeting at which time it is to be considered. This monthly meeting will be considered the time of submission.

4. The Planning Board may hold a public hearing as required by law within sixty-two (62) days from the time of final submission. The Board may waive the public hearing if the final plat is in substantial agreement with the approved Preliminary Plat. The Board shall, within sixty-two (62) days from and after the time of submittal or the public hearing, if held, approve, approve with modifications, or disapprove the final plat as submitted and the Board shall notify the Subdivider in writing, of its action. Approval, however, shall not be deemed final until the Subdivider has complied with Section VII Subdivision D with respect to certifications that required improvements have been completed or bond satisfactory to the Board has been posted in lieu thereof in accordance with the provisions of Section 277 of the Town Law and shall have filed the Final Plat with the County Clerk within 60 days after approval; otherwise such approval shall expire as provided and shall become null and void unless an extension of time is applied for and granted by the Board, pursuant to law.
5. The Subdivider will be required to tender offers of cession in a form approved as satisfactory by the Town Attorney of all sewers, drains, surface drains, water lines and all land included in streets, parks or other public areas, not specifically reserved as shown on the Final Plat, but approval of the Final Plat shall not constitute acceptance by the Town Board of the dedication of such facilities without formal acceptance by the Town Board.

**E. SUBDIVISION FILING FEES**

A filing fee to be determined by the Town Board shall be paid to the Town Clerk for credit to the account of the Planning Board in the General Fund when the Final Plat is filed with the Board for final approval.

## SECTION IV: CLUSTERING

### A. ALLOWABLE MODIFICATIONS OF ZONING

The Planning Board may consider or require applications for plats, which include the following modifications of the zoning law for the following purposes:

1. To reduce lot areas, widths, depths, and yard sizes and lot coverage to accomplish cluster development;
2. To eliminate side and rear yard requirements to allow for innovative attached housing types;
3. 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;

To reduce road frontages to allow cul-de-sacs;

To reduce road frontages where, in unique and special circumstances, it will result in the more efficient use of land.

### B. GENERAL CRITERIA FOR CLUSTER DEVELOPMENT

Cluster development shall not be allowed or required unless the Planning Board establishes the following:

1. That the proposed development will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law.
2. That the proposed use of the land complies with all applicable provisions of the Town of Stark Land Use Regulations, except as modified pursuant to the authority of this law.
3. That the proposed use of the land 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. That the proposed development 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. That the proposed development 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.

6. That the proposed development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

**C. GENERAL CRITERIA FOR MANDATORY CLUSTERING**

Cluster development may be required by the Planning Board in any of the following circumstances:

1. Where the clustering of development will reserve open space or recreational areas in furtherance of the comprehensive plan for the community;
2. Where 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. Where the clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

**D. CLUSTER DEVELOPMENT REVIEW PROCEDURE**

1. All cluster development applications either proposed by the applicant for consideration by the Planning Board, or required by the Planning Board pursuant to this law, shall include the submission of a sketch plat. Such sketch plat shall show a conventional subdivision, which complies with all regulations of the zoning district in which it is located without a cluster configuration. The purpose of this plat shall be to determine the maximum number of dwelling units permissible in the gross tract under the zoning law. All lots in the sketch plat shall be buildable lots.
2. The Planning Board shall make a determination of the maximum permissible number of dwelling units prior to the acceptance of an application for a cluster development proposal.
3. After a determination of the density of the plat has been established by the Planning Board, the plat shall be reviewed pursuant to the review and approval procedure of this law.

**E. CLUSTER OPEN SPACE**

1. Depending on the size and design of the development, it may be necessary that a common open space, permanently reserved and maintained as landscaped park or recreational space, is provided. The area, configuration, location, ownership, use and maintenance of such open spaces shall be subject to review and approval of the Planning Board.
2. Cluster open space shall be made accessible to all residents of the subdivision and 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.

3. 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.

## SECTION V: MINIMUM DESIGN STANDARDS

### A. STREETS

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
2. The arrangement of streets in a subdivision shall either:
  - a. Provide for the continuation, if appropriate, of major streets in the surrounding area; or
  - b. Conform to a plan for the neighborhood approved by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains an existing or proposed arterial street or railroad, the Board may require a frontage street, 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.
5. Reserve strips controlling access to streets, water mains, sewage drains, lines or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the Town under conditions approved by the Town Board.
6. Street jogs (intersection spacings) with centerline offsets of less than one hundred and fifty feet shall be avoided.
7. A tangent between reverse curves on arterial and major streets shall be 150 feet minimum; on minor streets, 100 feet minimum, in length.
8. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees.
9. Street right-of-way width shall not be less than 60 feet, except that a minor residential street right-of-way width may be not less than 50 feet and shall be as determined by the Planning Board in accordance with Section VI-C.

10. Cul-de-sac streets shall not be longer than *500 feet* and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet, and a street property line diameter of at least one hundred and fifty (*150*) feet. A wye may be used provided a turning area 60 feet wide and 60 feet deep shall be provided. Dead end streets shall not be permitted except as provided herein.
11. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Town. street names shall be subject to the approval of the Board.
12. Street grades shall be not less than 0.5 percent, nor more than 10 percent.

**B. EASEMENTS**

1. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. A minimum easement width of fifteen feet is required.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose and as determined by the Planning Board.

**C. BLOCKS**

1. The lengths, widths and shapes of blocks shall be determined with due regard to:
  - a. The type of development proposed;
  - b. Zoning requirements as to lot size and dimensions, if any;
  - c. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress and egress;
  - d. Limitations and opportunities of topography.
2. Block lengths shall not exceed fifteen hundred (*1,500*) feet, or be less than seven hundred fifty (*750*) feet. Block width shall generally be two lots deep.
3. A pedestrian right-of-way, not less than twelve (12) feet wide, in addition to any street, shall be provided where deemed essential by the Board to provide safe circulation, or access to schools, playgrounds, parks, shopping centers, transportation, and other community facilities.



## **LOTS**

1. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.
2. All lots shall have area width equal to minimum requirements of the zoning or building regulations applying to the district in which they are located, if any.
3. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
4. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.
5. Every street shown on the plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the public and formally accepted as a public street by resolution of the Town Board; or alternatively until it has been condemned by the municipality for use as a public street.
6. Double frontage lots should be avoided.
7. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
8. Off-street parking space shall be required for all uses. In the case of dwellings, at least one hundred and eighty (180) square feet of off-street parking space per dwelling unit shall be provided back of the building setback line, plus access drive and maneuvering space.

## **E. GRADING AND DRAINAGE**

Street layout, block grading, and lot grading shall be shown. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal, use and drainage. The developer shall allow no holes, depressions or other undrained areas to remain.

Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided where necessary.

## **F. PUBLIC SITES AND OPEN SPACES**

Where a proposed park, playground, school or other public use shown in the Master Plan, or not anticipated in such Master Plan, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency; or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof. If the Planning Board determines that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law.

## **G. FLOOD PLAINS**

### **1. Mapping**

If any portion of the land within the subdivision is subject to periodic flooding by storm water, this portion shall be clearly indicated on any submissions required by this law. In cases of doubt, the Planning Board may require the submission of a flood hazard study delineating the limits of the 100 year flood plain; such study to be conducted by a licensed professional engineer.

### **2. Use**

Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be plotted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard.

### **3. Conditions for Approval**

Any subdivision, including all proposed improvements and construction, must comply with all applicable provisions of the National Flood Insurance Act of 1968 and subsequent amendments.

## SECTION VI: MINIMUM REQUIRED IMPROVEMENTS

### A. GENERAL

Prior to or not later than 90 days after granting of final approval, the subdivider shall have installed or shall have furnished adequate bond or other security for the installation within a specified time of the required improvements listed and described in this section. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work, as required by the municipality, or the State and County Health authorities, according to the nature of the improvements.

### B. MONUMENTS

The tract boundary lines and the lines of all streets or roads shall be monumented with concrete, stone or iron monuments with monument caps. Individual properties shall be monumented with iron pins or pipe.

### C. STREET IMPROVEMENTS

Street rights-of-way and pavements shall have the following widths. The classification of streets shall be as determined by the Planning Board.

	<b>Minimum Right- of-Way (feet)</b>	<b>Minimum Pavement (feet)</b>
Major Streets	66	40-44
Collector Streets	60	36-40
Minor Streets (rural)	50	18-22 plus two 6' shoulders
Minor Streets (urban)	50	28-38
50		

#### 2. Subgrade - by Developer

All topsoil shall be removed from an area on each side of the center line, sufficient to accommodate the required pavement and shoulder width, unless a fill of three feet or more is required. Fills must be made with material approved by the Engineer or Highway Superintendent and shall be placed in layers not over 6 inches thick and each layer shall be properly rolled. All muck, quicksand, spongy material and any other objectionable material shall be removed.

The subgrade of all streets and roads shall be graded as follows: A distance sufficient to accommodate the required pavement and shoulder width on each side of the center line shall be 12 inches below the finished grade, as shown on the street profile. After it has been properly shaped, it shall be

thoroughly rolled and compacted. Drainage ditches shall be provided on each side of the road, at an appropriate distance from the center of the road. Ditches shall be at least 18 inches deep, one foot wide at the base, with slopes one foot vertical to 1.5 feet horizontal. The grade of the outside area or sidewalk and planting strip section shall in no case be lower than the crown of the pavement nor more than 8 inches above the crown. No gravel or stone is to be placed on the subgrade until the subgrade is approved by the Engineer or Highway Superintendent.

3. Base Course - by Developer

The thickness and method of constructing the base course may vary depending upon the amount of traffic anticipated, the type of material used, and the condition of the sub-grade. All materials and construction procedure shall be subject to the approval of the Engineer or Highway Superintendent and shall comply with current construction and material specifications of the New York State Department of Transportation.

A base course, consisting of not less than 12 inches of compacted stone or gravel approved by the Engineer or Highway Superintendent shall be installed. Street and road culverts shall be installed by the developer where necessary. Driveway culverts shall not be less than 12 inches in diameter and 20 feet in length and shall be corrugated metal or reinforced concrete; installation to be approved by the Engineer or Highway Superintendent. Where there is no natural stream or water course for the drainage of surface water from the proposed street or road, the developer shall secure rights-of-way and construct ditches or install storm water sewers to a natural waterway or as the Planning Board directs.

4. Surface Course

The surface course, if required, shall be as specified by the Town Board and this determination may include a payment to the Town Highway Fund based on a lineal foot cost of applying a hard surface pavement.

5. Curbs and Gutters

- a. Where curbs exist on abutting properties, their extensions by the developer will ordinarily be required throughout the proposed subdivision.
- b. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the developer.

Concrete curbs shall be wall type, 6" x 8" x 18" and shall comply with current construction and material specifications of the New York State Department of Transportation.

Asphaltic concrete curbs are to be approved by the Town Board.

## Sidewalks

The Town Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least 4 feet wide and 4 inches thick shall comply with the current construction and material specifications of the New York State Department of Transportation.

### **D. WATER SUPPLY - by Developer**

The developer shall connect each lot at the property line with the public water supply, if available. Neighborhood water supply systems, where provided, must conform to standards and inspection by the New York State Department of Health.

### **E. SEWAGE DISPOSAL SYSTEM - by Developer**

If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a neighborhood system, the developer shall provide sanitary sewers and laterals for each lot for such service. Where public or neighborhood sanitary sewers are not feasible, the developer shall provide and install an individual system for each lot in accordance with State and local requirements upon specific approval by the Planning Board.

### **F. UTILITIES**

Electrical service, gas mains and other available utilities shall be arranged for by the Developer within each subdivision.

### **G. STREET TREES AND MISCELLANEOUS**

1. Street Trees - to be planted by developer. Location and type of trees to be approved by the Board.
2. Planting Strips - the area between the gutter and the property line to be seeded by developer, maintained by owner.
3. Street Name Signs - by municipality

When so required by the Board, a planting screen easement not less than 10 feet wide, across which there shall be no right of access, may be required along the line of lots between the subdivision, and industrial, commercial, major street, railroad and other similar uses.

## SECTION VII: PLAT DATA

- A. The Final Plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger (preferred scale of 40 feet to one inch). The Final Plat shall show the following:
1. Topographic data on the tract, related to Bench Mark approved by the Engineer or Highway Superintendent.
  2. Tract boundary lines with bearings and distances, tract area, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and central angles of all curves.
  3. Name and right-of-way width of each street or other right-of-way.
  4. Utilities on and adjacent to the tract; location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles.
  5. Location, dimensions and purpose of any easement.
  6. Number to identify each lot and letter to identify each block.
  7. Purpose for which sites, other than residential lots, are dedicated or reserved.
  8. Minimum setback line on all lots and other sites.
  9. Location and description of monuments.
  10. Names of owners of record of adjoining unplatted land.
  11. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
  12. Certification by surveyor or engineer as to accuracy of survey and plat.
  13. Certification of title showing that applicant is the landowner.
  14. Statement by owner as to dedicating streets, rights-of-way and any sites for public uses.
  15. Site data, including number of residential lots, typical lot size, lineal feet of streets, acres in parks, etc.
  16. Title, scale, north arrow and date.

cross sections and profiles of streets showing approved grades shall be provided.

THE FOLLOWING SHALL ALSO BE SUBMITTED TO THE BOARD

- B. Offers of Cession for dedicating streets, easements, right-of-way and any sites for public uses; agreements covering the improvements and maintenance of unceded public open spaces and the conditions and limitations, if any, which offers and agreements, if any, shall be subject to the prior approval of the Town Attorney.
- C. Protective covenants in form for recording.
- D. Written statement by the Town Attorney certifying that:
  - 1. The required improvements have been completed or bond satisfactory in form and sufficiency to the Town has been posted in lieu thereof in accordance with the provisions of the Town Law, and that the applicant or subdivider is the land owner, and
  - 2. Written statement by the Town Attorney approving as to legal sufficiency all offers of cession, agreements regarding improvements and maintenance of public open spaces, if any.
- E. Such other certificates, affidavits or other agreements as may be required by the Board in the enforcement of this law.
- F. When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

**SECTION VIII: WAIVER, PENALTIES,  
SEPARABILITY, EFFECTIVE DATE**

**A. WAIVER**

Where the Planning Board finds that due to special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of 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 except that this shall in no way alter or diminish the standards or requirements of the State Department of Health or Department of Environmental Conservation.

**B. PENALTY PROVISIONS**

1. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than three hundred fifty dollars (\$350), or by imprisonment for not exceeding six months, or by both such fine and imprisonment.
2. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

**C. SEVERABILITY**

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate any other clause, sentence, paragraph, or section of this local law.

**D. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.