

**SUBDIVISION REGULATIONS  
OF THE  
TOWN OF CHESTERFIELD**

**Approved As Revised: July 9, 2002**

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## **PART I. What these regulations are all about.**

### **What is "subdivision"?**

Subdivision is "any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate occupancy..."<sup>1</sup> This comprehensive two-or-more lots definition of subdivision, which means that every subdivision of land will be subject to review pursuant to these regulations, is employed because experience has shown that not reviewing every subdivision builds in a loophole that is likely to undermine the basic purpose for regulating the subdivision of land.

That is, exempting certain subdivisions from review could result in the creation of substandard lots that would not meet zoning requirements. Unwary buyers wishing to build would have to obtain area variances. More important, however, is the danger that poorly designed small subdivisions, besides having potential for adversely affecting neighboring properties, can have as harmful a cumulative effect as one poorly designed large subdivision.

Communities that review every subdivision of land have not found this to be unduly burdensome since streamline procedures apply to "minor" subdivisions. The streamline procedures for minor subdivisions alleviate the Planning Board and the small subdivider of as much red tape as possible.

The language "whether adjoining or not" in the definition of "subdivision" clarifies in an instance when an individual proposes to create a lot from each end of a larger tract, the two new lots will be reviewed together with the remainder as one three-lot subdivision, even though the two newly-created lots do not adjoin each other. The definition of "subdivision", however, does not apply to different land uses on non-contiguous parcels of land absent on actual division of land, except for those circumstances which might evidence a common scheme or plan to subdivide.

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<sup>1</sup>NOTE: This is an incomplete definition of "subdivision". The complete definition is found in Part II of these regulations.

## **What are the reasons for regulating "subdivisions"?**

The manner in which land is subdivided affects not only the land directly involved, but also adjoining or nearby properties and the entire community. Hence, there is a community interest in the design of subdivisions.

Well-designed subdivisions protect the most important investment the average home buyer will make in a lifetime. For the community well-designed subdivision help assure attractive residential areas that will prove enduring assets, which adequately deal with access and impact on existing roads, drainage, water supply, sewage disposal and other public facilities and services, and can be economically and easily serviced. The alternative could be poor quality subdivision that contains within itself the seeds of dwindling property values and blight.

Subdivisions result in creation of man-made patterns of development on the land which remain in existence as long as the community itself. If they are wisely designed, they will enhance the community. Poorly planned subdivisions can result in decreased tax revenues, through deterioration of property values, and cause shifting of population to other, better planned areas.

It is the policy and purpose of these regulations, therefore, to insure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Town and the Adirondack Park, to satisfy the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 806(2) of the Adirondack Park Agency Act, and to generally further the health, safety and welfare of the community.

It is further declared to be the policy of these regulations to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means,

among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper 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 proposed streets shall compose a convenient and logical system conforming to the official map, if such exists, and properly related to the comprehensive plan of the Town, and shall be of such width, grade and location as to accommodate prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for recreational and other open space areas. In order that land subdivisions may be made in accordance with these policies, these regulations have been adopted by the Planning Board on May 21, 2002 and approved by the Town Board on July 9, 2002.

#### **What is the authority for regulation of "subdivision"?**

By resolution of the Town Board of the Town adopted on August 3, 1971 pursuant to the provisions of Article 16 of the Town Law, the Planning Board of the Town is authorized and empowered to review and approve, conditionally approve or disapprove 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 County Clerk, and to approve preliminary plats, within the Town.

#### **How to use the regulations:**

Although these regulations are nearly 100 pages in length, potential users, both planning board members and land subdividers, should not be intimidated by the size. The size is partly because every effort has been made to be explicit in defining terms, in specifying procedures and formats

for applications, and in describing site development standards that are the guidelines with which the quality of proposed subdivisions will be judged. The size is also partly because the possibilities in subdivision are enormous, ranging from a simple division of land into two lots to a complex development of hundreds of lots, involving construction of streets and utility systems, parks , schools, and other community facilities. These regulations, therefore, must be able to deal with such a range of possibilities, even though in all likelihood the Town may be faced primarily with subdivisions of less than ten lots, secondarily with subdivisions of ten to twenty lots, and only occasionally, if ever, with subdivisions of greater than twenty lots.

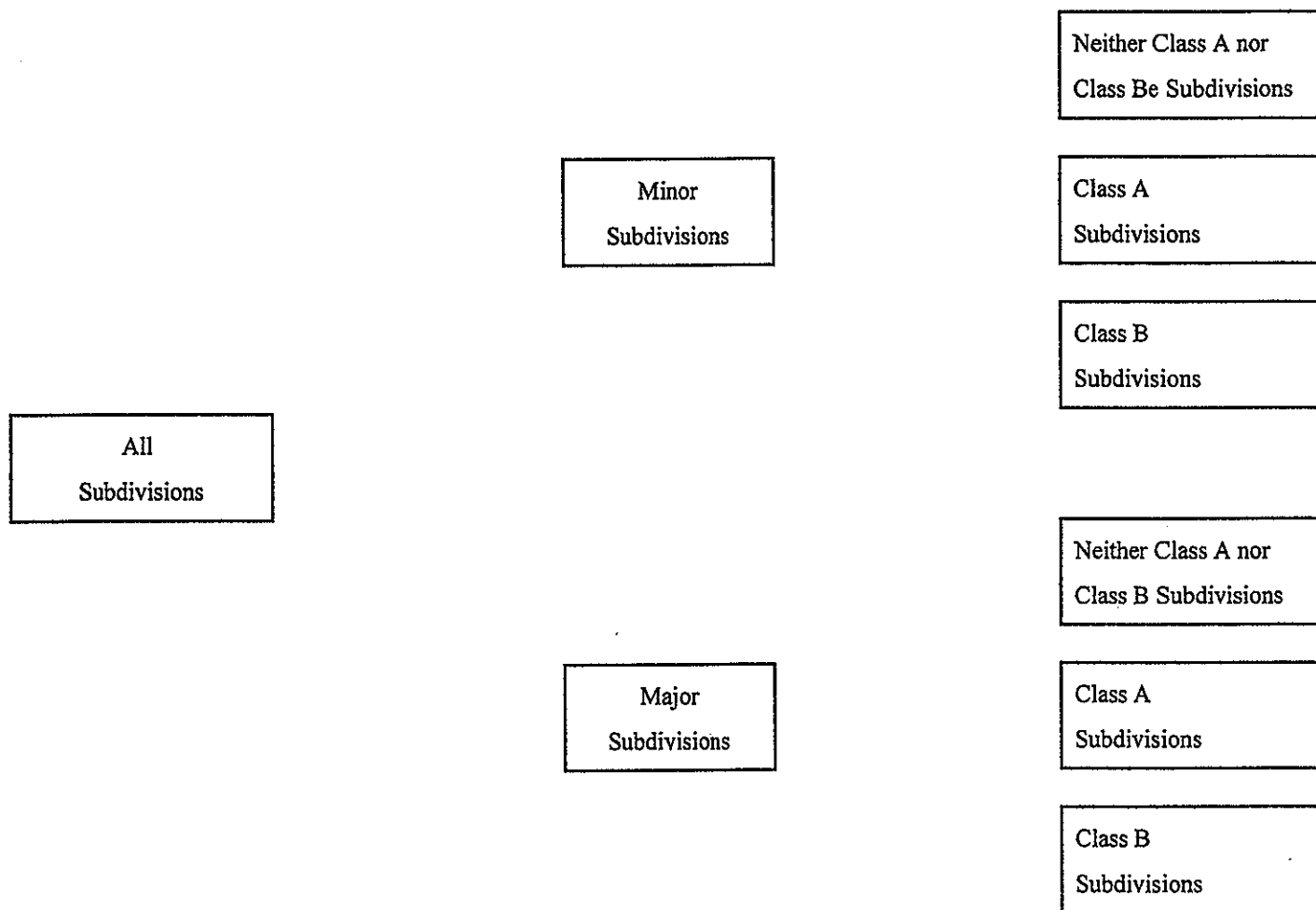
The next section, Section II, contains definitions. Skip over this if you wish, until a word or term comes up whose meaning can affect how these regulations are interpreted. Then refer back to this section; it's intended to be used like a dictionary.

Section III of these regulations specifies the procedures to be followed in applying for subdivision approval. The procedures are divided into a series of steps. Step 1 is submission of a sketch plan; all applicants must submit a sketch plan. The form that the sketch plan (and all subsequent submissions) must take is described in Section IV.

At each step substantive review occurs; that is, the information submitted for that step is evaluated against development standards pertinent to the proposed subdivision. These standards are found in Section V. That section, which is nearly  $\frac{1}{3}$  of the entire length of these regulations, is intended to guide both subdividers and the planning board in planning and reviewing subdivisions. Please note, the key word is **pertinent**. A standard applies to a given subdivision only if the standard has a clear decisive relevance.

At step 1, in addition to substantive review, classification also occurs. Classification is intended to serve as a filter so that smaller, less complex subdivisions can be reviewed with less rigamarole than larger subdivisions. Classification divides subdivisions into Minor or Major, and

into Class A, Class B, or into a class of subdivisions which are neither A nor B. Hence, six possible combinations of classifications exist. The following diagram illustrates the classification possibilities:



Page references for procedures and forms of application are summarized in the following table:

	Procedures	Form of Application	Special Comment
1. Minor Subdivision	pp. 15-19	p.39-41	-
2. Minor, Class A Subdivision	pp. 15-19, 31-35	p. 39-41	Contact APA
3. Minor, Class B Subdivision	pp. 15-19, 31-34	p. 39-46	-
4. Major Subdivision	pp. 19-31	pp. 41-46	-
5. Major, Class A Subdivision	pp. 19-31	pp. 41-46	Contact APA
6. Major, Class B Subdivision	pp. 19-31	pp. 41-46	-

A final word on classification. Any of the previously listed types of subdivisions may be



designed as a "cluster development", if the town zoning ordinance so allows. If the subdivision is a cluster development, additional procedural requirements must be followed in seeking and granting approval; these are found on pp. 35 through 38.

The concluding part of these regulations contains miscellaneous provisions, the most important of which concerns the **provision to waive an unnecessary or inappropriate requirement**. Recall that previously it was stated that subdivision applications would be evaluated against development standards pertinent to the proposed subdivision. It is possible, even likely, that a standard may be pertinent to a proposed subdivision but, nevertheless, in the view of the applicant, unnecessary or inappropriate. Also, a procedural requirement may be considered to be unnecessary or inappropriate. In such cases, the applicant *is* enabled by this section formally to request waiver of that requirement.

To summarize: If you want background information on these subdivisions regulations, you should read (or reread as the case may be) the preceding pages of PART I.

If you don't understand a word or term used in these regulations or want to be sure that your understanding of a word or term is the one that is being employed in these regulations, you should check PART II.

If you want to find out how to proceed step-by-step in making application for subdivision approval, look in PART III.

If you want to be sure that your application for subdivision approval is being prepared in the required form, go to PART IV.

If you need to know what factors ought to be considered in planning a subdivision (or need to

know what to look for in reviewing a proposed subdivision), PART V contains appropriate guidelines.

If you believe that a requirement of these regulations is unnecessary or inappropriate, PART VI tells what can be done about it.

**PART II. Definitions** used in these regulations and interpretations of language. When used in these regulations, the following terms shall have the meanings set out below:

**BUILDING LOT** means a parcel of land upon which a dwelling unit may be located pursuant to applicable requirements of the Adirondack Park Agency, New York State Department of Health, or Town of Chesterfield regulations.

**CLASS A REGIONAL SUBDIVISION** means a subdivision which is classified as a Class A regional project in Section 810 of the Adirondack Park Agency Act, and set out in Appendix A hereof.

**CLASS B REGIONAL SUBDIVISION** means a subdivision which is classified as a Class B regional project in Section 810 of the Adirondack Park Agency Act and set out in Appendix B hereof.

**CLERK OF THE PLANNING BOARD** means that person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.

**CLUSTER DEVELOPMENT** means a subdivision of land providing for the grouping of development such that it is necessary to modify, pursuant to Section 281 of the Town Law, minimum lot size or other lot dimension of the zoning regulations.

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

**DEAD-END STREET** means a street or a portion of a street with only one vehicular traffic outlet.

**MAJOR STREET** means a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**MAJOR SUBDIVISION** means any subdivision of five or more lots, parcels or sites, or any subdivision requiring any new street.

**MASTER OR COMPREHENSIVE PLAN** means a comprehensive plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law, including amendments to such plan.

**MINOR DIVISION** means a parcel of land such that no new building lots are created 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 land use plan or zoning regulations or policy set forth in these regulations.

MINOR STREET means a street intended to serve primarily as an access to properties.

MINOR SUBDIVISION means any subdivision containing not more than four lots, parcels or sites and not requiring any new street.

MOBILE HOME means any self-contained dwelling unit that is designed to be transported to its site on its own wheels or those of another vehicle, may contain the same water supply, sewage disposal and electric system as immobile housing and is used exclusively for either permanent or seasonal occupancy. A dwelling unit that is construed in sections and transported to and assembled on the site is not considered a mobile home.

OFFER FOR SALE TO THE PUBLIC means to make publicly and generally known or the availability of a subdivision lot for sale.

OFFICIAL MAP means the map established by the Town Board pursuant to Section 270 of the Town Law.

PLANNING BOARD OR BOARD means the Planning Board of the Town.

PRELIMINARY PLAT means a drawing or drawings clearly marked showing a proposed subdivision, as specified in Part V, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form.

REGIONAL SUBDIVISION means any Class A regional subdivision or Class B regional subdivision.

REQUIRED IMPROVEMENTS means any activities or improvements required by PART IV of these regulations, except as such may be waived by the Planning Board, including but not limited to, streets and roads, utility installations, road ditches, drainage facilities and culverts, monuments, park and recreation areas, and revegetation operations.

SKETCH PLAN means a sketch of a proposed subdivision showing the information specified in PART IV, Section 1 of these regulations, to enable the subdivider to save time and expense in reaching general understanding with the Planning Board as to the form of the layout and the site of the proposed subdivision in relation to the provisions of these regulations.

STREET OR ROAD means and includes streets, roads, avenues, lanes, or other traffic ways, not including private rights-of-way providing access to four or fewer lots. This will not prevent the Planning Board from requiring reasonable conditions for private rights of way.

SUBDIVIDER means any person, firm, corporation, partnership or association, or an authorized representative of any of the above, who shall effect any subdivision of part thereof as defined herein.

SUBDIVISION means any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

SUBDIVISION PLAT OR FINAL PLAT means a drawing, in final form, showing a proposed information or detail required by Section 2 or 4 of PART V of these regulations, to be presented to the Planning Board for approval, filed or recorded by the applicant in the office of the County Clerk.

TOWN REPRESENTATIVE means the person or persons duly designated by the Town Board to inspect and approve the construction and installation of required improvements under Section C of Step 2B hereof, in relation to a given subdivision.

ZONING LOCAL LAW means the duly enacted Zoning Law of the Town of Chesterfield.

Any word or term used in these regulations which is not defined in this Article, nor a defined word or term in the zoning local law, nor defined in its context, shall carry its customary meaning, unless otherwise stipulated. Furthermore, the following rules of construction apply to the text of these regulations:

- (a) The particular shall control the general.
- (b) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (c) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless context clearly indicates the contrary.
- (d) A building or "structure" includes any part thereof.
- (e) The word "used", when employed in the phrases "used to", "used for" or "used as" includes the following words when employed in similar phrases: "designed" , "intended" , "maintained" , "occupied" .
- (f) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" , or "either", the conjunction shall be interpreted as follows:
  - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

- (3) "Either or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (g) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

**PART III. Procedures to be followed in seeking approval of a proposed subdivision; and to be followed in reviewing applications for subdivision approval.**

Whenever any subdivision of land is proposed to be made within the town 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 shall make application for and receive final approval of such proposed subdivision in accordance with the following procedures.

Step I. Submission of a Sketch Plan, meeting with Planning Board and classification of subdivision.

A. Submission of Sketch Plan.

Prior to any subdivision of land, the subdivider shall submit to the Clerk of the Planning Board at least ten days prior to a meeting of the Board two copies of a Sketch Plan of the proposed subdivision, complying with the requirements of PART IV, Section I, for the purposes of preliminary discussion and classification.

B. Meeting with Planning Board. Classification of Subdivision, and determination of SEQR applicability.

After submission of a Sketch Plan, the subdivider shall meet with the Planning Board to discuss the requirements of these regulations, including those relating to street design and construction, placement of utilities, drainage, sewerage, water supply, fire protection, and parks and open space areas, as well as the availability of existing services and other pertinent information.

The Planning Board shall review the Sketch Plan, and shall make advisory recommendations to the subdivider as to whether the subdivision shown by the Sketch Plan meets the requirements of these regulations insofar as can be



determined. If possible, the board shall make these recommendations at the same time it meets with the subdivider, and in no case shall the board fail to make such recommendations within thirty (30) days of submission of the Sketch Plan. In addition, the Planning Board shall review the location of the proposed subdivision for the presence of any adverse physical, biological, aesthetic or public considerations limiting development of the site as shown on the natural and man-related resource maps on file in the town offices. If the site falls within a questionable area denoted on such maps, the Planning Board may request the subdivider to consult with appropriate technical reviewer assistance agencies (such as but not limited to the Soil Conservation Service and the State or County Department of Health) to determine appropriate measures to mitigate or eliminate potential problems. Provided that, the findings or recommendations of such agencies shall not be binding on the Planning Board or the subdivider.

**Classification of the subdivision shown by the Sketch Plan as a Minor Division or as a Minor or Major Subdivision shall be made at this time by the Planning Board.** Where the Planning Board determines that a particular division constitutes a **Minor Division**, it shall so notify the applicant who may then proceed without necessity of Planning Board approval of the division or public hearing. If the Sketch Plan is classified as a **Minor Subdivision**, the subdivider shall then comply with the procedure outlined in Step 2A. If it is classified as a **Major Subdivision**, the subdivider shall then comply with the procedures outlined in Step 2B. **The Board shall also determine at this time whether the subdivision shown by the Sketch Plan is a "Regional Subdivision" and thereby subject to the additional requirements of Step 3 of this Part.**

The Planning Board shall determine whether the New York State Environmental Quality Review Act (SEQR) applies to the proposed subdivision, and, if so, the subdivider shall be required to comply with applicable requirements.

Step 2A. Procedural requirements for subdivisions classified as Minor.

A. Application and Fee.

Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for Minor Subdivision Plat approval within six months after classification of the subdivision shown by the Sketch Plan as a Minor Subdivision by the Planning Board, and the Board's recommendations thereon. Failure to do so within such time period may require resubmission of the Sketch Plan to the Planning Board. The application shall be on a form provided by the Clerk of the Planning Board, and shall include the elements described in PART IV, Section 2 hereof, and the Minor Subdivision Plat shall conform to the layout shown on the Sketch Plan, reflecting any recommendations made by the Planning Board.

All applications for Minor Subdivision Plat approval shall be accompanied by a fee of five dollars.

B. Number of Copies.

Five copies of the application for Minor Subdivision Plat approval shall be presented to the Clerk of the Planning Board at the time of submission of the Minor Subdivision Plat.

C. Subdivider to Attend Planning Board Meeting.

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

D. Date of Official Submission and Referral to County Planning Agency Where Necessary.

The date of the submission of the Minor Subdivision Plat shall be considered to be the date on which both a completed application for Minor Subdivision Plat approval and the required fee have been filed with the Clerk of the Planning Board. Where required by Section 239-k or 239-n of the General Municipal Law, the county superintendent of highways or commissioner of public works shall be notified, and a copy of the completed application shall be forwarded to the county planning agency having jurisdiction, for that body's report and recommendations .

E. Public Hearings shall be held by the Planning Board within sixty-two (62) days from the date of official submission of the Minor Subdivision Plat for approval. Such hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate.

F. Action on Minor Subdivision Plat.

Not more than sixty-two (62) days after the completion of the public hearing, the Planning Board shall by resolution conditionally approve, disapprove, or grant final approval with or without conditions which the Planning Board does not feel need to be satisfied before signing the plat, and authorize the signing of the Subdivision Plat. This time period may be extended by written agreement of the subdivider and the Planning Board.

Failure of the Planning Board to act within such sixty-two (62) day or otherwise agreed upon period shall be deemed final approval of the plat,

demand of the subdivider the Town Clerk shall issue a certificate the date of submission and the failure to take action within such prescribed time. In making its decision the Board shall apply the standards and requirements set forth in PART V hereof **insofar as those standards are pertinent to the proposed subdivision!** The Board in its discretion may require the subdivider to satisfy the provisions of Part C of Step 2B with respect to any required improvements associated with the proposed subdivision. The Board shall also consider any findings or recommendations of technical review or assistance agencies consulted by the subdivider at the Board's request pursuant to Part B of Step I. The grounds for a disapproval, or for the conditions and requirements of a conditional approval, shall be explicitly set forth in the Board's resolution.

Upon granting conditional approval of the plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the plat shall be deemed to have received final approval, and such officer shall sign the plat accordingly. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting

such approval unless the requirements have been certified as complete within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted under the circumstances, for one or two additional periods of ninety (90) days each.

G. Filing of Approved Minor Subdivision Plat.

1. Final Approval and Filing. Upon receiving final approval pursuant to Part F of this Step and being properly signed by the duly designated officer of the Planning Board or upon receiving a certificate from the Town Clerk as to the Planning Board's failure to act within the prescribed time period, a Subdivision Plat may be filed or recorded in the Office of the Clerk or Register of the County wherein the subdivision is located. However, the signature of the duly designated officer of the Planning Board, or the certificate from the Town Clerk, shall expire sixty (60) days from the date of such signature or the issuance of such certificate unless within such sixty (60) day period the plat has been duly filed or recorded in the office of the county clerk or register. In addition to such filing or recording, in the case of a Class B regional subdivision, a copy of the permit issued under Step 3, Part B hereof shall be recorded by the subdivider within sixty (60) days in the Adirondack Park Agency Regional Project Permit Book in the office of the said county clerk.

2. Plat Void if Revised After Approval.

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and a

duly designated officer, thereof has signed the Plat, unless such Plat is first resubmitted to the Planning Board and such Board approves in writing any modifications. In the event that any such modified or revised subdivision Plat is recorded without complying with this requirement, such recording shall be null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the county clerk.

Step 2B. Procedural requirements for subdivisions classified as **Major**.

A. Preliminary Major Subdivision Plat.

1. Application and Fee.

Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for Major Subdivision Preliminary "Plat approval within six months after classification of the subdivision shown by the Sketch Plan as a Major Subdivision by the Planning Board, and the Board's recommendations thereof. The application shall be on a form provided by the Clerk of the Planning Board, and shall include the elements described in PART IV, Section 3 hereof, and the Preliminary Major Subdivision Plat shall conform to the layout shown on the Sketch Plan, reflecting any recommendations made by the Planning Board.

The application for Major Subdivision Preliminary Plat approval shall be accompanied by a fee of ten dollars, plus two dollars per lot for each lot in the proposed subdivision.

2. Number of Copies.

Five copies of the application for Major Subdivision Preliminary Plat approval shall be presented to the Clerk of the Planning Board at the time of submission of the Major Subdivision Preliminary Plat.

3. Subdivider to Attend Planning Board Meeting.

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

4. Date of Official Submission and Referral to County Planning Agency Where Necessary.

The date of submission of the Major Subdivision Preliminary Plat shall be considered to be the date on which both a completed application for Major Subdivision Preliminary Plat approval and the required fee have been filed with the Clerk of the Planning Board. Where required by Section 23-k or 239-n of the General Municipal Law, the county superintendent of highways or commissioner of public works shall be notified, and a copy of the completed application shall be forwarded to the County Planning Agency having jurisdiction for that body's report and recommendations.

5. Study of Major Subdivision Preliminary Plat.

The Planning Board shall study the Major Subdivision Preliminary Plat, taking into consideration the provisions of these regulations, the requirements of the community, and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets, and their relation to topography, water drainage, lot sizes and arrangement, the placement of utilities, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan and the Official Map, if such exist, and the zoning local law. In addition, the Planning Board shall consider any findings or

recommendations of technical review or assistance agencies consulted by the subdivider at the Board's request pursuant to Step 1, Part B.

6. Action on the Major Subdivision Preliminary Plats.

Within sixty-two (62) days after the date of official submission of the Major Subdivision Preliminary Plat, the Planning Board shall hold a public hearing, which shall be advertised 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. Not more than sixty-two (62) days after the completion of such hearing the Planning Board shall approve with or without modification or disapprove such Preliminary Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. In making its decision, the Board shall apply the standards and requirements set forth in PART IV hereof insofar as those standards are pertinent to the proposed subdivision. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When approving a Major Subdivision Preliminary Plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form. Failure of the Planning Board to act within such sixty-two (62) day or otherwise agreed upon period shall be deemed approval of the Major Subdivision Preliminary Plat. Within five (5) days of the approval of such Major Subdivision Preliminary Plat it shall be certified by the Clerk of the Planning Board as granted approval and a copy filed in the office, a



certified copy mailed to the owner, and a copy forwarded to the Town Board .

When granting approval to a Major Subdivision Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Major Subdivision Preliminary Plat, (2) the character and extent of any required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to Major Subdivision Preliminary Plat approval. Approval of a Major Subdivision Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Major Subdivision Preliminary Plat, and as a guide to the preparation of the Major Subdivision Final Plat.

**B. Review of Major Subdivision Final Plats.**

**1. Application and Fee.**

Unless otherwise agreed by the Planning Board and the subdivider , the subdivider shall submit an application for Major Subdivision Final Plat approval within six months after Major Subdivision Preliminary Plat approval. Failure to do so within such time period may require resubmission of the Major Subdivision Preliminary Plat to the Planning Board. The application shall be on a form provided by the Clerk of the

Planning Board, and shall include the elements described in PART IV, Section 4 hereof, and the Major subdivision Final Plat shall conform to the Major Subdivision Preliminary Plat, as modified by the Planning Board if such Major Subdivision Preliminary Plat was approved with modifications. All applications for Major Subdivision Final Plat approval shall be accompanied by a fee of ten dollars.

2. Number of Copies.

Five copies of the application for Major Subdivision Final Plat approval shall be presented to the Clerk of the Planning Board at the time of submission of the Major Subdivision Final Plat.

3. Date of Official Submission and Referral to County Planning Agency Where Necessary.

The date of submission of the Major Subdivision Final Plat shall be considered to be the date on which both a completed application for approval of the Major Subdivision Final Plat, including any endorsements required by paragraph 4 of this part, and the required fee have been filed with the Clerk of the Planning Board. Where material changes have been made in the plat since the previous referral of the preliminary plat to county officials as required by Section 4 of part A of this step, the Planning Board shall make another such referral as described in that section.

4. Endorsement of State and County Agencies.

Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Environmental Conservation and/or the State or County Department of Health have received at least preliminary approval(s) of such facilities.

5. Public Hearing.

Within sixty-two (62) days of the date of official submission of the Major Subdivision Final Plat for approval, a public 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, and further advertised in such manner as the Board deems appropriate for full public consideration of such Plat, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under part A of this step, and modified in accordance with requirements of such approval if such major subdivision preliminary plat was approved with modification, the Planning Board may waive the requirement for such public hearing.

6. Action on Subdivision Plat.

Within sixty-two (62) days of the date of official submission of a Subdivision Plat if no hearing is held, or in the event a hearing is held, not more than sixty-two (62) days after the completion of such hearing, the Planning Board shall by resolution conditionally approve, disapprove, or grant final approval with or without conditions which the Planning Board does not feel need to be satisfied before signing the plat, and authorize the signing of such plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure to take action on a final plat within such sixty-two (62) day or otherwise agreed upon period shall be deemed final approval of the plat and a certificate of the Town Clerk as to the date of submission and the failure to take action shall be issued on demand. In making its decision the Board shall apply the standards and requirements set forth in PART V hereof insofar as those requirements are pertinent to the proposed subdivision. Final approval shall not be granted until the requirements of part C of this Step have been met.

Upon granting conditional approval of the final plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of such resolution the plat shall be certified by the Clerk of the Planning Board as conditionally approved

and a copy filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the plat shall be deemed to have received final approval, and such officer shall sign the plat accordingly. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for one or two additional periods of ninety (90) days each.

#### C. Required Improvements.

##### 1. Improvements and Performance Bond.

Before the Planning Board grants approval of a Major Subdivision Final Plat, the Planning Board at its discretion may require the subdivider to follow the procedures set forth in sub-paragraphs (a) or (b) below.

- (a) The subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the

Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

(b) The subdivider shall complete all required improvements to the satisfaction of the Town Representative, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a certified check or performance bond covering the costs of satisfactorily completing such improvements. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

(c) The required improvements shall not be considered to be completed until the improvements and their installation have been approved by the Town Representative and a map has been submitted to the Planning Board indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to

subparagraph (2), then this map shall be submitted prior to final approval and the signing of the plat by the duly designated officer of the Planning Board. If the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph (1), or part of the required improvements as specified in subparagraph (2), such bond shall not be released until such a map is submitted.

2. Modification of Design of Improvements.

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Representative that unforeseen conditions make it necessary or desirable to modify the location or design of such required improvements, the Town Representative may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and any conditions attached thereto, and do not amount to a waiver or substantial alteration of any improvements required by the Board. The Town Representative shall issue any authorization under this paragraph in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

3. Inspection of Improvements.

At least five (5) days prior to commencing construction of any required improvements the subdivider shall pay to the Town Clerk the inspection fee

required by the Town Board and shall notify the Board in writing of the time when he proposes to commence construction of such improvements so that the Board may cause inspection by the Town Representative to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

4. Proper Installation of Improvements.

If the Town Representative shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with approved plans and specifications filed by the subdivider or any conditions of Planning Board approval, he shall so report to the Town Board and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

D. Filing of Approved Major Subdivision Plat.

1. Final Approval and Filing.

Upon receiving final approval pursuant to part B of this Step and being properly signed by the duly designated officer of the Planning Board or upon receiving a certificate from the Town Clerk as to the Planning Board's failure to act within the



prescribed time period, a Subdivision Plat may be filed or recorded in the Office of the Clerk or Register of the County wherein the subdivision is located. However, the signature of the duly designated officer of the Planning Board, or the certificate from the Town Clerk, shall expire sixty (60) days from the date of such signature or the issuance of such certificate unless within such sixty (60) day period the plat has been duly filed or recorded in the office of the county clerk or register. In addition to such filing or recording, in the case of a Class B regional subdivision, a copy of the permit issued under Step 3, part B hereof shall be recorded by the subdivider within sixty (60) days in the Adirondack Park Agency Regional Project Permit Book in the office of the said county clerk.

2. Plat Void if Revised After Approval.

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and a duly designated officer, thereof has signed the Plat, unless such Plat is first resubmitted to the Planning Board and such Board approves in writing any modifications. In the event that any such modified or revised Subdivision Plat is recorded without complying with this requirement, such recording shall be null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

E. Public Streets, Parks and Recreation Areas.

1. Public Acceptance of Streets.

The approval by the Planning Board of a Major Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other Open Spaces own on such Subdivision Plat.

2. Ownership and Maintenance of Park / Recreation or Open Space Areas.

When a park, playground, or other recreation area or open space shall have been shown on a Plat, Planning Board approval of the Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and where such requirement is considered necessary or desirable by the Planning Board to realize b7st use of the site, provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Step 3. Additional procedural requirements for either Minor or Major subdivisions which are classified as **Regional Subdivisions**.

A. Applicability of this Step.

When a proposed subdivision is a regional subdivision, the provisions of this Step shall apply in addition to all other provisions of these regulations. For the purpose of these regulations, if a subdivision constitutes both a Class B

regional subdivision and a Class A regional subdivision, it shall be deemed a Class A regional subdivision in its entirety.

B. Special Requirement for Approval of Class B Regional Subdivisions.

When a proposed subdivision is a Class B regional subdivision, the Planning Board shall not render approval or conditional approval under Step 2A, Part F hereof, nor shall the board render approval or approval with modifications under Step 2B, Part A, section 6 hereof, unless the Board first determines that the subdivision would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision taking into account the commercial, industrial residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider those factors pertinent to the subdivision contained in the development considerations set forth at Appendix C hereof, and in so doing, the Planning Board shall be guided by the development objectives and general guidelines set forth in Section 9 of PART V.

When the Planning Board renders final approval of a Class B regional subdivision, the Board shall issue a permit authorizing the subdivider to undertake the subdivision in accordance with any terms and conditions set

forth therein. The Planning Board, in conjunction with its approval of any Class B regional subdivision, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in the zoning local law shall be respected, and the imposition of reasonable conditions to insure that the subdivision will be adequately supported by services and improvements made necessary thereby and to insure that the subdivision will be completed in accordance with the terms of the approval and permit. In addition, the Planning Board may incorporate any such requirements and conditions in the permit issued with regard to such Class B regional subdivision.

C. Special Additional Procedures Regarding Class B Regional Subdivisions.

When a proposed subdivision is a Class B regional subdivision, within ten (10) days following receipt of a completed application under Step 2A, Part A or Step 2B, Part A, Section I, the Planning Board shall furnish the Adirondack Park Agency a copy of the application and plat together with such further pertinent information as the agency may deem necessary. The Planning Board shall also mail a copy of the notice of public hearing on the subdivision to the Agency at least five (5) days before such hearing. The Agency shall be a full

party in interest with standing to participate in the hearing and other proceedings pursuant to this section relative to Class B regional subdivisions.

D. Procedures for Adirondack Park Agency and Planning Board Review of Class A Regional Subdivisions.

1. At the time of classification, if the Planning Board determines that the subdivision shown by the Sketch Plan is a Class A regional subdivision, the Planning Board shall advise the subdivider to apply to the Adirondack Park Agency for a permit pursuant to Section 809 of the Adirondack Park Agency Act.
2. As soon thereafter as reasonably practicable the Planning Board or one or more designees and the Agency shall consult with one another for the purpose of analyzing the application, determining the form and content of any additional information to be requested pursuant to PART IV of these regulations and the requirements of the Agency, and formulating advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the Town land use program. In doing so, the Planning Board and Agency may be guided by joint procedures established for review of Class A regional subdivisions, which the board in its discretion may deem desirable to minimize duplication and generally expedite the review process.
3. Not later than thirty (30) days following receipt by the Planning Board from the Agency of Notice of Application Completion with regard to a

Class A regional subdivision, or such shorter period as may be agreed upon in writing by the Agency and the Town , the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the town land use program. Should the Planning Board fail to provide such recommendations within such thirty day or otherwise agreed upon period, the Agency may make the finding required by subparagraph (4) hereof without receipt of such recommendations.

4. The Adirondack Park Agency's review of Class A regional subdivision within the territory of the Town pursuant to and in accordance with Section 809 (9) of the Adirondack Park Agency Act, shall be governed by the criteria and certain procedures hereinafter set forth, as well as those set forth in the Act and the applicable Agency rules and regulations. The Adirondack Park Agency shall not regional subdivision unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the subdivision, that the subdivision would comply with all the pertinent requirements and conditions of the Town land use program.

**Step 4. Additional procedural requirements for Cluster Developments.**

- A. Whereas pursuant to a resolution of the Town Board, the Planning Board has been empowered to modify the minimum lot area, minimum lot width and minimum shoreline lot width requirements of the zoning and project review

ordinance in accordance with the provisions of Section 281 of the Town Law, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the standards and procedures:

B. Standards.

1. The Planning Board may make such modifications in all zoning districts.
2. No such modification by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, as specified in the zoning and project review ordinance and as shown on the official zoning map.
3. If the subdivision involves any shoreline subject to the shoreline lot width restrictions contained in the zoning and project review ordinance, any modification of such restrictions shall not result in an overall intensity of development exceeding the following number of principal buildings, as that term is defined in the zoning and project review ordinance, per linear width of shoreline for the respective land use area (as shown on Park Plan Map) involved:

Principal Buildings Land Use Areas Per Linear Mile of Shoreline

Land Use Areas	Principal BuildingsPer Linear Mile
Hamlet	106
Moderate Intensity	53
Low Intensity	42
Rural Use	36
Resource Management	26

4. If the subdivision involves any shoreline subject to the shoreline lot width restrictions contained in the zoning and project review ordinance, and utilizes the special provisions of the preceding paragraph, then the Planning Board shall specifically find, in connection with any approval thereof, that the subdivider will, whether by deed restriction, restrictive covenant or other similar appropriate means, insure the retention in open space of the undeveloped portions of shoreline resulting from utilization of the preceding paragraph.
  
5. In the event that the utilization of this section results in a plat showing lands available for park, recreation, or other municipal purposes directly related to the plat, or in a plat showing lands to be retained in open space in order to comply with the average density of lots or dwelling units that is permitted in the zoning district wherein such lands lie, the Planning Board, as a condition of plat approval, may establish in the case of lands for park recreation or other municipal purpose, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or other conservation restriction to the town or other appropriate means against any development or land use inconsistent with their retention in open space.



6. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the zoning and project review ordinance.

**PART IV. Requirements as to the form in which an application must be submitted.**

**Section I. Sketch Plan.**

- A. The sketch plan shall consist of a drawing based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire ownership of the subdivider to be shown on one sheet, and shall show:
- (1) The location of that portion of the subdivider's ownership which is to be subdivided in relation to the whole, and the location of nearby streets and roads.
  - (2) All existing structures, wooded areas and permanent and intermittent watercourses within the portion to be subdivided and within 200 feet thereof.
  - (3) The name of the owner(s) of the property to be subdivided and of all adjoining property owners as disclosed by the most recent municipal tax records.
  - (4) The tax map sheet, block and lot numbers, if available.
  - (5) All available utilities, and streets which are either proposed, mapped
  - (6) The proposed lot layout, street layout and any proposed recreation or open space areas.
  - (7) All existing restrictions on the use of land including easements or covenants.

## Section 2. Minor Subdivision Plat.

### A. An application for Minor Subdivision Plat approval shall include:

- (1) The Plat to be filed with the County Clerk, at a scale of not more than two hundred (200) but not less than fifty (50) feet to the inch, printed upon linen or canvas-backed paper, or clearly drawn in India ink upon tracing cloth, which shall show:
  - (a) Proposed subdivision name, name of the Town and County in which it is located, and the names of all adjoining property owners.
  - (b) North point, map scale, and name and address of the subdivider, the owner(s) of record, and engineer or surveyor, if any, including license number and seal.
  - (c) The boundary lines of the tract, and for each of the lots therein offered for sale to the public, if any, the boundary lines of such lots by actual field survey, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor, and bearing the date of the completion of the survey. The corners of whatever part or parts of the tract may be offered for sale to the public shall also be located on the ground and marked by monuments as approved by the Planning Board, and shall be as shown on the Plat. No survey shall be required for a minor subdivision effected by bona fide gift, devise or inheritance, or shall be required for a minor subdivision which is not offered for sale to the public, as provided by Section 334, Article 9 of the Real Property Law.
  - (d) All existing structures, easements, wooded areas and permanent and intermittent watercourses. The size of the sheet upon which the Plat is drawn shall be not less than 8 by 11 inches, nor more than 34 by 44 inches.

- (2) Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State Department of Health and the Town sanitary code.
- (3) A copy of the deed(s) relating to the property to be subdivided, and such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

### Section 3. Major Subdivision Preliminary Plat and Accompanying Data.

#### A. An application for Preliminary Plat Approval shall include:

- (1) The Preliminary Plat, clearly marked "Preliminary Plat", at a scale of not more than one hundred (100) but not less than fifty (50) feet to the inch, which shall show:
  - (a) Proposed subdivision name or identifying title, name of Town and County in which it is located, and the names of all adjoining property owners.
  - (b) North point, map, scale, and name and address of subdivider, owner(s) of record, and engineer or surveyor, included license number and seal.
  - (c) The boundary lines of the tract as determined by actual field survey, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor and bearing the date of the completion of the survey. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Planning Board, and shall be shown on the Plat.

- (d) Topographic contours, at intervals of five (5) feet, including elevations on existing roads and approximate grading plan if natural contours are to be changed by more than two (2) feet.
- (e) Location of existing structure, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
- (f) Location of existing sewers, water mains, culverts and drains on the property, with *pipe* sizes, grades and direction of flow.
- (g) The width and location of any streets or roads within the area to be subdivided, shown on the Official Map, if such exists, and the width, location and grades of all streets or roads proposed by the subdivider.
- (h) The proposed lot lines with approximate dimensions and area of each lot.
- (i) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, and connections to existing lines. Alternate means of water supply or sewage disposal and treatment shall be indicated.
- (j) Storm drainage plan indicating the approximate location and size of proposed lines or ditches and their profiles, connections to existing lines or ditches, and any alternate means of drainage.
- (k) Preliminary design of any proposed bridges or culverts.
- (l) Typical lot layout(s), with building and on-site sewage disposal system sites.

(m) Typical clearing and grading cross-section for construction of roads and installation of utilities (may be referenced to Appendix D of these regulations).

(n) Proposed recreational or open space area, including parcels of land proposed to be dedicated to public use.

When more than one sheet is required, an additional index sheet of the same size shall be submitted showing to scale the entire subdivision with lot and block numbers clearly legible.

(2) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch showing all existing streets, an outline of the platted area with its proposed streets, and an indication of the probable future street and drainage systems (if any) in the remaining portion of the tract with its grades and drainage.

(3) Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State Department of Health and the town sanitary code.

(4) A copy of such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

B. If the proposed subdivision is a regional subdivision, the subdivider may also be required to submit an analysis with supporting data of the ability of the public to provide services and facilities which can reasonably be anticipated to be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project and information describing the applicant, evidence of his or its financial capacity to complete

the project as planned, and the names of any professional advisors or consultants with respect to the project.

#### Section 4. Major Subdivision Plat and Accompanying Data.

A. An application for Major Subdivision Plat approval shall include:

(1) The Plat to be filed with the County Clerk at a scale of not more than one hundred (100) but not less than fifty (50) feet to the inch, printed upon linen or canvas-backed paper, clearly drawn in India ink upon tracing cloth, which shall show:

(a) Proposed subdivision name or identifying title, name of Town and County in which it is located, and the names of all adjoining property owners.

(b) North point, map scale, and name and address of subdivider, owner(s) of record, and engineer or surveyor, including license number and seal.

(c) The location of all boundary lines, proposed street lines and lot lines, as determined by actual field survey, including the length and bearings of straight lines and length and radii of all curves. All dimensions shall be shown in feet and decimals thereof. Such survey shall be made and certified to by a licensed land surveyor and the plat shall bear the date of the completion of the survey. Referenced on the plat shall be:

(i) Monuments of a type approved by the Planning Board set at all corners and angle points of the boundaries of the original tract to be subdivided, all street intersections, angles in street lines, points of curve and such other points as may be required by the Planning Board; and

(ii) Permanently lodged lot corner markers of at least 3/4 inch diameter and 24 inch length, located in the ground to existing grade.

- (d) Topographic contours, at intervals of five (5) feet or less as required by the Board, including elevations on existing roads and final grading plan if natural contours are to be changed by more than two (2) feet.
- (e) Location of existing structures, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas, single trees with a diameter of twenty-four (24) inches or more as measured at breast height, and other significant existing features for the proposed subdivision and adjacent property.
- (f) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (g) The location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, and connections to existing lines.
- (h) Storm drainage plan indicating the location and size of proposed lines or ditches and their profiles, and connections to existing lines or ditches.
- (i) Final design of any proposed bridges or culverts.
- (j) All recreational or open space areas, including parcels of land proposed to be dedicated to the town.
- (k) Typical lot layout(s) with building sewage disposal sites.
- (l) Typical clearing and grading cross-sections for construction of roads and installation of utilities (may be referenced to Appendix D of these regulations) .

The size of the sheets shall be not less than 8 by 11 inches nor more than 34 by 44 inches. 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.



- (2) Design of all proposed on-site sanitation and water supply facilities meeting the minimum specifications of the State Department of Health and the Town sanitary code.
- (3) Offers of cession and deeds for any recreational or open title to which is to be retained by the subdivider, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor. Such offers, deeds, agreements or other documents shall bear the approval of the Town attorney as to their legal sufficiency.

**PART V. Desirable site development standards, which the Planning Board will employ as guidelines in reviewing subdivision applications.**

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

**Section I. General.**

**A. Character of Land.**

Land to be subdivided shall be of such character that it can be used safely for building purposes or other uses without danger to health or peril from fire, flood or other menace, while minimizing impacts on existing natural or public resources. Accordingly, proposed subdivisions which are to be located in questionable areas denoted on the natural and man-related resource maps on file in the Town offices shall be presumed to have significant problems requiring special design features or mitigating measures if such problems are to be satisfactorily overcome. In general, future uses upon land to be subdivided should be able to blend harmoniously with the surrounding topography, vegetation, and other natural features, and should avoid the need for costly land alterations or intricate engineering to overcome adverse site conditions. The Board in its discretion may consider any proposed subdivision in light of any or all the objectives and guidelines set forth in Section 9 of this article.

**B. Conformity to Official Map and Master Plan.**

Subdivisions shall conform to the Official Map of the Town, if any, and shall be in harmony with the Master Plan.

C. Specifications for Required Improvements.

All required improvements shall be constructed or installed in accordance with Town specifications, which may be obtained from the Planning Board.

Section 2. Layout of Streets and Roads.

A. Relationship to Topography and Other Natural Features.

All streets and roads shall be logically related to the existing topography, soils, vegetation, and other natural features and shall be coordinated into a logical and efficient system. Installation of utility distribution and service lines shall be planned at the time road layout is determined. For these purposes, areas with steep slopes, shallow soils, soils with a water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall be avoided insofar as practical.

All roads shall be arranged so as to obtain a maximum number of building sites at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography, except that in all cases the provisions concerning road grades in paragraph B of Section J of this article shall be observed.

B. Stream Crossings and Slope Traverses.

Road layout shall minimize stream crossings and avoid traversing existing slopes exceeding. Roads shall cross streams at right angles

C. Road Intersections.

In general, all streets and roads shall intersect so that for a distance of at least 100 feet each street is approximately at right angles to the street it joins. Minor or secondary road intersections with collector or major roads shall be separated by at least 200 feet, but in no case by less than the sight distance corresponding to the legal speed limit.

D. Special Treatment Along Major Arterial Streets.

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

E. Minor Streets.

Minor streets shall be laid out so that their use by through traffic will be discouraged.

F. Dead-End Streets.

Dead-end or loop residential streets will be permitted 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, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street, when the Board in its discretion feels such easement is necessary or desirable. Where possible and desirable, subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

G. Provision for Continuation or Projection of Certain Streets.

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the

construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuation or projection undesirable or impracticable, this requirement may be modified.

H. Provision for Future Resubdivision.

Where a tract is subdivided into lots two or more times as large as the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations and the zoning local law.

I. Service Streets or Loading Space for Commercial Development.

Paved rear streets of not less than 18 feet in width, or in lieu thereof, adequate and suitably surfaced off-street loading space, shall be provided in connection with lots designed for commercial use, in addition to any off-street parking requirements contained in the zoning local law.

J. Other Required Streets.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

### Section 3. Design and Construction of Streets and Roads.

- A. Rights-of-Way, Surface Widths, and Basic Surfacing. All subdivision roads having 25 or more lots per mile of road or serving 25 lots or more (in each case including lots on both sides of the road) shall have as a minimum a 50-foot right-of-way, a 12-inch thick crowned compacted gravel base, a driving width of 18 feet, and 4-foot wide shoulders. Subdivision roads having less than 25 lots per mile of road or serving less than 25 lots (in each case including lots on both sides of the road) shall have as a minimum a 50-foot right-of-way, a 12-inch thick crowned compacted gravel base, a driving width of 16 feet, and 2-foot wide shoulders. Provided that, in areas for which a commercial use is planned, the above-mentioned driving widths shall be increased by such amount as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business area.

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs, if any, shall be adjusted accordingly.

B. Grades.

Road grades shall conform in general to the terrain, but shall not exceed a 12% average grade over any 150 foot length, nor a 15 percent average grade over any 50 foot length, and in no case shall exceed more than 3 percent within 50 feet of any intersection.

C. All-Weather Surfacing of Certain Road Sections.

For subdivision roads having 25 or more lots serving 25 or more lots, sections of those roads with grades exceeding 10 percent over any length shall be treated with stabilizing compounds to provide a durable all-weather driving surface.

D. Horizontal and Vertical Alignment of Roads.

Horizontal and vertical alignment of roads, that is curve radii and changes in grade respectively, shall be based upon design speeds of not less than 25 m.p.h. and the corresponding minimum stopping distance, except that for roads having less than 25 lots per mile or road or serving less than 25 lots (in each case including lots on both sides of the road) that stated velocity may be reduced to 15 m.p.h.

E. Road Ditches and Drainage Culverts.

Finished grades of all road ditches shall be a minimum of one and one-half (1½) feet below the center of the road surfaces. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a 5-year, 24-hour rainfall. Drainage culverts shall be adequately-sized and located so as to maintain pre-construction surface drainage patterns, provided such patterns were acceptable prior to construction.

F. Hydraulic Capacities of Bridges and Culverts.

Stream crossings shall be roughly at right angles, and bridges or culverts shall be designed to accommodate the peak runoff rate from:

- (1) A 10-year, 24-hour rainfall if the contributing drainage area is one square mile or less,
- (2.) A 25-year, 24-hour rainfall if the contributing drainage area is between one and four square miles, or
- (3) A 100-year, 24-hour rainfall if the contributing drainage area is more than four square miles.

G. Cut and Fill Slopes.

Fill slopes shall not be steeper than 2 horizontal on 1 vertical (2:1). Cut slopes shall not be steeper than 2:1 on coarse sand and gravel soils, 2½:1 in fine sand and silty sand, 3:1 in sandy silt, 4:1 in silt, sandy clay, or clay. If internal drainage measures and/or lateral structural support is provided by the

subdivision for wet soil conditions or fine grained soils, the slopes may be steeper in accordance with design analysis.

H. Use of Road Fill.

All areas to be filled for road construction shall be cleared and grubbed prior to placement of fill. Clearing and grubbing shall consist of removal of all woody vegetation consisting of trees, fallen trees, logs, or brush. All fills shall be compacted to provide stability of material and to prevent undue settlement.

I. Dead-End Roads.

Dead-end roads shall have pull-offs and turnarounds at intervals of not more than one-quarter mile in strongly rolling to mountainous terrain and not more than one-half mile in flat to gently rolling terrain. Dead-end roads should terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end roads, a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves a different arrangement.

J. Watercourses.

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots, by the utilization of culverts or other structures of design approved by the Planning Board.

K. Clearing and Grading for Roads and Utilities: Placement of Utilities; Construction of Roads and Installation of Utilities.

(1) Clearing and grading for road and utility installations shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills and provide for utility installation. The typical clearing and grading cross-sections shown in Appendix D of these regulations shall be used as a design guide for the subdivider and a review guide for the Planning Board. The subdivider



shall employ an appropriate typical clearing and grading cross-section from that appendix, and where utilities are to be undergrounded, those utilities shall be placed in accordance with such cross-section. Provided that, the Planning Board in its discretion may require or allow for different construction of roads or placement of underground utilities, considering among others the following factors:

- (a) The extent and nature of existing vegetation.
  - (b) Topographic and geologic conditions, including unstable soils. (c) Potential visual impact.
  - (d) The possibility of future relocation of utility lines necessitated by pavement widening or other reasons. Clearing and grading for roads, water, sewer, electric, telephone, natural gas or cable television distribution lines shall be as shown on the final grading plans for the project.
- (2) The construction of roads and the installation of utilities should be planned sequentially, so that construction operations do not conflict and so that subsequent construction operations do not interfere with or destroy completed work. For this purpose, installation of community sewer and water lines, if proposed, shall be done prior to the installation of underground electric, telephone, natural gas or cable television distribution lines. With electric, telephone, natural gas or cable television distribution lines are to be located underground, sewer and water stubs for individual or group service shall extend at least two (2) feet beyond underground utility easements into private property.
- (3) Transformer pads or mounts for distribution of electric, telephone, natural gas, or cable television to service radials shall be located to the maximum amount possible within the private portion of the utility limit of clearing, utilizing the lot area adjoining private portion of the limit of clearing to the extent necessary, or adjoining the limit of clearing where there is no

such private portion. Such pads or mounts shall be located as close as practical to the property line dividing adjoining properties.

L. Revegetation.

All cleared areas associated with the construction of roads and installation of utilities, excluding those areas comprising road surfaces or shoulders, all exposed borrow areas, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions or as specified in Section 4 of this Article and Appendix E of these regulations. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of design flow, by means of revegetation, sodding, mulching, netting, stone paving, riprap, and other materials or combinations of these, depending on hydraulics and soil properties.

Section 4. Revegetation of Disturbed Soil Areas.

A. Applicability and Compliance.

Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites or parking lots, shall be successfully revegetated or otherwise stabilized with structural measures to minimize the potential for soil erosion as soon as practicable. Appendix E of these regulations shall serve as a guide for such efforts. Revegetation measures and efforts shall be evaluated by visual inspection which shall include identification and measurement of the actual condition of new healthy vegetation. Such evaluation shall be made within a reasonable time. Corrective action shall be instituted and completed with the time specified by the Planning Board upon determination of unsatisfactory compliance with this section. In making any determination required by this section, the Planning Board or its designee shall consider significant rills, gullies, loss of mulch, loss of seed, or failure of seed germination as evidence of unsatisfactory compliance herewith.

B. Staging of Revegetation Operations

Construction operations requiring revegetation of an aggregate area larger than twenty thousand (20,000) square feet should generally be done in stages, each stage consisting of no more than twenty thousand (20,000) square feet of surface area. Each stage shall receive complete treatment for revegetation or mulching as described in Appendix E of these regulations as if the stages were individual constructions.

C. Timing of Operations.

Upon completion of final grading of any area, revegetation operations shall begin within the time period specified by the Planning Board, provided, however, that where this is not possible or desirable because of weather conditions or other circumstances, such revegetation operations shall be performed as soon as reasonably possible. In the event that more than five (5) working days shall elapse between any consecutive construction operations that materially disturb the soil, such areas shall be adequately mulched or otherwise stabilized with structural measures within five (5) working days of disturbance and shall be completed within ten (10) working days to minimize the potential for soil erosion. Mulching shall be done in accordance with applicable provisions in Appendix E of these regulations.

Section 5. Street Names

A. Type of Name.

All street names shown on a Preliminary Plat or Subdivision Plat shall be subject to approval by the Planning Board. In general, streets shall have names and not numbers or letters.

B. Names to be Substantially Different.

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present street 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, except for residential loop streets.

#### Section 6. Lots.

A. Lots to be Buildable.

The lot arrangement shall be such that in constructing a building in compliance with the Town Zoning Regulations, there will be no foreseeable difficulties for reasons of topography, access or other existing physical or biological conditions.

B. Side Lines.

Side lines of lots shall be generally at right angles to straight street lines and radial to curved street lines, unless a different alignment will give a better street or lot plan.

C. Corner Lots.

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

D. Driveway Access.

Driveway access and grades shall conform in general to the terrain, but shall not exceed a 10 percent grade over any 150-foot length, shall not exceed 15 percent over any lengths, and shall not exceed 3 percent within fifty feet of the street pavement or driving surface, as measured along the center line of the driveway.

E. Access by Means of Private Rights-of-Way.

Access to more than three lots by means of a private right-of-way shall be deemed acceptable only if such right-of-way is designed and improved in accordance with Sections 2 and 3 of this article.

F. Monuments and Lot Corner Markers.

Permanent monuments meeting town specifications as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Planning Board may require, and their location shall be shown on the Subdivision Plat.

#### Section 7. Drainage Improvements.

A. Removal of Spring and Surface Water.

Except where a wetland is involved as defined in the Zoning Regulations, the Planning Board may require the subdivider to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

B. Storm Water Easements or Drainage Rights-of-Way.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided as required by the Planning Board, but in no less than 150 feet in width.

C. Drainage Structure to Accommodate Potential Development Upstream.

Any culvert or other drainage facility shall be large enough to accommodate the peak runoff rate from its entire upstream drainage area, whether inside or outside the subdivision, under conditions of total potential development permitted by the Zoning Regulations in such contributing drainage area, of:

- (1) A 10-year, 24-hour rainfall if the contributing drainage area is one square mile or less,
- (2) A 25-year, 24-hour rainfall if the contributing drainage area is between one and four square mile or
- (3) A 100-year, 24-hour rainfall if the contributing drainage area is more than four square mile.

D. Responsibility for Drainage Downstream.

The subdivider shall also furnish a study of the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility within the town during a ten-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the alleviation of said condition.

E. Land Within the Special Flood Hazard District.

Land within the Special Flood Hazard District shall not be platted for residential occupancy, nor for any other uses which are non-permissible under the Zoning Regulations.

Section 8. Parks, Open Spaces and Natural Features.

A. Recreation Areas Shown on Town Plan.

Where a proposed park, playground or open space shown on the town plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirement specified in paragraph (b) below. Such area or areas may be dedicated to the town or county by the subdivider in the Town Board approves such dedication.

B. Parks and Playgrounds not shown on Town Plan.

A major Subdivision Plan shows sites of a character, extent and location suitable for a park, playground or other open space area. Not less than 10 percent of the total area of the subdivision shall be provided for such purposes. The Planning Board, in its discretion, may require that the developer satisfactorily grade or improve any such recreation or open space areas shown on the plat. Such area or areas may be dedicated to the town by the subdivider if the Town Board approves such dedication. Appropriate legal measure should be taken to assure that such land can never be developed for other than recreational or open space purposes.

C. Information to be Submitted.

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

- (1) The boundaries of the said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- (2) Existing features such as books, ponds, clusters of trees, rock outcrops, structures.
- (3) Existing, and, if applicable, proposed changes in grade and contours of the area in question and of the area immediately adjacent.
- (4) Plans for recreational facilities or equipment if any.

D. Waiver of Plat Designation of Area for Park and Playgrounds.

In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreational or open space purpose cannot be properly located therein, or if in the opinion of the board such reservation is not desirable, or if in the opinion of the board, existing recreational facilities and open space areas can adequately meet the subdivision's needs, the board may waive the requirement that the plat show land for such purposes. The board may then require, as a condition to approval of the plat, a payment to the town of dollars per lot shown on the plat.

Such amount shall be paid to the Town Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for permanent park, playground or other recreational or open space purposes, and (b) is so located that, if possible, it will serve primarily the general neighborhood in which the land covered by the plat lies, and (c) shall be used only for park, playground or other recreational or open space land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or

recreation areas serving the general neighborhood in which the land shown on the plat is situated.

E. Preservation of Natural Features.

Wherever possible, the subdivider should provide for the preservation of all natural features which add value to residential developments and to the community, such as large trees or unusual groves of trees, water courses and waterfalls, beaches, historic spots and scenic vistas.

Section 9. Development Objectives for Use in Review of Regional Subdivisions.

- A. The principal natural resource and public resource aspects of a proposed subdivision site to be considered in connection with the determination required by Paragraph B of Step 3, PART III, together with representative means for avoiding undue adverse impact thereupon, include the following:

(1) Soils.

(a) Soils, General.

**Objective:** Prevent accelerated soils erosion and the potential for earth slippage.

**General Guidelines:** Respect existing natural features such as slope, soil texture and structure; minimize removal or vegetative cover; rapidly revegetate cleared area; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

(b) Agricultural Soils.

**Objective:** Conserve viable agriculture soils.

**General Guidelines:** Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

(2) Topography.

**Objective:** Minimize topographic alterations.



**General Guidelines:** Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

(3) Surface Waters.

(a) Water Quality and Eutrophication.

**Objective:** Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

**General Guidelines:** Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

(b) Surface Waters.

**Objective:** Retain existing surface drainage and runoff patterns and existing flow characteristics.

**General Guidelines:** Minimize alterations to existing drainage patterns and drainage courses; preserve drainage ways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

(c) Floodplains.

**Objective:** Maintain the storage capacity of floodplains and their existing ability to convey water downstream; and avoid activities in floodplains which will result in dangers to life, safety and property if subjected to flooding.

**General Guidelines:** Avoid the placement of buildings intended for human habitation, commercial use and industrial use within

floodplains; avoid the use of fill to create elevated sites; and within any flood hazard district conform all development plans to the floodplain regulations.

(4) Groundwater.

**Objective:** Preserve quality, infiltration rate, and levels of groundwater.

**General Guidelines:** Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly avoid discharges of effluent potential degrading to groundwater quality in proximity to major aquifers and aquifer recharge areas; **and** avoid impairment of aquifer recharge areas **which could result from** covering them with impervious surfaces.

(5) Shorelines.

**Objective:** Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams

**General Guidelines:** Comply at a minimum with applicable governmental shoreline restriction, minimize construction or development of any kind near or on the shorelines; avoid physical modification of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

(6) Mineral Resources.

**Objective:** Conserve existing known mineral resources.

**General Guidelines:** Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

(7) Air Quality.

**Objective:** Maintain or enhance existing air quality.

**General Guidelines:** Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

(8) Noise Levels.

**Objective:** Limit additions to noise levels.

**General Guidelines:** Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

(9) Wetlands.

**Objective:** Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreational values of wetlands.

**General Guidelines:** Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

(10) Aquatic Communities.

**Objective:** Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

**General Guidelines:** Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats or rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and replacement of docks, rafts, boat launching facilities and breakwaters; and avoid introduction of toxic materials and nutrients to waterbodies.

(11) Terrestrial Vegetation

(a) Vegetation, General.

**Objective:** Preserve or quickly restore terrestrial vegetation.

**General Guidelines:** Maximize the preservation of terrestrial wildlife species.

**General Guidelines:** Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

(b) Rare and Endangered Terrestrial Wildlife Species

**Objective:** Preserve rare and endangered terrestrial wildlife species.

**General Guidelines:** Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

(12) Fragile Ecosystems at Higher Elevations

**Objective:** Minimize disturbance of fragile ecosystems at higher elevations.

**General Guidelines:** Avoid development at elevations of 2500 feet or more.

(13) Terrestrial Wildlife

(a) Terrestrial Wildlife, General

**Objective:** Maximize the preservation of terrestrial wildlife species.

**General Guidelines:** Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

(a) Rare and Endangered Terrestrial Wildlife Species.

**Objective:** Preserve rare and endangered terrestrial wildlife species.

**General Guidelines:** Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

(14) Aesthetics.

(a) Aesthetics, General.

**Objective:** Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

**General Guidelines:** Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

(b) Scenic Vistas.

**Objective:** Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

**General Guidelines:** Avoid visibility of buildings any other development and land use alterations generally from vistas by employment of vegetative screening, existing topography and careful siting methods.

(c) Travel Corridors.

**Objective:** Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

**General Guidelines:** Employ vegetative screening, existing topography and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

(15) Open Space.

(a) Open Space, General.

**Objective:** Maintain the open space character of the project site, adjacent land and surrounding areas.

**General Guidelines:** Preserve vegetative screening and existing topography and employ clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open space; and preserve undeveloped areas as large as possible in view of project objectives.

(b) Outdoor Recreation.

**Objective:** Maintain the quality and availability of land for outdoor and open space recreational purposes.

**General Guidelines:** Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails as well as trail bike, jeep, all-terrain vehicle and horse trails, playgrounds, picnic areas, campgrounds, parks, beaches and similar uses.

(16) Adjoining and Nearby Land Uses.

(a) Surrounding Land Uses, General.

**Objective:** Minimize incompatibility of new development with the character of adjoining and nearby land uses.

**General Guidelines:** Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

(b) Adjacent State Land.

**Objective:** Preserve the wild and natural character of adjacent state lands designated as wilderness, primitive or canoe by the Adirondack Park State Land Master Plan.

**General Guidelines:** Minimize development activities which would materially impair the wilderness attributes of these state lands; design and construct development that is located within one-eighth mile of these state lands so as to minimize its visual and audial impact in these wilderness-like areas, thereby insuring the continued compatibility of state and private types of ownership.

(17) Wild, Scenic and Recreational Rivers.

**Objective:** Protect or enhance the natural qualities of any river included or designated to be studied for possible inclusion in the state's wild, scenic or recreational river system.

**General Guidelines:** Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

(18) Historic Sites

**Objective:** Protect archeological sites, historic sites, and unique historical structures for their educational and cultural value to the area, region or State.

**General Guidelines:** Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

(19) Special Interest Areas.

**Objective:** Preserve special interest areas such as unique natural features and their surrounding environs.

**General Guidelines:** Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations provide for their continuing protection; utilize these special interest areas as assets to development.

(20) Government Considerations.

(a) Service and Finance.

**Objective:** Fully explore and assure the ability of government to provide governmental services and facilities made necessary by the project.

**General Guidelines:** Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible, the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability of the government to provide services and facilities.

(b) Regulation.

**Objective:** Conform development activities to all applicable governmental rules and regulations.

**General Guidelines:** Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the



State Departments of Health and Environmental Conservation, and the Adirondack Park Agency.

(21) Public Utilities and Community Resources.

**Objective:** Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

**General Guidelines:** Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; and avoid necessity for major uncompensated increases in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

- B. The principal development activities associated with a subdivision to be considered in connection with the determination required by Paragraph B of this Section and referred to in Paragraph (D) (4) of this Section, together with representative means for avoiding undue adverse impact include the following:

(1) Streets and Roads.

**Objective:** Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

**General Guidelines:** Conform street and existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

(2) Siting and Construction of Buildings .

**Objective:** Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

**General Guidelines:** Blend buildings with existing topography and their surrounding environs; avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

(3) Sewage Disposal.

**Objective:** Select, design and locate sewage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or groundwater.

**General Guidelines:** Comply with all State and local health standards, adhere at a minimum to the Adirondack Park Agency Act's setback requirements for water bodies; employ proven design criteria for sewage disposal systems in proper working order.

(4) Storm Drainage.

**Objective:** Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

**General Guidelines:** Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainage ways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands, bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

(5) Water Supply.

**Objective:** Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and sub-surface drainage patterns.

**General Guidelines:** Comply with all State and local health standards with regard to the design, location, construction and maintenance of water supply systems.

(6) Solid Waste Disposal.

**Objective:** Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water, and visual pollution and in a manner which will not create hazards to the health and welfare of people or wildlife.

**General Guidelines:** Comply with all applicable State and local standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas locate disposal areas on deep, moderately permeable, well-drained soils and at sufficient distances from water bodies so as to prevent contamination thereof and avoid locating disposal areas on steep slopes.

(7) Pesticides and Herbicides.

**Objective:** Avoid all uses of pesticides, herbicides and other biocides potentially detrimental to natural systems.

**General Guidelines:** Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

(8) Shoreline Development.

**Objective:** Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

**General Guidelines:** Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all local laws; maximize preservation of

undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

(9) Noise

**Objective:** Minimize noise insofar as practicable.

**General Guidelines:** Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

(10) Signs

**Objective:** Avoid signage that detracts from aesthetic and scenic qualities.

**General Guidelines:** Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts or flashing lights.

(11) Utilities.

**Objective:** Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

**General Guidelines:** Locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography, and minimize maintenance practices such as herbicide spraying which could have adverse environmental impacts on terrestrial and aquatic ecosystems.

## **PART VI. Miscellaneous Provisions.**

Section I. Provision to waive an unnecessary or inappropriate requirement, and to impose a substitute **condition**, if needed.

- A. Where the Planning Board finds, due to the special circumstances of a particular Plat, that meeting a certain requirement of these regulations 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 requirement subject to appropriate conditions. Provided that, in no case shall any of the provisions of step 3, PART III, be waived.
- B. In granting waivers, the Planning Board shall impose such conditions as will substantially assume that the objectives of the standards or requirements so waived are met.

### **Section 2. Separability.**

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.