

# LAND SUBDIVISION REGULATIONS

Town of Bovina, New York



Adopted by:

The Town Planning Board

On March 6, 1975

Amended:

March 6, 1997

Prepared with the assistance of:

The Delaware County Planning Department

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## INTRODUCTION

The municipalities of New York State grow primarily through the process of the development of individual parcels of land. In some cases, one parcel is carved out of a large holding and used for a new house, or a new store, or a new industrial building. In other cases, a larger tract of land is developed by an entrepreneur who markets the resulting lots to the eventual user - most frequently a homeowner, sometimes a shop owner, or other persons who need land to carry out their purposes. When a tract of land is divided into smaller parts, the process is known as "subdivision". In many cases, the subdivision of land requires the laying out of one or more new streets to serve some or all of the new parcels created. Since the rate at which land is subdivided and the manner in which new lots and streets are laid out have a direct effect not only on the land directly involved, but on adjoining or nearby properties and the entire surrounding community, there is a community interest in the design of each new subdivision.

New lots with new land uses and new streets can change or intensify the traffic on existing roads and streets; they can increase the storm water drainage from an area; they can create a need for more water supply and more sewage disposal facilities; and they may enlarge the need for a whole series of public facilities and services, and in this way directly affect the public affairs of the community. Too much or too rapid subdivision in a particular section, coupled with inadequate provision of street improvements or other public facilities and services, can cause serious long-term problems such as substandard development, wasted land, and even "dead" subdivisions if there proves to be no market for the new lots created. From another and more positive viewpoint, a new subdivision can take into consideration all the opportunities presented to obtain the best possible street and lot design for the tract.

New York State's planning laws permit the Town of Bovina to review subdivisions to see that good subdivision design is obtained. In addition, the Town can obtain, among other things, at the time of subdivision approval, necessary street and utility improvements and a suitably located park or parks; thus, in one way assuring the taxpayer that the new development will be an asset rather than a liability to the community. It is important to note that these improvements can be obtained at the expense of the subdivider rather than the Town only at this point of development.

Since the residential subdivision is the most common method of adding to the Bovina housing supply, and the need for new housing will undoubtedly continue, the subdivisions that are mapped and created hence forth will largely shape and affect the character of the Town. It therefore behooves the Planning Board and all others interested or involved in land development to make sure that each new addition is the best that today's design can provide.

The Bovina Town Planning Board was created by resolution of the Town Board. The following subdivision regulations reflect the most recent State enabling law governing subdivision review procedures by town planning boards. The Planning Board adopted these subdivision regulations on February 17, 1975. These regulations were approved by the Bovina Town Board on March 6, 1975.

LAND SUBDIVISION REGULATIONS  
Town of Bovina, New York

ARTICLE 1 - GENERAL PROVISIONS

Section 1.1. - Authority

These Regulations are adopted by authority of the Bovina Town Board, pursuant to the provisions of Article 16, Section 272 and 276 of the Town Law of the State of New York.

Section 1.2 - Jurisdiction

Land within the un-incorporated portion of the Town of Bovina may be subdivided into lots, block or sites, with or without streets or highways, only if approved by the Planning Board in accordance with the procedures and requirements as set forth in these Regulations and only if the approved plat is duly filed in the Office of the County Clerk of Delaware County, New York. Construction, excavation, filling, regrading, clearing of vegetation or other similar activities shall not be begun within any area proposed or intended for subdivision until said subdivision shall have been approved, or conditionally approved, by the Planning Board.

Section 1.3 - Resubdivision

A resubdivision, as defined herein, is subject to the same procedure, rules and regulations applicable to an original subdivision.

Section 1.4 - Policy

It is declared to be the policy of the Planning Board to consider land subdivision as part of a plan for the orderly, efficient and economical development of the Town. 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, and without resulting in significant and /or irreparable damage to the ecology of the area in which it is located. Proper provision shall be made for drainage, water, sewerage and other needed improvements. Streets shall compose a convenient system, shall conform to the Official Map and shall be properly related to the proposals shown on the Town Development Plan as they may exist. Roads and streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection. In proper cases, and when required by the Planning Board, one or more park areas of suitable location, size and character for playground or other recreational purposes shall be shown on the subdivision plat.

Section 1.5 - Building Permits

No permit shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the Office of the County Clerk, except that the Building Inspector may issue a single building permit for a single family residence based upon the entire tract of land where there is no other

existing residence within the proposed subdivision and where the location of the proposed building is in accordance with an approved preliminary plat.

#### Section 1.6 - Plats Straddling Municipal Boundaries

- 1.61 - Whenever access to a proposed subdivision can be obtained only across land in another municipality, the subdivider shall furnish proof, satisfactory to the Planning Board, that such access has been legally established and that such access has been adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the adequate construction of the access road. However, the Planning Board may condition its approval of those parts of a subdivision which have access only across land in another municipality, by providing that no building permit shall be issued on lots within the Town until such access to them has been properly established.
- 1.62 - In general, lot lines should be laid out wherever possible so as not to cross municipal boundary lines. Where this is necessary in the opinion of the Planning Board, it shall require that the deed for any such lot shall provide that the portion in the other municipality may not be separated from the portion within the Town, nor occupied by any other use that would make the lot or use non-conforming if the lot were entirely within the Town.
- 1.63 - Approval by the Town Planning Board shall be granted only for that portion of the subdivision lying within the Town, and such approval shall be contingent upon approval by the Planning Board having jurisdiction over that portion lying within the adjacent municipality.

#### Section 1.7 - Notice to Adjacent Property Owners

- 1.71 - All applicants, at least ten (10), but not more than fifteen (15) days prior to attending each public hearing of the Planning Board, shall send a written notice by certified mail, return receipt requested, to all contiguous landowners and landowners on the opposite side of the highway or right-of-way on which the applicant's property has frontage. Frontage on more than one highway or right-of-way requires that all opposite owners be given notice including the property owner diagonally opposite a corner parcel. Property owners entitled to notice shall be those listed as owners on the records of the Bovina Tax Assessor's office as of the date of mailing. The written notice shall contain information equal to the notice published in the newspaper. Proof of mailing receipts must be furnished prior to the public hearing.
- 1.72 - Notice as required in 1.71 above shall be given of any amendment made or sought by the applicant.
- 1.73 - The applicant shall also furnish an affidavit that a description of the property by Tax Map designation and the substance of the proposed use including number of proposed or potential buildings and their type has been made to the following agencies, as they may exist:

1. Fire or fire protection district.
2. Water district.
3. Sewer district
4. Sanitation district.
5. Town Supervisor
6. Superintendent of Highways.
7. Tax Assessor.
8. Traffic & Safety Committee
9. Recreation Commission
10. Ecology (Conservation Advisory) Commission.
11. Architectural Review Board.

1.74 - If mail receipts are delayed, the Board may retain the application on a finding of substantial compliance by applicant's affidavit and/or make further proof of service of notice a condition precedent to any decision, or if the public hearing shows sufficient public response the Board may waive further proof.

### 1.8 - Adjustment of Regulations

1.81 - Where the Planning Board finds that, because of the special circumstances of a particular case, extraordinary hardship may result from strict compliance with these regulations, it may adjust the Regulations so that substantial justice may be done and the public interest secured provided, however, that any such adjustment will not have the effect of nullifying the spirit and intent of these Regulations, the Town Development Plan, or the Official Map, as they may exist. In permitting any such adjustment, the Planning Board shall attach such conditions as are, in its judgment, necessary to substantially secure the objective of the standard or requirement so adjusted.

1.82 - As authorized by resolution of the Town Board, the Planning Board may, simultaneously with the approval of a plat, apply the provisions of Section 281 of the Town Law.

### Section 1.9 - Amendments

1.91 - Procedure: These Regulations may be amended by the Planning Board, after public hearing and subject to the approval of the Town Board. Notice of the time, place and purpose of such hearing shall be given by publication in the official Town newspaper at least five days prior to the date on which it is to be held. A copy of the proposed amendment shall be placed on file in the office of the Town Clerk, where it shall be available for public inspection during normal working hours for at least the five-day notice period before such hearing.

1.92 - Effective Date: Amendments adopted by the Planning Board shall take effect on the date of Town Board approval.

1.93 - Effect on Subdivisions Under Consideration: Any proposed preliminary subdivision plat which has not received conditional approval prior to the effective date of an amendment to these Regulations, or any conditionally approved preliminary

subdivision plat where an application for final plat approval has not been received within six month of the date of conditional approval, shall fully comply with any amendment to these Regulations.

Section 1.10 - Separability Clause

If any article, section, subsection, paragraph, sentence, clause, or other part of these Regulations is for any reason held invalid, the validity of the remaining portion of these Regulations shall not be affected.

Section 1.11 - Enactment

In order that land may be subdivided in accordance with the authority, jurisdiction and policy as set forth above, these Regulations are hereby adopted and enacted.

## ARTICLE II - APPLICATION PROCEDURE

### Section 2.1 - General Procedure

Whenever any subdivision of land is proposed, and before any contract for the sale or lease of any part thereof is made, the subdividing owner, or his duly authorized agent, shall proceed to secure approval of the proposed subdivision in accordance with the following steps:

- a. Initial conference and review (optional but recommended).
- b. Preparation of preliminary plat.
- c. Preparation of final plat.

### Section 2.2 - Initial Conference and Review

This step is recommended for the benefit of the applicant, but is not required. If followed, the procedure shall be as follows:

- 2.21 - Initial Conference: The applicant shall inform the Planning Board Secretary, at least 2 weeks in advance of a regular Planning Board meeting, of his desire to be placed on the agenda for an initial conference. At such conference, the applicant shall present a sketch layout of the proposed subdivision and the "Application for Subdivision Approval". The Sketch layout shall include a site location sketch indicating the applicant's entire holdings in relation to neighboring streets and properties, and shall show the general nature of the proposed arrangement of streets, lots recreation areas, and the proposed concept for providing utility service. U.S. Geological Survey (USGS) and/or County Tax Parcel maps are suggested for this purpose. The sketch layout of the proposed subdivision shall be drawn on a topographic map with a vertical scale of no more than 10 feet, at a scale of no smaller than 1" = 100'. It shall be submitted in 2 copies.
- 2.22 - Field Trip: After the initial conference, the Planning Board may schedule a field trip to the proposed subdivision site. The applicant, or his representative, should attend the site inspection and, prior to it, the centerline of all proposed streets and front lot corners shall be located by temporary stakes. Road stakes shall be located at 50-foot intervals and at all proposed street intersections.
- 2.23 - Planning Board Recommendations: At or subsequent to the field trip, the Planning Board shall advise the applicant, or his representative, of the additions and modification, if any, which should be made if an application for subdivision approval is to be submitted. The Planning Board may classify the proposed subdivision as a "minor subdivision" at this time, in accordance with Section 2.37.

### Section 2.3 - Preliminary Plat

Prior to requesting approval of a proposed final subdivision plat, the applicant shall file an application for approval of a preliminary plat, in duplicate, on forms available from the Planning Board Secretary. Such application shall be filed with the Planning Board

Secretary at least two weeks prior to the regular Planning Board meeting at which it is to be officially submitted and considered.

2.31 - Items to Accompany Application: Application for preliminary plat approval shall:

- a. be accompanied by a preliminary application fee, payable to the Town of Bovina.
- b. show all contiguous land of the applicant;
- c. comply with all requirements of these Regulations and the Zoning Ordinance, as it may exist, and list any specific waivers requested;
- d. be accompanied by 4 copies each of the preliminary plat and preliminary construction plans, showing all items listed in the sample "Checklist for Subdivision Review" located in Appendix E.
- e. include a statement from the applicant's engineer or land surveyor certifying the total amount of acreage within the property to be subdivided;
- f. a list of all districts within which the property proposed for subdivision is located, such as fire, school, water, sewer, garbage and street lighting;
- g. include a certification, under oath, of the applicant's ownership of the property included in the proposed subdivision, including information on any rights or easements of record, and a specific statement that a search of the filed maps on record discloses no maps of the area or any part of it, except as noted.

2.32 - Field Trip: The Planning Board may schedule a field inspection of the proposed subdivision, as described in Section 2.22.

2.33 - Public Hearing: Upon receipt of the preliminary application and all accompanying material, the Planning Board shall call a public hearing to be held within 62 days of the date of submission. The Planning Board Secretary shall submit notices to the official Town newspaper for publication. The applicant shall send a written notice by certified mail, return receipt requested, to abutting property owners and shall file copies of the preliminary plat and construction plans for public review at least five (5) days prior to the public hearing. The Planning Board Secretary shall also mail a copy of the public notice and a copy of the preliminary plat to the County Planning Board where notice to such Board is required by law, and to the clerk of any abutting municipality where the land to be subdivided is within 500 feet of such municipality, each to be received at least 10 days prior to the date of the public hearing.

2.34 - Action on Preliminary Plat Application: Within 62 days from the date of the hearing, the Planning Board shall take action to approve or conditionally approve, with or without modifications, or disapproval such preliminary plat. The grounds of any modification required or the grounds for disapproval shall be stated in the Planning Board minutes and a copy of such action shall be sent to the applicant. The period in which the Planning Board must take action on such preliminary plat may be extended by mutual consent of the owner and the Planning Board.

2.341 - Referrals: When applicable, the Secretary of the Planning Board, upon receipt of the Subdivision plat Application, shall present a copy of the Plat and other required documentation to the Delaware County Planning Board

for their review and report in accordance with the provisions of Section 239-n of Article 12-B of General Municipal Law.

2.342 - State Environmental Quality Review Act (SEQR) Requirements: The Planning Board shall also determine the applicability of SEQR. An Environmental Assessment Form (EAF), to be completed by the applicant, is required if the proposed subdivision is classified as Type I or Unlisted according to the SEQR Act. A completed EAF will assist the Planning Board in determining the environmental significance of the project.

2.35 - Reserved:

2.36 - Expiration of Approval: Approval of a preliminary plat shall expire 6 months from the date of Planning Board action in Section 2.34 if no application for final subdivision plat approval is submitted within such period, except that the time limit may be extended by resolution of the Planning Board.

2.37 - Waiver of Preliminary Plat: In order to expedite the subdivision review procedure, where a proposed subdivision does not involve a new road, road extension or road connection, and where three or fewer building lots are involved, the Planning Board may, by resolution, classify such subdivision as a "minor subdivision" and waive the requirement for preliminary plat approval. In such case, the preliminary application fee shall be substituted for the final application fee when the final plat application is submitted. The Planning Board may also designate a subcommittee of one or more of its members, with the assistance of its agents, to review the final plat and application and prepare recommendations for final plat approval.

#### Section 2.4 - Final Plat

Within six months after the Planning Board's action on the preliminary plat, an application for final subdivision plat approval may be filed with the Planning Board Secretary, at least two weeks before the regular Planning Board meeting at which it is to be officially submitted and considered. Such application shall be prepared in duplicate on forms available from the Planning Board Secretary.

2.41 - Items to Accompany Application: Application for final plat approval shall be accompanied by:

- a. a final subdivision application fee, payable to the Town of Bovina. Such fee shall be automatically waived if the Planning Board is in receipt of a preliminary layout application fee;
- b. proof of ownership by the applicant of the premises affected by the application and certificate of title company covering all interest, liens, and objections to title, if any;
- c. where subdivision roads and/or other improvements are involved, a statement from the applicant's engineer giving estimated cost of construction, together with the quantities and unit costs used in making the estimate shall be submitted for

- verification and as an aid in establishing the amount of any performance bond which may be required;
- d. the applicant will submit the results of soil profile analysis information for each proposed lot in all major subdivisions (as defined in section 2.37) for the purpose of ensuring that all proposed lots have at least one buildable site for an onsite septic system. The standards for this analysis are outlined in Section 4.7;
  - e. where streets or park areas are included within the proposed subdivision, a formal offer of cession to the Town of all such streets and park areas, in a form showing approval by the Town Attorney, except where the proposed final subdivision plat has a notation to the effect that no offer of dedication of such street and park areas, or any of them, is made to the public;
  - f. where the Planning Board determines that there is no need for a park area to be shown on the proposed plat, a recreation fee, payable to the Town of Bovina shall be submitted, in the amount determined for such cases by resolution of the Town Board;
  - g. a written agreement, in form satisfactory to the Town Attorney, permitting entry by the Town onto any streets, easements and park areas, for the purpose of inspecting and installing any required improvements in the event of the failure of the applicant to make such installations, or to properly maintain such installations until such time as the Town assumes the responsibility for them;
  - h. a list of any and all waivers of the provisions of these Regulations which the applicant requests the Planning Board to grant his specific case, with the reasons therefore;
  - i. proof of approval by the State Department of Transportation or the County Department of Public Works, as appropriate, of the location, design and proposed construction of any intersection of a proposed road in the subdivision with a State or County Highway, including drainage from the proposed subdivision onto the State or County Highway;
  - j. formal offers of dedication to the Town of all streets, open spaces, and parks for playground and other recreational purposes, in a form approved by the Town Attorney, except where the subdivision plat has a notation that no offer of dedication of such streets, open spaces, parks, playgrounds and other recreational areas, or any of them, is made to the Town;
  - k. statements of covenant, in a form and with a content satisfactory to the Town Attorney, to be included in the deed of every lot in the subdivision, providing for the obligation of each and every lot in the subdivision, providing for the obligation of each and every property owner to maintain all streets, open spaces, and parks in the subdivision, and establishing an instrument for exercising such obligation until such time as such areas are formally offered for dedication to and accepted by the Town;

- l. formal offers of easement to the Town, in a form satisfactory to the Town Attorney, on all intersection sight areas, as called for by Sections 4.55, and
- m. four copies each of the proposed final subdivision plat and construction plans, showing all items listed in the sample "Checklist for Subdivision Review" located in Appendix E.

2.42 - Public Hearing: Within 62 days of the official submission date of the final subdivision application and all accompanying material, the Planning Board shall hold a public hearing on said application, except that where a preliminary plat has been required and the Planning Board deems the final plat to be in substantial agreement with said an approved preliminary plat, it may waive the public hearing on the plat. The Planning Board Secretary shall submit a notice of any such hearing to the official Town newspaper for publication in said newspaper at least 5 days before such hearing and the applicant shall mail copies of the notice to property owners abutting and across the street from the proposed subdivision as required in Section 1.7. A copy of the proposed plat and construction plans shall be maintained on file in the Planning Board's office, available for public inspection during normal business hours for the 5-day period immediately preceding the hearing. The applicant and/or his representative should attend the public hearing.

2.421 - The applicant shall display prominently on his property for one week preceding the date of the public hearing, at least one sign along each street, 2 feet x 3 feet in size, and carrying a legend prescribed by the Planning Board, announcing the public hearing. The sign shall be in full public view from the street pavement.

2.422 - If the proposed subdivision involves a new street connecting directly into any State or County highway, parkway, thruway or road, or involves drainage lines connecting directly into any channel lines established by the County, a notice of the public hearing shall be mailed to the County Planning Board at least 10 days prior to the date of the hearing. If the land to be subdivided is within 500 feet of any abutting municipality in the County, a notice of the public hearing shall be mailed by the Planning Board to the Clerk of such abutting municipality at least 10 days prior to the date of the hearing. At the public hearing, the Planning Board shall give opportunity to any interested person to examine or comment on the proposed subdivision plat and construction plan.

2.43 - Action by the Planning Board: Within 62 days of the public hearing or within 62 days of receipt of the final application, when a hearing is waived, the Planning Board shall approve or conditionally approve with or without modifications, or disapprove, the subdivision application by resolution, which shall set forth any conditions to which the approval is subject, or the reason for disapproval, pursuant to Section 276 of the Town Law, including the amount of any performance bond and the time limit for any required improvements. A copy of the resolution shall be mailed to the applicant. Such time period may be extended by mutual consent of the owner and the Planning Board.

- 2.44 - Authorization for Filing Plat by Sections: Prior to granting its approval, the Planning Board may permit the plat to be divided into 2 or more sections and may impose such conditions upon the delineation and filing of the sections as it may deem necessary to assure the orderly development of the plat. Approval to the sections, subject to any conditions imposed by the Board, shall be granted concurrently with approval of the plat. If the owner files only a section of an approved within 30 days of the date of approval, such section shall encompass at least 10% of the total number of lots contained in the approved plat. Within 30 days of the filing of a section of an approved plat with the County Clerk, the owner shall file the entire approved plat with the Bovina Town Clerk and with the Planning Board Secretary. The Planning Board may deny approval of any section of a plat if a prior section has not first been satisfactorily completed.
- 2.45 - Action by Applicant: Based upon the Planning Board resolution and any condition therein, and within 180 days of said resolution (which time period may be extended by the Planning Board for up to two 90-day additional periods), the applicant shall have the final subdivision plat and construction plans revised, if necessary, in accordance with said resolution, and submit four copies of the revised maps to the Planning Board Secretary. Any performance bond which is to be posted shall be submitted to the Town Attorney for review as to legal sufficiency. The Planning Board shall check the revised final maps to determine whether they are in substantial compliance with the Planning Board's resolution of approval. The Town Attorney shall be responsible for determining and certifying to the Planning Board whether or not the surety, form, sufficiency and manner of execution of the bond is acceptable to and has been approved by the Town Board.
- 2.46 - Approval of Construction Plans: The construction plans, revised as necessary to meet the requirements of the Planning Board resolution, shall be in substantial compliance with the requirements of said resolution and the Town's construction standards prior to the signing of the plat or the beginning of any construction work within the proposed subdivision.
- 2.47 - Final Approval of Subdivision Plat: The Chairman, or other duly authorized officer of the Planning Board, shall endorse (sign) the Board's final approval on the plat only after it is satisfied that all required conditions, modifications, and improvements have been met and/or completed in accordance with the Planning Board's resolution of approval of the plat and construction plans, or alternatively that a bond of the required amount and surety has been filed and that all other required conditions of the resolution of approval, including the payment of all fees, and the approval of the State Department of Health, have been complied with. Said Planning Board endorsement shall be by signature and date in ink on the original of the plat (which shall be returned to the applicant for filing) and on a print of the plat (which shall be retained in the record files of the Planning Board).
- 2.48 - Filing Plat with County Clerk: The approved plat shall be filed with the Delaware County Clerk within 62 days of the date of the Planning Board signing. The approval of any plat not so filed shall expire 62 days from the date of signing.
- 2.49 - Submission of Copies of Filed Plat: The applicant shall submit 4 print copies of the

final plat, plus one Mylar tracing, showing the endorsement and file number of the County Clerk, to the Planning Board Secretary within 30 days of the date of filing.

- 2.50 - Failure of Planning Board to Act on Subdivision Plat: Where the Planning Board does not act to approve, conditionally approve, with or without modifications, or disapprove the subdivision plat within 62 days as provided in Section 2.43, the plat shall be considered approved as provided for in Section 276 of the Town Law.

## ARTICLE III - REQUIRED IMPROVEMENTS, AGREEMENTS AND FEES

### Section 3.1 - Completion of Improvements or Filing of Bond

After adoption of a resolution approving a final subdivision plat, and before the plat is endorsed by the Planning Board Chairman, the applicant shall be required to complete, at his expense and without reimbursement by the Town or any special district, all street and other improvements as shown on the approved construction plans or as otherwise specified in the resolution, or, as an alternative, file with the Town Board a bond in an amount fixed by the Planning Board in its resolution as sufficient to secure to the Town the satisfactory construction, installation, and completion of the required improvements. Such bond shall state the period within which the required improvements must be completed, which period shall be that specified in the Planning Board resolution. All improvements shall be done to the satisfaction of the Planning Board in accordance with the approved construction plans and the requirements of these Regulations and any Town construction standards and specifications for roads and other public improvements.

#### 3.11 - Failure to Complete Improvements:

3.111 - Where a Bond is Not Filed: If all required improvements are not completed within the period specified in the Planning Board resolution of approval, such approval shall be deemed to have expired, unless, upon request of the applicant, the period has been extended by resolution of the Planning Board.

3.112 - Where a Bond is Filed: If all required improvements are not completed within the term specified by the Planning Board and set forth in the filed bond, and if no application for the extension of such period and bond has been made by the applicant and approved by the Planning Board, the Town Board may thereupon declare said bond to be in default and collect the sum remaining payable thereunder and, upon receipt of the proceeds thereof, the Town shall install such improvements as are covered by the bond and are commensurate with the extent of building development that has taken place in the subdivision but not exceeding, in cost, the amount of such proceeds.

#### 3.12 - Modification of Bond:

3.121 - Extension of Period Specified in Bond: The time period specified for the completion of all required improvements, as set forth in the bond, may be extended only by resolution of the Planning Board upon request in writing by the applicant, setting forth in detail the amount of work which has been completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work, and the time period extension which is requested.

3.122 - Reduction of Bond: An applicant may request in writing that the Planning Board authorize a reduction in the amount of the bond. Such request shall itemize the extent of required improvements already completed, the estimated cost of improvements remaining to be completed, and the amount of bond reduction requested. Upon approval of the Town Board, and after

due notice and public hearing, the Planning Board may, if it determines that sufficient required improvements have been installed to warrant such action, reduce the face amount of the bond by an appropriate amount so that the new amount will cover the cost in full of all required improvements remaining to be completed, and any security deposited with the bond may be reduced proportionately.

- 3.13 - Modification of Requirements: If, at any time, either before or during the course of construction of the required improvements, it is determined by the Planning Board that unforeseen conditions make it necessary to modify the location or design of any improvements, the Board may modify the terms and conditions of the approval so as to require such changes as may be necessary to comply with the spirit and intent of the Board's original approval and to conform to accepted engineering practices. If such modification affects the scope of work covered by a bond, the Board may require or allow appropriate modification of such bond.

### Section 3.2 - Inspection of Improvements

The Town Superintendent of Highways or engineering authorities designated by the Planning Board as inspecting agent shall be responsible for inspecting required improvements during construction to insure their satisfactory completion and, upon such completion, shall furnish the Planning Board with a statement to that effect. If the Planning Board determines that any of the required improvements have not been constructed in accordance with the approved plan, the applicant shall be responsible for properly completing said improvements. Failure of the Planning Board to carry out inspections of required improvements during construction shall not in any way relieve the applicant or the bonding company of their responsibilities related to the proper construction of such improvements.

- 3.21 - Inspection of Stages of Construction: To facilitate inspection of required improvements during construction, the applicant shall notify the Town's inspecting agent at least three working days before reaching each one of the following stages of construction:

- a. Clearing and grubbing.
- b. Initial placement of fill or initial excavation or earth cutting.
- c. Rough grading completed.
- d. Drainage and other underground facilities installed, but prior to backfilling.
- e. After road sub base is compacted and ready for base course.
- f. When each pavement course is being applied.
- g. After completion of all improvements.

The applicant shall not proceed to work on any stage subsequent to the first stage until the work has been inspected and approved by the inspecting agent or his duly authorized representative. In the case of any other improvements, the inspecting agent shall inspect the work at such progressive stages as he shall specify, and he shall certify to the Planning Board that the work was inspected by him and was in accordance with the approved plans and specifications.

- 3.24 - Certificate of Construction: At such time as the applicant has completed construction of all required improvements, he shall furnish to the Planning Board four copies of "as built" plans and profiles which show the actual location of all paved streets, culverts, headwalls, drains, manholes, catch basins, sidewalks, curbs, utility lines and equipment, monuments, street signs, street trees, and all other required improvements, as constructed, and all other pertinent information, such as cross sections of the streets, the culvert and drain grades, sewer grades, sidewalk and curb grades, and invert elevations at manholes. Such plans and profiles shall bear a dated certification by a professional engineer or licensed surveyor to the effect that the data shown thereon was accurately determined by field survey. If the location or accuracy of improvements does not, in the opinion of the Planning Board, fully comply with the approved construction plans and specifications, the Planning Board shall have the right to refuse to sign the final plat or release the bond until such situation is corrected.
- 3.25 - Inspection Fee: To offset the costs incurred by the Town in conducting inspections, all applicants for approval of subdivisions involving the construction of streets and/or other improvements shall be required to submit an inspection fee, payable to the Town of Bovina, equal in amount to 3% of the estimated cost of improvements, as determined by the Planning Board.

### Section 3.3 - Future Status of Streets, Parks and Easements

- 3.31 - Offers of Cession: All streets, parks and easements shall be indicated on the plat. In accordance with Section 278 of the Town Law, the applicant may add as part of the plat a notation, if he so desires, the effect that no offer of dedication of such streets or parks, or any of them, is made to the public. All offers of cession to the public of all streets and parks not so marked shall be filed with the Planning Board at the time of submission of the final plat application.
- 3.32 - Acceptance by Town: Acceptance of any offer of cession of streets or parks shall rest with the Town Board. In the event that the applicant shall elect not to file the plat in the Office of the County Clerk within the period prescribed for such filing, then such formal offer of cession shall be deemed void. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute nor imply the acceptance by the Town of any streets, parks or other areas shown on said plat and the Planning Board may require the addition of appropriate notes to this effect on the plat.
- 3.33 - Maintenance: In the event that no offer of cession to the public is made for the streets, parks and required easements shown on the plat, there shall be submitted with the final application, copies of agreements or other documents providing for the suitable maintenance of such facilities and a statement of all rights which exist with respect to each of them. The adequacy of such documents shall be subject to Planning Board approval, based upon recommendations of the Town Attorney.

### Section 3.4 - Waiver of Required Improvements

The Planning Board may waive, subject to appropriate conditions, the provisions of any or all such improvements and requirements as, in its judgment of the special circumstances of a particular plat, are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

### Section 3.5 - Certificates of Occupancy for Structures Fronting on Bonded Streets

A certificate of occupancy shall not be issued for a structure within a subdivision where the improvements are guaranteed by a performance bond unless it is determined by the Planning Board that the following conditions have been complied with:

- 3.51 - Status of Street Improvements: The improvements of the street or streets giving access to the structure has progressed to a stage deemed adequate by the Planning Board to render safe all-weather vehicular access for both routine and emergency purposes.
- 3.52 - Maintenance Agreements: Written agreements have been filed providing for the maintenance of the bonded street or streets in such all-weather passable condition, including snow removal and sanding, during the period between the issuance of the certificate of occupancy and the acceptance of the fully completed street by the Town Board. If the street is not to be offered for dedication to the Town, maintenance agreements shall have been required in accordance with Section 3.33 of these Regulations.

## ARTICLE IV - GENERAL REQUIREMENTS FOR SUBDIVISION DESIGN

The Planning Board, in considering an application for the subdivision of land, shall be guided by, but shall not be bound by the following considerations and standards, upon which the Planning Board shall be the determining agent. In general these standards shall be deemed to be the minimum requirements for the convenience, health, safety, and welfare of the Town

### Section 4.1 - General

- 4.11 - Character of Land: Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard, but such land may be set aside for uses as shall not involve such danger nor produce unsatisfactory living conditions.
- 4.12 - Preservation of Natural Features and Values: Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, in so far as possible, the natural contours, to limit storm water runoff, and to conserve the natural vegetative cover and soil. No trees, topsoil or excavated material shall be removed from its natural position except where necessary and incidental to the improvement of lots and construction of streets and related facilities in accordance with the approved plan. Topsoil shall be restored to a depth of at least 6 inches and properly seeded and fertilized in those disturbed areas not occupied by buildings or structures.
- 4.121 - Existing natural features which are of ecological, aesthetic or scenic value to residential development or to the Town as a whole, such as wetlands, water courses, water bodies, rock formations, stands of trees, historic spots, views and vistas, man made features indigenous to the area, such as stone walls, and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision and where appropriate, the Planning Board may require the inclusion of such features in permanent reservations.
- 4.13 - Conformity to Town Development Plan and Official Map: Streets, parks and other subdivision features shall conform to the proposals shown on the Town Development Plan and the Official Map, as these may exist.
- 4.14 - Frontage on Improved Streets: The area proposed to be subdivided shall have frontage on and direct access to a street duly placed on the Official Map, and if such street is not improved to the satisfaction of the Planning Board, such improvements shall be a condition of subdivision approval.

### Section 4.2 – Streets

- 4.21 - Location, Width and Improvement: Streets shall be suitably located, of sufficient

width, and adequately improved to accommodate the expected traffic and to afford satisfactory access to police, fire fighting, snow removal and other road maintenance equipment, and shall be coordinated so as to compose a safe and convenient system.

- 4.22 - Relation to Topography: Streets shall be appropriately related to the natural topography and shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. A combination of steep grades and curves shall be avoided.
- 4.23 - Intersections: Cross (four or more cornered) street intersections shall be avoided insofar as possible, except at important traffic locations. A distance at least equal to the minimum required lot width shall be maintained between centerlines of offset intersecting streets. Within 60 feet of the center of an intersection, streets shall be at approximately right angles and grades shall be limited to 1.5%. Wherever two streets intersect at an angle of less than 75 degrees, special pavement, channelization, right-of-way and/or sight easement restrictions may be required by the Planning Board.
- 4.24 - Continuation of Streets into Adjacent Properties: The arrangement of streets shall provide for their continuation between adjacent properties where such continuation is determined necessary for proper traffic movement, effective fire protection, efficient provision of utilities, and/or where such continuation is in accordance with a proposal shown on the Town Development Plan. Alternatively, if a street continuation is not determined to be warranted by the circumstances, or would result in unsafe traffic conditions or otherwise jeopardize the public safety and welfare, the Planning Board may require such street to be terminated short of the boundary lines of the subdivision.
- 4.241 - Where a continuation of a street beyond the boundaries of a subdivision is warranted, but the adjacent property is undeveloped and the street must dead-end temporarily, the Planning Board may require that the right-of-way and all improvements be extended to the property line. A temporary circular turnaround shall be provided on all temporary dead-end streets in excess of 100 feet in length, with a notation on the plat that land outside the normal street right-of-way shall revert to abutting property owners upon continuation of the street. The length of temporary dead-end streets shall normally be limited to not more than double the permitted length of permanent dead-end streets.
- 4.242 - Where a turnaround exists at the end of a street within an adjoining development to which a proposed street is to connect, the applicant shall be required to remove the portions of the turnaround pavement outside of the normal width of the traveled way, perform any necessary reconstruction of the pavement edge, and regrade, seed and drain the disturbed areas in such a manner as to blend them in with the surrounding landscape.

4.25 - Permanent Dead-End Streets: Where a street does not extend to the boundary of a subdivision and its future continuation is not required by the Board, it shall be separated from such boundary by a distance not less than the minimum required lot depth. The Planning Board may require the reservation of an easement to the boundary to accommodate utilities, drainage facilities and/or pedestrian traffic. A circular turnaround shall be provided at the end of a permanent dead-end street.

4.251 - For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length, exclusive of the turnaround, to six times the minimum abutting residential lot width.

4.26 - Street Names: Street names shall be sufficiently different in sound and in spelling from other names in the Town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. In general, street names shall conform to the following classifications.

- |                         |   |  |
|-------------------------|---|--|
| Avenue, Street, or Road | - | Major or Secondary Street  |
| Road or Lane            | - | Local Residential Streets (except as follows)                                |
| Court or Place          | - | Dead-End Street  |
| Circle or Close         | - | Street, both ends of which intersect the same street at different locations. |

4.27 - Design Standards for New Streets: Streets shall meet the design standards set forth in Appendix A. Street classification may be determined by the Planning Board. Standards are not shown for major streets, which would be built by the State or County.

### Section 4.3 - Improvements

4.31 - Street Improvements: Streets shall be graded and improved with pavement, sidewalks, curbs, gutters, street lighting standards, street signs, street trees, water mains, sanitary sewers, storm drains, fire alarm signal devices, fire hydrants and other utilities, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and welfare. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Except where waivers are granted, all such grading and street improvements shall conform in all respects to these Regulations and to any Town construction standards and specifications for roads and other improvements.

4.32 - Drainage Improvements: 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, and shall be constructed in accordance with the Town construction standards and specifications.

- 4.321 - Drainage facilities shall, in each case, be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on a 50-year storm and assuming conditions of maximum potential development within the watershed. The applicant shall be responsible for submitting such computations to the Planning Board in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations. Concentrated drainage from lots onto the street right-of-way shall not be permitted.
- 4.322 - The Planning Board may also require a study of the effects of the subdivision on existing downstream drainage facilities. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the owner of such downstream facility of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said potential condition.
- 4.33 - Underground Utilities: In order to ensure greater safety and improved appearance, all utility lines and related equipment for providing power and communication services shall be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction. Underground utility lines shall be located outside of the traveled way of the streets but, except in unusual circumstances, within the street right-of-way. Underground service connections shall be provided to the property line of each lot before the street is paved and may pass under the traveled way of the street. All utilities shall be shown on the construction drawings and brought to date on the "as built" drawings.
- 4.34 - Other Improvements:
- 4.341 - Monuments: Monuments shall be required wherever deemed necessary by the Planning Board to enable all lines to be reproduced on the ground. In general, monuments shall be located no more than 500 feet apart on street lines, preferably at street or lot corners or at points of curvature or tangency on curved streets, and spaced to be within sight of one another along lines entirely within the street right-of-way. Monuments shall be set vertically in solid ground 3 inches above ground surfaces with accurate reference to a permanently identifiable fixed point, and shall meet or exceed the construction requirements specified in any Town construction standards and specifications.
- 4.342 - Street Signs: Street signs, of the type approved by the Superintendent of Highways, including highway warning and directional signs, shall be provided by the subdivider and placed at all intersections within the street right-of-way and in locations approved by the Planning Board and the Superintendent of Highways.

- 4.343 - Street Lighting Standards: Where required by the Planning Board, street lighting standards, of a design and location approved by the appropriate utility company and the Planning Board shall be provided and installed by the subdivider.
- 4.344 - Sanitary Sewers, Water Mains and Fire Hydrants: Where required by the Planning Board, the subdivider shall install sanitary sewers and/or water mains and fire hydrants of the type and in a manner prescribed by the regulations of the appropriate sewer, water or fire district, or other municipal agency having jurisdiction.
- 4.345 - Dry Hydrants: Where the installation of water mains and fire hydrants is not immediately required, the Planning Board may require the installation of dry hydrants where it is determined that such hydrants are desirable and a satisfactory source of water supply can be made available in a reasonable future period of time. In situations determined appropriate by the Planning Board, it may require the construction or enlargement of a pond or other water body for the purpose of providing such water supply. Dry hydrant hose connections shall be located at suitable points along improved streets. Such dry hydrants shall be installed and constructed in accordance with specifications approved by the appropriate fire district.
- 4.346 - Fire Alarm Signal Devices: Where required by the Planning Board, the subdivider shall install fire alarm signal devices, including necessary ducts, cables and other connecting facilities, of a type and in a manner and location prescribed by the appropriate fire district or other municipal agency having jurisdiction.
- 4.347 - Street Trees: The Planning Board may require the planting of street trees in subdivisions which are lacking in trees in which a substantial loss of trees will occur in the process of street construction. Such trees shall be of a hardwood variety indigenous to the neighborhood, and shall be at least 2 inches caliper at a height of 6 inches above ground planting level. Where they are required by the Planning Board, such trees shall be planted along both sides of the street, within the street right-of-way, and spaced approximately 60 feet on center.
- 4.348 - School Bus Pickup Areas: Where a new subdivision contains or abuts a major or collector street, the Planning Board may require that the subdivider reserve, clear, grade, pave and otherwise improve an area of such size and location as will provide a safe and suitable place for the use of children awaiting school buses. In general, the size of such area shall not be less than 100 square feet nor more than 200 square feet, and no dimensions shall be less than 10 feet. Such area shall be included within street right-of-way and shall be maintained by the holder of fee title to the street. The layout and design shall be subject to Planning Board approval.

## Section 4.4 - Lots

- 4.41- Lot and Driveway Arrangement: The lot arrangement shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with other Town development regulations, if any, and the State Health Department regulations, and in providing driveway access to buildings on such lots from an approved street. The Planning Board may require one or more off-street parking spaces at the base of any driveway with a portion exceeding a grade of 10% to facilitate parking in inclement weather. No driveway shall be permitted with any portion in excess of 16% grade.
- 4.42 - Lot Dimensions: Except as provided elsewhere in these Regulations or otherwise permitted by the Town Board, lot area and dimensions shall comply with at least the minimum standards of the State Health Department of one (1) acre. Minimum lot frontage shall be 100 feet, except on turnarounds where the frontage may be reduced to 50 feet. Where lots are more than double the minimum required area, the Planning Board may require that they be arranged so as to allow for further subdivision and the opening of future streets where necessary to serve such potential lots, all in compliance with the Town Development Plan and the Zoning Ordinance as they may exist and these Regulations. Where, in the opinion of the Planning Board, lots of larger than minimum size are required for purposes of proper drainage, water supply, waste disposal, or the preservation of important
- 4.421 - Side lot lines shall generally be at right angles to street lines (or radial to curving street lines) unless the Planning Board allows a variation from this rule to give a better street or lot arrangement. Dimensions of all lots shall be large enough to allow for erection of buildings observing a minimum setback of 35 feet from all property lines.
- 4.222 - Where a proposed subdivision includes an existing residence larger in size that can appropriately be placed on a lot of the minimum size permitted, the Planning Board may require that the lot be of such size and relationship to the proposed street system that the structure will be an appropriate and harmonious part of the subdivision.
- 4.43 - Lot Averaging: In accordance with Section 1.8, in any subdivision, if the subdivider can demonstrate to the satisfaction of the Planning Board that unusual or extraordinary topographic or other physical conditions exist, and/or where lot sizes of abutting properties are less than the minimum lot size normally required, the Board shall, at the request of the subdivider made at the time of submission of the preliminary plat, consider averaging the density in accordance with Section 278 of the Town Law and subject to the following:
- 4.431 - The preliminary plat shall show the layout of lots in the entire development in a conventional subdivision complying with all requirements of these Regulations.

- 4.432 - For the purpose of computing the average size of lots, only the land area available for building lots shall be considered, and all other portions of the subdivision shall be excluded.
- 4.433 - The applicant shall submit written statement setting forth what he considers the public benefit to be derived from the use of Section 281.
- 4.44 - Access from Major and Collector Streets: Lots shall not, in general, derive access from a major or collector street, but shall front on a minor interior street wherever possible. Where driveway access from a major or collector street may be necessary for two or more adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit or minimize the possible traffic hazard on such street. Any such driveways, where permitted, shall be designed in such a way as to provide adequate and convenient area for the turnaround of vehicles so as to avoid requiring them to back into traffic on such streets.
- 4.45 - Double Frontage Lots: Lots fronting on two streets other than corner lots, shall be avoided except where deemed essential by the Planning Board in order to provide separation of residential development from major or collector streets, or to overcome problems of topography or orientation. The Planning Board may require greater lot depth, access limitations and/or buffer landscaping for such double frontage lots where the Board determines that such measures would be appropriate. The Planning Board shall also determine the front lot line and all setbacks or yard dimensions.
- 4.46 - Water Bodies: If a subdivision contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of the adjacent lots, unless the Planning Board determines such water body to be appropriate as part of any recreation land reservation or approves an alternate plan whereby the ownership of and responsibility for the safety of the water body is so placed that it will not become a Town responsibility. No more than 25% of the minimum area of a lot may be satisfied by land under water.
- 4.47 - Access Across a Water Course: Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for the installation of a bridge, culvert or other drainage facility, of a design approved by the Planning Board to provide satisfactory access across such water course for fire, police and other emergency equipment.
- 4.48 - Subdivisions with Land in Two or More Municipalities: In general, a lot of minimum size as permitted by these regulations shall not be divided by a municipal boundary. However, if it is necessary for a municipal boundary line to cross a lot, the Planning Board may require suitable legal agreements to assure that the portions of the lot will not be separated in the future and the portion(s) of the lot in the adjoining municipality will not be used for any purpose that would make it non conforming if the entire lot were located within the Town of Bovina. Whenever a subdivision includes land in two or more municipalities, the location of the municipalities, the location of the municipal boundary line shall be shown on the plat.

## Section 4.5 - Reservations and Easements

All reservations and easements shall be clearly indicated on the final subdivision plat, along with appropriate notations indicating the rights which exist with respect to each reservation and/or easement. Title, if vested in interests other than the developer, shall be clearly indicated on all reservations for park and playground purposes.

### 4.51 - Park Reservations :

4.511 - General Standards: Land shall be reserved for parks for playground or other recreation purposes in locations designated on the Town Development Plan or Official Map, or otherwise where the Planning Board shall deem such reservation to be appropriate. Each reservation shall be of suitable size, location, dimension, topography and general character for a park for playground or other recreation purposes, and shall have adequate street access for the purpose. The area shall be shown and marked on the Plat as "Reserved for Park or Playground or Other Recreation Purposes". In no case shall the Planning Board require that more than 15% of the gross area of the subdivision be dedicated or reserved for recreation purposes. In calculating such percentage, the Board may give due credit for open areas reserved, by covenants in all deeds, for the common use of all property owners in the proposed subdivision.

4.512 - Minimum Size: Except for parcels considered by the Planning Board to be ecologically significant, land in subdivisions dedicated or reserved for park and recreation purposes generally shall have an area, which the Planning Board deems adequate and suitable, or at least 3 acres. When a proposed subdivision is too small to require such an area, the Planning Board may require that the recreation area be located on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

4.513 - Ownership of Park Areas: The ownership of reservation for park purposes shall be clearly indicated on the plat and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.

4.514 - Cash Payment in Lieu of Reservation: Where the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in a subdivision, or where such a reservation is otherwise not practical, the Board may require, as a condition to approval of any such plat, a payment to the Town of a sum determined for such cases by the Town Board. Such payments shall be deposited in a trust fund to be used by the Town Board exclusively for the acquisition of land for park purposes.

4.52 - Widening or Realignment of Existing Roads: Where a subdivision borders an existing street which is narrower than the recommended right-of-way width as specified for such streets in these Regulations, or where a subdivision borders an

existing street planned for widening or realignment in such a way as to require the use of some land in the subdivision, the Planning Board may require the subdivision plat to show such areas which shall be marked "Reserved for Street Realignment (or Widening) Purposes". Land reserved for such purposes may not be counted in satisfying yard or lot area requirements.

4.53 - Utility and Drainage Easements: Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements shall be provided for such utilities or drainage facilities across properties outside the street lines and with satisfactory access to the street. Drainage easements shall extend from the street to the water course or other drainage facility, and shall convey to the holder of fee title of the street, the perpetual right to discharge storm water runoff from the street and the surrounding area onto and over the affected premises by means of pipes, culverts, or ditches, or a combination thereof, together with the right to enter said premises for the purpose of making such installations and doing such maintenance work as the holder of such fee title may deem necessary to adequately drain the street and the surrounding area.

4.531 - When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured in a form satisfactory to the Town Attorney and suitable for recording in the Office of the County Clerk.

4.54 - Slope Easements: Where determined appropriate by the Planning Board, said Board may permit an embankment alongside a proposed street to extend beyond the normal right-of-way of such street provided a slope easement is granted, conveying to the holder of fee title of the street the right to enter the premises for the purpose of maintaining such slope. Where the embankment slope is located on private land outside the subdivision, such easement shall be permitted only where appropriate rights have been secured in a form satisfactory to the Town Attorney and suitable for recording in the Office of the County Clerk.

4.55 - Sight Easements: Sight easements shall be provided across all street corners, outside the street right-of-way, within a triangular area formed by the nearest edges of street pavement and a straight line between two points each 75 feet back from the theoretical intersection of the edges of such pavement prolonged. The easements shall provide that the holder of fee title to the abutting streets shall have the right to enter the easement area for the purpose of clearing, pruning or regarding so as to maintain a clear line of sight in either direction across such triangular area between an observer's eye 3.5 feet above the pavement surface on one street and an object 1 foot above the pavement surface on the other. The initial establishment of clear sight lines within the sight easement area shall be the responsibility of the subdivider.

4.56 - Easements for Pedestrian Access: The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, public areas, streets or neighboring areas, the reservation of perpetual unobstructed easements for such purposes.

#### Section 4.6 - Subdivisions in Commercial Areas and Other Non Single Family Residential Subdivisions

- 4.61 - Vehicular Access: Each lot shall have adequate width of space between the street frontage giving it vehicular access and the portion or portions of the lot where parking and loading areas can be located, allowing for the location of a building or buildings on the lot. Such width of access to such parking and loading areas shall be adequate for two directions of vehicular travel, unless a one-way traffic flow is to be planned, in which case a notation to that effect shall be placed on the Subdivision Plat in a form satisfactory to the Planning Board and Town Attorney.
- 4.62 - Traffic Flow: Areas planned for off-street parking and loading on adjoining lots in the subdivision shall be so located that movement of traffic between adjoining lots will be possible, thereby minimizing the number of necessary vehicular entrances and exits crossing the street sidewalk in the subdivision, increasing safety to pedestrians on the sidewalk, increasing convenience to those using the lots in the business or industrial subdivision, and making possible a more unified development of business or industrial buildings in the subdivision. An easement or easements in the form satisfactory to the Town Attorney, permitting such flow of traffic between parking areas on adjoining lots, shall be indicated on the Plat.
- 4.63 - Sidewalks: Sidewalks, if deemed necessary and required, shall be at least four feet in width with a tree planting area of at least four feet in width along the street curb.
- 4.64 - Buffer Planting Areas: An area at least 10 feet in width, or more if required by the Planning Board as part of a development plan, shall be reserved along all boundaries of a lot adjoining residential areas. Where this part of the lot is on a slope, the buffer area shall be located at the top of such slope and shall be reasonably level to accommodate the buffer planting.
- 4.65 - Development Plan: The applicant for approval of the subdivision shall cause to be prepared and shall file with the application, a plan showing that a development meeting all the above-described standards, as well as other Town applicable development standards and requirements, is feasible on each of the lots in the proposed subdivision. The Planning Board shall approve such a plan, which approved plan shall be filed in the records of the Planning Board with the approved Subdivision Plat.

#### Section 4.7 - Soil Profile Analysis -- Individual Septic Systems

- 4.71 - Intent of Analysis Requirement: It is the intent of this section to ensure that all proposed lots of a subdivision have at least one buildable site for an onsite septic system. This section is to be used in conjunction with other sections of this Local Law in approving subdivision lots.
- 4.72 - When Soil Profile Analysis is Required: The submission of soil profile analysis information is required for each proposed lot in all subdivisions defined as major by the Town of Bovina Planning Board.

#### 4.73 - Standards for Soil Profile Analysis

- 1) The soil profile analysis shall include the following information derived from deep test pits and percolation tests:
  - (a) depth to seasonal high water table;
  - (b) depth to fragipan (hardpan);
  - (c) depth to bedrock where present;
  - (d) depth to loose sand and gravel;
  - (e) slope of the land through the location of the deep test pit;
  - (f) estimate of the area having similar soil characteristics;
  - (g) percolation rate.
  
- 2) The soil profile analysis information shall be documented in accordance with standards set forth by the Delaware County Soil and Water Conservation District (as described in "Criteria for Identifying Soil Characteristics Which Restrict Onsite Wastewater Treatment Systems in Delaware County, New York.")
  
- 3) The deep test pits shall be performed according to New York State Department of Health Standards, as described in their "Waste Treatment Handbook -- Individual Household Systems."
  
- 4) The soil profile analysis shall be conducted by one of the following qualified professionals:
  - (a) a licensed engineer, accompanied by the engineer's stamp and a certified statement attesting that the criteria were identified according to Soil and Water Conservation District standards; or
  
  - (b) a soil scientist as defined by the Soil and Water Conservation District, accompanied by a certified statement attesting that the criteria were identified according to Soil and Water Conservation District standards.
  
- 5) To ensure that a final plat for subdivision contains buildable lots in accordance to New York City Bureau of Water Supply standards, it is recommended that a New York City Bureau of Water Supply Inspector be present during soils testing conducted prior to subdivision approval. Said inspectors' report should be submitted to the planning board along with all other soil profile analysis information.
  
- 6) If any subdivision lot requires an alternative system and is proposed for commercial or industrial use, review and approval of the septic system design by the Department of Health or the Department of Environmental Conservation shall be required prior to the approval of the subdivision by the planning board.
  
- 7) Alternative systems are not permitted in a realty subdivision as defined by Public Health Law, Section 1115.

#### 4.74 - Procedure

- 1) Two (2) deep test pits and two (2) percolation tests shall be required for all proposed lots in a subdivision.
- 2) The information obtained from the soil profile analysis shall be submitted to the planning board with the final plat application for all proposed lots in a subdivision.
- 3) The planning board shall review the soil profile analysis information for compliance with the Minimum Site Requirements for Onsite Septic Systems in All Subdivisions, Table 1 of this Local Law located in Appendix D.
  - (a) If the soil profile analysis information for a lot satisfies the minimum criteria for a conventional or alternative onsite septic system, the lot shall be considered by the planning board to be suitable for subdivision approval.
  - (b) If the soil profile information for a lot does not satisfy the minimum criteria for a conventional or alternative onsite septic system, the lot shall be considered by the planning board to be unsuitable for subdivision approval.

The following options are available to the applicant:

- (1) locate and test another site on the proposed lot; or
  - (2) redesign the lot configuration, incorporating unsuitable lots with those that are considered suitable; or
  - (3) obtain written approval or recommendation for the septic system design by the Department of Health prior to subdivision approval.
- (c) All lots on a subdivision plat shall show the location of the deep pit tests and the percolation tests. If the soil profile analysis information for any lot within a subdivision indicates the need for an alternative onsite septic system, a note beside the identified test site(s) shall be made on the final plat stating, "This lot may require an alternative onsite septic system."

#### Section 4.8 - Adjustment of Regulations

4.81 - Adjustment by the Planning Board: Where the Planning Board finds that extraordinary hardships may result from strict compliance with these regulations, it may adjust the regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these or any other regulations of the Town. In granting any adjustment, the Planning Board shall such conditions as are, in its judgment, necessary to secure substantially the objectives of the standards or requirements so adjusted.

4.82 - Self-Imposed Restrictions: The subdivider may place restrictions on any of the land contained within the subdivision which are greater than those required by the Planning Board and these Regulations. Such restrictions shall be indicated on the final subdivision plat.

#### Section 4.9 - Specifications for Plats and Plans

4.91 - Preliminary Plat: The preliminary plat shall be clearly marked "preliminary plat", shall be drawn to a scale of 1" = 50' preferably, but not less than 1" = 100', and shall show the following information:

- a. Proposed subdivision name or identifying title, name and address of property owner and subdivider (if other than owner), name and address of the surveyor and/or engineer preparing the plan, scale, approximate true north point, and date.
- b. The approximate location and dimensions of all property lines, the total acreage of the proposed subdivision, the location of any zoning, special district or municipal boundary lines affecting the subdivision including school district, and the names of owners of record or properties adjoining and directly across the street from the proposed subdivision.
- c. The location of all existing structures and pertinent features, including railroads, water bodies, watercourses, wetlands, rock outcroppings, wooded areas, major trees, and stone walls, that may influence the design of the subdivision, plus accurate topography at a vertical contour interval of not more than five feet. The topographic data shall be determined by field survey unless the Planning Board specifically waives this requirement and/or permits the substitution of topographic information obtained from other sources determined satisfactory for the particular case.
- d. The location of soil profile analysis test pits.
- e. The location and status of existing streets, easements and rights-of-way (if any), proposals for the layout of new streets (including widths and approximate curve radii) and any proposed easements, rights-of-way and/or reservations.
- f. The names of existing streets and proposed names for new streets.
- g. The proposed arrangement of lots, including identifying numbers and approximate area and dimensions of each. Map designations and Lot Numbers shall be submitted to and approved by the Town Assessor.
- h. Location, size and nature of any area proposed to be reserved for park purposes.
- i. A site location sketch, at a maximum scale of 1" = 2,000', showing the general situation of the applicant's property with respect to surrounding properties and streets, including all utility lines.

- j. Where the preliminary plat includes only a portion of an applicant's contiguous holding, the applicant shall also indicate, on a sketch at a scale of not less than 1" = 100', the probable future street system, lot arrangement and location of park and other reservations for the remaining portion of the tract. Such sketch shall be for the purpose of guiding the Planning Board in reviewing the proposed preliminary plat and shall include topographic data with a vertical contour interval of not more than 5 feet plus any other information determined necessary by the Planning Board.

4.92 - Preliminary Construction Plans: The preliminary construction plans shall be drawn at the same scale as the preliminary plat and shall include the following information:

- a. Location and sizes of any existing water, sewer, storm drainage and other utility lines, roadways and other structures within and nearby the proposed subdivision.
- b. The proposed system for the provision of water supply and fire protection facilities, sewage disposal, storm water drainage, and other utility services.
- c. Proposed street profiles and cross-sections showing the approximate grade of proposed streets, the relationship of existing to proposed grades, and the proposed vertical curvature along the centerline of all new streets.

4.93 - Final Subdivision Plat: The final subdivision plat shall be drawn clearly and legibly on transparent tracing cloth with black waterproof ink, at a scale no smaller than 1" = 100'. The sheet size shall not exceed 36" x 48" and shall meet the size requirements for filing in the Office of the Delaware County Clerk. If the size of the proposed subdivision requires a drawing larger than this, two or more sheets may be submitted, with match lines clearly indicated, and an index map shall be prepared on the same size sheet. The plat shall contain the following information:

- a. Proposed subdivision name or identifying title, name and address of owner of record and of subdivider (if other than owner), certification and seal of the registered engineer or licensed land surveyor who prepared the plat, names of the owners of record of adjoining properties and of properties directly across the street, graphic scale, approximate true north point, and date.
- b. The location and dimensions of all boundary lines of the proposed subdivision, and all existing and proposed streets, lot lines, easements and rights-of-way, with sufficient data to readily determine the location, bearing and length of all such lines and to reproduce such lines upon the ground.
- c. The names of all existing and proposed streets.
- d. The location of all water bodies and watercourses.
- e. The location of all existing buildings, including identification of all buildings to be removed as a condition of plat approval.



utilities or structures; and the location and design of any other required improvements.

- b. Profiles showing existing and proposed elevations along the centerline of all streets. Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within 100 feet of the intersection shall be shown.
- c. The Planning Board may require, where steep slopes exist, cross-sections showing existing and proposed elevations of all new streets every 100 feet at five points on a line at right angles to the centerline of the street line, said elevation points to be at the centerline of the street, each property and points 25 feet inside each property line.
- d. Location, size, elevation and other appropriate description of any existing facilities which will be connected to proposed facilities and utilities within the subdivision.
- e. Where the design of the subdivision requires the regrading of land, the regraded contours shall be shown along with estimates of the quantity of material to be added or removed and the proposed measures to be implemented by the subdivider to rehabilitate the disturbed area or areas.
- f. Title of all sheets, name, address, signature and seal of licensed engineer or surveyor preparing the construction plans, the data prepared, including revision dates if any, approximate true north point, scale, and consecutive numbering as sheet \_\_\_\_ of \_\_\_\_.

g. A notation as follows:

"All specifications, materials and methods of construction to be in accordance with the Town approved construction standards and specifications and with the requirements of the Planning Board Resolution of Approval dated \_\_\_\_\_, 20\_\_."

h. A notation of approval, on all sheets, as follows:

"Approved:

\_\_\_\_\_

Owner

\_\_\_\_\_

Date

And

\_\_\_\_\_

Planning Board Chairman

\_\_\_\_\_

Date

## ARTICLE V - DEFINITIONS

For the purpose of these Regulations, certain words and terms used herein are defined as follows (Note: Except where specifically defined herein, all words and terms shall carry their customary meaning as determined by the Planning Board):

Applicant - See definition of "Subdivider"

Construction Drawings - means the maps and engineering drawings, described in Section 4.94 of these Regulations, accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with these Regulations.

Easement - means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Environmental Assessment Form (EAF) - A form used by the Planning Board in the State Environmental Quality Review process to assist in determining the environmental significance or non significance of an action or project.

Environmental Impact Statement (EIS) - A written document required for each Type I and Unlisted Action which the Planning Board determines may have a significant effect on the environment.

Impervious Material - Soil having a percolation rate slower than 60 minutes.

Master Plan - See definition of "Town Development Plan".

Minor Subdivision - a subdivision that does not involve a new road, road extension or road connection, and where fewer than three building lots are involved.

Official Map - means the map established by the Town Board under Section 270 of the Town Law showing the streets, highways, and parks theretofore laid out, adopted and established by law, and any amendments thereto adopted by the Town Board, or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

Official Submission Date - means the date when a subdivision plat, accompanied by all other information required with the application for subdivision approval, are received by the Planning Board at a regular meeting of that Board.

Open Development - means the type of development permitted under Section 280-a, paragraph No. 4, Article 16, Chapter 62 of the Town Law of the State of New York.

Performance Bond - means a bond, as required by Section 277 of the Town Law, to assure the full and satisfactory completion of all required subdivision improvements as specified in the Planning Board Resolution of Approval; such bond to run for a term fixed by the Planning Board and with surety, form, sufficiency and manner of execution approved by the Town Board.

Planning Board - means the Town Planning Board of the Town of Bovina, New York.

Plat - means a drawing, in final form, as described in Section 4.93 of these Regulations, showing a proposed subdivision and containing all of the information required by these Regulations.

Preliminary Plat - means the preliminary drawings, described in Section 4.91 of these Regulations, showing the salient features of a proposed subdivision.

Qualified Professional - A person having the qualification of a qualified soil scientist as described in the Delaware County Soil and Water Conservation Districts' Criteria for Identifying Soil Characteristics, or otherwise qualified to use that criteria.

Resubdivision - means any change of existing property lines or of property lines shown on a plat approved by the Planning Board and filed in the Office of the County Clerk.

Seasonal High Water Table - The elevation of groundwater during the extended wet season of a typical year, generally determined by a qualified professional.

Sketch Plan - means an initial description or drawing of a proposed subdivision meeting the requirements of a sketch layout as stated in Section 2.21 of these Regulations.

State Environmental Quality Review Act (SEQR) - It is a process to help government and the public protect and improve the environment. SEQR requires that environmental factors be considered along with social and economic considerations in governmental decision-making.

Sewerage Area - The required minimum area that meets the sewerage site criteria. It must be large enough to accommodate both the original system and a reserve replacement area.

Street - means an existing State, County or Town road or highway, a street shown upon a plat approved by the Planning Board, or a street shown on a plat duly filed and recorded in the Office of the County Clerk prior to the authority granted to the Planning Board to approve such plats.

Street, Business - means a street which serves or is designed to serve as a access to abutting business, commercial or industrial properties.

Street, Collector - means a street which serves or is designed to serve primarily the function of carrying traffic from minor streets to major streets, and is designated as such on the Town Development Plan.

Street, Dead-End - means a street, or a portion of a street, with only one vehicular traffic outlet.

Street, Major - means a street which serves or is designed to serve primarily as a route for traffic between communities and/or large areas of the Town, and is designated as such on the Town Development Plan.

Street, Minor - means a street which serves or is designed to serve primarily as access to abutting residential properties.

Street Pavement - means the wearing surface or exposed surface of the street right-of-way designed to be used by vehicular traffic.

Street Right-of-way Width - means the distance between property lines measured at right angles to the centerline of the street at any given point.

Subdivider - means any person, firm, corporation, partnership, or association, who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein.

Subdivision - means the division of any parcel of land into two or more lots, blocks, sites or parcels, with or without the creation of new streets, for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include resubdivision as defined herein.

Town - means the Town of Bovina, New York.

Town Board - means the Town Board or the Board of Trustees of the Town of Bovina, New York.

Town Construction Standards and Specifications - means the standards and specifications adopted by the Town Board for construction of streets and related improvements.

Town Development Plan - means the Comprehensive Plan of Development for the Town of Bovina, New York, as it may be prepared and adopted by the Town Board pursuant to Section 272-a of the Town Law.

Town Engineer - means the duly appointed agent of the Town of Bovina, New York, designated to review plans and matter of road, drainage and other public improvements.

Type I Action - An action that is likely to have a significant effect on the environment as listed in Part 617.12 of the SEQR Law.

Unlisted Action - An action that may have a significant effect on the environment as explained in Part 617.2 of SEQR law.

Usable Lot Size - The required minimum area suitable for sewerage and housing construction.

Usable Soil - The minimum depth of native soil, measured from the surface, above a soil boundary condition (bedrock, seasonal high water table, or impervious material), generally determined by a deep pit test on each lot.

Use - means a principal use upon land or within a structure or a special permit use as defined in the Town of Bovina Zoning Ordinance, as one may exist.

Zoning Ordinance - means the Town of Bovina Zoning Ordinance, together with any and all amendments thereto, as one may exist.

Appendix A

**DESIGN STANDARDS FOR NEW STREETS\***

| DESCRIPTION                                | Residential<br>(severe topography)   | Commercial |
|--|--|------------|
| <b>MINIMUM RIGHT-OF-WAY</b>                |  |            |
| Local Street                               | 60'  | 60'        |
| Collector Street                           | 70'  | 85'        |
| <b>MINIMUM PAVEMENT WIDTH</b>              |  |            |
| Local Street                               | 22'  | 40'        |
| Collector Street                           | 30'  | 64'        |
| <b>MAXIMUM GRADE**</b>                     |  |            |
| Local Street                               | 12%  | 8%         |
| Collector Street                           | 10%  | 4%         |
| Turnaround                                 | 5%   | 3%         |
| <b>MINIMUM GRADE</b>                       |  |            |
|  | 1%   | 1%         |
| <b>TURNAROUND DIAMETER</b>                 |  |            |
| Right-of-Way Minimum                       | 130'   | 130'       |
| Pavement Minimum                           | 90'  | 110'       |
| <b>MAXIMUM LENGTH OF CUL-DE-SAC</b>        |  |            |
| Permanent dead-end                         | 1,000' or 6x lot width   | 500'       |
| Temporary dead-end                         | 1000' or 6x lot width  | 1,000'     |
| <b>MINIMUM CENTER LINE RADIUS OF CURVE</b> |  |            |
| Local Street                               | 100'   | 500'       |
| Collector Street                           | 150'   | 500'       |
| <b>MINIMUM RADIUS AT INTERSECTION</b>      |  |            |
| Right-of-Way                               | 20'  | 30'        |
| Pavement                                   | 30'  | 40'        |
| <b>SIDEWALKS</b>                           |  |            |
| Local Street                               | 1@4'   | 2@10'      |
| Collector Streets                          | 1@4'   | 2@10'      |
| <b>MINIMUM TANGENT LENGTH</b>              |  |            |
| Local Street                               | 100'   | 200'       |
| Collector Street                           | 150'   | 300'       |
| <b>MINIMUM SIGHT DISTANCE</b>              |  |            |
| Local Street                               | 150'   | 250'       |
| Collector Street                           | 200'   | 300'       |
| At Intersection                            | Across corner 75' from intersection.                                       |            |
| <b>MINIMUM LENGTH OF VERTICAL CURVE</b>    |  |            |
| Local Street                               | L = 50A  |            |
| Collector Street                           | L = 60A  |            |
|  | L = Length of vertical curve in feet<br>A = Algebraic difference in grades |            |

\*As determined by the Planning Board

\*\* Grades up two 2% points higher may be allowed for short, straight runs.

## Appendix B

### ADDITIONAL DESIGN STANDARDS FOR TOWN ROADS, TOWN OF BOVINA, JANUARY 27, 1975

|  |        |
|--|--------|
| SHOULDER WIDTH   | 5'     |
| DITCH WIDTH  | 3'     |
| per ditch, from shoulder to opposite or backside of ditch. |        |
| SLOPE GRADE (CUT AND FILL)                                 | 2 ON 1 |

#### NEW ROAD BED

Compacted, 12" min. using bank run gravel with no larger than six in stone. Top four inches should be crushed or screened gravel which will pass through a two inch screen, stabilized with:

1. Calcium chloride - Min. 11T/mile
2. Sodium chloride - Min. 18-20T/mile
3. Bituminous material - Min. 1/3 gal./sc. yd.

#### CROWN SLOPE

1/2 inch/ft.

#### SHOULDER SLOPE

1 inch/ft.

#### SIDE SLOPES

To be seeded as recommended by Delaware County Highway Department. Top soil need not be replaced on road slopes.

#### SHOULDERS

Should be gravel rather than dirt to permit drainage from road bed.

#### BRIDGES

Will be at least 24 ft. inside measurement and conform to Delaware County Highway Department specifications. Bridges should carry minimum legal load allowable in New York State.

All bridges should accommodate a 50 year storm

#### CULVERTS

12" Minimum - larger where required

#### SURFACE TREATMENT

Hard surface road - Minimum double surface treatment of no less than 1/3 gal. per square yard of Bituminous material as recommended by Bovina Superintendent of Highways. First course no less than #1 stone, second course #1A.

#### DRIVEWAYS

At ditch centerline shall be at least 3" below lowest point of road shoulder. All driveways shall have landing area of at least 20' in length as measured from centerline of highway ditch.



Appendix D

**TABLE 1: MINIMUM SITE REQUIREMENTS FOR ON-SITE SEPTIC SYSTEMS IN ALL SUBDIVISIONS**

|   | <b>CONVENTIONAL SYSTEMS</b>    | <b>ALTERNATIVE SYSTEMS</b>   |
|---|--------------------------------|------------------------------|
| Percolation Rate  | 3 to 60 minutes                | 3 to 45 minutes              |
| Usable Soil   | 24 or more inches <sup>❶</sup> | 12 to 24 inches <sup>❷</sup> |
| Slope (maximum)   | 15%                            | 15%                          |
| Sewerage Area (minimum)   | 3,000 square feet              | 9,000 square feet            |
| Usable Lot Size (minimum)                                       | 20,000 square feet             | 2 acres                      |
| Distance From a Well, Spring, Water Body, or Wet Area (minimum) | 100 feet                       | 100 feet                     |

❶ If less than 30 inches, more than two (2) test pits may be required to verify soil conditions throughout leach field and reserve area.

❷ If less than 18 inches, more than two (2) test pits may be required to verify soil conditions throughout leach field and reserve area.

**NOTE:** Some conventional or alternative septic system designs will have varying criteria within the range given in this table.

TOWN OF BOVINA PLANNING BOARD
Bovina Center, New York 13740

CHECKLIST FOR SUBDIVISION REVIEW

File Number: \_\_\_\_\_ File Name: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of Proposed Subdivision: \_\_\_\_\_

Name of Owner (if different from Application): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Table with 2 columns: Comments\* (\*waived, N/A, required, etc.) and Check or Date when Completed. Includes an 'Item' header.

I. INITIAL CONFERENCE & REVIEW (2.2): (recommended, but not required)

A. Administrative:

- 1. Informal Discussion & Sketch Plan Review (Placed on Agenda of Planning Board Meeting two weeks in advance) (2.21)
2. Site Location Sketch (1 copies, if required, provided) (2.21)
3. Subdivision Classified: Major: Minor: (2.37)
4. Conformity with Town Master Plan, Official Map, Zoning
5. Planning Board Field Trip to Site (2.22)
6. Planning Board Recommendations (2.23)

II. PRELIMINARY PLAT (2.37): (waivers)

A. Administrative:

- 1. Application for Approval of Preliminary Plat received (2.3)
Accompanied by:
a) Fee Received (\$)
b) Contiguous Land Holdings of Applicant shown
c) Compliance with Zoning, Subdivision Regs.
d) 2 Copies of Plat & Construction Plans
e) Statement from Engineer or Surveyor
f) Boundary Lines, & list of Districts in which the Proposed Property is located

| Comments*<br>(*waived, N/A, required, etc.) | Item | Check or Date when<br>Completed |
|---|------|---------------------------------|
|---|------|---------------------------------|

- g) \_\_\_\_\_ Affidavit of Ownership received \_\_\_\_\_
- h) \_\_\_\_\_ Existing Deed Restrictions (2.31) \_\_\_\_\_
- 2. \_\_\_\_\_ Official Submission Date (Article V- Definitions) \_\_\_\_\_
- 3. \_\_\_\_\_ Presented to Planning Board Meeting (2.21) \_\_\_\_\_
- 4. \_\_\_\_\_ Technical Review Completed (II B below) \_\_\_\_\_
- 5. \_\_\_\_\_ Planning Board Actions (2.23, 2.34, 2.50) \_\_\_\_\_
- 6. \_\_\_\_\_ Letter to Applicant RE: Planning Board Action (2.34) \_\_\_\_\_
- 7. \_\_\_\_\_ Public Hearing Advertised (1.7, 2.33) \_\_\_\_\_
- 8. \_\_\_\_\_ Public Hearing Held (2.35) \_\_\_\_\_
- 9. \_\_\_\_\_ Expiration of Approval (2.36) \_\_\_\_\_

**B. Specifications for Preliminary Plat: (all information required above)**

- 1. \_\_\_\_\_ Subdivision Title \_\_\_\_\_ Scale \_\_\_\_\_  
Name of Owner \_\_\_\_\_ North Arrow \_\_\_\_\_  
Surveyor or Engineer \_\_\_\_\_ Date (4.91a) \_\_\_\_\_
- 2. \_\_\_\_\_ Location & Dimension of all Property Lines \_\_\_\_\_  
Acreage of Proposed Subdivision \_\_\_\_\_  
Location of Soil Profile Analysis Test Pits \_\_\_\_\_  
Location of Zoning \_\_\_\_\_  
Location of Special Districts Affecting Subdivision \_\_\_\_\_  
Names of Adjoining Property Owners (4.91b,d) \_\_\_\_\_
- 3. \_\_\_\_\_ Location of Existing Structures & Pertinent features including, Existing  
Topography (4.91c) \_\_\_\_\_
- 4. \_\_\_\_\_ Location, Status & Names of Existing & Proposed Streets, Utility Easements &  
Rights-of-Way (4.91e,f) \_\_\_\_\_
- 5. \_\_\_\_\_ Identification, Area & Dimensions of Proposed Lots (Submitted to Town  
Assessor) (4.91g) \_\_\_\_\_
- 6. \_\_\_\_\_ Location, Size of areas reserved for Park Purposes (4.91g) \_\_\_\_\_
- 7. \_\_\_\_\_ Site Location Sketch (max. Scale: 1"=2000') (4.91h) \_\_\_\_\_
- 8. \_\_\_\_\_ Sketch showing present or possible future development of contiguous holdings  
(2.31b, 4.91i) \_\_\_\_\_
- 9. \_\_\_\_\_ Preliminary construction plans received according to specifications (4.91) \_\_\_\_\_

**III. FINAL SUBDIVISION PLAT (3.4): (waivers)**

**A. Administrative:**

- 1. \_\_\_\_\_ Application for Approval of Final Plat received (2 copies) complete (2.4) \_\_\_\_\_  
Accompanied by:  
a) \_\_\_\_\_ Fee Received (\$\_\_\_\_\_) (2.41a) \_\_\_\_\_

| Comments* | Item  | Check or Date when Completed |
|-----------|---|------------------------------|
|           | b) _____ Proof of Ownership provided (2.41b)  | _____                        |
|           | c) _____ Statement of cost of Subdivision Road Construction (2.41c)   | _____                        |
|           | d) _____ Formal offers of Cession & Dedication to the Town of Streets & Park Areas, Shown on Plat (2.41b, i)                            | _____                        |
|           | e) _____ Recreation fee received where applicable (\$ _____) (2.41e)  | _____                        |
|           | f) _____ Written agreement permitting inspection of improvements (2.41f)  | _____                        |
|           | g) _____ List of Waivers requested by applicant & reasons (2.41g)   | _____                        |
|           | h) _____ Proof of approval by appropriate departments concerning location & design of Proposed Road Construction (2.41h)                | _____                        |
|           | i) _____ Statements of Deed Covenants (where applicable) (2.41j)  | _____                        |
|           | j) _____ Formal offers of Sight Easements (2.41k, 4.55)   | _____                        |
|           | k) _____ Four copies each of Proposed Final Subdivision Plat & Construction Plans (2.411)   | _____                        |
| 2. _____  | Official submission date (definitions) (2.41)   | _____                        |
| 3. _____  | Public Hearings advertised, held (2.42)   | _____                        |
| 4. _____  | Action by Planning Board (2.43)   | _____                        |
| 5. _____  | Revisions, where applicable, completed by applicant (2.45)  | _____                        |
| 6. _____  | Construction Plans approved (2.46)  | _____                        |
| 7. _____  | Completion of Improvements or filing of Bond for Completion of required improvements (2.43, 2.45, 2.46, 2.5, 3.1)                       | _____                        |
|           | a) _____ Inspection Fee received (\$ _____) (3.25)  | _____                        |
|           | b) _____ Four Copies of "As Built" approved Plans and Profiles submitted to Planning Board (3.24)                                       | _____                        |
|           | c) _____ Performance Bond set by Planning Board (if required) in the amount of \$_____ (2.41c)  | _____                        |
|           | d) _____ Form of Bond Approved by Town Attorney (2.41c, 2.45)   | _____                        |
|           | e) _____ Bonding or Surety Company, or other Security (_____) approved by Town Board (2.41c, 2.45)                                      | _____                        |
|           | f) _____ Required improvements satisfactorily completed when no Performance Bond is provided. Certified by:_____ (2.41c, 3.2)           | _____                        |
|           | g) _____ Required improvements satisfactorily completed under the provisions of Performance Bond Certified by:_____ (3.11, 3.121, 3.13) | _____                        |
|           | h) _____ Bond released (Reduced to _____) by Town Board (3.122)   | _____                        |
| 8. _____  | Approval of State Health Department (2.47)  | _____                        |
| 9. _____  | Approval of Agencies as required by Subdivision Regulations (List Agencies) (2.41h)   | _____                        |
| 10. _____ | Technical Review Completed (IIIB & IIIC below)  | _____                        |

| Comments*<br>(*waived, N/A, required, etc.)                               | <u>Item</u>   | Check or Date when<br><u>Completed</u> |
|---|---|--|
| 11.   | Filed with County Clerk within 60 days of Signing (2.48)<br>(4 Copies, plus 1 Mylar to Planning Board) (2.49)                                     | _____                                  |
| <b>B. Specifications for Final Plat: (All Information Required Above)</b> |   |  |
| 1.  | Site Location Map (4.93h)   | _____                                  |
| 2.  | Final Plat Includes (4.93):   | _____                                  |
|   | a) Subdivision Title  | _____                                  |
|   | b) Name, Address of Owner & Subdivider  | _____                                  |
|   | c) Certification & Seal of Engineer or Surveyor who prepared Plat   | _____                                  |
|   | d) Name of Adjoining Property Owners  | _____                                  |
|   | e) Scale, North Arrow, Date   | _____                                  |
| 3.  | Location & Dimensions of Boundary Lines, Proposed & Existing Streets, Lot Lines, Easements & Rights-of-Way (3.31, 4.511, 4.93b)                   | _____                                  |
| 4.  | Names of Existing & Proposed Streets (4.93c)  | _____                                  |
| 5.  | Location of all Water Bodies & Water Courses (4.93d)  | _____                                  |
| 6.  | Location & Identification of all buildings (4.93e)  | _____                                  |
| 7.  | Total Acreage, acreage & I.D. of all lots and land reservations (4.93f)   | _____                                  |
| 8.  | Location of Existing & Proposed Monuments (4.93g)   | _____                                  |
| 9.  | Notations indicating Drainage, Sight, Slope, Road Widening, Park Areas or other Reservations or Easements, Restrictions of Covenants (4.7, 4.93i) | _____                                  |
| 10.   | Notes on Plat as required by Regulations (4.93j)  | _____                                  |
| 11.   | Preservation of Natural Features, Planting Plan (4.12, 4.46, 4.64)  | _____                                  |
| 12.   | Conformity with Zoning, Town Development Plan & Official Map<br>(1.81, 2.31c, 4.1, 4.4, 4.6, 4.91b)   | _____                                  |
| 13.   | Municipal and/or District Boundaries indicated (1.6, 4.48, 4.91b)   | _____                                  |
| 14.   | Proposed Street Improvements Conforming with Subdivision Regulations (4.2, 4.27, 4.3 & Design Standards):   | _____                                  |
|   | Graded & Paved _____ Curbs, Gutters _____   | _____                                  |
|   | Sanitary Sewers, Storm Drains _____ Fire Hydrants _____   | _____                                  |
|   | Fire Alarm Signal Devices _____ Street Lighting _____   | _____                                  |
|   | Street Trees _____ Street Signs _____   | _____                                  |
|   | Water Lines _____ Sidewalks _____   | _____                                  |
|   | School Bus pick-up areas _____  | _____                                  |
| 15.   | Lot Size & Arrangement conforming to Regulations (4.4) _____  | _____                                  |
| 16.   | All Reservations & Easements clearly indicated on Final Subdivision Plat<br>(4.46, 4.5)   | _____                                  |
|   | a) Parks Recreation Fee (4.514) \$ _____  | _____                                  |
|   | b) Right-of-Way   | _____                                  |
|   | c) Utility & Drainage   | _____                                  |

| <u>Comments*</u><br>(*waived, N/A, required, etc.) | <u>Item</u>   | <u>Check or Date when Completed</u> |
|--|---|-------------------------------------|
|  | d) _____ Slope  | _____                               |
|  | e) _____ Sight Easements at Intersections   | _____                               |
|  | f) _____ Pedestrian Access  | _____                               |
| 17. _____  | Proposed Restrictions Covenants Indicated (4.7)   | _____                               |
| 18. _____  | Copies of any private restrictions of Agreements or other documents showing the manner in which areas reserved by Deed Covenants for common use of Property Owners in Subdivisions are to be maintained (2.41, 3.33, 4.46, 4.53, 4.93i) | _____                               |
| 19. _____  | Endorsement by Health Department (4.93k)  | _____                               |
| 20. _____  | Endorsement by Owner (4.93l)  | _____                               |
| 21. _____  | Endorsement by Planning Board Chairman (4.93m)  | _____                               |

**C. Specifications for Final Construction Plans: (2.46, 3.24, 4.94)**  
4 Copies

|           |   |  |
|-----------|---|--|
| 1. _____  | Same Scale as Final Plat (4.94)   | _____                                    |
| 2. _____  | Map Information to Include:   |  |
|           | a) _____ Title of all sheets  | _____                                    |
|           | b) _____ Name, Address, Signature & Seal of Engineer or Surveyor  | _____                                    |
|           | c) _____ Date Prepared & Revision Dates   | _____                                    |
|           | d) _____ North Arrow, Scale, Sheets Numbered (4.94f)  | _____                                    |
| 3. _____  | Plans & Profiles showing location & Typical Cross Sections of Existing & Proposed (4.94a):                |  |
|           | a) Street Pavements _____   | g) Fire Hydrants _____                   |
|           | b) Curbs & Gutters _____  | h) Sidewalks _____                       |
|           | c) Manholes & Catch Basins _____  | i) Street Trees _____                    |
|           | d) Sanitary Sewers _____  | j) Street Lighting _____                 |
|           | e) Storm Water Drains _____   | k) Street Signs _____                    |
|           | f) Underground Utilities or Structures _____  | l) Any other required improvements _____ |
| 4. _____  | Where steep slopes exist, Cross Sections of Existing and Proposed Elevations of all New Streets (4.94c)   | _____                                    |
| 5. _____  | Location, Size, Elevation of other appropriate Existing Facilities to be connected to Subdivision (4.94d) | _____                                    |
| 6. _____  | Regraded Contours shown (4.94e)   | _____                                    |
| 7. _____  | Notations (4.94g)   | _____                                    |
| 8. _____  | Notation of Approval on all sheets (4.94h)  | _____                                    |
| 9. _____  | Town Engineer's Certificate of Completion of Public Facilities (3.2, 3.21)                                | _____                                    |
| 10. _____ | Maintenance Agreement on Unceded Public Use Facilities (4.513)  | _____                                    |
| 11. _____ | Certificate of Occupancy for Structures (3.5)   | _____                                    |