# *TOWN OF SALEM*

# *LAND SUBDIVISION REGULATIONS*

## *ARTICLE I. GENERAL PROVISIONS*

*Section 1-1 Legislative Authority*

*By the authority of the resolution of the Town Board of the Town of Salem, adopted on September 9, 1987 pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Salem is authorized and empowered to approve Plats showing lots, blocks on sites, with or without streets or highways, and to conditionally approve preliminary plats, within the Town of Salem.*

*Section 1-2 Citation*

*These regulations which shall be known as, and which may be cited as, (the "Town of Salem Land Subdivision Regulations" have been adopted by the Town Board on September 9, 1987.*

*Section 1-3 Effective Date*

*These regulations shall take effect immediately.*

*Section 1-4 Application*

*No subdivision of any lot, tract or parcel of land shall be affected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon except in strict accordance with the provision of these Regulations.*

*All plans for subdivision shall be submitted to the Town of Salem Planning Board for review and recording in the Planning Board's minutes.*

*The provisions contained herein shall apply to all land within the limits of the Town of Salem.*

*Section 1-5 Policy*

*1-5.1 It is declared to be the policy of the Planning Board to consider Land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Town of Salem. This means among other things:*

*(a) Land to be subdivided shall be of such character that it can he used safely for building purposes without danger to health, or peril from fire, flood or other menace.*

*(b) Proper provision shall be made for water supply, drainage, sewerage and other needed improvements and utilities, if so required.*

*(c) Proposed streets shall compose a convenient system conforming to the Comprehensive Plan.*

*(d) Streets shall be of such width, grade and location as to accommodate present and prospective traffic, shall comply with the Donovan Standards as a minimum.*

*(e) All development shall facilitate adequate fire protection and provide access for firefighting equipment and other emergency equipment.*

*(f) Open space for parks, playgrounds and green areas of suitable location, size and character shall be provided whenever appropriate.*

*(g) The proposed development shall be compatible with the existing development and character of the Town, and with the goals of the Comprehensive Plan.*

*1-5.2 Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations on the development. Such restrictions, however, shall be indicated on the Plat*

*Sections 1-6 Inconsistency with Town Law*

*Should any of these regulations conflict or be inconsistent with any provisions of the Town Law, such provision of the Town Law shall apply.*

*Section 1-7 Separability Clause*

*Should any section of provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.*

## ***ARTICLE IL TERMINOLOGY AND DEFINITIONS***

*Section 2-1 Use and Interpretation of Words*

*Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and works used in the plural number include the singular, unless the context clearly indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. A "building" includes all other structures of every description except fences and walls, regardless of dissimilarity to conventional building forms. The word "lot" includes the word "plot" or "parcel". The word "person" includes a corporation as well as an individual.*

*The phrase "used for" includes "arranged for", "designed for ", "intended for", "maintained for", and "occupied for".*

*Section 2-2 Definitions*

*For the purpose of these Regulations, certain words used herein are defined as follows:*

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

***Engineer or Licensed Professional Engineer** - means a person licensed as a professional engineer by the State of New York.*

***Master or Comprehensive Plan** - means a comprehensive plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicated 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 and any amendment to such plan or parts therein.*

***Official Map** - means the map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways and parks and drainage, both existing and proposed*

***Official Submittal Date** - The time and submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board or at least fourteen days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by these regulations has been filed with the Secretary of the Planning Board.*

***Planning Board** - The Town Planning Board.*

***Preliminary Plat** - means a drawing or drawings clearly marked "preliminary plat" showing the salient features of the proposed subdivision, as specified in the regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.*

***Resubdivision** - A change in a subdivision plat or resubdivision plat filed in the Office of County Clerk which change (a) affects any area reserved thereon for public use, (b) affects any street layout shown on such plat, or (c) diminishes the size of any lot shown thereon.*

***Sketch Plan** - A free-hand sketch made on a topographic survey map or tax map showing the proposed subdivision in relation to existing conditions.*

***Subdivider** - 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, either for himself or for others.*

***Subdivision*** *- The division of any parcel of land into two or more lots, plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale, or building development. Such division shall include resubdivision of plats already filed in the office of the County Clerk of such plats are entirely or partially undeveloped.*

*Two exceptions to the above:*

*1. A division of land into areas of 10 acres or more not requiring any new streets shall not constitute a subdivision.*

*2. A division of land to be used for farming purposes.*

***Minor Subdivision*** *- Any subdivision containing not more than 3 lots each fronting on an existing public street, not involving any new street or road or the extension of municipal facilities not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Master Plan.*

***Major Subdivision*** *- Any subdivision not classified as a minor subdivision.*

***Subdivision Plat or Final Plat*** *- means a drawing in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and, which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Registrar.*

***Surveyor*** *- means a person licensed as a land surveyor by the State of New York.*

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

*Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the Town of Salem, Land Subdivision Regulations..*

*The Applicant shall pay all costs and expenses, including but not limited to engineering costs and legal fees, incurred by the Town of Salem (hereinafter "Town", and meaning and intending to include the Town Board and Planning Board, and any other Town department or Board), in connection with the application. Upon receipt of an application, the Planning Board shall obtain and estimate from a qualified engineer for the cost and expense to assist the Town in reviewing the proposed project, including site review upon completion of the project for compliance with Town approvals and permits. The Planning Board shall further obtain an estimate from the Town Attorney for legal costs in connection with reviewing the application and accompanying documents. The Planning Board shall then provide the Applicant with said estimates, along with the Town's other estimated costs and expenses associated with the project, to the Applicant which shall then remit said sum to the Town, and the application shall not be considered complete until such sum is received by the Town. The Applicant shall further be responsible for any costs and expenses incurred by*

*the Town which exceed the original sum paid by the Applicant, which additional costs and fees shall be billed to the Applicant and the Applicant shall then have ten (10) days to remit payment of same to the Town. Final approval and permitting shall not be granted by the Town until all payments referenced herein have been received by the Town.*

*Section 3-1 Approval of Minor Subdivision*

*3-1.1 Application*

*Any owner of land shall, prior to creating a minor subdivision as defined by these regulations, submit to the Secretary of the Planning Board a completed application and 3 copies of the subdivision plat. The plat shall comply with the requirements of Article IV. and shall be presented at the regular meeting or to the Secretary at least 14 days prior to a regular meeting.*

*3-1.2 Fees*

*All applications for Plat approval for a Minor Subdivision shall be accompanied by the fee established by the Town Board.*

*3-1.3 Subdivider to Attend Planning Board Meeting*

*The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.*

*3-1.4 When Officially Submitted*

*The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board or the date when the application for Plat approval, complete and accompanied by the required fee and all data required by Article IV of these regulations, was filed with the Secretary of the Planning Board.*

*3-1.5 Public Hearing*

*A public hearing shall be held by the Planning Board within thirty (30) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.*

*3-1.6 Action of Subdivision Plat*

*The Planning Board shall, within forty-five (45) days from the date of the public hearing approve, modify and approve or disapprove the Subdivision Plat.*

*Section 3-2 Approval of Major Subdivision*

*3-2.1 Submission of Sketch Plan*

*Any owner of land shall, prior to subdividing or resubdividing land, submit to the*

*Secretary of the Planning Board, at least fourteen days prior to the regular meeting of the Board, two copies of a Sketch Plan of the proposed subdivision which shall comply with the requirements of Article IV.*

*3-2.2 Discussion of Requirements*

*The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information made on the Sketch Plan.*

*3-2.3 Study Sketch Plan*

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

*3-2.4 Fees*
*There shall be no payment of fees.*

*3-2.5 Application and Fee*

*Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the consideration of a Preliminary Plat of the proposed subdivision, in the form described in these regulations. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Section 276 and 277 of the Town Law, and these regulations, except where a waiver may be specifically authorized by the Planning Board. The application for conditional approval of the Preliminary Plat shall be accompanied by the fee established by the Town Board, as well as the amount set by the Town Board per lot for each lot in the proposed subdivision.*

*3-2.6 Number of Copies*

*Five copies of the Preliminary Plat shall be presented to the Secretary of the Planning Board at least fourteen days prior to the regular monthly meeting of the Planning Board.*

*3-2.7 Subdivider to Attend Planning Board Meeting*

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

*3-2.8 Study of Preliminary Plat*

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

*and the requirements of the Comprehensive Plan.*

*3-2.9 When Officially Submitted*

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

*3-2.10 Public Hearing*

*A public hearing shall be held by the Planning Board within thirty (30) days after the time of submission of the preliminary subdivision plat for approval. This hearing shall he advertised in a newspaper of general circulation in the town at least five (5) days before such hearing.*

*3.-2.11 Conditional Approval of the Preliminary Plat*

*Within forty-five (45) days after the public hearing of a preliminary plat, the Planning Board shall take action to conditionally approve, with or without modification, or disapprove such preliminary plat and the ground of any modification required or the ground for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute a conditional approval of the preliminary plat.*

*When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat (2) the character and extent of the required improvements for which waivers may have been requested and winch in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, it will require as prerequisite to the approval of the Subdivision Plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Town Board. Conditional approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.*

*Section 3-3 Final Plat for Major Subdivision*

*3-3.1 Final Plat for Major Subdivision*

*The subdivider shall, within six months after the conditional approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final*

*form using the approved application blank available from the Secretary of the Planning Board. All applications for Plat approval for Major Subdivision shall be accompanied by the fee set by the Town Board. If the final plat is not submitted within six months after the conditional approval of the Preliminary Plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.*

*3-3.2 Number of Copies*

*A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the Application and three copies (one copy in ink on linen) of the Plat, the original and one true copy of all offers of cession, covenants and agreement, and two prints of all construction drawings, at least ten days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.*

*3-3.3 When Officially Submitted*

*The time of Submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least fourteen days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by these regulations, has been filed with the Secretary of the Planning Board.*

*3-3.4 Endorsement of State and County Agencies*

*Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the New York State Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the Subdivider with all necessary Town, County and State agencies. Endorsement and approval by the New York State Department of Health shall be secured by the subdivider before official submission of the Subdivision Plat.*

*3-3.5 Public Hearing*

*A public hearing may be held by the Planning Board within thirty (30) days after the time of submission of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing.*

*3-3.6 Action of Proposed Subdivision Plat*

*The Planning Board shall, within forty-five (45) days from the date of the public hearing on the Subdivision Plat, approve, modify and approve or disapprove the Subdivision Plat. However. The Subdivision Plat shall not be signed by the authorized officers of the Planning*

*Board for recording until the subdivider has completed with the provisions of Section 3 of this regulation.*

*3-3.7 Final Approval and Filing*

*Upon completion of the requirements in Section 2 and 3 above notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within ninety (90) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.*

*3-3.8 Plat Void if Revised After Approval*

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

*3-3.9 Public Acceptance of Streets*

*The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or open space shown on such Subdivision Plat.*

## *ARTICLE IV. REQUIRED DATA AND PLATS*

*Section 4-1 Sketch Plan*

*4-1.1 The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following directions:*

*(1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.*

*(2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic* conditions are significant, contours shall also be indicated at intervals of not more than 10 feet

*(3) The name of the owner and all adjoining property owners as disclosed by the most*

*recent municipal tax records.*

*(4) The tax map sheet, block and lot numbers, if available.*

*(5) All the utilities available, and all streets which are either proposed, mapped or built.*

*(6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.*

*(7) All existing restrictions on the use of land including easements, or covenants.*

*Section 4-2 Minor Subdivision Plat*

*4-2.1 In the case of Minor Subdivision ONLY, the Subdivision Plat application shall include the following information:*

*(1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.*

*(2) An actual field survey of the boundary lines of the tract, giving complete descriptive date bt=y bearings and distances, made and certified to by a licensed land surveyor, or a county tax map. The corners of tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the Plat.*

*(3) Proposed subdivision name, name of the Town and County in which it is located.*

*(4,) The date, north point, map scale, name and address of record owner and subdivider.*

*Section 4-3 Major Subdivision Preliminary Plat and Accompanying Data*

*The following documents shall be submitted for Conditional Approval:*

*4-3.1 Five copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:*

*(1) Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.*

*(2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.*

*(3) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.*

*(4) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivisions and adjacent property.*

*(5,) Location of existing public sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.*

*(6) Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.*

*(7) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.*

*(8) The approximate location and size of alt proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.*

*(9) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.*

*(10) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.*

*(11) Preliminary designs of any bridges or culverts which may be required.*

*(12) The proposed lot lines with approximate dimensions and area of each lot.*

*(13) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public area as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide* satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.

*(14a) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments, and shall be referenced and shown on the Plat.*

*(14b) A copy of such covenants of deed restrictions as are intended to cover all or part of the tract.*

***Section 4-4 Major Subdivision Final Plat and Accompanying Data***

*The following documents shall be submitted for Plat approval:*

*4-4.1 The Plat to be filed with the County Clerk shall be printed upon linen, or be clearly drawn in India ink upon tracing cloth. The sheets shall include a margin for binding and two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The Plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.*

*The Plat shall show:*

*(1) Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.*

*(2) Sufficient data acceptable to the Town Highway Superintendent to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinate, and in any event should be tied to reference points previously established by a public authority.*

*(4) The length and bearing all straight lines radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show boundaries of the property, location, graphic scale and true north point.*

*(5) Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the Town Highway Superintendent. When referenced to the State system of plane coordinates, they shall also conform to the requirements of* the State Department of Transportation. They shall be placed as required by the Highway Superintendent and their location noted and referenced upon the Plat.

*(6) All lot corner markers shall be permanently located satisfactorily to the Town Planning Board at least three-quarters (3/4) inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.*

*(7) Monuments of a type approved by the Town Planning Board 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 Planning Board.*

*4-4.2 Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed locations, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.*

## *ARTICLE V. REQUIREMENTS AND DESIGN STANDARDS FOR ALL SUBDIVISIONS*

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

### *Section 5-1 General Requirements*

*5-1.1 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.*

*5-1.2 Conformity Comprehensive Plan*

*Subdivisions in harmony with the Comprehensive Plan.*

*5-1.3 Specifications for Required Improvements*

*All required improvements shall be constructed or installed to conform to Town specifications.*

*5-1.4 Preservation of Existing Features Existing features which would add value to residential developments, such as large trees, watercourses, historic spots and similar irreplaceable assets, should be preserved, insofar as possible.*

### *Section 5-2 Street Layout*

*5-2.1 Width. Location and Construction*

*Streets shall be of sufficient width, suitably located, and adequately constructed to accommodate the prospective traffic and afford access for firefighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.*

*5-2.2 Relation to Topography*

*Streets shall be logically related and conform insofar as possible to the original topography. They 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 sharp curves shall be avoided.*

*5-2.3 Block Size*

*Block dimensions shall be at least twice the minimum lot depth and generally not more than 12 times the minimum lot width. In long blocks, the Planning Board may require the*

*reservation, through to block, of a 25 foot wide easement to accommodate utilities or pedestrian traffic. Blocks at least 900 feet long are recommended with an easement in blocks exceeding 1,200 feet.*

*5-2.4 Intersections*

*Intersections of major streets by other streets shall he at least 800 feet apart, if possible. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least 150 feet shall be maintained between offset intersections. Within 40 feet of an intersection, streets shall be approximately at right angles, (but in no instance shall the angle be less than 70 degrees) and grades shall be limited to 1 1/2 %. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the property line.*

*5-2.5 Visibility at Intersections.*

*Within the triangular area formed at corners by the intersecting street lines, for a distance of 40 feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges, or other landscaping, shall be permitted to obstruct such visibility.*

*5-2.6 Design Standards*

*Streets shall meet the Donovan Plan standards.*

*5-2.7 Continuation of Streets into Adjacent Property*

*Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, and efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of 50 feet in radius shall be provided on all temporary dead-end streets with the notation of the Plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.*

*5-2.8 Permanent Dead-End Streets (cul-de-sac)*

*Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than 100 feet. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property, however, the Planning Board may require the reservation of a 20 foot wide easement to accommodate pedestrian traffic or utilities. A circular turn-around with a minimum right-of-way radius of 65 feet shall be provided at the end of a permanent dead-end street. For greater convenience to traffic, and more effective police and fire protections permanent dead-end streets shall, in general, be limited in length to 800 feet.*

*5-2.9 Street Names*

*All streets shall be named, and such names shall be subject to the approval of the Town Planning Board. Names shall be sufficiently different in sound and spelling from other streets 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.*

*5-2.10 Improvements*

*Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains, fire hydrants, and underground electric and telephone services, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite to the interest of the public health, safety and general welfare. Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines and the subdivider shall install underground service connections to the property line of each lot before the sleet is paved.*

***Section 5-3 Lots.***

*5-3.1 Arrangement*

*The arrangement of lots shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in locating a building on each lot and in providing access to buildings on such lots from an approved street*

*5-3.2 Access Across Watercourse*

*Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure of a design approved by the Highway Superintendent.*

*5-3.3 Side Lot Lines*

*Side lot lines shall be at right angles to the street lines unless a variation from this rule will give a better street or lot plan.*

*5-3.4 Access from Major Street*

*Lots shall not, in general, derive access exclusively front a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.*

*5-4.5 Responsibility for Ownership of Reservation*

*Ownership shall be clearly marked on Plat on all reservations*

*Section 5-4 Reservations and Easements*

*5-4.1 Parks and Playgrounds*

*The Planning Board may require adequate, convenient and suitable areas for parks and playgrounds, or other recreational purposes to be reserved on the Plat, but in no case, more than 10% of the gross area of any subdivision. The area shall be shown and marked on the plat 'Reserved for Park or Playground Purposes "If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the Board may require as a condition to approval of any such Plat a payment to the Town for park and recreational purposes including the acquisition of property.*

*5-4.2 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 at least 20 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.*

*5-4.3 Easements for Pedestrian Access*

*The Planning Board may require, in order to facilitate pedestrian access from street to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least 8 feet in width.*

## *ARTICLE VI. REQUIRED IMPROVEMENTS AND AGREEMENTS*

*Section 6-1 Improvements and Performance Bond*

*Before the Planning Board grants final approval of the subdivision Plat, the subdivider shall follow the procedure set forth in either subparagraph 6-1.1 or subparagraph 6-1.2 below:*

*6-1.1 In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.*

*6-1.2 The subdivider shall complete all required improvements to the satisfaction of the Town Highway Superintendent, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Highway Superintendent. Any such*

*bond shall be satisfactory to the Town Board as to form, sufficiency, manner of execution, and surety.*

*6-1.3 The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Highway Superintendent and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to subparagraph 6-1.2 then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph 6-1.1 such bond shall not be released until such a map is submitted.*

*Section 6-2 Modification of Design of Improvements*

*If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Highway Superintendent that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Highway Superintendent may, upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function or any improvements required by the Board. The Town Highway Superintendent shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.*

*Section 6-3 Inspection of Improvements*

*At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure that satisfactory completion of improvements and utilities required by the Planning Board.*

*Section 6-4 Proper Installation of Improvements*

*If the Highway Superintendent shall find upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, and the Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.*

*Section 6-5 Utilities*

*The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating*

*that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved subdivision Plat.*

## *ARTICLE VIII. WAIVERS*

*Section 7-1 Waivers*

*7-1-1Where the Planning Board finds that unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured. Waivers will not have the effect of nullifying the intent and purpose of the Comprehensive Plan.*

*7-1-2Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.*

*Section 7-2 Objectives*

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