

DRAFT SUBDIVISION ORDINANCE UPDATE

**05/16/08
REVISED 08/25/08**

PREPARED FOR:

**THE TOWN OF NEW BALTIMORE
ZONING COMMITTEE**

PREPARED BY:



LAWRENCE E. HOWARD, ESQ.

ATTORNEY / PLANNER

AVERILL PARK, NEW YORK

TABLE OF CONTENTS



TOWN OF NEW BALTIMORE, NEW YORK

CHAPTER

1. Purpose
2. Definitions
3. Approval Required
4. Classification of Project as Major or Minor
5. Minor Subdivision Procedure
6. Major Subdivision Procedure
7. General Requirements for Major Subdivisions
8. Acceptance of Streets; Ownership and Maintenance of Recreation
Areas Planned Development District
9. Required Improvements and Site Design Standards
10. Street Layout
11. Street Design
12. Filing of Approved Subdivision
13. Variances & Waivers
14. Enforcement; Penalties

§ A115-1 PURPOSE

- A. The Town Board hereby declares that the process of subdividing land in the Town of New Baltimore is governed by regulations, standards, and procedures that involve the Planning Board working together with the landowner proposing to subdivide land, in order to meet the goals and objectives set forth herein.
- B. The regulations, standards and procedures contained herein are developed to ensure that the land to be subdivided is suitable for building purposes without creating dangers to health or peril from fire, flood or other menace. The regulations ensure that proper provisions will be made for drainage, water, sewerage and other needed improvements. Streets and highways must meet the minimum Town standards and must accommodate the expected volume of traffic. Where appropriate, the regulations establish standards for preserving and developing open space areas and other recreational purposes.
- C. It is the further policy of these regulations to ensure ~~optimum~~ reasonable overall conservation, protection, development and use of the scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Town.

§ A115-2. DEFINITIONS

- A. APPLICANT — Any person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.
- B. COLLECTOR STREET — A street which serves, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major street.
- C. CONCEPT PLAN — A sketch of a proposed subdivision to enable the applicant to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.
- D. DEAD-END STREET or CUL-DE-SAC — A street or a portion of a street with only one (1) vehicular traffic outlet.
- E. EASEMENT — Authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property.
- F. ENGINEER or LICENSED PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.
- G. FIELD SURVEY — A determination in written form of the exact boundaries, position and extent of a tract of land or plat by linear and angular measurements taken by actual examination in the field.

- H. MAJOR STREET — A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.
- I. MAJOR SUBDIVISION — The division of a single parcel which involves the creation of more than four lots, or a division of a parcel into at least two or more lots in such a way that it requires the ~~construction~~ construction or extension of a new street, excluding private streets, or ~~public utility~~ municipal facilities ~~or the expansion or extension of an existing street or public utility~~ for the parcels to be developed.
- J. MINOR STREET — A street intended to serve primarily as an access to abutting properties.
- K. MINOR SUBDIVISION — The division of a single parcel into at least two but not more than four lots in such a way that it does not require the construction or extensions of a new street, excluding private streets, or ~~public utility~~ municipal facilities ~~or the expansion or extension of an existing street or public utility~~ for the parcels to be developed.
- L. PRELIMINARY PLAT — A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.
- M. PRIVATE STREET – A street which serves two or more lots, which is not under the jurisdiction of, or intended to be dedicated to, the Town or other governmental agency and is maintained by agreement among the owners of all lots having frontage on, and having a right of access to, such street.
- N. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) – the New York State legislation which requires the sponsoring or approving governmental body to identify and mitigate the significant environmental impacts of the activity it is proposing or permitting.
- O. STREET — Includes ~~public and private~~ streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.
- P. STREET PAVEMENT — The exposed surface of the roadway used by vehicular traffic.
- Q. STREET WIDTH The width of the right-of-way, measured at right angles to the center line of the street.
- R. SUBDIVISION — The division of any parcel of land into two (2) or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

- S. SUBDIVISION PLAT or FINAL PLAT — A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.
- T. SURVEYOR — A person licensed as a land surveyor by the State of New York.
- U. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) – A document prepared as part of the permit process for the New York State Pollutant Discharge Elimination System.
- V. TOWN ENGINEER — The duly designated Engineer of the town or a designated registered engineer retained by the Town Board to provide expert engineering service in accordance with the provisions of the Town Law of the State of New York.
- W. TRACT — The entire parcel of land from which the subdivision plat is taken.
- X. WETLANDS — Applies to all areas defined as "wetlands" by state or federal law or regulation.
- Y. WETLAND UPLAND AREA - Those areas of land or water that are outside a wetland and within 100 feet measured horizontally from the boundary of the wetland.

§ A115-3. APPROVAL REQUIRED.

- A. Whenever any subdivision of land is proposed to be made, and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed, subdivision shall be granted.
- B. The applicant or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.
- C. Administration.
 - (1) The subdivision regulations for the Town of New Baltimore shall be administered by the Planning Board in cooperation with the Town Board, the Building Inspector, the Town Engineer and other agencies.
 - (2) All requests for information, application forms or other related materials should be directed to the Town of New Baltimore Planning Board.

D. Approval Process

- (1) Pre-application Conference. All subdivision applicants are strongly encouraged to schedule a pre-application conference prior to submitting an application for a subdivision in the Town of New Baltimore. This conference is a means by which applicants can become acquainted with the approvals process, submission requirements, and other relevant regulations in an informal setting. Pre-application conferences are scheduled with the Planning Board Clerk.
- (2) Concept Plan. See §115-4 for the requirements for Concept Plan Review. All subdivision applications are required to undergo concept plan review.
- (3) Conservation Analysis. See §112-9 for the requirements for Conservation Analysis. All Major Conservation Subdivisions are required to undergo the Conservation Analysis procedure.
- (4) Preliminary and Final Plat. See §115-5 for procedures for Minor Subdivisions, and §115-6 for procedures for Major Subdivisions.

§ A115-4. CONCEPT PLAN REVIEW.~~CLASSIFICATION OF PROJECT AS MAJOR OR MINOR.~~

- A. Purpose. Concept Plan Review allows the Planning Board and Applicant to discuss the general goals and scope of the subdivision project, as well as identify any potential issues specific to the site prior to the preparation of a full subdivision application.
- B. Submission of concept plan. Any owner of land shall, prior to subdividing or resubdividing land, shall request a meeting with the Planning Board by notifying the Planning Board Clerk at least 10 days prior to the regular meeting of the Planning Board. The applicant shall present five copies of a concept plan of the proposed subdivision for the purposes of classifications and preliminary discussion at the meeting.
- C. Classification and preliminary discussion of requirements.
 - (1) The applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of this chapter for street improvements, drainage, sewerage, road names, water supply, fire protection, site design, and similar aspects, as well as the availability of existing services and other pertinent information.
 - (2) Classification of project type. Classification of the concept plan is to be made at this meeting by the Planning Board as to whether ~~it-the~~ project is a minor or major subdivision as defined in this chapter, as well as whether conservation subdivision requirements are applicable.
 - a. The Planning Board may require ~~, however,~~ when it deems it necessary for protection of the public health, safety and welfare,

that a minor subdivision comply with all or some of the requirements specified for major subdivisions.

- b. If the concept plan is classified as a minor subdivision, the applicant shall then comply with the procedure outlined in §115-5 of this chapter.
- c. If it is classified as a major subdivision, the applicant shall then comply with the procedures outlined in §115-9 of the Zoning Ordinance and §115-6 of this chapter. ~~and Article 9 of the Zoning Ordinance.~~
 - 1. Applicants for Major Subdivisions seeking a large-lot exception from the mandatory Conservation Subdivision requirements, as set forth in §112-9.F of the zoning ordinance, shall then comply with the procedures outlined in §115-6 of this chapter.
 - 2. Applicants for Major subdivisions seeking a waiver from the mandatory Conservation Subdivision Requirements, as outlined in §112-9.F of the zoning ordinance, shall then comply with the procedures outlined in §112-9 of the zoning ordinance and §115-6 of this chapter.
- (3) Planning Board Action. The Planning Board shall determine whether the concept meets the purposes of this chapter and shall, if necessary, make specific recommendations, to be incorporated by the applicant in the next submission to the Planning Board.
- ~~(4) — In the case where an applicant chooses to be considered a major subdivision regardless of the number of lots created, this step may be omitted and the applicant may proceed directly with the sketch plan procedures for a Conservation Subdivision, as outlined in Article 9 of the Zoning Ordinance.~~

D. Documents to be submitted for Concept Plan

- (1) The concept plan initially submitted to the Planning Board shall be 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 tract to be shown on one sheet, and shall show the following information:
 - a. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - b. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof.

- c. The Tax Map sheet, block and lot numbers, if available.
- d. The proposed lot and road layout, if available. The Concept Plan should, at a minimum, show the general location and number of lots proposed by the applicant.
- e. All existing restrictions on the use of land, including easements or covenants, if available

§ A115-5. MINOR SUBDIVISION PROCEDURE

A. Application and Fee.

- (1) Within six (6) months after classification of a concept plan as a minor subdivision by the Planning Board, the applicant shall submit an application for approval of a subdivision plat. Failure to do so, unless waived by the Planning Board, shall require resubmission of the concept plan to the Planning Board for reclassification.
- (2) The plat shall conform to the layout shown on the concept plan and shall take into account any recommendations made by the Planning Board. Said application shall also conform to the requirements listed herein.
- (3) The application for approval of a minor subdivision plat shall be accompanied by a fee in an amount set by the Town Board by resolution.

B. Number of copies. Ten (10) copies of the subdivision plat and application shall be presented to the Clerk of the Planning Board at the time of submission of the subdivision plat. Application shall be presented to the Clerk at least ten (10) days prior to the Planning Board meeting.

C. Applicant to attend Planning Board meeting. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

D. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date on which the application for plat approval which has been deemed complete has been filed with the Planning Board Clerk, accompanied by the required fee, and all data required by these regulations.

E. Coordination with SEQR. The time periods for review of a minor subdivision plat shall be coordinated with the requirements of SEQR, and the time periods shall begin upon filing of a negative declaration of significance or a notice of completion of a draft environmental impact statement. All time periods may be extended by mutual agreement of the applicant and the Planning Board.

F. Public Hearing for Minor Subdivision

- (1) The time within which the planning board, acting as Lead Agency for SEQR review, shall hold a public hearing on such minor subdivision shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows:
 - a. If the Planning Board, as Lead Agency, determines that the preparation of an environmental impact statement is not required, the public hearing on a minor subdivision plat shall be held within sixty-two days after the receipt of a complete final plat by the clerk of the planning board; or
 - b. If the Planning Board, as Lead Agency, determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the minor subdivision and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the minor subdivision plat shall be held within sixty-two days following filing of the notice of completion.
- (2) If the Planning Board is not acting as Lead Agency, the provisions of §276-6 of New York State Town Law shall apply.
- (3) Public notice.
 - a. The hearing on the minor subdivision shall be advertised by the Planning Board at least once in the town's official newspaper at least five days and not more than 30 days before such hearing if no hearing is held on the draft environmental impact statement, or at least fourteen days before a hearing held jointly therewith.
 - b. Such notice of hearing shall also be mailed directly by the applicant to all land owners of all parcels located directly adjacent to and across a street or public right-of-way at least ten (10) days prior to the hearing date.
 - c. The hearing on the minor subdivision shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.
- G. Decision. The planning board shall make its decision on the minor subdivision plat as follows:
 - (1) If such board determines that the preparation of an environmental impact statement on the minor subdivision is not required, the

planning board shall by resolution conditionally approve, with or without modification, disapprove, or grant minor approval and authorize the signing of such plat, within sixty-two days after the close of the public hearing; or

- (2) If such board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the minor environmental impact statement shall be filed within forty-five days following the close of such public hearing in accordance with the provisions of the state environmental quality review act.
 - a. If no public hearing is held on the draft environmental impact statement, the minor environmental impact statement shall be filed within forty-five days following the close of the public hearing on the plat.
 - b. Within thirty days of the filing of the final environmental impact statement, the planning board shall issue findings on such minor environmental impact statement and shall by resolution approve with conditions, disapprove, or grant final approval and authorize the signing of such plat.
- H. Grounds for decision. The grounds for conditions, if any, or the grounds for disapproval shall be stated upon the records of the planning board.
 - (1) Within five (5) business days of the resolution granting approval with conditions, the plat shall be certified by the Planning Board Chairman as approved with conditions and a copy filed in the Planning Board Clerk's office, and a certified copy of the resolution shall be mailed to the applicant. Upon completion of such conditions, the plat shall be signed by the duly designated officer of the Planning Board.
 - (2) Approval with conditions of a minor subdivision 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 not to exceed two (2) additional periods of ninety (90) days each.
- I. Documents to be submitted. The Planning Board is not limited to this list and may, within reason, request any additional information it deems necessary or appropriate. In determining the amount of information it will require, the Planning Board will consider the location and the size and potential impact of the project.

§115 SUBDIVISION REGULATIONS

- (1) A copy of the Conservation Analysis, if prepared voluntarily by the applicant under the provisions of Article 9 of the Zoning Ordinance.
- (2) Where the property remaining in the tract from which the plat is subdivided is four acres or less, an actual field survey of the boundary lines of the entire tract, giving descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer and shall be referenced and shown on the plat. Where the remaining property in the tract from which the plat is subdivided is greater than four acres, the field survey shall be of the boundary lines of the plat only.
- (3) One plat to be filed with the county, clearly drawn in permanent black ink on permanent reproducible material such as Mylar. The size of the sheets shall be no greater than thirty-six by sixty (36 x 60) inches.
 - a. The plat shall be drawn at a scale of no more than one hundred (100) feet to the inch and oriented with the North point at the top of the map.
 - b. When more than one (1) 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.
- (4) The plat shall show, where applicable:
 - a. The proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of the record owner and applicant, and the name, license number and seal of the licensed land surveyor.
 - b. A key map at a scale of approximately one (1) inch equals eight hundred (800) feet, showing the location of the proposed project within the town.
 - c. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - d. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State System of Plane Coordinates, and in any event should be tied to reference points previously established by a public authority.
 - e. The length and bearing of all straight lines, radii, length of curves, and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of

each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.

- f. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
 - g. All offers of cession and covenants governing the maintenance of uncaded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 - h. Lots and blocks with a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing town practice.
 - i. Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town Engineer. When referenced to the State System of Plane Coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
 - j. All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least three-fourths (3/4) inch, if metal, in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
 - k. Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.
- (5) Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers, storm drains and completed SWPPP if required, pavements and subbase, manholes, catch basins and other facilities.

§ A115-6. MAJOR SUBDIVISION PROCEDURE

B. Preliminary Plat Procedure

- (1) Prior to submission of a preliminary plat, all applicants for a major subdivision must comply with the requirements of Article 9 of the Zoning Ordinance.
- (2) The applicant shall file an application for the consideration of a preliminary plat of the proposed subdivision. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of § 276 and 277 of the Town Law and as required herein, except where a waiver may be specifically authorized by the Planning Board.
- (3) The application for approval of the preliminary plat shall be accompanied by a fee in an amount set by the Town Board by resolution.

C. Number of copies. Ten (10) copies of the preliminary plat shall be presented to the Clerk of the Planning Board at least 10 days prior to a regular meeting of the Planning Board.

D. Applicant to attend Planning Board meeting. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

E. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, and the future development of adjoining lands as yet unsubdivided.

F. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date on which the complete application, including all required fees and estimates, is submitted to the Planning Board Clerk.

G. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but is rather intended to guide the design of the minor subdivision. Prior to approval of the minor subdivision, the Planning Board may require additional changes upon consideration of the final plat or as a result of new information obtained at the public hearing.

H. Coordination with SEQR. The time periods for review of a major subdivision plat shall be coordinated with the requirements of SEQR, and the time periods shall begin upon filing of a negative declaration of

significance or a notice of completion of a draft environmental impact statement. All time periods may be extended by mutual agreement of the applicant and the Planning Board.

I. Public hearing on preliminary plats.

- (1) If the Planning Board is acting as Lead Agency for the purposes of SEQOR review, the time within which the planning board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows:
 - a. If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two days after the receipt of a complete preliminary plat by the clerk of the planning board; or
 - b. If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within sixty-two days of filing the notice of completion.
- (2) Planning Board not acting as Lead Agency. If the Planning Board is not acting as Lead Agency, the provisions of §276-6 of New York State Town Law shall apply.

J. Public hearing notice. The hearing on the preliminary plat shall be advertised by the Planning Board at least once in the town's official newspaper at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

K. Decision. The planning board shall approve, with or without modification, or disapprove such preliminary plat as follows:

- (1) If the planning board determines that the preparation of an environmental impact statement on the preliminary plat is not

required such board shall make its decision within sixty-two days after the close of the public hearing; or

- (2) If the planning board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of the public hearing on the preliminary plat. Within thirty days of the filing of such final environmental impact statement, the planning board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

L. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modifications it deems necessary for submission of the plat in final form.

M. Documents to be submitted. Ten (10) copies of the preliminary plat prepared at a scale of not more than one hundred (100), but preferably not less than fifty (50) feet to the inch, shall be submitted. Not all items on this list may be required by the Planning Board. The Planning Board is not limited to this list and may, within reason, request additional information it deems necessary or appropriate. -In determining the level of detail it will require, the Planning Board will consider the location, the size, and potential impact of the project:

- (1) The completed Conservation Analysis, as required under Article 9 of the Zoning Ordinance.
- (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.
- (3) The proposed subdivision name and name of the town and county in which it is located; the date, true North point, scale and name and address of the record owner, applicant and engineer or surveyor, including license number and seal.
- (4) The name of all subdivisions immediately adjacent and the names of the owners of record of all adjacent property.

§115 SUBDIVISION REGULATIONS

- (5) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (6) The location of existing property lines, easements, buildings, rock outcrops, wooded areas, single trees with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
- (7) The proposed lot lines with approximate dimensions and area of each lot.
- (8) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (9) Existing and proposed contours, shown at two foot intervals or less as required by the Planning Board.
- (10) The width and location of any streets or public ways or places within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (11) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; the connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all the proposed water and sewer lines.
- (12) The storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and the connection to existing lines or alternate means of disposal. Temporary measures to control erosion shall also be shown.
- (13) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.
- (14) Preliminary designs of any bridges or culverts which may be required.
- (15) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision map.

- (16) If the application covers only a part of the applicant'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 an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and probable future drainage layout of the entire tract shall be submitted. The part of the applicant's entire holding submitted shall be considered in the light of the entire holdings.
- (17) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (18) The plan shall show the zoning district and/or agricultural district (if applicable), including exact boundary lines of the district or area, if crossed by a district line.
- (19) Records of percolation tests and deep hole tests, with the location of each test hole shown on the Preliminary Plat and identification of the record of results for each location.
- (20) Areas of land with 3% slope or less, and areas with 15% slope or greater shall be shown as differently shaded areas.
- (21) Delineated wetlands, and, if the wetland falls under the jurisdiction of the NYSDEC, the required upland buffer area.
- (22) Shoreline and centerline of all watercourses, and water quality designation of all streams as set forth by the NYSDEC.
- (23) The locations of all existing wells within 1,500 feet of the proposed subdivision, test wells, and the results of the well tests, if requested by the Planning Board or required by NYS Department of Health, sufficient to determine on-site water capacity as well as impacts on surrounding existing wells. Information which may be requested may include, but not be limited to, the depth, flow, capacity, and water quality for existing wells off-site and test wells on-site.

N. Major Subdivision Final Plat Approval

- (1) Application for approval and fee.
 - a. The applicant shall, within six months after the approval of the preliminary plat, file with the Planning Board an application of the final subdivision plat, using the approved application form available from the Planning Board Clerk.
 - b. All applications for plat approval for major subdivisions shall be accompanied by the fee in the amount set by the Town Board by resolution.

- c. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may require resubmission of the preliminary plat.
- O. Number of copies. Applicants shall provide the Planning Board Clerk with ten (10) copies of the completed application and plat. Two copies of all construction drawings and a completed Stormwater Pollution Prevention Plan, if required, shall also be submitted.
- P. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date on which the complete application for approval of the subdivision plat, accompanied by the required fee and all data required by these regulations, has been filed with the Planning Board Clerk.
- Q. Endorsement of state and county agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the New York State Department of Environmental Conservation and/or the New York State Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the applicant with all necessary town, county and state agencies.
- R. Action on proposed subdivision plat.
 - (1) When a final plat is submitted which the planning board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the planning board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days of its receipt by the clerk of the planning board.
 - (2) Upon resolution of a conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution.
 - a. Within five 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 to be mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat.
 - b. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting final 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 not to exceed two (2) additional periods of ninety (90) days each.

- (3) Final plats deemed by the Planning Board to be not in substantial agreement with approved preliminary plats, the Planning Board shall hold a Public Hearing under the major subdivision hearing procedures described above.
- S. Documents to be submitted. The following documents shall be submitted for plat approval. The Planning Board is not limited to this list and may, within reason, request any additional information it deems necessary or appropriate. In determining the amount of information it will require, the Planning Board will consider the location, the size, and potential impact of the project:
- (1) The proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of the record owner and applicant, and the name, license number and seal of the licensed land surveyor.
 - (2) A key map at a scale of approximately one (1) inch equals eight hundred (800) feet, showing the location of the proposed project within the town.
 - (3) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - (4) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State System of Plane Coordinates, and in any event should be tied to reference points previously established by a public authority.
 - (5) The length and bearing of all straight lines, radii, length of curves, and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.
 - (6) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

§115 SUBDIVISION REGULATIONS

- (7) All offers of cession and covenants governing the maintenance of uncaded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- (8) Lots and blocks with a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing town practice.
- (9) Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town Engineer. When referenced to the State System of Plane Coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
- (10) All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least three-fourths (3/4) inch, if metal, in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
- (11) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.
- (12) Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers, storm drains and completed SWPPP if required, pavements and subbase, manholes, catch basins and other facilities.

§ A115-7. GENERAL REQUIREMENTS FOR MAJOR SUBDIVISIONS

- A. Applicability. For major subdivisions in the Town of New Baltimore, the following standards shall apply.
- B. Consultant review fee. The Planning Board, subject to the approval of Town Board, may require an applicant for any review, permit or approval to deposit in an escrow account an amount established by the Planning Board to pay the fees and/or costs of any consultant, engineer or attorney designated by the Planning Board to review such application. The fees and/or costs charged by such consultant, engineer or attorney in connection with such review will be charged against the sum deposited in escrow.
 - (1) If specific circumstances warrant it, additional funds will be required to be deposited in order to cover reasonable expenses incurred beyond the original estimate.

- (2) Any amount remaining shall be returned to the applicant within forty-five (45) days of final action on the application.
- (3) Payment to the escrow account is a prerequisite to a complete application, and no review will be initiated until payment is received.
- (4) The deposit specified above does not include any approvals or fees required from or by agencies other than the town, costs associated with extensions to districts to provide necessary services to the proposal nor fees charged by town departments or boards for permits, approvals, hearings or other actions, except as noted above.

C. Required improvements.

- (1) Before the Planning Board shall grant final approval of the subdivision plat, the Planning Board shall determine the minimum improvements to be provided by the applicant.
- (2) The Planning Board may not require certain improvements if it finds that, due to the circumstances of a particular plat, the provision of certain improvements is not requisite in the interest of the public health, safety or general welfare or where the required improvement would be inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision.
- (3) The improvements which are to be provided by the applicant, pursuant to the determination of the Planning Board, may include but are not limited to the following:
 - a. Streets.
 - b. Curbs and gutters.
 - c. Water supply, water mains and fire hydrants.
 - d. Sanitary waste disposal.
 - e. Storm drainage.
 - f. Sidewalks.
 - g. Streetlighting.
 - h. Monuments and markers.
 - i. Street trees.
 - j. Noise berms.
 - k. Designated open spaces.
 - l. Landscape and buffer plantings.

- D. Construction plans for all required improvements shall be approved by the Town Engineer, in accordance with standards which shall be no less stringent than required pursuant to state regulations or local laws.
- E. Inspection fees. The Town Engineer shall furnish the Planning Board with an estimate of the costs associated with inspecting the design and construction of required improvements. The Planning Board shall require the applicant to deposit a cash amount, equal to the estimate, in a town-established escrow account. This money shall be used to pay for the cost of inspections as they are rendered. If specific circumstances warrant it, additional funds will be requested to cover reasonable expenses incurred beyond the original estimate.
 - (1) In lieu of these requirements, the Planning Board may allow for the inspection of the design and construction of the required improvements by a registered engineer retained by the applicant, provided that said engineer shall furnish a certificate to the Planning Board bearing the engineer's official stamp stating that all improvements to the subdivision required by the Planning Board have been made or installed in accordance with specifications, and the improvements shall not be considered to be completed until said certificate has been received by the Planning Board.
- F. Security Required. The Planning Board shall require an applicant to post a performance bond, letter of credit, capital in escrow, or other security (hereafter referred to as a "performance guarantee"), in an amount sufficient to construct required improvements, or shall complete the required improvements to the satisfaction of the Town Engineer or other authorized person.
 - (1) A performance guarantee estimate shall be prepared by a licensed professional engineer retained by the applicant and approved by the Town Engineer. The Planning Board shall pass a resolution either approving or adjusting the performance guarantee estimate and shall provide copies, signed by the Chairman, for use by the applicant in obtaining and posting a guarantee.
 - (2) When performance guarantee is posted. The applicant shall file with the Planning Board Clerk a performance guarantee to cover the full cost of the required improvements. Any such guarantee shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Planning Board and 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, but not to exceed three years, shall be set forth within which the required improvements shall be completed.

- a. In cases where the guarantee involves escrow, the applicant may request the escrow amount to be reduced upon partial completion of improvements. No reduction will be granted until the installation of said improvements has been approved by the Town Engineer or the applicant's engineer pursuant to the provisions above.
- (3) When no performance guarantee is posted. When no performance guarantee is posted, the applicant shall complete all required improvements to the satisfaction of the Town Engineer who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.
- G. As-built plans. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer or the applicant's engineer pursuant to the provisions above and the applicant has submitted as-built plans which are drawn to scale and which diagram the exact locations based upon engineering and surveying techniques or direction, distance and grade. The following information should be indicated on the plans:
 - (1) The location of manholes (both vertical and horizontal).
 - (2) The location of catch basins (both vertical and horizontal).
 - (3) The location (both vertical and horizontal) and direction of sanitary sewer lines, septic systems, storm sewer lines and water mains.
 - (4) The location of connections between the sanitary sewer trunk and laterals.
 - (5) The grades for laterals.
 - (6) The depth and grade of main trunk lines and laterals.
 - (7) The size, capacity and location of all stormwater conveyance structures.
 - (8) The location of monuments marking all underground utilities as actually installed.
- H. Modification of design or improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the guarantee. The Town Engineer shall issue an authorization under this

section in writing and shall transmit a copy of such authorization to the Planning Board as its next regular meeting.

- I. Inspection of improvements. At least ten (10) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee to be deposited in escrow, if applicable, and shall notify the Planning Board Clerk, in writing, of the time when he proposes to commence construction of such improvements so that the Planning Board may cause inspection to be made to assure that all town specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- J. Proper installation of improvements. If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, he shall so report to the Town Board, Building Inspector and Planning Board. In the event that the Town Board has granted permission for the applicant's engineer to inspect the improvements pursuant to the provisions of Subsection C above, the Planning Board shall report to the Town Board and Building Inspector if the applicant's engineer has not furnished the required certificate before the expiration date of the performance guarantee. The Town Board shall then notify the applicant and, if necessary, the guaranteeing 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 applicant is in default on a previously approved plat.

§ A115-8. ACCEPTANCE OF STREETS; OWNERSHIP AND MAINTENANCE OF RECREATION AREAS.

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement or other open space shown on such subdivision plat.
- B. Ownership and maintenance of recreation areas.
 - (1) When a park or recreation area has been shown on a plat, the approval of said plat shall not constitute an acceptance by the town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect.
 - (2) The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and

title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

§ A115-9 REQUIRED IMPROVEMENTS AND SITE DESIGN STANDARDS

A. Design Standards

- (1) Standards to be considered minimum. In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth herein.

B. Character of land; specifications for requirements.

- (1) Land to be subdivided shall be of such character that it can be used safely for building purposes, without danger to health or peril from fire, flood or other menace.
- (2) All required improvements shall be constructed to standards approved by the Town Engineer, in accordance with standards which shall be no less stringent than required pursuant to state regulations or local laws

C. Lots; access; monuments.

- (1) Lots to be buildable. The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography or other natural conditions. Approval of plat does not guarantee the issuance of a building permit or any applicable approvals of the NYS Department of Health.
- (2) Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.
- (3) Side lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.
- (4) Corner lots. In general, corner lots should be larger than interior lots to provide for a proper building setback from each street and provide a desirable building site.
- (5) Driveway access. Driveway access and grades shall conform to specifications of the Town Driveway Ordinance. Driveway grades between the street and the setback line shall not exceed ten percent (10%).
- (6) Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

- (7) Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the subdivision plat.
- (8) Flag lots.
 - a. Flag lots shall be permitted and shall have a minimum width for driveway access of ~~sixty-fourty~~ (6040) feet at the intersection of the lot with the public right-of-way.
 - b. No structure shall be constructed on a flag lot unless the structure meets the minimum front, side and rear yard setback requirements for the zoning district. The area or distance of driveway access shall not be used to calculate setback requirements. The front setback shall be determined from the lot line facing or closest to the public highway, unless otherwise determined by the Planning Board.
 - c. Setbacks may be increased where the Planning Board determines that the minimum setbacks are insufficient to protect the existing character of the neighborhood and adjoining properties.
 - d. The minimum lot size of flag lots shall be same as the area of conventional lots for that zoning district. The area for driveway access strip shall not be used to calculate lot size.
 - e. Driveway access shall be at least as far away from each other as the minimum lot width for the district where located, measured at the public road frontage, except where adjacent access strips are designed to accommodate a common driveway.

D. Common driveways.

- (1) A common driveway shall provide access to no more than two (2) lots.
- (2) The traveled way shall have a minimum width of twelve (12) feet.
- (3) The plat application for a subdivision containing common driveway(s) must be accompanied by an executed declaration of covenants, easements, and restrictions for its use and maintenance, in form approved by the Planning Board. Such declaration of covenants, easements, and restrictions shall state that the Town of New Baltimore shall not be responsible for construction or maintenance of the common driveway.
- (4) An adequate turnaround for emergency vehicles shall be provided if the common driveway exceeds one hundred (100) feet in length.

- (5) Utility trenches and conduits shall not be located within the traveled way of the common driveway, except to facilitate crossing of said utilities.

E. Drainage improvements.

- (1) Stormwater and Erosion Control. The applicant must conform to all applicable regulations for stormwater management and erosion control as required in the most current regulations of the NYS Department of Environmental Conservation. Applicant may be required to demonstrate compliance with the New York State standards, including, but not limited to: Stormwater Management Design Manuals, Technical Specifications, and Guidelines for Erosion and Sediment Control.
- (2) Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on the design requirements of the Stormwater Pollution Prevention Plan.
- (3) Responsibility for drainage downstream. The applicant's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a one hundred-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- (4) Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

F. Parks, open spaces and natural features.

- (1) The Planning Board shall require for major subdivisions that the plat show sites of a character, extent, and location suitable for the development of a park or other recreation purposes. The Planning

Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

- (2) The Planning Board may require, for major subdivisions, the reservation of land for a park or recreational purposes to be reserved on the plat, but in no case to be more than 10% of the gross area of the subdivision. This area may be included in the 50% open space requirement pursuant to Article 9 of the Zoning Ordinance. Such area or areas may be dedicated to the town or county by the applicant if the Town Board approves such dedication. In general, such reservations should have adequate street access.
- (3) Information to be submitted. In the event that an area to be used for a park is required to be so shown, the applicant shall submit, prior to final approval, to the Planning Board three (3) prints [one (1) permanent reproducible material] drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:
 - a. The boundaries of the area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
 - b. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
 - c. Existing and, if applicable, proposed changes in grade and contours of said area and of the area immediately adjacent.
 - d. Proposed recreational improvements.
- (4) Waiver of plat designation of area for parks and playgrounds.
 - a. In cases where the Planning Board finds that, due to the size, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein or if, in the opinion of the Planning Board, it is not desirable, the Planning Board may waive the requirement that the plat show land for such purposes.
- (5) Payment of money in lieu of land. Where the Planning Board determines that a suitable park or recreation site of adequate size cannot be properly located in any such plat or is otherwise not practical, the Planning Board may stipulate the payment of moneys-in-lieu of recreation land. Such moneys shall be placed in trust to be used exclusively for the purpose of acquisition and development of parkland or other recreational purposes as may be deemed appropriate by the Town Board. The amount of such moneys-in-lieu shall be based on a per-lot fee in an amount set by the Town Board

by resolution. The number of lots used to calculate the fee shall be based on the number of building lots approved. Lots dedicated to open space, utility easements, or similar uses shall not be counted towards the calculation of the per-lot recreation fee.

- a. 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.
 - b. 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 is suitable for permanent parkland or other recreational purposes, and so located that it will serve primarily the general neighborhood in which the land covered by the plat lies, and shall be used only for parkland or other recreational land acquisition or improvements.
 - c. 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, provided that the Town Board finds there is a need for such improvements.
- G. Reserve strips prohibited. Reserve strips of land which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall be prohibited.
- H. Preservation of natural features.
- (1) Applicability. The following standards shall apply to major subdivisions within the Town of New Baltimore.
 - (2) Preservation of natural cover. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, to retain, insofar as possible, the natural contours, to limit stormwater runoff, and to conserve the natural cover and soil. No topsoil, sand, or gravel shall be removed from any lots shown on any subdivision plat except for the purpose of improving such lots and for laying out of streets shown thereon. No excess topsoil, sand, or gravel shall be disposed of outside of the boundaries of the tract, except upon the approval of the Planning Board.
 - (3) Preservation of existing features. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, historic resources, vistas and similar irreplaceable assets. The Planning Board may require easements in favor of the Town of New Baltimore, other lot

owners, or suitable land trusts, and other restrictions, including any conservation easements required under the provisions of Article 9 of the Zoning ordinance, or under General Municipal Law § 247, to insure the continuing preservation of such features.

§A115-10. STREET LAYOUT.

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequate to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, 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 continuance undesirable or impracticable, the above conditions may be modified.
- C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Planning Board may require marginal streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size in which a subdivision is located, the Planning 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.
- F. Dead-end streets (culs-de-sac). The Planning Board may find that the creation of dead-end or loop residential streets to be appropriate, if such street design will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Planning Board may require the reservation of a twenty-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next

street. Subdivisions containing twenty (20) lots or more shall have at least two (2) street connections with existing public streets, or streets on an approved subdivision plat for which a bond has been filed.

- G. Block size. Blocks generally shall not be less than four hundred (400) feet nor more than one thousand two hundred (1,200) feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding eight hundred (800) feet in length, the Planning Board may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot wide paved footpath be included.
- H. Intersections with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least five hundred (500) feet apart.
- I. Street jogs. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.
- J. Angle of intersection. In general, all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.
- K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

A115-11. STREET DESIGN

- A. Widths of rights-of-way. Streets shall have the following widths:

	Minimum Rights-of-Way	Minimum Pavement
Type of Street	(feet)	(feet)
Major	66	18
Collector	60	18
Local	50	18

- B. Improvements. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer, and/or Town Superintendent of Highways. Such grading and improvements shall be approved as to design and specifications by the Town Engineer and/or Town Superintendent of Highways.
- (1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.
 - (2) Streetlighting facilities. Lighting facilities shall be in conformance with the lighting standards of the town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized electrical inspector.
- C. Utilities in streets. The Planning Board shall, whenever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The applicant shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the right-of-way, perpetual unobstructed easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- E. Grades. Grades of all streets shall conform in general to the terrain and shall not be less than one-half percent (1/2%) nor more than six percent (6%) for major or collector streets, or ten percent (10%) for minor streets in residential zones, but in no case more than three percent (3%) within fifty (50) feet of any intersection.
- F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

- G. Curve radii at street intersections. All street pavement lines at intersections shall be rounded by curves of at least twenty (20) feet in radius, and curbs shall be adjusted accordingly.
- H. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown on the sketch plan shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, the ground shall be excavated to achieve visibility.
- I. Dead-end streets (culs-de-sac). Permanent dead-end streets should, in general, not exceed five hundred (500) feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and a pavement radius of fifty (50) feet. At the end of temporary dead-end streets a temporary turnaround with a pavement radius of fifty (50) feet shall be provided, unless the Planning Board approves an alternate arrangement.
- J. Watercourses.
 - (1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.
 - (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Engineer, and in no case less than twenty (20) feet in width.
- K. Curve radii. In general, street lines within a block deflecting from each other at any one (1) point by more than ten degrees (10°) shall be connected with a curve, the radius of which for the center line of the street shall not be less than four hundred (400) feet on major streets, two hundred (200) feet on collector streets and one hundred (100) feet on minor streets.
- L. Service streets or loading space in commercial development. Paved rear service streets of not less than twenty (20) feet in width or, in lieu thereof, adequate off-street loading space, suitably surfaced, shall be profiled in connection with lots designed for commercial use.
- M. Free flow of vehicular traffic abutting commercial developments. In front of areas designed for commercial use, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without

interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

§ A115-12. FILING OF APPROVED SUBDIVISION PLAT.

- A. Filing of final plat; expiration of approval. The owner shall file in the office of the county clerk and planning board clerk such approved final plat or a section of such plat within sixty-two days from the date of final approval or such approval shall expire.
 - (1) Plat shall be clearly drawn in permanent black ink on permanent reproducible material such as Mylar. The size of the sheets shall be no greater than thirty-six by sixty (36 x 60) inches.
 - a. The plat shall be drawn at a scale of no more than one hundred (100) feet to the inch and oriented with the North point at the top of the map.
 - b. When more than one (1) 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.
- B. The following shall constitute final approval: the signature of the duly authorized officer of the planning board constituting final approval by the planning board of a plat as herein provided; or the approval by such board of the development of a plat or plats already filed in the office of the county clerk if such plats are entirely or partially undeveloped; or the certificate of the town clerk as to the date of the submission of the final plat and the failure of the planning board to take action within the time herein provided.

§ A115-13. VARIANCES AND WAIVERS

- A. Application for area variance. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the zoning board of appeals shall request the planning board to provide a written recommendation concerning the proposed variance.
- B. Waiver of requirements. The planning board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public

health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

- C. Conditions. In granting such waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

§ A115-14 ENFORCEMENT; PENALTIES

- A. Enforcement. The Town of New Baltimore shall enforce all of the provisions of this regulation by the Town Board upon its own initiation or upon the written request by a resident taxpayer aggrieved by the violation of this regulation, who shall properly record such complaint with the Town Clerk, who then shall refer the same to the Town Board for investigation and action as necessary.
- B. Penalties for offenses. Any person, corporation or other association thereof who violates any provisions of the Land Subdivision Regulations of the Town of New Baltimore shall be guilty of an offense, which shall be a violation and not a crime, and shall be subject to a fine not exceeding two hundred fifty dollars (\$250) or to imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate additional violation.
- C. Severability. If any part or provision of this section or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section or the application thereof to other persons or circumstances, and the Town Board of the Town of New Baltimore hereby declares that it would have passed this section or the remainder thereof had such invalid application or invalid provision been apparent.