

TOWN OF REMSEN LOCAL LAW 1 FOR 2010

AMENDED LOCAL LAW REGARDING SUBDIVISION OF LAND

Be it enacted by the Town Board of the Town of Remsen, Oneida County, New York, as follows:

(1) Local Law 2 of 2007, entitled "Subdivision of Land" is hereby amended in its entirety to read as follows:

Table of Contents

ARTICLE I

Declaration of Policy

§1. Authority of Planning Board; policy.

ARTICLE II

Definitions

§1. Definitions of words and terms.

ARTICLE III

Process Overview and Preliminaries:

- §1. Application for approval.
- §2. Pre Application Conference.
- §3. Subdivision Process.
- §4. Fees.
- §5. Separability.
- §6. Violations and Penalties.
- §7. Effective Date.

ARTICLE IV

Simple Subdivision

- §1. Purpose
- §2. Submission of Application
- §3. Materials to be submitted

ARTICLE V

Minor Subdivision Review Procedure

- §1. Submission of Application.
- §2. Acceptance of Completed Application—Official Submission Date.
- §3. Referral to County Planning Board.
- §4. Area Variance.
- §5. Public Hearing.
- §6. Action on Application.
- §7. Conditional Approval of Application.
- §8. Filing of Plat.
- §9. Modification of Designs After Approval

ARTICLE VI

Major Subdivision Review Procedure

- §1. Preliminary Plat Procedure
- §2. Preliminary Action
- §3. Effect of Approval
- §4. Application – Final Plat
- §5. Official Submission Date
- §6. Public Hearing
- §7. Guarantees for Required Improvements
- §8. Action on Application
- §9. Conditional Approval
- §10. Approval of Plats in Sections
- §11. Filing of Plat
- §12. Modification of Designs After Approval
- §13. Public Acceptance of Improvements

ARTICLE VII

Documents to be Submitted

- §1. General
- §2. Application Requirements for All Subdivisions
- §3. Minor Subdivision Plat Requirements
- §4. Preliminary Plat – Major Subdivision Application Requirements
- §5. Preliminary Plat – Major Subdivision Plat Requirements
- §6. Final Plat – Major Subdivision Application Requirements
- §7. Final Plat – Major Subdivision Plat Requirements
- §8. Waiver of Submission Requirements

ARTICLE VIII

General Design Standards

- §1. General.
- §2. Future Re-subdivision
- §3. Approval of Substandard Parcels
- §4. Lot Arrangement
- §5. Lot Situation
- §6. Monuments
- §7. Water supply and Sewage Disposal
- §8. Preservation of Natural Features.
- §9. Park and Recreation Areas
- §10. Storm Water Management
- §11. Development in Flood Plains
- §12. Steep Slopes

ARTICLE IX

Road Standards

- §1. General
- §2. Road Widths
- §3. Road Grades
- §4. Road Connections to Adjacent Properties
- §5. Dead-end Roads
- §6. Intersections
- §7. Curve Radii
- §8. Partial Roads
- §9. Road Names
- §10. Treatment Along Major Highways
- §11. Underground Utilities

ARTICLE X

Cluster Development

- §1. Authority
- §2. Applicable Provisions
- §3. General Criteria for Cluster Development
- §4. Required Clustering
- §5. Determination of Overall Development Density
- §6. Approval of Cluster Open Space
- §7. Use of Cluster Open Space

§8. Undedicated Cluster Open Space

ARTICLE XI

Financial Guarantees for Public Improvements

- §1. Required Public Improvements
- §2. Time Limit on Installation of Improvements
- §3. Extension of Time Limit
- §4. Inspection of Improvements
- §5. Financial Security Options
- §6. Review of Proposed Financial Security
- §7. Schedule of Improvements
- §8. Staged Refunding of Financial Guarantees
- §9. Acceptance of Required Public Improvements
- §10. Maintenance Guarantee Required

ARTICLE XII

Waivers

- §1. Grounds for Improvements Waivers
- §2. Procedural Waiver
- §3. Conditions for Waivers

Appendix A

Plat Requirements

ARTICLE I

Declaration of Policy

§1. Authority of Planning Board; policy.

By the authority of the Local Law of the Town Board of the Town of Remsen adopted pursuant to the provisions of Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Planning Board of the Town of Remsen is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county and to approve preliminary plats within that part of the Town of Remsen outside the limits of any incorporated city or village. 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. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets, public or private, shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and construction and maintainability and shall be so located as to accommodate the prospective traffic, to facilitate fire protection and to provide access for fire-fighting and other emergency equipment to buildings and provide adequate access for school buses, snow plows, and other required uses; that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Town of Remsen Land Subdivision Law," have been adopted by the Town Board.

ARTICLE II

Definitions

§1. Definitions of words and terms.

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

CLUSTER DEVELOPMENT: A form of development for subdivisions that permits a reduction in lot area requirements for some or all lots in a tract, provided there is no increase in the number of lots permitted under a conventional subdivision, and where the resultant land is either 1) devoted to permanent open space, or 2) is permanently combined with the remainder of the lots, where only some of the lots are reduced in area.

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

LOT: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be developed or built upon as a unit.

MASTER or COMPREHENSIVE PLAN: A comprehensive plan prepared by the Planning Board pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various functional classes of public works, places and structures and the 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: The map established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways, parks and drainage, both existing and proposed.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

PARCEL: Any area of land established by plat, subdivision, or as otherwise permitted by law, regardless of whether it is defined as a "lot" or whether it is to be developed or built upon as a unit.

PLANNING BOARD or BOARD: The Planning Board of the Town of Remsen.

PLAT: A map of a subdivision

PLOT PLAN: A surveyor's plat constructed from deed descriptions and actual physical building or improvement measurements.

PRELIMINARY PLAT: A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article VII, of this chapter, submitted to the Planning Board for approval 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.

REALLOTMENT: The relocation of lot lines of any lot or parcel, the deed to which was previously recorded in the office of the county clerk; but not including conveyances made so as to combine existing lots by deed or other instrument.

RESUBDIVISION: The further division of lots or parcels.

ROAD, PRIVATE: Any driveway, right-of-way, or vehicular access which is not intended to be used by the public.

ROAD, PUBLIC: Any vehicular way which is: 1) an existing state, county or town roadway; 2) shown upon a plat approved pursuant to law as a public road; 3) approved by other official action; or 4) shown as a public road or road common to plat owners on a plat duly filed in the office of the county clerk prior to the grant of plat approval authority to the planning board. A public road includes the land within the right-of-way, whether improved or unimproved.

SKETCH PLAN: A sketch of a proposed subdivision showing the information specified in Article VII, of this chapter to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this chapter.

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

- A. **MAJOR STREET** — A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- B. **COLLECTOR STREET** — A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.
- C. **MINOR STREET** — A street intended to serve primarily as an access to abutting properties.
- D. **DEAD-END STREET or CUL-DE-SAC** — A street or a portion of a street with only one (1) vehicular traffic outlet.

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

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

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

SUBDIVISION: The division of any parcel of land into two (2) or more lots. The original parcel shall be considered one (1) of the two (2) lots.

- A. **MAJOR SUBDIVISION** — Any subdivision not classified as a simple or minor subdivision, including but not limited to subdivisions of eleven (11) or more lots or any size subdivision requiring any new street, public or private or extension of municipal facilities.

- B. MINOR SUBDIVISION — Any subdivision containing not more than ten (10) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map or Zoning Ordinance, if such exists, or this chapter.

- C. SIMPLE SUBDIVISION --- Any subdivision containing not more than three (3) lots, the original lot considered one (1) of the three (3) lots, all on an existing public highway and requiring no additional public improvements, services, or amenities and not areas specified under General Municipal Law Section 239-n (see Article V, §3., below).

SUBDIVISION PLAT or FINAL PLAT : A drawing in final form showing a proposed subdivision, containing all information or detail required by law and by this chapter, 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.

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

UNDEVELOPED PLAT: A plat where 20 percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

ZONING LAW: The Town Minimum Lot Size and Setback Law, Land Use Law, or Zoning Law, as may exist and be applicable.

ARTICLE III

Process Overview and Preliminaries:

§1. Application for approval.

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell or gift any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedures set forth in this town law.

§2. Pre-Application Conference.

All potential subdividers are encouraged to meet with the planning board prior to the submission of a formal application for subdivision approval. Such a meeting may be used to expedite the review process by allowing the planning board and the applicant to be advised of

the following: 1) the potential classification of the subdivision as minor or major, 2) the requirements under the State Environmental Quality Review Act, 3) the possible involvement of other government agencies in the review process, 4) the determination of wetlands and floodplains, and 5) the need for referral to the county planning board pursuant to General Municipal Law Section 239-n.

§3. Subdivision Process

Proposed subdivisions shall be determined by the planning board to be either simple, minor or major as defined in this law, and shall follow the procedures as summarized below:

Simple subdivision shall follow the procedures of Article IV of this law, summarized as follows:

1. Submission of application for final plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on final plat.
5. Filing of plat in office of county clerk by subdivider.

Minor subdivision shall follow the procedures of Article V of this law, summarized as follows:

1. Submission of application for final plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on final plat.
5. Filing of plat in office of county clerk by subdivider.

Major subdivisions shall follow the procedures of Article VI of this law, summarized as follows:

1. Submission of application for preliminary plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on preliminary plat.
5. Submission of application for final plat approval.
6. Planning board review.
7. Public hearing (optional).
8. Planning board action on final plat.
9. Filing of plat in office of county clerk by subdivider.

§4. Fees

Fees for subdivision reviews shall be as established in the Town of Remsen Fee Schedule, adopted on May 24, 2007 as subsequently amended.

§5. Separability

If any clause, sentence, subsection, section, or article of this law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, section, or article thereof directly involved in the controversy in which said judgment shall have been rendered.

§6. Violations and Penalties

1. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

2. The town board may institute any appropriate action or proceedings to prevent unlawful division of land, to restrain, correct or abate any violation of this law, or to prevent the use or occupancy of said land; and upon the refusal of the town board to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the zoning district wherein the violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such town board is authorized to do.

§7. Effective Date: This law shall take effect upon filing in the Office of the Secretary of State and upon filing in the Office of the Town Clerk.

ARTICLE IV. SIMPLE SUBDIVISION REVIEW PROCEDURE

§1. Purpose.

The purpose of the simple subdivision procedure is to simplify the sort of minimal

subdivision that results, for instance, from gifts of building lots from parents to children.

All lots shall meet all the water, sanitary, and suitability requirements otherwise required by this ordinance. The proposed subdivision must have no negative environmental significance pursuant to 6 NYCRR Part 617.

§2. Submission of Application

Applications and fees shall be submitted to the planning board at least ten days prior to the meeting at which it is to be considered.

§3. Materials to be submitted with Application:

- application form
- fee
- sketch of location and proposed division. Show any watercourse or wetland, notable physical feature, and proposed driveway(s) location

ARTICLE V. MINOR SUBDIVISION REVIEW PROCEDURE

§1. Submission of Application

Applications and fees shall be submitted to the planning board at least ten days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article VII of this law.

§2. Acceptance of Completed Application--Official Submission Date

The application shall not be considered complete until 1) all information as required in Article VII of this law is provided, and 2) either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of 6 NYCRR Part 617. Upon acceptance of a completed application, the planning board shall establish the official submission date of the application.

§3. Referral to County Planning Board

The planning board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-n to the county planning board. This shall include any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; a state or county highway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

§4. Area Variance

In order to expedite the review process, where the application shows lots which are not in compliance with the town's Minimum Lot Size For Buildings Ordinance, Ordinance No. 1 of 1987, as amended, the planning board may, at its discretion and upon agreement with the applicant, stay the review process and refer the application to the town board for the consideration of an area variance review without the necessity of disapproving the application and requiring its resubmission.

§5. Public Hearing

Following the review of the application and supplementary material submitted in conformance with this law, and following negotiations with the subdivider on changes deemed advisable, the planning board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of the State Environmental Quality Review Act for the draft environmental impact statement, where such hearing may be required. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened.

§6. Action on Application

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 7 below), or 3) disapprove the application. Such action shall be taken within 62 days of the close of the public hearing. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. A certified copy of any resolution granting conditional or final approval shall be filed with the board, with the town clerk, and mailed to the applicant within five business days of the action. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

§7. Conditional Approval of Application

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

§8. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk.

§9. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the board may authorize such modifications, provided these modifications are within the spirit and intent of the board's approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be entered into the record of the board.

ARTICLE V. MAJOR SUBDIVISION PROCEDURE

§1. Preliminary Plat Procedure

The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in Article IV of this law, and shall then continue with the provisions of this Article as follows.

§2. Preliminary Action

Within 62 days of the close of the public hearing, the planning board shall approve, with or without modifications, or disapprove the preliminary application and state its reasons for disapproval. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. Within five days of approval, the action of the planning board shall be noted on three copies of the preliminary plat and reference made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by the planning board.

§3. Effect of Approval

Approval of a preliminary application shall not constitute approval of the final application, but shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider shall comply with this law and all requirements set forth by the planning board in their review of the preliminary plat.

§4. Application--Final Plat

All major subdivisions shall require final application approval by the planning board. If the final application is not submitted for approval within six months of preliminary application approval, the planning board may revoke the preliminary application approval. The subdivider shall file an application with appropriate fees for final application approval, accompanied by documentation as specified in Article 4 of this law, with the planning board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the planning board.

§5. Official Submission Date

The planning board shall establish an official submission date for the major subdivision final application. Such date shall be the date that the planning board determines the application to be complete, including all information required in Article VII of this law.

§6. Public Hearing

A public hearing may be held by the planning board after a complete application is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened. The public hearing may be waived by the planning board if the final application is in substantial agreement with the preliminary application. If the final application is not in substantial agreement with the approved preliminary application, then the public hearing shall be conducted.

§7. Guarantees for Required Improvements

In order that the town has the assurance that construction and installation of public improvements will be guaranteed, the applicant shall either 1) construct all improvements as required by this law, and by the planning board, prior to final approval of the application, or 2) furnish guarantee as provided in Town Law Section 277 and Article XI of this law.

§8. Action on Application

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 9 below), or 3) disapprove the application; within 62 days of the close of the public hearing. If the public hearing has been waived, the planning board shall act within 62 days of the final application official submission date. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. A certified copy of any resolution granting conditional or final approval shall be filed with the board, with the town clerk, and mailed to the applicant within five business days of the action. If

disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application. Within 30 days of final action on any matter referred to the county planning board pursuant to Article V, §3 of this law, the planning board shall file a report of the final action it has taken with the county planning board.

§9. Conditional Approval

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

§10. Approval of Plats in Sections

Prior to granting conditional or final approval of a plat in final form, the planning board may permit the plat to be divided into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the planning board chairman. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the planning board, may be granted concurrently with conditional or final approval of the entire plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, the entire approved plat shall be filed within 30 days of the filing of such section with the town clerk. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed in the office of the county clerk within three years of the filing of the first section with the county clerk.

§11. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article X (Cluster Development) of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town zoning law or map.

§12. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the board may authorize such modifications, provided these modifications are within the spirit and intent of the board's

approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be entered into the record of the board.

§13. Public Acceptance of Improvements

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 road, park, playground, recreation area, easement, public utility, or any other improvement. The plat shall be endorsed with appropriate notes to this effect. The planning board may also require the filing of a written agreement between the applicant and the town board covering future deed and title, dedication, and provision for the costs of developing and maintaining any such improvements.

ARTICLE VII. DOCUMENTS TO BE SUBMITTED

§1. General

Minor subdivisions must comply with sections 2 and 3 below.

Preliminary applications for major subdivisions must comply with sections 2, 4 and 5 below.

Final applications for major subdivisions must comply with sections 6 and 7 below.

§2. Application Requirements for All Subdivisions

All applications for minor subdivisions and preliminary plats for major subdivisions shall include the following:

1. Six (6) copies of the application form.
2. A nonrefundable application fee.
3. A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
4. Six (6) copies of the plat prepared at a scale of not more than 100 feet to the inch.
5. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
6. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617. The long form EAF is required for major and minor subdivisions.

§3. Minor Subdivision Plat Requirements

All minor subdivision plats shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public or private road areas.
3. The locations of all front, side and rear yard lines; floodplains; wetlands; and easements.
4. The words "final plat."
5. Any other specifications required by the planning board.

§4. Preliminary Plat--Major Subdivision Application Requirements

Preliminary plat applications for major subdivisions shall contain the following:

1. All items specified in Section 2 of this Article;
2. If the application is for a subdivision in sections, covering only a part of the subdivider's entire holding, a map of the entire subdivision, drawn at a scale of not less than 300 feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the subdivision and the probable future drainage layout of the entire subdivision shall be submitted. The section submitted shall be considered in the context of the entire subdivision.

§5. Preliminary Plat--Major Subdivision Plat Requirements

The preliminary plat for major subdivisions shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.

2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public or private road areas.
3. The locations of all front, side and rear yard lines and set-backs.
4. The parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. The location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, floodplains, and other significant existing features for the proposed subdivision and adjacent property.
6. The location of existing wells, on-site sewage disposal systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of five feet or less, or as required by the planning board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than 2 feet.
8. The width and location of any roads or public ways or places shown on the comprehensive plan, within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; and connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
10. A storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and connection to existing lines or alternate means of disposal.
11. Plans and cross-sections of the proposed location and type of sidewalks, road lighting standards, road 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.
12. Preliminary designs of any bridges or culverts which may be required.
13. The words "preliminary plat."
14. Any other specifications required by the planning board.

§6. Final Plat--Major Subdivision Application Requirements

Final plat applications for major subdivisions shall contain the following:

1. Six (6) copies of the application form.
2. A nonrefundable application fee.
3. Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made therefor.

4. Offers of cession and covenants governing the maintenance of unused open space, bearing the certificate of approval of the town attorney as to their legal sufficiency.
5. A map indicating the location of monuments marking all underground utilities as actually installed.
6. Six (6) copies of the plat prepared at a scale of not more than 100 feet to the inch.

§7. Final Plat--Major Subdivision Plat Requirements

The final plat shall be prepared and drawn in conformity with Appendix A of this law and show:

1. Sufficient data from an actual field survey to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground.
2. The length and bearing of all straight lines; the radii, length, central angles and cord bearings for road curves; the dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
3. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
4. The locations of all front, side and rear yard lines; floodplains; wetlands; and easements.
5. Public open spaces for which deeds are included, and those spaces title to which is reserved by the developer.
6. Lots and blocks numbered and lettered in accordance with the prevailing town practice.
7. Permanent reference monuments.
8. The words "final plat."
9. Any other specifications required by the planning board.

§8. Waiver of Submission Requirements

The planning board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

ARTICLE VIII. GENERAL DESIGN STANDARDS

§1. General

Land to be subdivided shall be of such character that it can be used safely for development without danger to public health or safety; the subdivision plan shall be in harmony with the comprehensive plan for the community; and all required improvements shall be constructed and installed in conformance with town specifications. The subdivision should not

impose substantial and significant hardship on adjacent properties, such as rendering them unusable for reasonably foreseeable uses.

§2. Future Re-subdivision

Where land is subdivided into lots substantially larger than the minimum size required in the zoning district in which the subdivision is located, the lots and roads shall be laid out so as to permit future re-subdivision in accordance with the requirements contained in this law.

§3. Approval of Substandard Parcels

All parcels shall comply with the provisions of the town's minimum lot size ordinance, except that the planning board may, in unique circumstances, approve parcels which are substandard in terms of size or dimension in the following circumstances:

1. for road or access rights-of-ways,
2. where the parcel is intended to be used permanently for nonstructural recreational purposes,
3. where land is intended to be conveyed to an adjacent landowner for purposes of combination with an adjacent parcel,
4. where the land is intended to be left permanently undeveloped, or
5. where land is to be used for essential facilities as defined by the zoning law.

§4. Lot Arrangement

1. The lot arrangement shall be such that in constructing a building in compliance with the zoning law there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.
2. All lot dimensions and areas shall conform to the requirements of the town minimum lot size ordinance, except where such requirements have been modified pursuant to Article X (Cluster Development) of this law.
3. Lots fronting on two roads, other than corner lots, should be avoided.
4. Corner lots shall have sufficient width to allow appropriate building setbacks from, and orientation to, all abutting roads.
5. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be avoided.

6. Side lot lines shall be approximately at right angles to straight roads or radial to curved roads. Lot lines shall generally not joint at less than a 75 degree angle or greater than a 105 degree angle. Lot lines shall be straight on large lots, except where the topography of the site would make this impractical.
7. Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for such on-site sanitary disposal systems as are required by the New York State and County Health Department.

§5. Lot Situation

1. Each lot shall directly abut a public or approved private road meeting the requirements of this law, as required by Town Law Section 280-a, and shall have the frontage required by the Town's ordinance. Easements may be considered for access.
2. All lots shall be designed so as to allow for safe access.
3. All lots shall be designed so as to allow for the construction of driveways within the road right-of-way not exceeding a 10 percent grade.
4. Where a watercourse separates a road from abutting lots, provision shall be made for access to all lots by means of culverts or other structures.
5. At least one 50 foot right-of-way shall be reserved at a suitable location allowing access to land behind road frontage lots.
6. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.

§6. Monuments

Permanent monuments shall be set at the subdivision boundaries at all corners, and at such other points as required by the planning board. Such monuments shall be of either iron rods or pipes, or concrete.

§7. Water Supply and Sewage Disposal

1. All on-site sanitation and water supply facilities shall be designed and constructed to meet the minimum specifications of the New York State and County Health Departments and to be consistent with the public health and safety. A Major Subdivision shall demonstrate at least one water well

providing sufficient and potable water and a demonstration of the likelihood that each other lot will also produce adequate water.

2. Prior to approval of the subdivision with individual septic systems, the subdivider shall show proof that each lot has had a site evaluation and soil percolation test completed by a licensed engineer or by the Oneida County Department of Health and that the results of those tests provide appropriate size and location information for an approved septic system.

§8. Preservation of Natural Features

Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings. Existing vegetation should be conserved by the subdivider where possible. Care shall be exercised in construction so as to avoid damage to existing trees and shrubs. Streams, lakes, ponds, and wetlands shall be left unaltered unless such alteration would serve to enhance the utility and quality of the subdivision. Easements along water courses as a part of a comprehensive recreational and open space plan for the development are encouraged. Unique physical, historical, and cultural sites which add value to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets shall be preserved where possible.

§9. Park and Recreation Areas

1. Upon a finding by the planning board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the planning board may require that the developer satisfactorily develop any such area shown on the plat. Any such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision will contribute. Upon such finding, the planning board shall require that not more than 10% of the total area of the subdivision be allocated for park or recreational use. Such area may be dedicated to the town by the subdivider if the town board approves such dedication. Alternatively, park or recreational space may be conveyed to a homeowners association for control and joint private ownership and maintenance.
2. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit prior to final approval, to the Board, six (6) prints [one (1) on cloth] drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

- (1) The boundaries of the said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
 - (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.
 - (3) Existing and, if applicable, proposed changes in grade and contours of the said area and of the area immediately adjacent.
3. Waiver of plat designation of area for parks and playgrounds. In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or if, in the opinion of the Board, it is not desirable, the Board may waive the requirement that the plat show land for such purposes.

§10. Storm Water Management

1. No storm water shall be caused to be discharged upon neighboring properties, across public sidewalks or into public streets. Surface water drainage facilities shall be designed to handle all on-site runoff (ten-year-storm frequency as the minimum design criteria), and the discharge into public storm sewers shall be at a rate which can be adequately handled by existing storm sewers and drainageways. Where storm sewers do not exist, the planning board may approve alternative means of discharging storm water upon approval of a storm water management plan, where such alternative adequately protects the public health, safety and welfare.
2. Removal of spring- and surface water. 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.
3. Drainage structure to accommodate potential development upstream. 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 Planning Board shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

4. Responsibility from drainage downstream. 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 Planning Board. 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.
5. Land subject to flooding. 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 improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.16

§11. Development in Floodplains

All subdivisions shall comply with the provisions of the Town of Remsen Flood Damage Prevention Law, in the event the Town enacts such a law.

§12. Steep Slopes

Development of steep slope sites of over 15% grade will be conditionally accepted only if there is no prudent or feasible alternative site, erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by the U.S. Natural Resource Conservation Service.

§13. Covenants and Associations

Where necessary for reasonable protection of the Town, the public, and owners of the sub-divided lots, the Planning Board may require the inclusion of deed covenants or restrictions, and the creation of a home owner's association or like organization of the lot owners to meet common needs.

ARTICLE IX. ROAD STANDARDS

§1. General

Public and private roads shall be of sufficient width, suitably located, and adequately constructed to conform to the comprehensive plan, and to accommodate the prospective traffic and afford access for fire fighting, snow removal, school buses, and road maintenance equipment. The arrangement of roads shall be in harmony with surrounding areas and adjoining

properties, and shall be coordinated so as to compose a convenient system. Public roads and private roads used by more than one occupancy shall be graded and improved in accordance with the town road specifications, under the supervision of the Town Highway Superintendent. Storm drainage facilities, water mains, sewers, lights, signs, trees and fire hydrants shall be provided as required.

§2. Road Widths

Streets shall have the following widths (when not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board):

Classification	Minimum Right-of-Way (feet)	Minimum Pavement (feet)
Major	66	40-44
Collector	60	36-40
Local	50	Rural: 18-22 plus 2 6-foot shoulders Urban: 30-38

§3. Road Grades

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads. Road grades shall conform as closely as possible to the original topography, and shall not be greater than ten percent. No grade shall be more than three percent within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of length and radius such that clear visibility shall be provided for a safe distance. A combination of steep grades and curves shall be avoided.

§4. Road Connections to Adjacent Properties

The arrangement of roads shall provide for the continuation of principal roads of adjoining subdivisions, and for the proper projection of principal roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, emergency access, school bus access, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Stub roads providing access to parcels adjacent to the subdivision may be required. Turnarounds may not be required for stub roads which do not provide access to dwellings within the subdivision.

§5. Dead-end Roads

1. The creation of dead-end roads may be allowed whenever such type of development will not interfere with normal traffic circulation in the area.
2. A 20 foot wide easement may be required to provide for the continuation of pedestrian traffic and utilities to the next road or public property.
3. Roads designed to be permanently dead-ended shall not generally exceed 800 feet in length or 20 dwelling units. Such roads shall be terminated in a circular turn-around constructed in accordance with the town road regulations and specifications.
4. Roads designed to be dead-ended shall have a "No Outlet" or "Dead End" sign at the entrance.

§6. Intersections

1. In general, all roads shall join each other so that for a distance of at least 100 feet the road is approximately at right angles to the road it joins. Roads shall not intersect at angles of less than 60 degrees.
2. Intersections of minor roads with collector or major roads shall, in general, be at least 500 feet apart.
3. Road jogs with centerline offsets of less than 125 feet shall be avoided.
4. All road rights-of-ways at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.
5. All corner lots shall be cleared of all growth and other obstructions, except for isolated trees, a level of three feet or higher above the centerline of the road, so as to achieve safe visibility for traffic entering the intersection.
6. No intersection of more than two roads is allowed.

§7. Curve Radii

In general, road lines shall be connected with a curve, the radius of which for the centerline of road shall not be less than 200 feet on collector roads, and 100 feet on minor roads.

§8. Partial Roads

Partial roads of less than full width are prohibited

§9. Road Names

All roads shall be named and the names placed on the plat. Road names shall not be numbers or letters. Road names shall be selected so as not to be confused in sound or spelling with existing or platted road names. Roads that join or align with roads of an abutting or neighboring property shall bear the same name. Signs bearing road names shall be erected by the subdivider at all intersections.

§10. Treatment Along Major Highways

In order to minimize driveway entrances onto major highways, the planning board may require marginal access roads parallel to major highways, or reverse frontage lots. Marginal access roads shall be separated from major highways by a distance which allows for an appropriate use of the intervening land. Where reverse frontage lots are required, an access control easement of up to ten feet in width may be required along major highways, sufficient to prohibit access to the highway from rear yards.

§11. Underground Utilities

Underground utilities shall be placed, wherever possible, in the road right-of-way between the paved roadway and the road line to simplify location and repair of utilities. Underground service connections shall be installed to the lot line of each lot for all required utilities prior to road pavement. Where topography is such as to make impractical the inclusion of underground utilities within the road right-of-way, perpetual unobstructed easements at least 15 feet wide shall be provided with satisfactory access to the road. Such easements shall be cleared and graded where required.

ARTICLE X. CLUSTER DEVELOPMENT

§1. Authority

The planning board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the zoning law as allowed by this Article, simultaneously with the approval of any subdivision application within the town.

§2. Applicable Provisions

The planning board may consider, or require, applications for major subdivisions which include the following deviations from the zoning law for any one of the following purposes:

1. to eliminate side and rear yard requirements to allow for innovative attached housing types;
2. to reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
3. to reduce road frontages to allow cul-de-sacs;
4. to reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

§3. General Criteria for Cluster Development

The planning board may allow, or require, cluster development when the proposed development:

1. will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law;
2. complies with all applicable provisions of the zoning law, except as modified pursuant to the authority of this law;
3. will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
4. will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
5. will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

§4. Required Clustering

Cluster development may be required by the planning board to meet any one of the following objectives:

1. The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the comprehensive plan for the community;

2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the comprehensive plan for the community;
3. The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

§5. Determination of Overall Development Density

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the planning board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the sketch plat shall be buildable lots. The planning board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

§6. Approval of Cluster Open Space

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the planning board.

§7. Use of Cluster Open Space

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the planning board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

§8. Undedicated Cluster Open Space

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning board; and any other specifications deemed necessary by the planning board.

ARTICLE XI. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

§1. Required Improvements

All improvements required pursuant to this law shall be constructed and completed to the standards required by state and local laws, rules, and regulations, including the Town Road Specifications. Applicants for subdivision plats shall provide the town with acceptable financial security in an amount sufficient to guarantee the installation of basic improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other required improvements.

§2. Time Limit on Installation of Improvements

The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this article shall be completed within one year from the date of the approval of the subdivision plat. Road improvements shall be completed within two years from the date of approval of the subdivision plat. At the end of such time, if the required public improvements are not completed and accepted by the town, the town may use as much of the financial security required by this article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

§3. Extension of Time Limit

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

§4. Inspections of Improvements

At least five days prior to commencing construction of required public improvements the applicant shall pay to the town clerk the inspection fee required by the municipality and shall notify the town board or an official designated by the town board in writing of the time when the construction of such improvements will be commenced so that the town board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the planning board.

§5. Financial Security Options

Acceptable financial security shall be provided to the town in the form of a bond executed by a surety company, a certified check, or an irrevocable letter of credit drawn in favor

of the town. Any such financial security shall be presented to the town clerk in an amount equal to the cost of construction of the public improvements required by the planning board pursuant to this law.

§6. Review of Proposed Financial Security

All required public improvements shall be shown on subdivision plats and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the town board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The town board and the town attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

§7. Schedule of Improvements

When a guarantee agreement has been approved by the town board and the required surety bond, certified check, or letter of credit has been received by the town clerk, the town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

§8. Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the town fiscal officer. If the statement is approved by the town fiscal officer, the statement shall be forwarded promptly to the town clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the town clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

§9. Acceptance of Required Improvements

When the project inspector, following final inspection of the project, certifies to the planning board and the town board that all required improvements have been completed in accordance with all applicable requirements, the town board may act by resolution to accept the improvements.

§10. Maintenance Guarantee Required

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten percent of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Article XI, §5 above, but no maintenance bond shall be for less than \$5,000 face value. All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two years from the June first next succeeding the acceptance of the required public improvements.

ARTICLE XII. Waivers

§1. Grounds for improvement waivers.

Where 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, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan or the Land Use Regulations.

§2. Procedural Waiver.

The planning board may waive the application and review procedure as provided for in this law if the planning board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the specific factual findings upon which the waiver was based.

§3. Conditions for waivers.

In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Appendix A - Town of Remsen Subdivision Law

I. Purpose: The purpose of this appendix is to set forth the plat requirements for both minor and major subdivisions, and shall be provided by the subdivider to the surveyor performing the work.

II. Plat Requirements: The plat shall contain the following information:

- A. A title block containing subdivision name, name of town and county, date (different for each revision), scale, surveyor's name/company.
- B. A certification block with the following statement:

As owner I hereby certify that I have caused the land described by this plat to be surveyed, divided, mapped, dedicated, and access rights reserved as represented on the plat.

Date

Owner Signature

- C. A stamp or seal from the surveyor (and engineer if appropriate) showing license number.
- D. The following statement for signature by the planning board chairman:

Plat Approved:

Town of Remsen Planning Board Chairman

Dated

- E. Notes containing any covenant and deed restrictions.
- F. The plat itself should cover all of the land being subdivided, at a scale of not more than 100 feet per inch and not less than 50 feet per inch, including any residual land retained by the owner, and shall include the following:
 - 1. The name of all subdivisions and owners of record for lots immediately adjacent to the parcel being subdivided.
 - 2. The following boundaries, if they exist, in the area adjacent to the subdivision or on the parcel: zoning boundaries, municipal boundaries, flood hazard areas, wetlands, property boundaries, easements, rights-of-way.
 - 3. Parcels to be dedicated to public use and conditions.

4. Buildings, water courses, wells, septic systems and sewer lines, wooded areas, and other significant features on the parcel and adjacent parcels.
 5. Contour intervals of five feet (or two feet when required by the planning board).
 6. Width and location of streets and roads, and shall indicate the names of all existing and proposed streets and roads.
 7. Location of all proposed facilities.
 8. Storm drainage, culverts (with sizes indicated) and arrows indicating direction of flow.
 9. Details such as cross-sections, plans, drains, etc.
 10. Lot lines of all proposed lots, including bearings, distances, corners, and monuments (with descriptions).
 11. Area of each lot (not to include area inside public rights-of-way).
 12. North point prominently indicated on the plat and oriented to coincide with the locator map.
- G. Additional Markings Required to be Displayed on the Plat. One or more may be selected as determined by the planning board.
1. Wetlands Restrictions Apply Lot(s) subject to any development, housing, building and use restrictions under Article 24, State of New York Environmental Conservation Law.
 2. Floodplain Restrictions Apply Lot(s) subject to any development, housing, building and use restrictions under National Flood Insurance Program.
 3. Subdivision Restrictions Apply Further Subdivision of Lot(s) prohibited as an agreed-on condition for approval of this plat.
 4. Building Restrictions Apply Lot(s) subject to building restrictions as an agreed-on condition for approval of this plat. Restriction is as follows:
 5. Water Supply/Sanitation Certification
All sanitation and water supply facilities are designed to meet the

minimum specifications of the County Department of Health.
Licensed Engineer Name
License Number
Date

6. Certification of Monumentation
Surveyor certifies that monuments have been set as shown on the plat.

H. Special Marking Required.

Where applicable, a note, duly acknowledged by signature of the subdivider, stating:

Approval of this plat does not constitute town acceptance of the indicated, stated, or referenced improvements.

Owner	Date
-------	------

- | | |
|----|--|
| I. | Locator Maps: One or more locator maps shall be included on the plat to clearly locate the subdivision of interest. |
| J. | Conflicts of Requirements: If conflicts between this appendix and the primary subdivision law occur, the planning board shall be contacted for resolution. |
| K. | Waiver of Plat Requirements: The planning board may waive any of the requirements in this appendix in the event that the information is not applicable or necessary. |

(2) This Local Law shall take effect upon filing with the New York Secretary of State.