

**TOWN  
OF  
CONESVILLE**

**Subdivision  
Regulations**

**May 2006**

## **ARTICLE I – DECLARATION OF POLICY**

### **SECTION A: AUTHORITY, PURPOSE, AND POLICY**

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

### **SECTION B: COMPLIANCE WITH STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

Notwithstanding any provisions of these subdivision regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law (6 NYCRR Part 617) hereinafter referred to as “SEQR” regulations, shall be complied with.

### **SECTION C. RE-SUBDIVISION**

A re-subdivision, as defined herein, is subject to the same procedures, rules, and regulations applicable to an original subdivision.

## ARTICLE II — DEFINITIONS

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

**ACTION(S):** projects or physical activities such as construction or other activities that may affect the environment by changing use, appearance or condition of any natural resource or structure, in accordance with statutes set forth in 6 NYCRR Part 617 (SEQR).

**CLERK OF THE PLANNING BOARD:** the person designated to perform the duties of Clerk of the Planning Board for all purposes of these regulations.

**COLLECTOR STREET:** a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

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

**DRIVEWAY:** A defined private access from an individual lot to a public or approved private right-of-way.

**EASEMENT:** authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

**ENVIRONMENTAL ASSESSMENT FORM (EAF):** Document prepared in accordance with SEQR Regulations (6 NYCRR Part 617), providing a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation. Part I of this form is to be completed by the applicant and submitted with the Preliminary Plat.

**ESCROW:** a deposit of cash with the Town in lieu of an amount required on a performance or maintenance bond.

**LEAD AGENCY:** the agency or body principally responsible for carrying out, funding, or approving an action, as set forth in the SEQR Regulations (6 NYCRR Part 617).

**LOT:** A tract or parcel of land held in single or joint ownership, not necessarily shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term lot shall also mean parcel, site or any other similar term.

**LOT DEPTH:** the mean horizontal distance between the front and rear lines of a lot. Lot depth shall not exceed four (4) times the lot width.

**LOT WIDTH:** the width of a lot at the “building line” (set back line).

**LOT LINE ADJUSTMENT:** A division or redivision of land wherein the lot area is shifted from one parcel to another as to improve the shape or dimension of each.

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

**PLANNING BOARD:** the Planning Board of the Town of Conesville.

**PLAT:** A drawing, map, plan or plotting indicating the subdivision or resubdivision of land, which in its various stages of preparation can include the following:

- A. **SKETCH PLAN;** a sketch of a proposed subdivision showing the information specified in Article III, Section A of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.
- B. **PRELIMINARY PLAT:** a drawing or drawings clearly marked “preliminary plat” showing the layout of a proposed subdivision, as specified in Article III, Section C of these regulations, submitted to the Planning Board for review and approval prior to submission of the plat in final form.
- C. **SUBDIVISION PLAT OR FINAL PLAT:** a drawing, in final form, clearly marked “final plat” showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed and recorded by the applicant in the Office of the County Clerk.

**RE-SUBDIVISION:** any change of existing property lines subsequent to subdivision approval, or changes to property lines shown on a plat filed in the Office of the County Clerk, occurring within 3 years of a previous subdivision plat approval or filing. At the discretion of the Planning Board, any re-subdivision may be subject to the requirements of a “major subdivision”.

**RIGHT-OF-WAY:** a strip of land between property lines retained, or made legally available for the development of a street, alley or crosswalk.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR):** a process defined in the Environmental Conservation Law, NYCRR Part 617, which helps government and the public protect and improve the environment. SEQR requires that environmental factors be considered along with social and economic considerations in government decision-making

**STREET:** roads, avenues, lanes or other traffic ways, between right-of-way lines.

- A. **MAJOR STREET:** a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- B. **MINOR STREET:** a street intended to serve primarily as an access to abutting properties.

**STREET PAVEMENT:** the wearing or exposed surface of the roadway used by vehicular traffic.

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

**SUBDIVIDER:** The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or any of the activities covered by this Law, particularly the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term “subdivider” is intended to include the term “developer”, even though the personnel involved in successive stages of the project may vary.

**SUBDIVISION:** the division, for purposes of immediate or future sale, lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development; of any parcel of land into two or more lots, blocks, sites, or other divisions of land; with or without streets or highways; and includes re-subdivision but does not include Lot Line Adjustments .

A. **MAJOR SUBDIVISION:** any subdivision or land development not classified as a Minor Subdivision or Lot Line Adjustment, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street, utilization of central sewage disposal systems or water supplies or extension of municipal facilities.

B **MINOR SUBDIVISION:** any subdivision containing 2 lots, including the original or parent parcel, but not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Town Comprehensive Plan, Official Map or these regulations.

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

**WATERCOURSE:** A discernable, definable natural course or channel along which water is conveyed ultimately to streams and-or rivers at lower elevations including intermittent streams but excepting drainage ditches, swales, or diversion terraces.

### **ARTICLE III – PROCEDURE FOR FILING SUBDIVISION APPLICATIONS**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

#### **SECTION A: SKETCH PLAN REQUIREMENTS**

1. The Sketch Plan initially submitted to the Planning Board shall be based on tax map information, Boundary Survey or some other similarly accurate base map at a scale (not less than 100 feet to the inch) to enable tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:
  - (a) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
  - (b) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof.
  - (c) The name of all adjoining property owners.
  - (d) The kind of development proposed (such as residential, commercial, etc).
  - (e) All the utilities available, and all streets which are either proposed, mapped or built.
  - (f) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply (See Article V) within the subdivided area.
  - (g) All existing restrictions on the use of land including easements and covenants.
  - (h) The date, north arrow, map scale, name and address or record owner and subdivider.
  - (i) For suspected Lot Line Adjustments, only items a, c, d, g, and h and the revised lot layout need to be shown.

## SECTION B: SKETCH PLAN REVIEW

### 1. SUBMISSION OF SKETCH PLAN

Any subdivider shall, prior to subdividing land, submit to the Clerk or Chairman of the Planning Board at least ten days prior to the regular meeting of the Board five (5) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article III, Section A, for the purposes of classification and preliminary discussion.

### 2. DISCUSSION OF REQUIREMENTS AND CLASSIFICATION

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Classification of the Sketch Plan is to be made at this time by the Planning board as to whether it is a Lot Line Adjustment or Subdivision as defined in this local law. If the Sketch Plan is determined to be a Lot Line adjustment, the Planning Board shall determine by resolution that the proposed lot line adjustment does not constitute a Subdivision as defined in this local law, and shall empower a duly authorized officer to make a notation to that effect upon the Sketch Plan and to sign such plan (A certified survey may be required).

### 3. SKETCH PLAN REVIEW AND RECOMMENDATIONS

The Planning Board, in studying the Sketch Plan, shall take into consideration the requirements of these Regulations. Particular attention will be given to the arrangements, the further development of adjoining land, as yet unsubdivided, and the goals and objectives of the Town Land Use Plan or Comprehensive Plan as it may exist.

After reviewing the Sketch Plan and reports, as may be submitted, the Planning Board shall determine whether the Sketch Plan meets the purposes of these Regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant into the next submission to the Planning Board. Such recommendations shall be made within sixty-two (62) days from the time the Sketch Plan was initially reviewed by the Planning Board.

## SECTION C: PRELIMINARY PLAT FOR SUBDIVISION

### 1. APPLICATION AND FEE

Prior to the filing of an application for the approval of a Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed Subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Section D hereof, The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of Town Law, and Section D of these regulations, except where a waiver may be specifically authorized by the Planning Board (see Article VI – Waivers). The appropriate fee, established annually by Town Board, shall be submitted to Clerk of Planning Board with the Preliminary Plat.

2. NUMBER OF COPIES

Five (5) copies of the Preliminary Plat shall be presented to the Clerk or Chairman of the Planning Board at the time of submission of the Preliminary Plat.

3. AGRICULTURAL DATA STATEMENT NOTIFICATION

Upon receipt of a Subdivision Plat application containing an agricultural data statement, the applicant shall also submit proof that written notice of the Subdivision application was mailed to the owners of land as identified by the applicant in the agricultural data statement.

4. SUBDIVIDER TO ATTEND PLANNING BOARD MEETING

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

5. STUDY OF PRELIMINARY PLAT

The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewerage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Master Plan and the Official Map, if such exist. The Planning Board may schedule a field trip to the proposed subdivision site accompanied by the applicant or his agent. In order to facilitate field inspection and review of the site, temporary staking along the centerline of all proposed roads at fifty (50) foot intervals on curves and at one hundred (100) foot intervals on tangents and proposed front lot corners is required.

In accordance with SEQRA regulations (6 NYCRR Part 617), the subdivider shall complete Part 1 of the Environmental Assessment Form (EAF) and submit this with the Preliminary Plat. The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site. If the site falls into areas on the soils map denoted as having "severe" or "very severe" limitations, within flood hazard areas, or unique hydrologic or natural habitat areas (including wetlands), the Planning Board may require the applicant to consult with appropriate technical review or assistance agencies (such as, but not limited to, the Schoharie County Soil and Water Conservation District, NYS Department of Environmental Conservation, NYC Department of Environmental Conservation, Army Corps of Engineers, and County and State Health Departments) to determine appropriate measures to mitigate or eliminate any problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or applicant. The Planning Board may require that design techniques, such as clustering, be used to avoid development in environmentally sensitive areas and shall not approve a preliminary or final plat which has failed to adequately address these critical resource concerns (soils, flood hazards, steep slopes, hydrologic and natural habitat resources). The Planning Board may transmit copies of the Sketch Plan to other interested officials or agencies for review and comment as may be necessary. Written



comments, if any, from these officials and agencies shall be required within thirty (30) days of their receipt of any correspondence requesting comments regarding potential environmental concerns that may exist in association with the project as described by the Preliminary Plat submission .

#### 6. WHEN OFFICIALLY SUBMITTED

The time of submission of the Preliminary Plat shall be considered to be the date on which the application for approval of the Preliminary Plat has been deemed complete. To be considered complete, the Preliminary Plat must be accompanied by the required fee, must contain the data required by the Planning Board in accordance with Section D of these regulations, must be filed with the Clerk or Chairman of the Planning Board, and the Planning Board must have either issued a negative declaration or accepted a draft environmental impact statement as complete, pursuant to the State Environmental Quality Review Act.

#### 7. APPROVAL OF THE PRELIMINARY PLAT

Within sixty-two (62) days after the receipt of a complete Preliminary Plat by the Clerk or Chairman of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised by the Planning Board Clerk at least once in a newspaper of general circulation in the town, at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. The applicant shall notify by Certified Mail, at least five (5) days in advance, the owners of property abutting the proposed subdivision and directly across any adjoining road and shall furnish the Planning Board with post office receipts as proof of notification. The Planning Board may notify other persons as it deems necessary. Also, in accordance with General Municipal Law, Section 239-nn, if the subdivision is located within 500 feet of a municipal boundary, the Planning Board shall provide public hearing notice to the neighboring municipality or municipalities. Within sixty-two (62) days after the date of the closing of the public hearing, the Planning Board shall approve with or without modification or disapprove such Preliminary Plat, and the reason for a modification, if any, or reason for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board, When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Final Plat. Within five (5) days of the approval of such Preliminary Plat, it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in their office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within the sixty-two (62) day period following the closing of the public hearing for the Preliminary Plat shall constitute approval of the Preliminary Plat.

When granting approval of a Preliminary Plat, the Planning Board shall discuss and make record of the following special considerations that may pertain to the Preliminary Plat, as applicable.

- a. The character and extent of the required improvements for which a waiver may have been requested and which in the Planning Board's opinion may be waived without jeopardy to the public health, safety and general welfare.
- b. The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plat (see Section E: Requirements for Performance Bond/ Guarantee of Improvements). Approval of a Preliminary Plat shall not constitute approval of the Final Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the Final Plat, the Planning Board may require additional changes as a result of further study of the Final Plat or as a result of new information obtained at the public hearing.
- c. Whenever any proposed subdivision is located within 500 feet of the boundary of the Town of Conesville, the boundary of any existing or proposed County or State Park or other recreational area, the boundary of any existing or proposed County or State Roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law shall be referred to the Schoharie County Planning Commission pursuant to General Municipal Law, Article 12-B, Section 239-n, as amended.
- d. No final action shall be taken on any proposed subdivision referred to the County Planning Commission until its recommendation has been received, or thirty (30) days have elapsed after the County Planning Commission's receipt of a complete application, unless the County and Town agree to an extension beyond the thirty (30) day requirement for County Planning Commission's review.
- e. A majority plus one vote of the Planning Board shall be required to approve any subdivision which receives a recommendation of disapproval from the County Planning Commission because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action. A majority plus one vote of the Planning Board shall be required to approve without County modifications, or approve with different modifications any subdivision which receives a recommendation of approval with modifications from the County Planning Commission, along with a resolution setting forth the reasons for such contrary action.
- f. If there is no substantial change in the plat from the preliminary approval to final approval, the final plat does not need to be referred to the County Planning

Commission. Only preliminary review by the County Planning Commission is necessary.

## SECTION D: SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for approval:

1. Five (5) copies of the Preliminary Plat prepared at scale of not less than one hundred (100) feet to the inch, showing:
  - a. Proposed subdivision name, name of town and county in which it is located, date, true north point, graphic scale, name and address of record owner, subdivider, and engineer or surveyor, including license number and seal.
  - b. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property, and lines showing where these properties intersect.
  - c. All parcels of land proposed to be dedicated to public use or preserved as open space and the conditions of such dedications.
  - d. Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, slopes greater than 15%, soil types, wooded areas and other significant existing features for the proposed subdivision and adjacent property. The 50 - and 100-year floodplain shall be clearly marked, where applicable.
  - e. Location of existing sanitary sewers, water mains, storm sewers, underground and overhead electric power and transmission lines, gas lines, culverts and drains on the property, with pipe types and sizes, grades, pressure, and direction of flow.
  - f. Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Town reserves the right to request greater detail when the scope or nature of the development demands the same.
  - g. The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, if such exists, within the area to be subdivided, and the width, location, grades, proposed names and street profiles of all streets or public rights-of-way proposed by the developer.
  - h. The appropriate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewerage disposal and the treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
  - i. Documentation as may be required by the NYS Department of Health, Schoharie County Health Department, NYC Department of Environmental Protection or the Planning Board, along with a soils evaluation by the perk test method and/or other required supplemental data relating to sewage disposal.

- j. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles, including connection to existing lines or alternate means of disposal. All drainage easements shall be shown and marked as such.
- k. A stormwater management plan prepared in accordance with the requirements hereof and NYS Department of Environmental Conservation guidelines and standards (see "Reducing the Impacts of Stormwater Runoff from New Development"), as applicable.
- l. An erosion and sedimentation control plan indicating those measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of watercourses or impoundments, as applicable.
- m. Completed applications to Town of Conesville, County of Schoharie or the New York State Department of Transportation, as applicable, for street encroachment and/or highway occupancy permits.
- n. Plans and cross sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
- o. Preliminary designs of any bridges or culverts which may be required.
- p. The proposed lot lines with approximate dimensions and area of each lot.
- q. Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
- r. Where topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space on the subdivision or the official map.
- s. Approximate final grades in areas of cut or fill for septic systems and roadways shall be determined by the appropriate agencies.
- t. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by survey markers of such size and type as approved by the Planning Board and shall be referenced and shown on the Plat.

- u. If the property to be subdivided is in an agricultural district and contains a farm operation or lies within five-hundred (500) feet of a farm operation in an agricultural district, an agricultural data statement, as required by Section 305-a(2) of the Agriculture and Markets Law (See Definitions)
  - v. Letters from each utility servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
  - w. Any lots designated for uses other than residential shall be indicated.
  - x. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs existing wells established by professional well drillers.
2. A location map (1"= 800 ft.) showing the location of the subdivision in relation to surrounding properties, and including tax map numbers for affected adjacent parcels.
  3. If the application covers only a part of the subdivider's entire holdings (or those of a related person), a map of the entire tract, drawn at a scale of not less than 300 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's holding submitted shall be considered in the light of the entire holdings.
  4. A certificate by the owner stating: "As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat." This certificate shall be executed as a conveyance is executed.
  5. A certificate issued by the authorized town and county officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.
  6. A copy of such existing or proposed covenants or deed restrictions as are intended to cover all or part of the tract.

## SECTION E: REQUIREMENTS FOR GUARANTEE OF IMPROVEMENTS

1. After approval of the Preliminary Plat, the subdivider, in a manner consistent with the New York State Town Law, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Before requesting Final Plat approval the subdivider must install all the improvements approved on the Preliminary Plat or required by Article V design standards, or file with the Town Board a performance guarantee to insure installation and construction of those improvements at the standards required. Such guarantee shall meet with the approval of the Town Attorney as to form and procedure.
2. The subdivider shall meet with the Town Engineer or County Department of Public Works Official to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.
3. This Section is designed to be consistent with § 277 of the New York State Town Law and the Town of Conesville hereby incorporates all authorities and requirements contained therein as part of this Law.
  - a. Posting - The performance guarantee must be approved by the Town Board and Town Attorney, with the advice of the Town Engineer, and must be a corporate surety bond, irrevocable letter of credit from a bank or certified check payable to: Town of Conesville, provided the same is satisfactory to the Town Board and Town Attorney and meets Town Law § 277 requirements, and be payable to the Town of Conesville.
  - b. Be in an amount sufficient to complete the improvements in compliance with these regulations plus any expected cost increases over the period of the guarantee. Costs shall be assumed to escalate a minimum of 10% per year for purposes of determining the amount of a guarantee.
  - c. In the case of cash or its equivalent, be held in an escrow fund in the name of the Town of Conesville.
  - d. Specify a satisfactory completion date for improvements which, unless extended by mutual consent of the subdivider and the Planning Board, shall be not more than three (3) years from the date of the Final Plat approval. Should an extension be granted the amount of the guarantee shall be increased as may be required to cover further cost increases as provided in subsection (3) above. Provisions may also be made, pursuant to the aforementioned Town Law § 277, for completion of improvements in phases.
    1. Return - When the improvements have been completed and approved for conformity with these regulations by the Planning Board and Town Engineer or other qualified individual designated by the Town and accepted by the Town Board, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured on-site, a portion of the security commensurate with the cost of these improvements, may be released and returned.

2. Default - In the event of default, the obligor and surety shall be liable thereon to the Town of Conesville for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Town Board may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.
- e. Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in this Law. Said payment shall be made to the Town of Conesville.
- f. Where improvements are being dedicated to the Town, the subdivider shall comply with the applicable requirements of any other Town Laws governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen (18) months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Town Board. Similar maintenance agreements may be required for private streets and nothing herein shall be deemed to require acceptance of dedication by the Town under any circumstances.

## SECTION F: FINAL PLAT FOR SUBDIVISION

### 1. APPLICATION FOR APPROVAL AND FEE

The subdivider shall, within six months after the approval of the Preliminary Plat, file with the Planning Board an application for approval of the Final Plat using the approved application blank available from the Clerk or Chairman of the Planning Board. The Final Plat submission shall be accompanied by a fee to be set annually by the Town Board. If the Final Plat is not submitted within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to accept the Final Plat and may revoke approval of the Preliminary Plat and require resubmission of the Preliminary Plat.

### 2. NUMBER OF COPIES

A subdivider intending to submit a proposed Final Plat for the approval of the Planning Board shall provide the Clerk or Chairman of the Planning Board with a copy of the application and five (5) copies (one copy in ink on mylar or an acceptable equal) of the Final Plat, the original and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings.



3. WHEN OFFICIALLY SUBMITTED

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

4. ENDORSEMENT OF STATE AND COUNTY AGENCIES

Water and sewer facility proposals contained in the subdivision Plat shall be properly endorsed and approved by the New York State Department of Environmental Conservation, NYC Department of Environmental Protection, NYS Department of Health and/or Schoharie County Health Department, as required. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by Schoharie County Health Department shall be secured by the subdivider before official submission of the Final Plat.

5. PUBLIC HEARING

Within sixty-two (62) days of the submission of the Final Plat for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing. If the Planning Board deems the Final Plat to be in substantial agreement with a Preliminary Plat approved under Section C of this Article, and modified in accordance with requirements of such approval if such Preliminary Plat has been approved with modification, the Planning Board may waive the requirements for such public hearing. The applicant shall notify by Certified Mail, at least ten (10) days in advance, the owners of property adjoining the proposed subdivision and directly across the adjoining road and shall furnish the Planning Board with post office receipts as proof of notification. In accordance with General Municipal Law, Section 239-nn, if the subdivision is located within 500 feet of a municipal boundary, the Planning Board shall provide public hearing notice to the neighboring municipality or municipalities, and the Planning Board may notify other persons as it deems necessary.

6. ACTION ON PROPOSED FINAL SUBDIVISION PLAT

The Planning Board shall by resolution conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days of its receipt by the Clerk or Chairman of the Planning Board if no hearing is held, or in the event a hearing is held, within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to take action on a Final Plat within the time prescribed therefore shall be deemed approval of the plat.

Within five (5) days of the resolution granting conditional or final approval of the Final Plat, such resolution and plat shall be certified by the Clerk of the Planning Board as having been granted conditional or final approval, and a copy of the resolution and plat are filed in the Clerk of the Planning Board's office. A certified copy of the resolution is mailed to the

subdivider. In the case of a conditionally approved Final Plat, the copy of the resolution mailed to the subdivider shall include a statement of the requirements which, when completed, will authorize final approval of the Final Plat. Upon completion of such requirements the plat shall be signed by the duly authorized officer of the Planning Board, and a copy of such signed plat shall be filed in the office of the Clerk of the Planning Board, or filed with the Town Clerk as determined by the Town Board.

Conditional approval of the Final Plat shall expire 180 days from date of the resolution granting conditional approval. The Planning Board may extend by not more than 2 additional periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances. Within 5 business days from the date of adoption of the resolution stating the decision of the Planning Board on the final plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

#### SECTION G: FINAL SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for plat approval:

1. The plat to be filed with the county Clerk shall be printed upon mylar. The size of the sheets shall not be less than 11 inches by 17 inches and no more than 24 inches by 36 inches, including a margin for binding of two inches, outside of the border along the left side and a margin of one inch outside of the border along the remaining side. The plat shall be drawn at a scale of not less than 100 feet to the inch and oriented with magnetic to true north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Final Plat shall include, in addition to the information required for the Preliminary Plat submission, the following:

- a. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor or engineer.
- b. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- c. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments including in the State system of plan coordinates, and in any event, should be tied to reference points previously established by a public authority.

- d. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.
- e. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Final Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
- f. All offers of cession and covenants governing the maintenance of unseeded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- g. Lots and blocks within a subdivision shall be numbered and lettered in accordance with the prevailing Town practice.
- h. Permanent reference surveying stakes shall be shown, and shall be constructed in accordance with specification of the Planning Board. When referenced to the State system of plan coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Planning Board and their location noted and referenced upon the plat.
- i. All lot corner markers shall be permanently located satisfactorily to the Planning Board, marked by an iron rod, concrete post or other suitable permanent marker (surveying stakes).
- j. Monuments of a type approved by the Planning Board shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; each lot corner and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Planning Board.
- k. A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Article VII, then said map shall be submitted prior to final approval of the Final Plat.

## ARTICLE IV — FILING OF APPROVED SUBDIVISION PLAT

### SECTION A: FINAL APPROVAL FILING

Upon completion of the requirements in Article III above and notation to that effect upon the Subdivision Plat, and at such time as it shall be deemed to have final approval, the Final Plat shall be properly signed by the duly designated officer of the Planning Board and the following statement shall be placed on the plat: “Approval shall expire unless plat is filed in the Office of the Schoharie County Clerk within sixty-two (62) days. Any Final Plat not so filed or recorded within sixty-two (62) days of the date upon which such plat is approved shall become null and void.”

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

*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 Conesville of any street, easement, or other open space on the Subdivision Plat.*

**ARTICLE V — GENERAL REQUIREMENTS AND DESIGN STANDARDS  
FOR ALL SUBDIVISIONS**

In considering applications for Subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. These standards shall be minimum requirements and may be waived by the Planning Board only under circumstances set forth in Article VI of this local law.

**SECTION A: GENERAL**

**1. CHARACTER OF THE LAND**

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

**2. CHARACTER OF THE DEVELOPMENT**

In making any determination regarding streets, highways, parks, and required improvements, the Planning Board shall take into consideration the prospective character of development, whether high-density or low-density residential, mixed-use, business, or industrial.

**3. RESERVE STRIPS**

Reserve strips of land, preventing access from any portion of a subdivided property to streets or adjoining property shall not be permitted, unless the Planning Board finds such strips to be necessary for the protection of public health or safety.

**4. PRESERVATION OF NATURAL FEATURES**

The Planning Board shall, wherever possible, require preservation of all natural features which add value to residential developments and to the Town of Conesville, such as large trees or groves, watercourses and waterfalls, historic spots, vistas, and other irreplaceable assets.

**SECTION B: STREET LAYOUT**

**1. WIDTH, LOCATION, AND CONSTRUCTION**

Streets shall be surveyed and shall be compatible with the existing character of the area in which they are located. They shall be adequately constructed to accommodate the anticipated traffic and provide access for fire fighting, snow removal, and road maintenance equipment. The arrangement of streets shall not result in undue hardship to adjoining properties and shall be interconnected in clear, direct and understandable patterns. New streets should connect to existing streets wherever possible. Dead end streets and curved streets are appropriate only in response to topography. Roads shall be constructed to such specifications as the Planning Board shall deem appropriate to continue the historical

pattern of roads in the Town, after review and recommendation by the Town Highway Superintendent.

2. ARRANGEMENT

Where appropriate, the arrangement of streets shall provide for continuation into adjoining Subdivisions and un-subdivided land, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, or needed utilities and public services such as sewer, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

3. MINOR STREETS

Minor streets shall be curved or otherwise designed such that their use by through traffic will be discouraged.

4. SPECIAL TREATMENT ALONG MAJOR ARTERIAL STREETS

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

5. DEAD-END STREETS

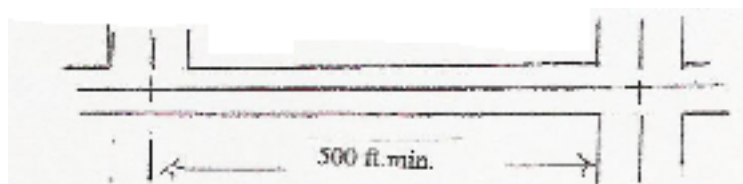
The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 50-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more should have at least two street connections with existing public streets, or streets shown on the Official map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

6. WALKS

Within hamlet areas, as designated on the Land Development Plan, curbs and pedestrian walks shall be provided on both sides of major and minor streets.

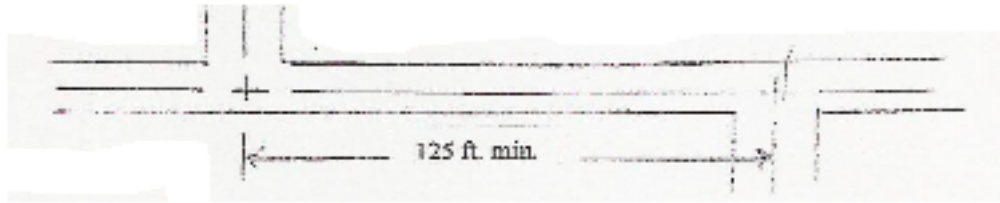
7. INTERSECTIONS WITH COLLECTOR OR MAJOR ARTERIAL ROADS

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



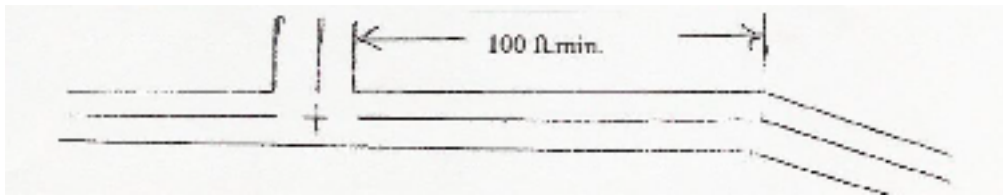
## 8. STREET JOGS

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



## 9. ANGLE OF INTERSECTION

In general, all streets shall join each other so that for a distance of at least 100 feet, the street is approximately at right angles to the street it joins.



## 10. STREET RIGHT-OF-WAYS

All street right-of-ways lines at intersections shall be bounded by curves of at least 30 feet radius.

## 11. RELATION TO TOPOGRAPHY

The street plan of a proposed sub-division shall bear a logical relationship to the topography of the property, and all streets shall be arranged such that as many of the building sites as possible are at or above the grade of the streets.

## 12. GRADES

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) nor more than 6 percent for major or collector streets, or 10 percent for minor streets in residential zones, but in no case more than 3 percent within 10 feet of any intersection.



## SECTION C: STREET DESIGN

1. ALL STREETS MUST MEET THE PRESENT SPECIFICATIONS OF THE TOWN OF CONESVILLE HIGHWAY REGULATIONS. (Local Law No. 1, Year 1988)

### 2. IMPROVEMENTS

Streets shall be graded and improved in accordance with Town specifications. Storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants shall be provided, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Planning Board. Such grading and improvements shall be approved as to design and specifications by the Highway Superintendent.

- a. FIRE HYDRANTS — Spacing and installations of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Office of Fire Prevention and Control of the State of New York. An official from the local fire district shall review the plat design for proper fire protection facilities.
- b. STREET LIGHTING FACILITIES — Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized electrical inspector (if such exists) and code enforcement officer.

### 3. UTILITIES IN STREETS

The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved, and all underground services shall be installed to conform with current and applicable industry standards (i.e. National Electric Code).

### 4. UTILITY EASEMENTS

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

## 5. WATERCOURSES

When a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent or the Town Engineer in accordance with current NYCDEP Watershed Regulations, where applicable. Streets that deflect more than ten (10) degrees shall be connected by an appropriate horizontal curve approved by the Planning Board, the Highway Superintendent and Town Engineer in general conformity with current AASHTD design standards.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Planning Board, and in no case less than 20 feet in width.

## SECTION D: STREET NAMES

### 1. TYPE OF NAME

All street names shown on a preliminary plat or subdivision plat shall be accepted by the Planning Board. In general, streets shall have names and not numbers or letters. Final street name approval shall be made by the Schoharie County Emergency Management Office.

### 2. NAMES TO BE SUBSTANTIALLY DIFFERENT

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

## SECTION E: LOTS

### 1. LOTS TO BE BUILDABLE

The lot size, width, depth, shape and arrangement shall be such that there will be no foreseeable difficulty for reasons of topography or other natural conditions in securing building permits to build on all lots in compliance with these regulations, the New York State Health Department, Town Law 280(a) and other Town Laws or Ordinances as they may exist. Lot size will have a Minimum 200'(feet) frontage on street road and the lot width to depth ratio will not exceed four to one.

### 2. SIDE LINE

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

### 3. CORNER LOTS

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

### 4. DRIVEWAY ACCESS

Driveway access and grades shall conform to specifications of the Town Highway ordinance or law if one exists. Driveways shall have a 1% for 10 feet negative pitch off adjacent roads.

### 5. ACCESS FROM PRIVATE STREETS

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

### 6. MONUMENTS AND LOT CORNER MARKERS

Permanent monuments meeting specifications approved by the Planning Board as to size, type and installation, shall be set at ALL block and lot corners, angle points, points of curves in streets and other points shown on the Sub-division Plat. Monument to be concrete or granite, placed to a depth of 4' (feet) protruding to at least grade level minimum diameter or side 6" (inches).

## SECTION F: DRAINAGE IMPROVEMENTS

The Planning Board may require that the applicant make adequate provision for storm and flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

### 1. REMOVAL OF SPRING AND SURFACE WATER

The applicant may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of, the sub-division. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Town Highway Law and NYSDEC Regulations.

### 2. ACCOMMODATION OF UPSTREAM DRAINAGE AREAS

Drainage facilities shall in each case be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on a fifty (50) year storm and assuming conditions of maximum potential development within the watershed. The applicant shall be responsible for submitting such computations to the Planning Board in sufficient detail to make possible the ready determination of the adequacy

of the proposed drainage installations. Concentrated drainage from lots onto the road right-of-way shall not be permitted.

### 3. RESPONSIBILITY FOR DRAINAGE DOWNSTREAM

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Planning Board. Where it is anticipated that the additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility/structure during a 25-year storm event, the Planning Board shall not approve the subdivision. The Planning Board shall notify and consult with the Town Board, Town Superintendent of Highways, Town Engineer and NYCDEP to determine what provisions shall be made to improve the condition prior to subdivision approval.

### 4. WETLANDS

#### a. NYSDEC Wetlands

Areas shown on New York State Department of Environmental Conservation maps as designated freshwater wetlands shall be regulated according to the provisions contained in Article 24 of NYS Environmental Conservation Law & applicable NYCDEP Watershed Regulations, and clearly defined on the subdivision maps.

#### b. Federal Wetlands

Where applicable, and when a subdivision may affect the "Waters of the United States" the developer shall clearly delineate such wetlands, and shall obtain all necessary permits from the Federal Agency having regulatory jurisdiction, prior to development activity.

### 5. LAND SUBJECT TO FLOODING

Land subject to flooding or land to be within designated flood plains as referenced in current NYCDEP, NYSDEC, FEMA-F.I.R.M. Flood Maps, and/or deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase damage to health, life or property or aggravate the flood hazard, but such land within the plat should be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions. Flood plain areas shall be those defined on the official maps published by the Federal Emergency Management Agency (FEMA) and applicable NYCDEP Watershed Maps.

### 6. DRAINAGE EASEMENTS

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose as required by the Road Review Committee, and in no case less than twenty feet (20') in width. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements

shall be provided for such across properties outside the road lines and with satisfactory access to the road. A note to this effect shall be shown on the Final Plat.

SECTION G: PARKS, OPEN SPACES, AND NATURAL FEATURES (CAN APPLY TO ALL SUBDIVISIONS)

1. PARKS AND PLAYGROUNDS NOT SHOWN ON TOWN PLAN

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

2. INFORMATION TO BE SUBMITTED

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

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

3. RESERVE STRIPS PROHIBITED

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

4. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable things.

## **ARTICLE VI — WAIVERS**

Where the Planning Board finds that, due to the special circumstances of a particular Plat or Lot Line Adjustment, the provision of certain requirements 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 Official Map, or the Comprehensive Plan, if one exists.

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.

## **ARTICLE VII — SEPARABILITY**

If any clause, sentence, subdivision, paragraph, section or part of this ordinance 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, sub-division, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.



## **CHECK LIST FOR SUBDIVISIONS**

1. Discuss plans with Chairman and Planning Board (bring sketch).
2. Make recommended changes to sketch.
3. Within six months, complete the following:
  - (a) Have property surveyed by a licensed Land Surveyor for Subdivisions. For Lot Line Adjustments, a surveyor will be required at the discretion of the Planning Board.
  - (b) Submit application for Preliminary Plat approval.
  - (c) Submit Preliminary Plat (see Article III, Section C, D, and Article V).
  - (d) Submit appropriate fee.
  - (e) Submit owner certification.
  - (f) Submit certification of no unpaid taxes (County Treasurer).
  - (g) Submit copy of covenants and deed restrictions (Right of Ways, etc.)
  - (h) Submit Completed EAF Part 1
  - (i) Submit Agricultural Data Statement and related Notifications, if applicable
  - (j) Submit a Stormwater management plan, and an erosion/sediment control plan, as applicable
  - (k) Submit documentation relating to sewage disposal
  - (l) Submit any required applications relating to street encroachments and/or highway occupancy permits.
  - (m) Submit a (1" = 800') Location Map
  - (n) Submit letters from utilities servicing the area that they will provide service to the proposed subdivision
  - (o) Evidence of Water supply, as applicable
4. Provide hearing notice to adjacent property owners and attend the public hearing for the Preliminary Plan

5. After County Planning Commission review (where applicable, 30 days), Planning Board shall approve with or without modifications or disapprove Preliminary Plat.
6. Within 6 months of the Planning Board's decision, complete the following:
  - (a) Submit application for Final Plat approval
  - (b) Submit five (5) copies (one mylar copy) of the Final Plat (see Article III, Section F, G and Article V).
  - (c) Submit appropriate fee.
  - (d) Post a performance guarantee or install improvements approved on Preliminary Plat (see Article III, Section E)
  - (e) Submit regulatory agency approvals for proposed water and sewer facilities (where applicable)
7. Provide hearing notice to adjacent property owners and attend public hearing (if applicable)
8. Substantial changes to the Preliminary Plat may require a second County Planning Commission Review (if applicable).
9. Planning Board approves, conditionally approves, or disapproves Final Plat
10. If conditionally approved, requested changes to the Final Plat must be resubmitted to the Planning Board within 180 days.
11. Within 62 days of the Final Plat approval, the subdivider must file the Final Plat with the County Clerk (see Article IV).
12. Bond is refunded by the Town when work is completed and approved by the Planning Board.