

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

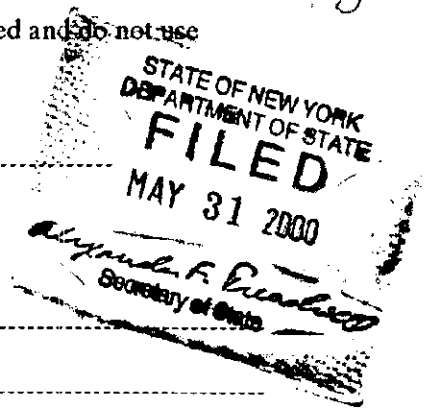
~~Town~~

~~Village~~

of Deerfield

Local Law No. 2 of the year 2000

A local law Subdivision Regulations
(Insert Title)



Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Deerfield

as follows:

Section 1. Purpose

The Subdivision Regulations be amended/established as shown on the attached Deerfield Subdivision Regulations and made a part thereof.

Section 2. Repealer

All Ordinances, Local Laws, and Resolutions or parts of Ordinances, Local Laws, and Resolutions inconsistent with provisions of this Local Law are hereby repealed to the extent of such inconsistency.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2000 of the ~~(County)~~(City)(Town)(Village) of Deerfield was duly passed by the Town Board on May 24 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Mary H. Ruckel

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: May 25, 2000

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF Oneida

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

County

City

Town

Village

Date:

SUBDIVISION REGULATIONS

May 2000

TOWN OF DEERFIELD

ONEIDA COUNTY

NEW YORK

THE TOWN BOARD

Supervisor Philip Sacco

Peggy Boshart
Donald Key
Ronald Hajdasz

THE PLANNING BOARD

Chairman Richard Waldron

Earl Backell, Jr.
Floyd Boshart
Patricia Goldsmith
Scott Mahardy
Barbara Polczynski
David Wilson

Town Clerk Mary Ruckel
Superintendent of Highways Claude Huckabone

SUBDIVISION: April 9, 1964
Revised: April 14, 1986
Revised: May 24, 2000

Throughout this document, reference is made
to applicable sections of Town Law
or Standards for Street Design and Construction
instead of repeating the current text of those documents.

Because these are all living documents,
subject to change, there is resulting confusion
when they become different over time.

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ARTICLE 1 AUTHORITY FOR PLAT APPROVAL

By authority of the Resolution duly adopted by the Deerfield Town Board on November 5, 1958, pursuant to the provisions of Article XVI of the Town Law and acts amendatory thereto, the Town Board authorized and empowered the Planning Board of the Town of Deerfield to approve or disapprove:

A. Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's Office;

B. The laying out of, closing off or abandonment of such streets, highways or public areas under and subject to the provisions of the Town and Highway Laws;

C. All plats showing lots, blocks or sites with or without streets or highways; and to pass and approve the development of plats already filed in the County Clerk's Office if such plats are entirely or partially undeveloped; and to control subdivisions.

ARTICLE 2 PURPOSE

These regulations are enacted for the following purposes and for such other or future purposes as may be authorized by law:

- A. To provide for the future growth and development of the Town;
- B. To open up the interior of large parcels while minimizing the strip development of the public road frontage;
- C. To afford adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare;
- D. To show in proper cases a park or parks suitably located for playground or other recreational purposes;
- E. To require that streets conform to the latest issue of Street Design and Construction adopted May 8, 1995;
- F. To assure that the subdivision streets and highways shall be coordinated so as to compose a convenient system conforming to the official map and

properly related to the master plan and Zoning Ordinance;

- G. To find that the land shown on such plats shall be of such character that it can be used safely for building purposes without danger to health, or peril from flood, fire or other menace.

ARTICLE 3 DEFINITIONS

For the purpose of these regulations, which shall be known as and may be cited as "The Town of Deerfield Subdivision Regulations", certain words used herein are defined as follows:

BOARD: The duly appointed Planning Board of the Town of Deerfield;

FLAG LOT: A lot (sometimes referred to as a minimum frontage lot) characterized by its distinctive shape: narrow frontage on a public road connected by a narrow strip (the flag pole) for access to the major or buildable portion of the lot. On a map, the individual lot generally resembles a flag on a pole;

SUBDIVISION: The division of any parcel of land into three or more lots, plots, sites or other division of land, within any consecutive three (3) year period, for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include re-subdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped. Division of one parcel into two parcels within any consecutive three (3) year period shall not constitute a subdivision;

PRELIMINARY LAYOUT: The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision and width of proposed streets to be submitted to the Board for its consideration;

FINAL PLAT: The final map or drawing on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the County Clerk for filing;

MASTER PLAN: A comprehensive plan prepared for and by the Board pursuant to Article XVI of the Town Law, which

plan indicates the general locations recommended for the various public works, places and structures and for the general physical development of the Town of Deerfield, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof;

OFFICIAL MAP: The map established by the Town of Deerfield pursuant to 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 of Deerfield or additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such approved plats. Streets not accepted by the Town Board as public streets may be shown thereon but shall be marked as private streets.

STREET: A public way for vehicular traffic

- **ARTERIAL STREET AND HIGHWAY:** Those which are used primarily for traffic with limited access;
- **MAJOR STREET:** Those which carry traffic from minor streets to business and industrial districts;
- **MINOR STREET:** those which are used primarily for access to abutting residential properties. A "cul-de-sac" is a minor street with only one outlet and having a turning loop or wye at the closed end;
- **ACCESS ROADS:** Generally parallel with and adjacent to arterial streets and highways and provide access to abutting properties and protection from through traffic;

- **ALLEYS:** Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting a street;
- **DRIVEWAY:** A private way suitable for vehicular traffic connecting to an improved road.

ARTICLE 4 PROCEDURE

SECTION 4.01 APPLICATION

Whenever any subdivision of land as herein before defined is proposed to be made, the subdividing owner thereof, or his agent, shall apply in writing to the Board for approval of such subdivision. There shall first be filed with the Board a Preliminary Plan or Layout of the entire property for conditional approval and subsequently thereto a Final Plat, as hereinafter specified.

SECTION 4.02 PRE-APPLICATION PROCEDURE

Prior to the filing of an application for conditional approval of a Preliminary Layout, the Subdivider, his agent or engineer, may appear and submit general site information and data regarding existing conditions, a location map and a sketch plan with a request for informal consideration by the Board and for expression of its views. No formal application is thereby required. The purpose of such appearance and submission of information and data is primarily to afford the Subdivider an opportunity to consult informally and at an early stage with the Board with the view toward conserving the time and expense of the Subdivider and creating mutual opportunities of the parties for the achievements of a desirable subdivision in the public interest.

SECTION 4.03 PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY LAYOUT

- A. Upon reaching conclusions regarding the general program and objective following the Preliminary Application appearances, if any, the Subdivider shall cause to be prepared a Preliminary Layout, together with the following supplementary or supporting material;
 - 1. Topographic data on the tract and existing drainage ways;
 - 2. Tract boundary lines, tract area and street layout;
 - 3. Name and right-of-way width of each street or other right-of-way;
 - 4. Utilities on and adjacent to the tract;
 - 5. Location, dimensions and purpose of any easements;
 - 6. Number to identify each lot and letter to identify each block;
 - 7. Purpose for which sites, other than residential lots, are dedicated or reserved;
 - 8. Minimum setback line on all lots or other sites;
 - 9. Names of owners of record of adjoining unplatted land;
 - 10. Site data, including number of residential lots, typical lot size, lineal feet of streets, acres in parks, etc;
 - 11. Title, scale, north arrow and date.
- B. Four (4) copies of the Preliminary Layout and supplementary material so

required shall be submitted to the Board with written application for Conditional Approval not less than seven (7) days prior to a regularly scheduled meeting.

- C. The Board shall consider, render and file its decision in accordance with applicable sections of Town Law. (currently §276.5)

SECTION 4.04 PROCEDURE FOR APPROVAL OF FINAL PLAT

- A. Application for Approval of the Final Plat and other material required for approval shall be submitted to the Board at least ten (10) days prior to the regular monthly meeting at which time it is to be considered.

- B. The Subdivider will be required to conform to applicable sections of Town Law as to zoning compliance (currently §277.3)

- C. Four (4) copies of the Final Plat and other material required for approval shall be submitted to the Board in accordance with applicable sections of Town Law (currently §276.6 and 7)

- D. The Board shall consider, render and file its decision in accordance with applicable sections of Town Law (currently §276.6 and 7)

- E. The Subdivider shall file the approved final plat in the office of the County Clerk in accordance with applicable sections of Town Law. (currently §276.11)

SECTION 4.05 SUBDIVISION FILING FEES

Refer to current schedule on file at the Town offices.

ARTICLE 5 MINIMUM DESIGN STANDARDS

SECTION 5.01 STREETS

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.

- B. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation, if appropriate, of major streets in the surrounding area, or;

2. Conform to a plan for the neighborhood approved by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

- C. Minor 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 or railroad, the Board may require an access road, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment

as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- E. Reserve strips controlling access to streets, water mains, sewage mains, line, or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the Town under conditions approved by the Town Board.
- F. Streets shall conform to the most recent amendment of the Standards for Street Design and Construction originally adopted May 8, 1995.
- H. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Town and adjacent City and Village. Street names shall be subject to approval by the Board.

SECTION 5.02 ALLEYS

The minimum width of an alley shall be twenty (20) feet, if provided.

SECTION 5.03 EASEMENTS

- A. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. An easement width of fifteen (15) feet is required.
- 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 conforming substantially with the line of such watercourse, and such further width or construction, or both, as will be adequate for the purpose and as determined by the Town Board.

SECTION 5.04 BLOCKS

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - 1. The type of development proposed;
 - 2. Zoning requirements as to lot sizes and dimensions;
 - 3. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress or egress;
 - 4. Limitations and opportunities of topography
- B. Block lengths shall not exceed one thousand two hundred (1,200) feet nor be less than six hundred (600) feet.

SECTION 5.05 LOTS

The lot size, width, depth, shape and orientation, and the building set-back lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.

- A. All lots shall have area and width equal to minimum requirements of the zoning regulations applying to the district in which they are located.
- B. Corner lots for residential use shall have extra width to permit appropriate building set-back from and orientation to both streets.
- C. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.
- D. Every street shown on the plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time

as it has been formally offered for cession to the public and formally accepted as a public street by Resolution of the Town Board; or alternately until it has been condemned by the municipality for use as a public street.

- E. Double frontage lots should be avoided.
- F. Side lot lines shall be substantially at right angles or radial to street lines.
- G. Off-street parking shall be required for all uses. In the case of dwellings, at least one hundred eighty (180) square feet of off-street parking space per dwelling unit shall be provided back of the right-of-way line, plus access drive and maneuvering space.

SECTION 5.06 GRADING AND DRAINAGE

- A. Street layout, block grading, and lot grading data shall be shown. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal, use and drainage. The developer shall allow no holes, depressions or other undrained areas to remain.

- B. Storm and surface water drainage shall be designed for the tract in relation to drainage area above the tract and drainage outlets into adjacent tracts. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided where necessary.

SECTION 5.07 PUBLIC SITES AND OPEN SPACES

Where a proposed park, playground, school or other public use shown in the Master Plan, or not anticipated in such Master Plan, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency; or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and the agreement shall be entered into between the Subdivider and the public agency regarding the time and method of acquisition, and the cost thereof. If the Board determines that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical, the Board may require other or future conditions as may be authorized by law as a condition to approval of any such plat.

ARTICLE 6 MINIMUM REQUIRED IMPROVEMENTS

SECTION 6.01 WATER SUPPLY

The Developer shall connect each lot at the property line with the public water supply, if available. Neighborhood water supply systems, where provided, must conform to standards and inspection by

the New York State Department of Health.

SECTION 6.02 SEWAGE DISPOSAL

If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a neighborhood system, the Developer shall provide sanitary sewers and laterals for each lot for such service. Where public or neighborhood sanitary sewers are not feasible, the Developer shall provide and install an individual system for each lot in accordance with State and local requirements upon specific approval by the Town Board.

SECTION 6.03 UTILITIES

Electrical service, gas mains, water and sewer mains and other available utilities shall be provided by the Developer, underground, in accordance with the latest issue of Standards for Street Design and Construction adopted May 8, 1995

SECTION 6.04 STREET TREES AND MISCELLANEOUS

- A. Street trees are to be planted by the Developer, the location and type of which have been approved by the Board.
- B. Planting strip areas between the gutter and the property line are to be seeded by the Developer and maintained by the Owner.
- C. Street name signs are to be supplied by the municipality.
- D. When so required by the Board, a planting screen easement not less than ten (10) feet wide, across which there shall be no right of access, may be required along the line of lots between the subdivision and industrial, commercial, major street, railroad and other similar uses.

SECTION 6.05 MARKERS

The tract boundary lines and the lines of all streets and roads shall be marked in accordance with the monument requirements of Town Law (currently §277.2(b)). Individual properties shall be monumented with iron pipes or pins.

ARTICLE 7 FLAG LOTS

Flag Lots may be approved by the Planning Board under Site Plan Review whenever the land involved is of a peculiar size or shape, is subject to unreasonable physical limitations, is affected by unusual topographic conditions or location, or is devoted to such use that it is impossible, impractical, or undesirable for the owner or developer to fully conform to the requirements for conventional lots. Flag Lots should not

be used to avoid the construction of public roads if their construction is reasonable. Flag Lots and/or common driveways may be approved by the Planning Board under the procedure for Site Plan Review where all of the following conditions of sections 7.01 and 7.02 are met:

- A. Flag Lots shall be permitted in all districts.
- B. No parcel may be subdivided in a manner that leaves areas unconnected to an improved road by a right-of-way less than sixty (60) feet wide.
- C. No structure shall be constructed upon a Flag Lot unless the structure location meets the minimum yard setback requirements of the district. The area or distance of road access shall not be used to calculate setback requirements. Setbacks may be increased if the Planning Board determines that the minimum setbacks are insufficient to protect the existing character of the neighborhood and adjoining properties.
- D. The minimum lot area of Flag Lots shall conform to the area of conventional lots in that zoning district. The area for road access (the flagpole) shall not be used to calculate the lot size.
- E. Flagpoles or access strips shall be at least as far away from each other as the minimum lot width for the district where located, measured at the public road frontage.
- F. No more than one (1) dwelling shall be permitted on a Flag Lot.
- G. In conjunction with the approval of any Flag Lot, the Planning Board may prescribe any condition(s) that it deems necessary or desirable as set forth in Site Plan Review requirements.

SECTION 7.02 COMMON DRIVEWAYS

Any adjoining property owner(s) desiring to gain access to a public highway by means of a common driveway may do so only in accordance with the provisions of a Site Plan Review approved by the

Planning Board under the following conditions:

- A. Each lot passed by a common driveway shall have access to that way in a manner acceptable to the Planning Board;
- B. The common driveway shall provide access to no more than four (4) lots;
- C. The common driveway must originate on approved frontage, and lie within a right-of-way not less than sixty (60) feet wide;
- D. The traveled way shall have a minimum width of fourteen (14) feet centered within the right-of-way;
- E. The driveway subbase requirements are those in the most recent amendment of the Town of Deerfield Standards for Street Design and Construction adopted on May 8, 1995. The drive surface shall, in the opinion of the Town Engineer and/or the Town Highway Superintendent, assure adequate safety and access for emergency vehicles;
- F. An adequate turnaround for emergency vehicles shall be provided if the common driveway exceeds one hundred (100) feet in length;
- G. No common driveway shall be nearer than one hundred (100) feet from the intersection of any existing or proposed street. The common driveway shall not be located so as to create a traffic hazard;
- H. All utilities shall be installed underground. Utility trenches and conduits shall not be located beneath the traveled way of the common driveway;
- I. The application for a common driveway must be accompanied by an executed declaration of covenants, easements and restrictions for its use and maintenance, in form approved by the Planning Board. Such declaration of covenants, easements and restrictions shall state that the Town of Deerfield shall not be responsible for

construction or maintenance of the common driveway;

- J. The erection of any structure is prohibited until such time as the common driveway has been constructed in accordance with

the permit approval plan and until the Planning Board has written verification that all covenants, easements and restrictions have been recorded in the Oneida County Clerk's Office.

ARTICLE 8 PLAT DATA

SECTION 8.01 PLAT DRAWING

The Final Plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger (preferred scale of forty (40) feet to one (1) inch). The engineer employed by the Developer for design and supervision in building any new road will be required to give satisfactory proof that the requirements of these Subdivision Regulations have been fulfilled. The Final Plat shall show the following:

- A. Topographic data on the tract, related to Bench Mark approved by the Town Highway Superintendent;
- B. Tract boundary lines with bearings and distances, tract area, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles, radii, and central angles of all curves;
- C. Name and right-of-way width of each street or other right-of-way;
- D. Street names subject to approval of the Town Board;
- E. Utilities on and adjacent to the tract; location, size and invert location of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles adjacent to the tract;
- F. Location, dimension and purpose of any easements;
- G. Number to identify each lot and letter to identify each block;
- H. Purpose for which sites, other than residential lots, are dedicated or reserved;
- I. Minimum set-back line on all lots and other sites;
- J. Location and description of monuments;
- K. Names of owners of record of adjoining unplatted land;
- L. Reference to recorded subdivision plats of adjoining platted land by record name, date and number;
- M. Certification by surveyor or engineer as to the accuracy of survey and plat;
- N. Certification of title showing that the applicant is the land owner;
- O. Statement by Owner as to dedicating street, rights-of-way and any sites for public uses;
- P. Site data, including number of residential lots, typical lot size, lineal feet of street, acres in parks, etc;
- Q. Title, scale, north arrow and date;
- R. Cross Sections and Profiles of streets showing approved grades.

SECTION 8.02 SUPPLEMENTAL DATA

The following shall also be submitted to the Board:

- A. Offers of Cession for dedicating streets, easements, rights-of-way and any sites for public uses;
- B. Agreements covering the improvements and maintenance of unceded public open spaces, and the conditions and limitations, if any, which offers and agreements, if any, shall be subject to the prior approval of the Town Attorney.

SECTION 8.03 COVENANTS

Protective covenants, if any, shall be in form for recording.

SECTION 8.04 CERTIFICATION

There shall be a written statement by the Town Attorney certifying that:

- A. The required improvements have been completed or bond or other security satisfactory in form and sufficiency to the Town Board has been posted in lieu thereof in accordance with applicable sections of Town Law (currently §277.9), and that the Applicant or Subdivider is the land owner;
- B. All offers of cession, agreements regarding improvements and maintenance of public open spaces, if any are of legal sufficiency.

SECTION 8.05 OTHER DATA

There shall be submitted such other certificates, affidavits or other agreements as may be required by the Board in the enforcement of these Regulations.

ARTICLE 9 VARIANCES AND APPEALS**SECTION 9.01 HARDSHIP**

Application for area variance may be made in accordance with applicable sections of Town Law (currently §277.6)

SECTION 9.02 LARGE SCALE DEVELOPMENT

The standards and requirements of these Regulations may be modified by the Board in accordance with applicable sections of Town Law (currently §277.7) in the case of a plan and program for a complete new community, planned neighborhood, or cluster development, which in the judgment of the Board provides 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 provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.