

Chapter 191

SUBDIVISION OF LAND

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[History: Adopted by the Town Board of the Town of Massena 9-10-1975.
Amendments noted where applicable.]

GENERAL REFERENCES

Building construction – See Ch. 109.
Subdivision in flood hazard areas – See Ch. 131.
Sewers – See Ch. 181.
Zoning – See Ch. 207.
Highway specifications – See Ch. A215.

ARTICLE I General Provisions

§ 191-1. Grant of authority.

By this chapter adopted by the Town Boars on September 10, 1975, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Massena has the power and authority to approve plats for subdivisions within the Town of Massena outside the limits of any incorporated city or village. As a basis of such approval, the Town Board prescribes the following regulations governing subdivisions.

§ 191-2. Definitions

For the purpose of this chapter, which shall be known as and may be cited as the “Town of Massena Subdivision Regulations,” certain words used herein are defined as follows:

FINAL PLAT – The final map, drawing or chart, on which the subdivider’s plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

MASTER OR COMPREHENSIVE PLAN – A comprehensive plan which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the town and includes any unit or part of such plan separately prepared ad any amendment to such plan or parts thereof.

PLAT – A plan for developing a piece of undeveloped property.

PRELIMINARY PLAT – The preliminary drawings indicating the proposed layout of the subdivision, to be submitted to the planning Board for its consideration.

STREET – A way for vehicular traffic, whether designated as a street, highway, thoroughfare, road, throughway, parkway, avenue, boulevard, lane or place or however otherwise designated.

- A. ARTERIAL STREETS AND HIGHWAYS – Those which are used primarily for fast or heavy traffic.
- B. COLLECTOR STREETS or FEEDER STREETS – Those which carry traffic from minor systems of streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- C. MINOR STREETS – Those which are used primarily for access to the abutting properties.
- D. MARGINAL ACCESS STREETS – Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- E. ALLEYS – Minor streets or ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

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

SUBDIVISION – The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

ARTICLE II Procedure

§ 191-3. Preapplication.

- A. Previous to the filing of an application for conditional approval of the preliminary plat, the sub divider shall submit to the Town Planning Board plans and data as specified in Article V. This step does not require formal application, fee or filing of plat with the Planning Board.

B. Within 15 days, the Planning Board shall inform the sub divider that the plans and data as submitted or as modified do or do not meet the objectives of this chapter. When the Planning Board finds the plans and data do not meet the objectives of this chapter, it shall express its reasons therefor.

§ 191-4. Conditional approval of preliminary plat.

A. On reaching conclusions, informally as recommended in § 191-3, regarding his general program and objectives, the sub divider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary materials as specified in Article V. The preliminary plat, topographic map, street profiles, etc., and all procedures relating thereto shall in all respects be in full compliance with the provisions of §§ 276 and 277 of the Town Law and this chapter except where variation may be specifically authorized in writing by the Planning Board.

B. Three copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Board with written application for conditional approval at least one week prior to the meeting at which it is to be considered.

C. The Planning Board shall then study the preliminary plat and supplementary material in connection with the topography of the area, existing requirements of Chapter 207, Zoning, and shall take into consideration the general requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to specific requirements for parks, playgrounds, school sites, boulevards and main thoroughfares, the adequacy of street connections and the suitability of the land for development. Following such review of the preliminary plat and other material submitted for conformity thereof to these regulations and negotiations with the sub divider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall hold a formal public hearing. Within 45 days after the formal application for conditional approval of the preliminary plat, the Planning Board shall communicate in writing its decision on the application as submitted or modified, and if approved, the Planning Board shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

D. All site plan review decisions shall be filed with the Town Clerk within five days from the date of the decision. [Amended 5-10-1995 by L.L. No. 1-1995]

E. Conditional approval of a preliminary plat shall specify the conditions prerequisite to the approval of the final plat, listing the specific changes which will be required for approval of the final plat, which, upon fulfillment of the requirements of these regulations and the conditions of conditional approval, in any, will be submitted for approval of the Planning Board and for recording.

§ 191-5. Approval of final plat.

A. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the sub divider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

B. Application for approval of the final plat shall be submitted in writing to the Planning Board at least one week prior to the meeting at which it is to be considered.

C. Three copies of the final plat and other exhibits required for approval shall be prepared as specified in Article V and shall be submitted to the Planning Board within six months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted in writing by the Planning Board.

D. The final plat shall be properly endorsed and approved by the County Planning Agency and any other local, county or state agency that may be required. Final plats requiring the County Planning Agency's approval are those lying within a distance of 500 feet from the boundary of any city, village or town or the boundary of an existing or proposed county or state parkway, throughway, expressway, road or highway or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines or from the existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated. The term "proposed" shall be deemed to include only those recreation areas, parkways, throughways, expressways, roads or highways which are shown on the adopted County Plan.

E. A public hearing shall be held by the Planning Board within 30 days after the time of submission of the final plat for approval. This hearing shall be advertised in a newspaper of general circulation in the town at least five days before such hearing.

F. All site plan review decisions shall be filed with the Town Clerk within five days of the date of the decision. **[Amended 5-10-1995 by L.L. No. 1-1995]**

G. Within 60 days after receiving final approval, the developer must file the plat with the County Clerk; otherwise, such approval shall expire. **[Amended 7-29-1976]**

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

I. Waiver of procedural requirements. **[Added 9-18-2002 by L.L. No. 3-2002]**

(1) Upon written recommendation from the Town Code Enforcement Officer, the Planning Board may waive procedural requirements listed in this article. Such written recommendations shall include:

- (a) Identification and nature of the subdivision.
- (b) Which procedural elements shall be considered for waiver.
- (c) Why these elements warrant being waived.

(2) The Planning Board members should receive such written recommendations seven days in advance of the next scheduled meeting. If such recommendation includes the waiver of the public hearing requirements, such notice shall be sent to adjoining property owners.

ARTICLE III Design Standards

§ 191-6. Streets. [Amended 5-10-1995 by L.L. No. 1-1995]

A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and shall be considered in their relation to other existing and planned streets, to topographical conditions and to public convenience and safety and in their appropriate relation to the proposed uses of land to be served and/ or abutted by such streets.

B. Where it is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- (2) Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

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

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

E. Where a subdivision borders on or contains a railroad right-of-way or controlled access highway right-of-way, the Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the

intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

F. Reserve strips controlling access to streets, water plants or sewage treatment plants or to other land dedicated or to be dedicated to public use shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.

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

H. A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

I. When connecting street lines deflect from each other at any one point by more than 10°, they shall be connected by a curve with a radius of the inner street line of not less than 350 feet for local and collector streets and of such greater radii as the Planning Board shall determine for special cases.

J. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less 75°. Any change in street alignment to meet this requirement shall occur at least 100 feet from the intersection.

K. Property lines at street intersections shall be rounded with a radius of 10 feet or with a greater radius where the Planning Board shall deem it necessary. The Planning Board may permit comparable cutoffs or chords in place of rounded corners.

L. Street right-of-way widths shall be shown in the Official Map and, where not shown thereon, shall be not less than follows:

Street Type	Right-of-Way Width (feet)
Arterial	100-120
Collector or secondary artery	80
Local	60

M. Existing streets within the subdivided property shall be widened as shown on the Official Map, if any. To achieve the width appropriate to the type of street.

N. Half streets shall be prohibited.

O. Dead-end streets, designed to be so permanently, shall not be generally approved. They shall not be longer than 400 feet in general and not longer than 500 feet in any case and shall be provided at the closed end with a turnaround having a street property line diameter of at least 130 feet.

P. Street names and house numbers. Proposed street names shall be cleared with the County Highway Department to avoid duplications or use of similarly sounding or spelled names. Street names shall also be cleared with the Town officials designated by the Town Board. House numbers should be shown following standard practice of house numbering. A copy of the final map shall be filed with the local post office and with the fire-fighting organization servicing the local area.

Q. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves and with not less than 200 feet between change of grade:

Street Type	Maximum Percentage Grade
Arterial	4%
Collector	6%
Local	8%
Marginal access	8%

R. In order to facilitate drainage, no street grade shall be less than 0.5%. This requirement may be reduced to 0.3% if there are street curbs or if the pavement wearing surface is not smooth finished.

S. Limitation of access to the streets:

- (1) Local streets: no limitation.
- (2) Collectors: no limitation.
- (3) Arterials: restricted as far as possible.

§ 191-7. Alleys.

A. Alleys shall be provided in commercial and industrial districts, except that the Planning Board may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.

B. The width of an alley right-of-way and pavement shall not be less than 20 feet.

C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

D. Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Planning Board.

§ 191-8. Easements. [Amended 5-10-1995 by L.L. No. 1-1995]

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide.

B. Where a subdivision is traversed by a watercourse, drainage-way, channel or stream, there shall be provided a storm water easement or drainage right-of-way at least 20 feet wide conforming substantially with the lines of such watercourse, and such further width or construction, or both, will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

§ 191-9. Blocks. [Amended 5-11-1995 by L.L. No. 1-1995]

A. The lengths, widths and shapes of blocks shall be determined with due regard to:

- (1) Provision of adequate building sites suitable to the needs of the type of use contemplated.
- (2) Zoning requirements as to lot sizes and dimensions. (*See Ch. 207, Zoning*).
- (3) Needs for convenient access, circulation, control and safety of street traffic.
- (4) Limitations and opportunities of topography.

B. Block lengths generally shall not exceed 1,600 feet nor be less than 400 feet.

C. Intersections with arterial streets should be held to a minimum and preferably spaced at least 1,000 feet apart.

D. Pedestrian crosswalks, not less than 10 feet wide, shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

§ 191-10. Lots. [Amended 5-10-1995 by L.L. No. 1-1995]

A. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

B. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard. (*See Ch. 131, Flood Damage Prevention.*)

C. Residential lot dimensions shall conform to the requirements of Chapter 207, Zoning, and to the following standards:

- (1) Residential lots where not served by public sewer shall be such as to meet the requirements of Chapter 181, Sewers and Sewage Disposal, of the Code of the Town of Massena.
- (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type and use of development contemplated.

D. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

E. The subdividing of land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

F. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.

G. Side lot lines shall be substantially at right angles or radial to street lines.

H. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivision.

§ 191-11. Public sites, open spaces and natural features. [Amended 5-10-1995 by L.L. No. 1-1995]

A. Due consideration shall be given to the character, location and reservation of parks, playgrounds, schools, water plants, sewage treatment plants and lands for other community purposes. Areas bordering streams, lakes or other watercourses shall be given special consideration for such uses. The owner should indicate such land upon the plans as "Reserved for Parks and Playground Purposes."

B. Where such sites or open spaces are not shown in the Master Plan, the Planning Board may require the reservation or dedication of such areas within the subdivision.

C. Where such sites and open spaces are not shown in the Master Plan and where deemed essential by the Planning Board upon consideration of the particular type of development proposed in the subdivision and especially in large-scale neighborhood unit developments, the Planning Board may require the dedication or reservation of such areas.

§ 191-12. Drainage improvements.

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

B. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Chapter 207, Zoning, in the watershed.

C. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

D. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall be improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

§ 191-12.1. Street trees. [Added 5-10-1995 by L.L. No. 1-1995]

Trees should be planted five to 10 feet from and existing sidewalk, and if there is no sidewalk, five to 10 feet from the street line in the direction of the house, the distance to depend on the height of the grown trees.

**ARTICLE IV
Required Improvements**

§ 191-13. Monuments.

Monuments shall be placed at all block corners, angle points, points of curves in streets and at such intermediate points as shall be required by the Town Engineer. The monuments shall be of such material, size and length as may be approved by the Town Engineer.

§ 191-14. Utility and street improvements.

A. Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedules.

B. The standards and specifications for each general type of development shall be as follows:

- (1) For apartment, row house and similar multifamily residential types, improvements shall be in accord with Standard A.
- (2) For one-family detached dwellings with typical lot width of 125 feet or less, improvements shall be in accord with Standard B.
- (3) For country homes with typical lot widths greater than as provided in Subsection B(2) above, improvements shall be in accord with Standard C.
- (4) For commercial, industrial and other types, improvements shall be as determined by the Planning Board with the advice of the Town Engineer.

C. Schedule of required utilities and street improvements.

Schedule of Required Utilities and Street Improvements

Required Utilities and Improvements	Type of Development Standard		
	A	B	C
1. Public water: per § 89 of the Public Health Law, as amended. <i>(See §§1115,1116,1117 and 1118 of the Public Health Law.)</i>	A	B	
2. Public sewer: per § 89 of the Public Health Law, as amended and per plans approved by the Town Engineer.	A	B	
3. Storm sewer system and other drainage improvements: per plans approved by the Town Engineer.	A	B	C
4. Arterial streets: cross sections in accordance with the Master Plan and as determined by the Town Engineer and the Planning Board.	A	B	C
5. Collector streets. a. Seventy-five-foot right-of-way; thirty-six-foot roadbed; thirty-six-foot pavement if required by the Town Board; and, if installed, five-foot sidewalks on each side: per town specifications. <i>(See Ch. A215, Highway Specifications)</i> b. Sixty-six-foot right-of-way; thirty-six-foot pavement if required by the Town Board; and, if installed, five-foot sidewalks on each side: per town specifications.	A		
		B	C
6. Minor Streets. a. Sixty-six-foot right-of-way; twenty-eight-foot roadbed; twenty-eight-foot pavement if required by the Town Board; and, if installed, five-foot sidewalks on each	A		

side.		B	
b. Sixty-foot right-of-way; twenty-eight-foot roadbed; twenty-eight-foot pavement if required by the Town Board; and, if installed, five-foot sidewalks on each side.			
c. Fifty-foot right-of-way; twenty-eight-foot roadbed; and twenty-eight-foot pavement if required by the Town Board.			C
7. Streets along development boundaries and streets connecting development with existing improved street systems: cross sections as determined by the Town Engineer and Planning Board.	A	B	C
8. Alleys: as determined by the Town Engineer and Planning Board.	A	B	C
9. Grading and center-line gradients: per plans and profiles approved by the Town Engineer.	A	B	C
10. Pavement base: per town specifications.	A	B	C

**ARTICLE V
Plat Requirements**

§ 191-15. Preapplication plans and data.

A. General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics and available community facilities and utilities and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.

B. Location map shall show the relationship of the proposed subdivision to the existing community facilities which serve or influence it and shall include the development name and location, main traffic arteries, shopping centers, schools, parks and playgrounds, other community features (such as hospitals and churches), title, scale, North arrow and date.

C. The sketch plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in § 191-16A below or such of these data as the Planning Board determines necessary for its consideration of the proposed sketch plan.

§ 191-16. Data required for condition approval.

The following plats and data shall be submitted for condition approval:

A. Topographic data required as a basis for study of the preliminary plat, as in Subsection B below, shall include existing conditions as follows, except when otherwise specified by the Planning Board:

- (1) Boundary lines: bearing and distances.
- (2) Easements: width and purpose.
- (3) Streets on and adjacent to the tract: name and right-of-way width and location; type, width and elevation of surfacing; any legally established center-line elevations; walks, curbs, gutters, culverts, etc.
- (4) Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of fire hydrants, electric and telephone poles and streetlights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
- (5) Ground elevations on the tract, based on a datum plane approved by the Town Engineer: for land that slopes less than approximately 2%, show spot elevations at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2%, either show contours at an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours at an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
- (6) Subsurface conditions on the tract, if required by the Planning Board: location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth of groundwater unless test pits are dry to a depth of five feet; location and results of soil percolation tests if individual sewage systems are proposed.
- (7) Other conditions on the tract: watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, buildings, houses, barns, shacks and other significant features.
- (8) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land. For adjacent platted land, refer to subdivision plat by name, recordation date and number, and show approximate percent built up, typical lot size and dwelling type.

- (9) Photographs, if required by the Planning Board: camera locations, directions of views and key numbers.
- (10) Zoning on and adjacent to the tract.
- (11) Proposed public improvements: highways or other major public improvements planned by public authorities for future construction on or near the tract.
- (12) Key plan showing location of the tract.
- (13) Title and certificates: present tract designation according to official records in office of appropriate recorder; title under which proposed subdivision is to be recorded, with names and addresses of record owners, subdivider and designer of preliminary layout, notation, stating acreage, scale, North arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey.

B. The preliminary plat shall be at a scale of 200 feet to one inch or larger. It shall be drawn on vellum, tracing cloth, linen or canvas-backed paper 20 inches wide by 20 inches long or 20 inches wide by 40 inches long. It shall show all existing conditions required in Subsection A, topographic data and shall show all proposals, including the following:

- (1) Streets: names, right-of-way and roadway widths, approximate grades and gradients; similar data for alleys, if any.
- (2) Other rights-of-way or easements: location, width and purpose.
- (3) Location of utilities, if not shown on other exhibits.
- (4) Connection with existing water supply or alternative means of providing water supply to subdivision.
- (5) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.
- (6) Provisions for collecting and discharging surface drainage.
- (7) Lot lines and dimensions, lot numbers and block numbers.
- (8) Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- (9) Minimum building setback lines.
- (10) Improvements, including proposed locations of sidewalks, street lighting standards, if any, and species of street trees, if any.
- (11) Site data, including number of residential lots, typical lot size and acres in parks, etc.
- (12) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
- (13) Proposed subdivision name or identifying title, name of village and county in which subdivision is located, scale, true North arrow and date.

C. Other preliminary plans. When required by the Planning Board, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and

preliminary plan of proposed sanitary and storm sewers, with grades and sizes indicated. All elevations shall be based on a datum plane approved by the Town Engineer.

D. A draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

§ 191-17. Data required for final approval.

The following plans and data shall be submitted for final approval:

A. The final plat shall be clearly and legibly drawn in India ink on tracing cloth sheets or printed on linen or canvas-backed paper 20 inches wide by 20 inches long, or 20 inches wide by 40 inches long and shall be at a scale of 100 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in continuous sections satisfactory to the Planning Board. The final plat shall show the following:

- (1) Primary control points, approved by the Town Engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (2) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments, and in any event should be tied to primary control points approved by the Town Engineer.
- (3) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings, or deflection angles, and radii, arcs and central angles of all curves.
- (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot.
- (5) Permanent reference monuments shall be shown thus: x. They shall be constructed in accordance with specifications of the Town Engineer. They shall be placed as required by the Town Engineer and their location noted and referenced on the plat.
- (6) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer. Location and description of all such monuments shall be shown.

- (7) All lot corner markers shall be permanently located, satisfactory to the Town Engineer, at least $\frac{3}{4}$ inches (if metal) in diameter and at least 24 inches in length, and shall be shown as thus: o. They shall be located in the ground to the existing grade.
- (8) Name and right-of-way width of each street or other right-of-way.
- (9) Location, dimensions, and purpose of any easements.
- (10) Number to identify each lot or site.
- (11) Purpose for which sites other than residential lots are dedicated or reserved.
- (12) Minimum building setback line on all lots and other sites.
- (13) Names of record owners of adjoining unplatted land.
- (14) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (15) Certification by licensed surveyor or professional engineer certifying to accuracy of survey and plat, including license numbers and seals.
- (16) All public open spaces for which deeds of cession are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the final plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
- (17) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- (18) Statement by owner dedicating streets, rights-of-way, lots, easements and any other sites for public uses.
- (19) Subdivision name or identifying title, name of the town, county and state, scale, true North arrow and date.

B. Cross sections and profiles of streets showing grades approved by the Town Engineer. The profiles shall be drawn to town standard scales and elevations and shall be based on a datum plane approved by the Town Engineer.

C. A certificate by the Town Engineer certifying that the subdivider has complied with one of the following alternatives:

- (1) All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Board giving conditional approval of the preliminary plat and to the Town Engineer's satisfaction, in accordance with standards and specifications prescribed by him.
- (2) A bond or certified check has been posted, which is available to the town and in sufficient amount to assure such completion of all required improvements. Such bond or certified check shall be accompanied by a certificate of the Town Attorney as to the sufficiency of the bond offered in lieu thereof.

D. Protective covenants in form for recording.

E. Such other certificates, affidavits, endorsements or dedications as may be required by the Planning Board.

ARTICLE VI **Variances**

§ 191-18. Hardship.

Where the Planning Board finds that in a specific and unusual instance extraordinary hardship may result from strict compliance with these regulations, it may, with specific approval by the Town Board, vary the regulations so that substantial justice may be done and the public interest served, provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or these regulations and provided that a petition is submitted in writing explaining the need for variance in each particular instance.

§ 191-19. Large-scale development.

The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for large development or a neighborhood unit which, in the judgment of the Planning Board, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity with the achievement of the plan.

§ 191-20. Conditions.

In granting variances and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE VII **Penalties** [Added 7-29-1976]

§ 191-21. Penalties for offenses.

Pursuant to § 268 of the Town Law, any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is committed, a separate and distinct offense hereunder.