

**TOWN OF PULTENEY**

**Local Law No. 2 for the year 2025**

**A Local Law Amending Local Law No. 1 of the year 2008, entitled “Town of Pulteney Subdivision Regulations”**

**Be it enacted by the Town Board of the Town of Pulteney, as follows:**

**SEE ATTACHED**

**THIS LOCAL LAW SHALL TAKE EFFECT UPON FILING WITH THE NEW YORK SECRETARY OF STATE.**

## **TOWN OF PULTENEY, NEW YORK**

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## **ARTICLE I. DECLARATION OF POLICY**

It is declared to be the policy of the Town Board and the Town Planning Board 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, peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown in the Town Comprehensive Plan and/or Land Use Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for parks and playgrounds. All requirements of SEQR must also be met.

## **ARTICLE II. DEFINITIONS**

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

**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.

**CONDITIONAL APPROVAL OF FINAL PLAT:** Planning Board approval of the final plat subject to conditions set forth by the Planning Board in a Resolution conditionally approving the plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording the plat by a duly authorized officer of the Planning Board and recording the plat in the Office of the Steuben County Clerk in accordance with these regulations.

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

**DEVELOPER:** Divides, builds, sells, owns or is responsible for the total project.

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

**ENGINEERING OR LICENSED PROFESSIONAL ENGINEER:** A person licensed as a professional engineer by the State of New York.

**FINAL PLAT:** A final plat is a drawing prepared in a manner prescribed by Article V, Section 4 of this Local Law and the modification if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved.

**FINAL PLAT APPROVAL:** Planning Board approval of a plat in final form by signing of the final plat by a duly authorized officer of a Planning Board after a resolution granting final approval of the plat or after conditions specified in a Resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the Steuben County Clerk in which such plat is located.

**LAND USE PLAN/PLANNING STUDIES:** A Comprehensive Plan prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared any amendment to such plan or parts therein.

**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.

**MAJOR SUBDIVISION:** Any subdivision not classified as a minor subdivision, including but not limited to, subdivision of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

**MINOR STREET:** A street intended to serve primarily as access to abutting properties.

**MINOR SUBDIVISION:** Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Town of Pulteney Zoning Law.

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

**PLANNING BOARD OR BOARD:** The Planning Board of the Town of Pulteney.

**PLAT:** Includes the terms, map, plan, replat or replot. When used as a verb, plat is synonymous with subdivide.

**PRELIMINARY PLAT:** A preliminary plat is a drawing prepared in a manner prescribed by local regulation, showing the layout of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale in such detail as local regulation may require.

**PRELIMINARY PLAT APPROVAL:** Planning Board approval of the layout of a proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form in accordance with the provision of these regulations.

**SKETCH PLAN:** Sketch of a proposed subdivision showing the information specified in Article V. Section 1 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the layout and objectives of these regulations.

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

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

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

**SUBDIVIDER:** Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof, as defined herein, either for himself or others.

**SUBDIVISION:** The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways and includes re- subdivision. The term “subdivision” shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located.

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

### **ARTICLE III. PROCEDURE IN FILING SUBDIVISION APPLICATIONS**

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



## **SECTION 1. SKETCH PLAN**

### **A. SUBMISSION OF SKETCH PLAN**

- I. Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Pulteney Town Clerk at least ten (10) days prior to the regular meeting of the Planning Board, two (2) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, Section 1, for the purposes of classification and preliminary discussion.

### **B. DISCUSSION OF REQUIREMENTS AND CLASSIFICATION**

- I. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.
- II. Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Minor or Major subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health safety and welfare, that Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivisions, the subdivider shall then comply with the procedure outline in Article III, Sections 2 and 6 of these regulations. If it is classified as Major subdivision, the subdivider shall then comply with the procedures outlined in Article III, Sections, 3,4,5,6, and 7.

### **C. STUDY OF SKETCH PLAN**

- I. The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

## **SECTION 2. APPROVAL OF MINOR SUBDIVISION**

### **A. APPLICATION AND FEE**

- I. Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Subdivision Plat to the Code Enforcement Officer. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Plat shall conform to the

layout shown on the Sketch Plan plus any recommendation made by the Planning Board. Said application shall also conform to the requirements listed in Article V, Section 2-A.

- II. All applications for Plat approval for Minor Subdivisions shall be accompanied by the appropriate fees as shall be established by the Town Board and amended by the Town Board, from time to time, and such fees being filed with the Town Clerk of the Town of Pulteney.

**B. RESPONSIBILITIES OF CODE ENFORCEMENT OFFICER**

- I. Within 30 days of receiving the application from the subdivider, the Code Enforcement Officer shall review and interview the subdivider to ensure all criteria has been met.
- II. Within 30 days of the interview with the applicant, the Code Enforcement Officer will prepare a written recommendation for the Planning Board, which may include maps, photos and other supplemental documentation as the Code Enforcement Officer deems it is necessary to inform the Planning Board.
- III. If, during the Code Enforcement Officer's review, it is determined that a variance application is necessary, the Code Enforcement Officer will refer the matter to the Zoning Board of Appeals for review and further action.
- IV. Upon receipt of the Code Enforcement Officer's recommendation, the application shall be placed on the agenda for the Planning Board's next regular meeting. Upon the determination by the Planning Board that the application and recommendation are complete, the matter shall be scheduled for a public hearing.

**C. SUBDIVIDER TO ATTEND PUBLIC HEARING**

- I. The subdivider, or his duly authorized representative, shall attend the Public Hearing of the Planning Board to be heard on the Subdivision Plat.

**D. ACTION OF SUBDIVISION PLAT**

- I. The Planning Board must, within sixty-two (62) days after the date of the hearing, approve, conditionally approve with or without modification, or disapprove the final plat. Conditional approval is defined as the approval of a final plat subject to conditions set forth by the Planning Board in its Resolution conditionally approving the plat.
- II. Conditional approval does not qualify the final plat for recording at the time of the Resolution conditionally approving the plat, the Planning Board must empower a duly authorized officer of the Planning Board to sign the plat subject to completion of these regulations stated in the Resolution.

- III. Upon completion of these requirements, the plat must be signed by the officer so designated. The subdivider has 180 days to satisfy the requirements upon which the approval has been conditioned and obtain the certification of the officer of the Planning Board. This period may be extended by the Planning Board, if in its opinion the circumstances warrant this, for up to two 90-day periods beyond the 180 days.

### **SECTION 3. PRELIMINARY PLAT FOR MAJOR SUBDIVISION**

#### **A. APPLICATION AND FEE**

- I. Prior to the filing of an application for the approval of a Major subdivision plat, the subdivider shall file an application for the consideration of a Preliminary Plat of the proposed subdivision, in the form described in Article V, Section 3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Section 276 and 277 of the Town Law, and Article V, Section 3 of these regulations, except where waiver may be specifically authorized by the Planning Board.
- II. All applications for Plat approval for a Major Subdivision shall be accompanied by the appropriate fees as shall be established by the Town Board and amended by the Town board, from time to time, and such fees being filed with the Town Clerk of the Town of Pulteney.

#### **B. NUMBER OF COPIES**

- I. Five (5) copies of the Preliminary Plat shall be presented to the Pulteney Town Clerk at least ten (10) days prior to a regular monthly meeting of the Planning Board.

#### **C. SUBDIVIDER TO ATTEND PLANNING BOARD MEETING**

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

#### **D. STUDY OF PRELIMINARY PLAT**

- I. 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, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map, and Land Use Regulations, if such exist.

#### **E. WHEN OFFICIALLY SUBMITTED**

- I. The time of submission of the Preliminary Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, Section 3 of these regulations, has been filed with the Secretary of the Planning Board.

F. APPROVAL OF THE PRELIMINARY PLAT.

- I. The Planning Board shall take action within sixty-two (62) days after the hearing required on such plats (effective the same date) to approve, with or without modifications, or disapprove the preliminary plat. This time may be extended upon mutual consent of the subdivider and the Planning Board. When approving a preliminary plat, the Planning Board must state in writing the modifications, if any, it deems necessary for submission of the plat in final form. The law provides that in the event the Planning Board fails to act on a preliminary plat within the time noted, the plat shall be deemed granted preliminary approval, and the certificate of the Town Clerk as to the date of submission and failure of the Planning Board to act on the plat must be approval of the preliminary plat.
- II. When granting approval to a preliminary plat, the Planning Board shall state the conditions of the approval, if any, with respect to (1) modifications to the Preliminary Plat, (2) the character and extent of the 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 therefore which it will require as a pre-requisite to the approval of the Subdivision Plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the subdivider, to be retained by the Planning Board, and one forwarded to the Town Board.
- III. Approval of a 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 Preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillments of these regulations and the conditions of the approval, if any. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of a further study of the subdivision in final form or as a result of new information obtained at the public hearing.

## **SECTION 4. PLAT FOR MAJOR SUBDIVISION**

### **A. APPLICATION FOR APPROVAL**

- I. The subdivider shall, within six (6) months after the conditional approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form using the approved application blank available from the Secretary of the Planning Board. If the final plat is not submitted within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the final plat and require resubmission of the Preliminary Plat.

### **B. NUMBER OF COPIES**

- I. A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Pulteney Town Clerk with a copy of the Application and three (3) copies (one copy in ink on linen or mylar) of the Plat, the original and one true copy of all offers of cession, covenants and agreements, and two (2) copies of all construction drawings, at least (10) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

### **C. WHEN OFFICIALLY SUBMITTED**

- I. The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for approval of the subdivision plat, completed and accompanied by all data required by Article 5, Section 4 of these regulations, has been filed with the Pulteney Town Clerk.

### **D. ENDORSEMENT OF STATE AND COUNTY AGENCIES**

- I. Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the New York State Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State Agencies. Endorsement and approval by the New York State Department of Health shall be secured by the subdivider before official submission of the subdivision Plat. SEQR requirement must also be met.

### **E. PUBLIC HEARING**

- I. A public hearing shall be held by the Planning Board within sixty-two (62) days after the time of submission of the preliminary subdivision plat for approval. This hearing shall be advertised 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, and contiguous property owners shall be notified by regular mail.

**F. ACTION ON PROPOSED SUBDIVISION PLAT**

- I. The Planning Board shall, within sixty-two (62) days from the date of the public hearing on the Subdivision Plat, approve, modify and approve or disapprove the Subdivision Plat. However, the Subdivision Plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of Section 5 of this Article.

**SECTION 5. REQUIRED IMPROVEMENTS**

**A. IMPROVEMENTS AND PERFORMANCE BOND**

- I. Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either subparagraph (1) or subparagraph (2) below:
  1. In an amount set by the Planning Board, 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 (3) years) shall be set forth in the bond within which required improvements must be completed.
  2. The subdivider shall complete all required improvements to the satisfaction of the Town Planning Board in consultation with the Highway Superintendent and /or appropriate officials, who shall place on file with the Secretary of the Planning Board, a letter signifying 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 bond or certified check covering the

costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Planning Board after consultation with appropriate officials. Any such bond shall be satisfactory to the Town Board and Town Attorney, as to form, sufficiency, manner of execution and surety.

- II. The required improvements shall not be considered to be completed until the installation of the improvements have been approved by the Town Planning Board after consultation with the appropriate officials, and a map satisfactory to the Planning Board has been submitted indicating the location of the monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to subparagraph (2), then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph (1), such bond shall not be released until such a map is submitted.

#### B. INSPECTION OF IMPROVEMENTS

- I. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk, the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposed to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specification 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.

#### C. PROPER INSTALLATION OF IMPROVEMENTS

- I. If the Town Planning Board and appropriate officials shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector, and Pulteney Town Clerk. The Town Board shall notify the subdivider and, if necessary the bonding company, and take all necessary steps to preserve the Town 's right 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.

## **SECTION 6. FILING OF APPROVED SUBDIVISION PLAT**

### **A. FINAL APPROVAL AND FILING**

- I. Upon completion of the requirements of Section 4 and 5 above and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the Office of the Steuben County Clerk. Any Subdivision Plat not so filed or recorded within ninety 90 days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days each.

### **B. PLAT VOID IF REVISED AFTER APPROVAL**

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

## **SECTION 7. PUBLIC STREETS, RECREATION AREAS**

### **A. PUBLIC ACCEPTANCE OF STREETS**

- I. 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**

- I. When a park, playground or other recreation area shall have 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. 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.

## **SECTION 8. APPLICATION OF SECTION 278 OF THE TOWN LAW**

Whereas, pursuant to Resolution of the Town Board, the Planning Board is empowered to modify applicable provisions of the Land Use Ordinance in accordance with the provisions of Section 278 of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most adequate and economic 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 procedure and standards.

### **A. REQUEST BY SUBDIVIDER**

- I. A subdivider may request the use of Section 278 simultaneously with or subsequent to presentation of the Sketch Plan as per procedure described in Article III. Any submission subsequent to preliminary approval of a plat shall require a reapplication for sketch plat review.

### **B. SKETCH PLAT**

- I. A subdivider shall present along with a proposal in accordance with the provisions of Section 281, a standard sketch plat which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to, streets, being consistent with the Street Specifications, and lots being consistent with the Land Use Law.

### **C. PARK, RECREATION, OPEN SPACE OR OTHER MUNICIPAL PURPOSES**

- I. If the application of this procedure results in a plat showing land available for park, recreation, open space, or other municipal purposes, directly related to the plat, then conditions as to ownership use and maintenance of such lands are necessary to assure the preservation of such lands for their intended purposes shall be set forth by the Planning Board.

### **D. PLAT SUBMISSION**

- I. Upon determination that such sketch plat is suitable for the procedures under Section 281 and subsequent to the Resolution authorizing the Planning Board to proceed, a preliminary plat meeting all the requirements of the Resolution shall be presented to the Planning Board

and thereafter, the Planning Board shall proceed with the required public hearings and all other requirements of these regulations.

**E. FILING, NOTATION ON LAND USE MAP**

- I. On the filing of a plat in the Office of the Steuben County Clerk in which Section 281 has been used, the subdivider shall file a copy with the Town Clerk who shall make appropriate notations and reference thereto in the Town Land Use Map. The Secretary of the Planning Board shall notify the Building Inspector when such a plat is filed.

**ARTICLE IV GENERAL REQUIREMENTS AND DESIGN STANDARDS**

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

**SECTION 1. GENERAL**

**A. LAND SUITABILITY**

- I. No land shall be subdivided which is held unsuitable for its intended use for reason of inadequate drainage, soil problems, unfavorable topography, inadequate water supply, or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the community.
- II. In determining the suitability of land for subdivision the broad objectives of these regulations shall be considered along with the following:
  1. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses.
  2. The danger that intended structures may be swept on to other lands or downstream to the injury of others.
  3. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the subdivision for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
8. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed subdivision to the Land Use Plan/Planning studies and flood plain management program for the area.
10. The safety of access to the property for emergency vehicles in times of flood or other disaster.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**B. CONFORMITY TO LAND USE PLAN**

- I. Subdivisions shall conform to and be in harmony with the Land Use Plan of the Town. No property shall hereafter be subdivided in a manner, which results in the exacerbation of a pre-existing non-conforming use resulting from the size of the lot.

**C. APPLICATION FOR AREA VARIANCE**

- I. 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 ordinance regulations, application may be made to the zoning board of appeals for an area variance pursuant to Section 267-b of this Article, 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.

**D. SPECIFICATIONS FOR REQUIRED IMPROVEMENTS**

- I. All required improvements shall be constructed or installed to conform to the Town, County and/or State specifications, which may be obtained from the Town Planning Board.

**SECTION 2. STREET LAYOUT**

A. WIDTH AND LOCATION

- I. Streets shall be of sufficient width and suitably located to conform with the Town of Pulteney Land Use Plan and to accommodate the prospective traffic and afford access for firefighting, 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

- I. The arrangement of streets in the subdivision shall provide for the continuation of principal street 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, or needed utilities and public services such as sewers, water and drainage facilities. Wherein 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

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

D. SPECIAL TREATMENT ALONG MAJOR ARTERIAL STREETS

- I. When a subdivision abuts or contains an existing or proposed major arterial 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 lot 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

- I. Where a tract is subdivided into lots substantially larger than the minimum size required in the land use district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

F. DEAD-END STREETS

- I. The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 20-

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 street connections with existing public streets, or streets shown on the Official map, if such exists, or streets on an approval Subdivision Plat for which a bond has been filed.

**G. INTERSECTIONS WITH COLLECTOR OR MAJOR ARTERIAL ROADS**

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

**H. ANGLE OF INTERSECTION**

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

**I. RELATION TO TOPOGRAPHY**

- I. 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.

**J. OTHER REQUIRED STREETS**

- I. Where a subdivision borders on 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 appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**SECTION 3. STREET DESIGN**

**A. WIDTHS OF RIGHTS-OF-WAYS**

- I. Streets shall have the following widths. (When not indicated in the Planning Studies/Land Use Plan of Official Map, if such exists, the classification of streets shall be determined by the Board.

	MINIMUM RIGHT-OF- WAY	MINIMUM PAVEMENT
MAJOR STREETS	66'	32 Feet (Two 12' Travel Lanes)*
COLLECTOR STREETS	60'	30 Feet (Two 11' Travel Lanes)*
STREETS	50'	28 Feet (Two 10' Travel Lanes)*

\*ALL STREETS REQUIRE ONE 8' PARKING LANE

## B. IMPROVEMENTS

- I. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights 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 Planning Board. Such grading and improvements shall be approved as to design and specifications by the Town Planning Board in consultation with the Highway Superintendent and/or other appropriate officials.

## C. UTILITIES IN STREETS

- I. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

## D. UTILITY EASEMENTS

- I. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-ways, 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

- I. 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 eight percent (8%) 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

- I. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Planning Board in consultation with the Highway Superintendent and/or other appropriate officials, so that clear visibility shall be provided for a safe distance.

## G. CURVE RADII AT STREET INTERSECTIONS

- I. All street right-of-way lines at intersections shall be rounded by curves of at least twenty (20) feet radius and curbs shall be adjusted accordingly.
- H. STEEP GRADES AND CURVES; VISIBILITY OF INTERSECTIONS
  - I. On a corner lot in any residential district, nothing shall be erected, placed, planted or grown in such a manner as to materially impede vision a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersection streets. This shall apply to the triangular area bounded by the street lines and a line joining points along said street lines fifty (50) feet from the point of intersection.
- I. DEAD-END STREETS (CUL-DE-SAC)
  - I. Where dead-end streets are designed to be so permanent, they should, in general, not exceed five hundred (500) feet in length, and shall terminate in a circular turn-around having minimum right-of-way radius of sixty (60) feet and pavement radius of fifty (50) feet. At the end of temporary dead-end streets, a temporary turn-around with a pavement radius of fifty (50) feet shall be provided, unless the Planning Board approves an alternate arrangement. Adequate provision for snow removal must be made.
- J. WATERCOURSES
  - I. 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 and approved by the Town Planning Board in consultation with appropriate officials.
  - II. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Planning Board in consultation with appropriate officials, and in no case less than twenty (20) feet in width.
- K. CURVE RADII
  - I. In general, street lines within a block, deflecting from each other at any one point by more than ten (10) degrees, shall be connected with a curve, the radius of which for the centerline of the street shall not be less than four hundred (400) feet on minor streets.
- L. SERVICE STREETS OR LOADING SPACE IN COMMERCIAL DEVELOPMENT
  - I. Paved rear service streets of not less than twenty-four (24) feet in width, or in lieu thereof, adequate off-street loading spaces suitably surfaced, shall be provided in connection with lots designed for commercial use.
- M. FREE FLOW OF VEHICULAR TRAFFIC ABUTTING COMMERCIAL DEVELOPMENT
  - I. In front of areas designated for commercial use, or where a change of land use to a land use district which permits commercial use is

contemplated, the street width shall be increased by such amount of 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.

#### **SECTION 4. STREET NAMES**

##### **A. TYPE OF NAME**

- I. All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, all streets shall have names and not numbers or letters.

##### **B. NAMES TO BE SUBSTANTIALLY DIFFERENT**

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

#### **SECTION 5. LOTS**

##### **A. LOTS TO BE BUILDABLE**

- I. The lot arrangement shall be such that in constructing a building in compliance with the Land Use Law, there will be no foreseeable difficulties for reasons of topography or other natural conditions.

##### **B. SIDE LINES**

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

##### **C. CORNER LOTS**

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

##### **D. DRIVEWAY ACCESS**

- I. Driveway access and grades shall conform to specifications of the Town Land Use Law. Driveway grades between the street and the setback line shall not exceed twelve (12%) percent.

##### **E. ACCESS FROM PRIVATE STREETS**



- I. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.
- F. MONUMENTS AND LOT CORNER MARKERS
  - I. Permanent monuments meeting specifications approved by the Town Planning Board in consultation with appropriate officials, 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 Planning Board may require, and their location shall be shown on the Subdivision Plat.

## **SECTION 6. DRAINAGE IMPROVEMENTS**

- A. REMOVAL OF SPRING AND SURFACE WATER
  - I. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- B. DRAINAGE STRUCTURE TO ACCOMMODATE POTENTIAL DEVELOPMENT UPSTREAM
  - I. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether in or outside the subdivision. The Town Planning Board in consultation with appropriate officials shall approve the design and size of facility based on anticipated run-off from a “ten year” storm for under conditions of total potential development permitted by the Land Use Law in the watershed.
- C. RESPONSIBILITY FROM DRAINAGE DOWNSTREAM
  - I. The subdivider’s engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential conditions. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. LAND SUBJECT TO FLOODING
  - I. 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 use as may increase danger to health, life or property, or aggravate the flood hazard, 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.

## **SECTION 7. PARKS, OPEN SPACES, AND NATURAL FEATURES**

### **A. RECREATION AREA SHOWN IN THE TOWN PLANNING STUDIES**

- I. Where a proposed park playground or open space shown in the Town Planning studies is located in whole or in part of a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified paragraph (B) below. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

### **B. PARKS AND PLAYGROUNDS NOT SHOWN IN TOWN PLANNING STUDIES**

- I. The Planning Board shall require that the Plat show sites of a character extend and location suitable for the development of a park, playground or other recreation purposes. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.
- II. The Board shall require that not less than three (3) areas of recreation space be provided per 100 dwelling units shown on the Plat. However, in no case shall the amount be more than 10 percent (10%) of the total area of the subdivision. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.
- III. Appropriate legal measures should be taken to ensure that such land can never be developed for more than recreational purposes.

### **C. INFORMATION TO BE SUBMITTED**

- I. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval to the Board, three (3) prints (on cloth or mylar) 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 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 brooks, ponds, clusters of trees, rock outcrops, and structures.
3. Existing, and if applicable, proposed changes in grade and contours of said area and of area immediately adjacent.

**D. WAIVER OF PLAT DESIGNATION OF AREA FOR PARKS AND PLAYGROUNDS**

- I. In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for the park, playground or other recreation purpose cannot be properly located therein, or if in the opinion of the Board it is not desirable, the Board may waive the requirement that the Plat show land for such purposes. The Board shall then require as a condition for the approval of the Plat a payment to the Town, of five hundred dollars (\$500.00) per acre of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Article IV, Section 7B.
- II. 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 purposes, and (b) is so located that 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 land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation area serving the general neighborhood in which the land shown on the plat is situated, providing the Planning Board finds there is a need for such improvements.

**E. RESERVE STRIPS PROHIBITED**

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

**F. PRESERVATION OF NATURAL FEATURES**

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

## **ARTICLE V. DOCUMENTS TO BE SUBMITTED**

### **SECTION 1. SKETCH PLAN**

- A. The Sketch 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.

The Sketch Plan shall be submitted, showing the following information:

- I. 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.
- II. All existing structures, wooded areas, streams and other significant features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
- III. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- IV. The tax map sheet, block and lot numbers, if available.
- V. All the utilities available, and all streets which are proposed, mapped or built.
- VI. The proposed pattern of lots (including lot width and depth, street layout, recreation areas, systems of drainage, sewage, and water supply (see Section 2-A3) within the subdivided area.
- VII. All existing restrictions on the use of land including easements, covenants, or land use district lines.

### **SECTION 2. MINOR SUBDIVISION PLAT**

- A. In the case of Subdivision ONLY, the Subdivision Plat Application shall include the following information:

- I. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- II. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings, 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 Planning Board in consultation with appropriate officials and shall be referenced and shown on the Plat.

- III. All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the NYS Department of Health, and a note to this effect shall be stated on the Plat and signed by a licensed engineer.
- IV. Proposed subdivision name, name of the Town and County in which it is located.
- V. The date, north point, map scale, name and address of record owner and subdivider.

### **SECTION 3. MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA**

The following documents shall be submitted for approval:

- A. Five (5) copies of the preliminary plat prepared at scale of not more than one hundred (100), but preferably not less than fifty (50) feet to the inch, showing:
  - I. Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider an engineer or surveyor, including license number and seal.
  - II. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - III. Land Use District, including exact boundary lines of district and any proposed changes in the Land Use District lines and/or the Land Use Regulations text applicable to the area to be subdivided.
  - IV. All parcels of land proposed to be dedicated to public use and the condition of such dedication.
  - V. Location of existing property lines, easements, buildings, water courses, mean high water marks, marshes, rock outcrops, wooded areas, single trees with a diameter of twelve (12) 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.
  - VI. Location of existing sewers, water mains, culverts and drains on the property, with pipe size, grades and direction of flow.
  - VII. Contours with intervals of ten (10) to fifteen (15) feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
  - VIII. The width and location of any street or public ways or places shown on the Official Map or the Town Planning Studies and/or Land Use Plan, if such exists, within the area to be subdivided, and the width, location,

grades and street profiles of all streets or public ways proposed by the developer.

- IX. The approximate location and size of all proposed water lines, valves, hydrants, septic/leach fields, wells and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
  - X. Storm drainage plan indicating the approximate location and size proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
  - XI. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
  - XII. Preliminary designs of any bridges, culverts, seawalls, or piers which may be required.
  - XIII. The proposed lot lines with approximate dimensions and area of each lot.
  - XIV. Where the topography is such as to make difficult the inclusion 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 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 or the Official Map.
  - XV. An actual field survey of the boundary lines of the tract, giving complete 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 substantial monuments of such size and type as approved by the Planning Board in consultation with appropriate officials and shall be referenced and shown on the plat.
- B. 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 400 feet to the inch showing an outline of the platted area with its proposed streets and indication the probable future street system with its grades and drainage in the remaining port of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's holding submitted shall be considered in light of the entire holdings.

- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

#### **SECTION 4. MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA**

The following documents shall be submitted for plat approval:

- A. The plat to be filed with the Steuben County Clerk shall be clearly drawn in India Ink upon cloth or mylar. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The plat shall show:

- I. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number, and seal of the licensed land surveyor.
- II. Street lines, pedestrian routes, lots, reservations, easements and areas to be dedicated to public use.
- III. Sufficient data acceptable to the Planning Board in consultation with appropriate officials, to determine readily the location, bearing and length of every street line, lot line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of place coordinates, and in any event should be tied to reference points previously established by a public authority.
- IV. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearing 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.
- V. The plat shall also show by proper designation thereon, all public open spaces for which deeds are included, and those spaces titled 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 thus for.

- VI. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  - VII. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
  - VIII. Permanent reference monuments shall be shown and shall be constructed in accordance with specification on the Planning Board in consultation with appropriate officials. When referred to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Planning Board in consultation with appropriate officials and their location noted and referenced upon the plat.
  - IX. All lot corner markers shall be permanently located satisfactorily to the Planning Board and appropriate officials, at least three-quarters (3/4) inches (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
  - X. Monuments of a type approved by the Planning Board in consultation with appropriate officials, 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 Planning Board in consultation with appropriate officials.
- B. Construction drawing including plans, profiles and typical cross- sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

## **ARTICLE VI. WAIVERS**

### **SECTION 1. WAIVER OF REQUIREMENTS**

- A. 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.



## **SECTION 2.**

- A. In granting waivers and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

## **ARTICLE VII. SEPARABILITY**

## **SECTION 1.**

- A. Should any section or provision of the regulations contained herein or as amended hereafter be declared by a Court of competent jurisdiction to be invalidated, 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.

## **ARTICLE VIII. COURT REVIEW**

Any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning such plat or the changing of the zoning regulations of such land, or any officer, department, board or bureau of the Town, may have the decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and rules provided the proceeding is commenced within thirty days after the filing of the decision in the office of the Town Clerk.

Commencement of the proceeding shall stay proceedings upon the decision appealed from.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made,. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the Planning Board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

#### **ARTICLE IX. MISCELLANEOUS**

**Section 1.** Unless otherwise provided herein, the terms of this local law shall amend and supersede Local Law No. 2 of 1996.

**Section 2.** This Local Law shall become effective upon filing with the New York State Secretary of State.