

TOWN OF CHESTER
WARREN COUNTY, NEW YORK

SUBDIVISION REGULATIONS

EFFECTIVE DATE: JUNE 20, 2005

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ARTICLE I - DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Chester adopted on February 10, 1988, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Chester is authorized and empowered to review and approve, conditionally approve or disapprove 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 County Clerk, and to approve preliminary plats, within the Town of Chester. It is declared to be the policy of these regulations to insure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Town and the Adirondack Park, to satisfy the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807(2) of the Adirondack Park Agency Act, and to generally further the health, safety and welfare of the community.

It is further declared to be the policy of these regulations 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 shall compose a convenience and logical system conforming to the Official Map, if such exists and shall be properly related to the proposals set forth in the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for parks, playgrounds and other recreational or open space areas. In order that land subdivisions may be made in accordance with these policies, these regulations which shall be known as, and which may be cited as, the "Town of Chester Land Subdivision Regulations" were approved by the Town Board on June 14, 2005.

ARTICLE II - DEFINITIONS

For the purposes of these regulations and the appendices thereto, certain words and terms used herein are defined as follows:

Class A Regional Subdivision - a subdivision which is classified as a Class A regional project in Section 810 of the Adirondack Park Agency Act, and set out in Appendix A hereof.

Class B Regional Subdivision - a subdivision which is classified as a Class B regional project in Section 810 of the Adirondack Park Agency Act, and set out in Appendix B hereof.

Clerk of the Planning Board - that person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.

Collector Street - a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

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

Family Gift Subdivision - the division of vacant land resulting from *bona fide* gift, devise or inheritance by and from natural persons. Such proposed division shall be submitted to the Planning Board for its confirmation that it constitutes a gift, devise or inheritance, in which case the division shall be deemed non-jurisdictional and shall not require Planning Board approval as a major or minor subdivision.

Lot - a designated parcel, tract or area of land established by deed, plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

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.

Major Subdivision - the division of a single parcel into at least two (2) or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate occupancy in such a way that it requires the construction of a new street or public utility or the expansion or extension of an existing street or public utility for the parcels to be developed or which involves the creation of more than four (4) lots, or in such a way that a waterfront lot is created to serve as a waterfront access lot to one or more other lots.

Master or Comprehensive Plan - a comprehensive plan, prepared by the Planning board pursuant to Section 272-a of the New York State Town Law, including any amendments to such plan.

Minor Street - a street intended to serve primarily as an access to abutting properties.

Minor Subdivision - the division of a single parcel into at least two (2) but not more than four (4) lots parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate occupancy in such a way that it does not require the construction of a new street or public utility or the expansion or extension of an existing street or public utility for the parcels to be developed or the use of a waterfront access lot.

Mobile Home - means any self-contained dwelling unit that is designed to be transported to its site on its own wheels or those of another vehicle, may contain the same water supply, sewage disposal and electric system as immobile housing and is used exclusively for either permanent or seasonal occupancy. A dwelling unit that is constructed in sections and transported to and assembled on the site is not considered a mobile home.

Official Map - the map established by the Town Board pursuant to Section 270 of the Town Law.

Planning Board or Board - the Planning Board of the Town.

Preliminary Plat - a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article V Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form.

Regional Subdivision - any Class A regional subdivision or Class B regional subdivision.

Required Improvements - any activities or improvements required by Article IV of these regulations, except as such may be waived by the Planning Board, including but not limited to streets and roads, utility installations, road ditches, drainage facilities and culverts, monuments, park and recreation areas, and revegetation operations.

Sketch Plan - a sketch of a proposed subdivision showing the information specified in Article V, Section 1 of these regulations, to enable the subdivider to save time and expense in reaching general understanding with the Planning Board as to the form of the layout and the site of the proposed subdivision in relation to the provisions of these regulations.

Street or Road - includes streets, roads, avenues, lanes, or other traffic ways.

Subdivider - any person, firm, corporation, partnership or association, or an authorized representative of any of the above, who shall effect any subdivision or part thereof as defined herein.

Subdivision - any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other

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plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

Subdivision Plat or Final Plat - a drawing, in final form, showing a proposed subdivision containing all information or detail required by Section 2 or 4 of Article V of 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.

Town Representative - the person or persons duly designated by the Town Board to inspect and approve the construction and installation of required improvements under Article III Section 5 hereof, in relation to a given subdivision.

Zoning Ordinance - the duly enacted Zoning Ordinance of the Town of Chester.

Any word or term used in these regulations which is not defined in this Article, nor a defined word or term in the Zoning Ordinance, nor defined in its context, shall carry its customary meaning, unless otherwise stipulated.

ARTICLE III - PROCEDURES FOR FILING AND REVIEW OF SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made within the Town and before any contract for the sale of, or any offer to sell 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 shall make application for and receive final approval of such proposed subdivision in accordance with the following procedures. No building permits may be issued for development within the proposed subdivision prior to the time that the subdivision plat is filed as required by Section 6 of this Article III.

In the case of a division of land resulting from a *bona fide* gift, devise or inheritance by and from natural persons which constitutes a minor subdivision, the Planning Board may, in its sole discretion, waive the required fee and/or the public hearing. However, such a division of land shall remain subject to all other provisions of these Subdivision Regulations and any new land use, development or construction on lots created thereby shall be subject to the provisions of the Town of Chester Zoning Ordinance. This provision is intended to supersede the requirement for a public hearing set forth in Town Law Section 276(5),(6). A division of land resulting from a *bona fide* gift, devise or inheritance by and from natural persons which constitutes a major subdivision shall be subject to all of the provisions of these Subdivision Regulations.

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act ("SEQRA") under Article 8 of the New York Environmental Conservation Law and its implementing regulations. Time periods set forth below may be modified to coordinate with SEQRA review as provided in New York State Town Law Section 276.

SECTION 3.01 Sketch Plan

A. Submission of Sketch Plan

Prior to any subdivision of land, the subdivider may submit to the Zoning Administrator a pre-application data sheet (on a form to be supplied by the Zoning Administrator) with two copies of a Sketch Plan of the proposed subdivision, complying with the requirements of Article V, Section 1, for the purposes of classification and preliminary discussion. The deadline for submission of applications shall be clearly stated on the application form and shall not be more than ten (10) days prior to the date of the Planning Board meeting at which the application is to be considered.

B. Discussion of Requirements and Classification

After submission of a Sketch Plan, the subdivider shall meet with the Planning Board to discuss the requirements of these regulations, including those relating to street design and construction, placement of utilities, drainage, sewerage, water supply, fire protection, and parks and open space areas, as well as the availability of existing services and other pertinent information. Classification of the subdivision shown by the

Sketch Plan as a Minor or Major Subdivision shall be made at this time by the Planning Board.

Minor Subdivision - If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedures outlined in Sections 2 and 6 of this article.

Major Subdivision - If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Sections 3, 4, 5, 6 and 7 of this article.

Regional Subdivision - The Board shall also determine at this time whether the subdivision shown by the Sketch Plan is a regional subdivision and thereby also subject to the special requirements of Article IV, Section 9 hereof.

C. Planning Board Recommendations Concerning Sketch Plan

The Planning Board shall study the Sketch Plan, and shall make advisory recommendations to the subdivider as to whether the subdivision shown by the Sketch Plan meets the requirements of these regulations insofar as can be determined. If possible, the Board shall make these recommendations at the same time it meets with the subdivider and classifies the subdivision, and in no case shall the Board fail to make such recommendations within thirty (30) days of submission of the Sketch Plan.

If the Planning Board does not approve of the Sketch Plan, it shall move to direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval. The Planning Board may also move to accept the pre-application concept subject to certain conditions or modifications. Such conditions or modifications should be clearly stated and shall be contained in the letter of approval from the Chairman of the Planning Board.

A disapproval of the Sketch Plan submission does not preclude the right of the subdivider to apply for final plat approval.

In addition, the Planning Board shall review the location of the proposed subdivision for the presence of any adverse physical, biological, aesthetic or public considerations limiting development of the site as shown on the Land Development Limitations Map on file in the Town offices. If the site falls within areas denoted as having "moderate" or "severe" limitations on such maps, the Planning Board may request the subdivider to consult with appropriate technical review or assistance agencies (such as but not limited to the Soil Conservation Service and the State or County Department of Health) to determine appropriate measures to mitigate or eliminate such problems. The findings or recommendations of such agencies shall not be binding on the Planning Board or the subdivider.

Section 3.02 Review of Minor Subdivision Plats

A. Application and Fee

Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for Minor Subdivision Plat approval within six months after classification of the subdivision shown by the Sketch Plan as a Minor Subdivision by the Planning Board, and the Board's recommendations thereon. Failure to do so within such time period may require resubmission of the Sketch Plan to the Planning Board. The application shall be on a form provided by the Zoning Administrator, and shall include the elements described in Article V, Section 2 hereof, and the Plat shall conform to the layout shown on the Sketch Plan, reflecting any recommendations made by the Planning Board.

All applications for Minor Subdivision Plat approval shall be accompanied by an application fee as determined by the Town Board.

In addition to the application fee, the Zoning Administrator, the Planning Board or the Zoning Board of Appeals may charge an additional fee to developers of projects requiring legal and/or technical review. The fee charged to the project developer shall reflect the actual cost of such legal and technical assistance.

In addition, if the Planning Board is the lead agency pursuant to the State Environmental Quality Review Act ("SEQ RA"), the Planning Board may charge an additional fee to recover the costs of preparing or reviewing a draft and/or final environmental impact statement, as set forth in the SEQRA Regulations at 6 NYCRR Part 617.

B. Number of Copies

Three (3) copies of the application for Minor Subdivision Plat approval shall be presented to the Zoning Administrator at the time of submission of the Subdivision Plat. The deadline for submission of applications shall be clearly stated on the application form and shall not be more than ten (10) days prior to the date of the Planning Board meeting at which the application is to be considered. No incomplete application will be accepted for filing. Final plat shall conform to the layout of the sketch plan and reflect recommendations made by the Planning Board.

Upon receipt of completed Final Plat submission, the Zoning Administrator shall make the following distribution:

1. One (1) copy shall be retained for review by the Planning Board/Zoning Administrator.
2. One (1) copy shall be placed on file with the Town Assessor.
3. One (1) copy shall be placed on file for any additional required use.

C. Subdivider to Attend Planning Board Meeting

The Planning Board shall review the application as submitted by the subdivider at its next scheduled meeting after the date on which the application was filed with the Zoning Administrator. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

D. Date of Official Submission

The date of the submission of the Subdivision Plat shall be considered to be the date on which both a completed application for Minor Subdivision Plat approval and the required fee have been filed with the Clerk of the Planning Board.

E. Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days from the date of official submission of the Subdivision Plat for approval. Such hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate for full public consideration of such Plat.

F. Action on Subdivision Plat

Not more than sixty-two (62) days after the completion of the public hearing, the Planning Board shall by resolution conditionally approve, disapprove, or grant final approval and authorize the signing of the Subdivision Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure of the Planning Board to act within such sixty-two (62) day or otherwise agreed upon period shall be deemed final approval of the plat and a certificate of the Town Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand. In making its decision the Board shall apply the standards and requirements set forth in Article IV below insofar as those standards are pertinent to the proposed subdivision. The Board shall require the subdivider to satisfy the provisions of Section 5 of this article with respect to any required improvements associated with the proposed subdivision. The Board shall also consider any findings or recommendations of technical review or assistance agencies consulted by the subdivider at the Board's request pursuant to Section 1(C) of this article. The grounds for disapproval, or for the conditions and requirements of a conditional approval, shall be explicitly set forth in the Board's resolution.

Upon granting conditional approval of the Plat, the Planning Board shall empower a duly designated officer to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) business days of the resolution granting conditional approval, the Plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his/her office, and a copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the Plat shall be deemed to have received final approval, and such officer shall sign the Plat accordingly. Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board

may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted under the circumstances, for not more than two additional periods of ninety (90) days each.

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Section 3.03 Review of Major Subdivision Preliminary Plats

A. Application and Fee

Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for Preliminary Plat approval within six months after classification of the subdivision shown by the Sketch Plan as a Major Subdivision by the Planning Board, and the Board's recommendations thereon. The application shall be on a form provided by the Zoning Administrator and shall include the elements described in Article V, Section 3 hereof, and the Plat shall conform to the layout shown on the Sketch Plan, reflecting any recommendations made by the Planning Board. Only a complete preliminary subdivision plat will be accepted for filing with the Planning Board.

The application for Preliminary Plat approval shall be accompanied by an application fee as determined by the Town Board.

In addition to the application fee, the Zoning Administrator, the Planning Board or the Zoning Board of Appeals may charge an additional fee to developers of projects requiring legal and/or technical review. The fee charged to the project developer shall reflect the actual cost of such legal and technical assistance.

In addition, if the Planning Board is the lead agency pursuant to the State Environmental Quality Review Act ("SEQ RA"), the Planning Board may charge an additional fee to recover the costs of preparing or reviewing a draft and/or final environmental impact statement, as set forth in the SEQRA Regulations at 6 NYCRR Part 617.

B. Number of Copies

Three (3) copies of the application for Preliminary Plat approval shall be presented to the Zoning Administrator at the time of submission of the Preliminary Plat. The deadline for submission of applications shall be clearly stated on the application form and shall not be more than fifteen (15) days prior to the date of the Planning Board meeting at which the application is to be considered.

The Zoning Administrator shall distribute copies of the preliminary subdivision plat to:

1. One (1) copy shall be retained for review by the Planning Board/Zoning Administrator.
2. One (1) copy shall be placed on file with the Town Assessor.
3. One (1) copy shall be placed on file for any additional use required.

C 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.

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D. Date of Official Submission

The date of submission of the Preliminary Plat shall be considered to be the date on which both a completed application for Preliminary Plat approval and the required fee have been filed with the Clerk of the Planning Board where required by Section 239-k or 239-n of the General Municipal Law.

E. Study of Preliminary Plat

The Planning Board shall study the Preliminary Plat, taking into consideration the provisions of these regulations, the requirements of the community, and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets, and their relation to topography, water supply, sewage disposal, drainage, lot sizes and arrangement, the placement of utilities, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan and the Official Map, if such exist, and the Zoning Ordinance. In addition, the Planning Board shall consider any findings or recommendations of technical review or assistance agencies consulted by the subdivider at the Board's request pursuant to Section 1(C) of this article.

Action on the Preliminary Plat

Within sixty-two (62) days after the date of official submission of the Preliminary Plat, the Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. Not more than sixty-two (62) days after the completion of such hearing, the Planning Board shall approve, conditionally approve with or without modification or disapprove such Preliminary Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. In making its decision, the Board shall apply the standards and requirements set forth in Article IV below insofar as those standards are pertinent to the proposed subdivision. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When approving a Preliminary Plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the Plat in final form. Within five (5) days of the approval of such Preliminary Plat it shall be certified by the Clerk of the Planning Board as granted approval and a copy filed in his office, a copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such sixty-two (62) day or other wise agreed-upon period shall be deemed approval of the Preliminary Plat.

When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat, (2) the character and extent of any required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds or other security which it will require as prerequisite to Subdivision Plat approval. 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 submitted on the Preliminary Plat, and as a guide to the preparation of the Subdivision Plat.

Section 3.04 Review of Major Subdivision Final Plats

A. Application and Fee

Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for Major Subdivision Plat approval within six (6) months after Preliminary Plat approval. Failure to do so within such time period may require submission of the Preliminary Plat to the Planning Board. The application shall be on a form provided by the Clerk of the Planning Board, and shall include the elements described in Article V, Section 4 hereof, and the Plat shall conform to the Preliminary Plat, as modified by the Planning Board if such Preliminary Plat was approved with modifications.

All applications for Major Subdivision Plat approval shall be accompanied by an application fee as determined by the Town Board.

B. Number of Copies

Three (3) copies of the application for Major Subdivision Plat approval shall be presented to the Zoning Administrator at the time of submission of the Subdivision Plat.

Upon receipt of completed Final Plat submission, the Zoning Administrator shall make the following distribution:

1. One (1) copy shall be retained for review by the Planning Board/Zoning Administrator.
2. One (1) copy shall be placed on file with the Town Assessor.
3. One (1) copy shall be placed on file for any additional use required.

C. Date of Official Submission

The date of submission of the Subdivision Plat shall be considered to be the date on which both a completed application for approval of the Subdivision Plat, including any endorsements required by paragraph D of this section, and the required fee have been filed with the Clerk of the Planning Board. The deadline for submission of applications shall be clearly stated on the application form and shall not be more than ten (10) days prior to the date of the Planning Board meeting at which the application is to be considered.

D. Endorsement of State and County Agencies

Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Environmental Conservation and/or the State or County Department of Health have received at least preliminary approval(s) of such facilities.

E. Public Hearing

Within sixty-two (62) days of the date of official submission of the Subdivision Plat for approval, a public hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing, and further advertised in such manner as the Board deems

appropriate for full public consideration of such Plat, provided however, that when the Planning Board deems the final Plat to be in substantial agreement with a Preliminary Plat approved under Section 3 of this article, and modified in accordance with requirements of such approval if such Preliminary Plat was approved with modification, the Planning Board may waive the requirement for such public hearing.

F. Action on Subdivision Plat

Within sixty-two (62) days of the date of official submission of a Subdivision Plat if no hearing is held, or in the event a hearing is held, not more than sixty-two (62) days after the completion of such hearing, the Planning Board shall by resolution conditionally approve, disapprove, or grant final approval and authorize the signing of such Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure to take action on a final Plat within such sixty-two (62) day or otherwise agreed-upon period shall be deemed final approval of the Plat and a certificate of the Town Clerk as to the date of submission and the failure to take action shall be issued on demand. In making its decision the Board shall apply the standards and requirements set forth in Article IV hereof insofar as those requirements are pertinent to the proposed subdivision. Final approval shall not be granted until the requirements of Section 5 of this article have been met.

Upon granting conditional approval of the final Plat, the Planning Board shall empower a duly designated officer to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of such resolution the Plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in his office and a copy mailed to the owner. The copy mailed to the owner shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final Plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the Plat shall be deemed to have received final approval, and such officer shall sign the Plat accordingly. Conditional approval of a final Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not more than two additional periods of ninety (90) days each.

Section 3.05 Required Improvements

A. Improvements and Performance Bond

Before the Planning Board grants final approval of a Subdivision Plat, the subdivider shall follow the procedure set forth in either subparagraph (1) or subparagraph (2) below:

1. The subdivider shall furnish a performance bond or other security to cover the full cost of the required infrastructure and improvements. Any such security shall comply with the requirements of Section 277 of the New York State Town Law and further, shall be satisfactory to the Town Board and counsel to the Town 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 security within which required improvements must be completed. The term of such performance bond may be extended by the Planning Board with the consent of the parties thereto.

The subdivider shall complete all required infrastructure and improvements to the satisfaction of the Town representative, 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 performance bond or other security covering the costs of satisfactorily completing such improvements as described in paragraph (1) above. Any such bond or security shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

3. The required infrastructure and improvements shall not be considered to be completed until the improvements and their installation have been approved by the Town representative and a map has been submitted to the Planning Board indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to subparagraph (2), then this map shall be submitted prior to final approval and the signing of the Plat by the duly designated officer of the Planning Board. If the subdivider elects to provide a bond or security for all required improvements as specified in subparagraph (1), or part of the required improvements as specified in subparagraph (2), such security shall not be released until such a map is submitted.

B. Inspection of Improvements

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

C. Proper Installation of Improvements

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

Section 3.06 Filing of Approved Subdivision Plat

A. Final Approval and Filing

Upon receiving final approval pursuant to Section 2 or Section 4 of this article and being properly signed by the duly designated officer of the Planning Board or upon receiving a certificate from the Town Clerk as to the Planning Board's failure to act within the prescribed time period, a Subdivision Plat shall be filed or recorded in the Office of the County Clerk or Register of the County with a copy print provided to the Town Clerk. However, the signature of the duly designated officer of the Planning Board, or the certificate from the Town Clerk, shall expire sixty (60) days from the date of such signature or the issuance of such certificate unless within such sixty (60) day period the Plat has been duly filed or recorded in the office of the County Clerk or Register. In addition to such filing or recording, in the case of a Class B regional subdivision, a copy of the permit issued under Article IV Section 9 hereof shall be recorded by the subdivider within sixty (60) days in the Adirondack Park Agency Regional Permit Book in the office of the said County Clerk.

B. 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 a duly designated officer thereof has signed the Plat, unless such Plat is first resubmitted to the Planning Board and such Board approves in writing any modifications. In the event that any such modified or revised Subdivision Plat is recorded without complying with this requirement, such recording shall be null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

Section 3.07 Public Streets, Parks and Recreation Areas

A. 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 other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Park, Recreation or Open Space Areas

When a park, playground, or other recreation area or open space shall have been shown on a Plat, Planning Board approval of the Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to 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, where such requirement is considered necessary or desirable by the Planning Board to realize best use of the site, provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section 3.08 Cluster Development

Whereas pursuant to a resolution of the Town Board, the Planning Board has been empowered pursuant to Section 278 of the New York State Town Law to approve a cluster development in which the provisions of the Zoning Ordinance are modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands, the following shall be the standards and procedures:

A. Standards

1. The Planning Board may make such modifications only with respect to lands within the Hamlet Residential (HR), Moderate Intensity Residential (MIR), Low Intensity (L) and Rural Use (RU) districts.
2. No such modification by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district in which such lands are located, as specified in the Zoning Ordinance and as shown on the official zoning map. The subdivision must comply with the minimum shoreline width restrictions of the Zoning Ordinance.
3. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land or which shall not be consistent with the purposes and intent of the Town Zoning Ordinance or the policy of these regulations.
4. In the event that the utilization of this section results in a Plat showing lands available for park, recreation, or other municipal purposes directly related to the Plat, or in a Plat showing lands to be retained in open space in order to comply with the average density of lots or dwelling units that is permitted in the zoning district in which such lands are located, the Planning Board, as a condition of Plat approval, may establish in the case of lands for park, recreation or other municipal purpose, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or other conservation restriction to the Town, or other appropriate means against any development or land use inconsistent with their retention in open space.
5. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the Zoning Ordinance.

B. Procedures

1. Request by Subdivider. A subdivider may request the use of this section simultaneously with the submission of the Sketch Plan, as described in Article III, Section 1. Any request to use this Section made subsequent to submission of the Sketch Plan shall require a resubmission of the Sketch Plan.

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2. Alternate Sketch Plan. Along with a proposal utilizing the provisions of this section a subdivider shall present for the Planning Board's consideration an alternate Sketch Plan, with lots meeting the minimum lot area, minimum lot width, and minimum shoreline lot width requirements of the Zoning Ordinance which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to, streets being consistent with the street specifications and lots being consistent with the Zoning Ordinance.

Upon receipt of an application for a conventional subdivision meeting minimum lot area, width and shoreline lot width requirements of the Zoning ordinance, the Planning Board may require the applicant to submit an application and Sketch Plan for cluster development pursuant to this Section.

3. Plat Submission. Upon determination by the Planning Board that the Sketch Plan utilizing the provisions of this section is suitable, the procedures attendant to and subsequent to the Sketch Plan submission, as set forth in this article, shall be followed in regular order.

4. Local Filing. Notation on Zoning Map. Any Subdivision Plan finally approved which involves modifications as provided for in this section shall be filed, in addition to the filing required by Article III, Section 6 hereof, with the Town Clerk, who shall make appropriate notation and reference thereto on the Town Zoning Map.

ARTICLE IV - GENERAL REQUIREMENTS AND DESIGN STANDARDS

The following standards apply to both major and minor subdivisions as defined herein. In considering applications for subdivision of land, the Planning Board shall adhere to and be guided by the requirements and standards hereinafter set forth. Such 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 4.01 GENERAL

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes or other uses without danger to health or peril from fire, flood or other menace, while minimizing impacts on existing natural or public resources. In addition, subdivision design shall preserve, insofar as is possible, the natural features, terrain and drainage of the land to be developed. Accordingly, proposed subdivisions which are to be located in areas denoted as having "moderate" or "severe" development limitations on the individual or composite Resource Limitation Maps on file in the Town offices shall be presumed to have significant problems requiring special design features or mitigating measures if such problems are to be satisfactorily overcome. In general, future uses upon land to be subdivided should be able to blend harmoniously with the surrounding topography, vegetation, and other natural features, and should avoid the need for costly land alternations or intricate engineering to overcome adverse site conditions.

B. Conformity to Official Map and Master Plan

Subdivisions shall conform to the Official Map of the Town, if any, and shall be in harmony with the Comprehensive Plan.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed in accordance with Town specifications, which may be obtained from the Planning Board.

Section 4.02 Layout of Streets and Roads

A. Relationship to Topography and Other Natural Features

All streets and roads shall be logically related to the existing topography, soils, vegetation, and other natural features and shall be coordinated into a logical and efficient system. Installation of utility distribution and service lines shall be planned at the time road layout is determined. For these purposes, areas with steep slopes, shallow soils, soils with a water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall be avoided insofar as practical.

All roads shall be arranged so as to obtain a maximum number of building sites at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography, except that in all cases the provisions concerning road grades in paragraph B of Section 3 of this article shall be observed.

B. Stream Crossings and Slope Traverses

Road layout shall minimize stream crossings and shall avoid traversing slopes exceeding 25 percent measured perpendicular to the road.

C. Road Intersections

In general, all streets and roads shall intersect so that for a distance of at least 100 feet each street is approximately at right angles to the street it joins. Minor or secondary road intersections with collector or major roads shall be separated by at least 200 feet, but in no case by less than the stopping sight distance corresponding to the legal speed limit.

D. Special Treatment Along Major Streets

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

E. Minor Streets

Minor streets shall be laid out so that their use by through traffic will be discouraged

F. Dead-End Streets

Dead-end or loop residential streets will be permitted wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street, when the Board in its discretion feels such easement is necessary or desirable. Where possible and desirable, subdivisions containing 20 lots or more shall have at least two street connections with existing

public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond or security has been filed.

G. Provision for Continuation or Projection of Certain Streets

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, 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. Where, in the opinion of the Planning Board, topographic or other conditions make such continuation or projection undesirable or impracticable, this requirement may be modified.

H. Provision for Future Resubdivision

Where a tract is subdivided into lots two or more times as large as the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these Regulations and the Zoning Ordinance.

I. Service Streets or Loading Space for Commercial Development

Paved rear streets of not less than 18 feet in width, or in lieu thereof, adequate and suitably surfaced off-street loading space, shall be provided in connection with lots designed for commercial use, in addition to any off-street parking requirements contained in the Zoning Ordinance.

J. Other Required Streets

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

Section 4.03 Design and Construction of Streets, Roads and Utilities

A. Rights-of-way, Surface Widths, and Basic Surfacing

All subdivision roads having 25 or more lots per mile of road or serving 25 lots or more (in each case including lots on both sides of the road) shall have as a minimum a 50-foot right-of-way, a 12-inch thick crowned compacted gravel base, a driving width of 18 feet, and 4-foot wide shoulders. Subdivision roads having less than 25 lots per mile or road or serving less than 25 lots (in each case including lots on both sides of the road) shall have as a minimum a 50-foot right-of-way, a 12-inch thick crowned compacted gravel base, a driving width of 16 feet, and 2-foot wide shoulders. Provided that, in areas for which a commercial use is planned, the above-mentioned driving widths shall be increased by such amount as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business area.

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs, if any, shall be adjusted accordingly.

B. Grades

Road grades shall conform in general to the terrain, but shall not exceed a 12% average grade over any 150 foot length, nor a 15 percent average grade over any 150 foot length, and in no case shall exceed more than 3 percent within 50 feet of any intersection.

C. All-Weather Surfacing of Certain Road Sections

For subdivision roads having 25 or more lots per mile of road or serving 25 or more lots, sections of those roads with grades exceeding 10 percent over any length shall be treated with stabilizing compounds to provide a durable all-weather driving surface.

D. Horizontal and Vertical Alignment of Roads

Horizontal and vertical alignment of roads, that is, curve radii and changes in grade respectively, shall be based upon design speeds of not less than 25 m.p.h. and the corresponding minimum stopping distance, except that for roads having less than 25 lots per mile of road or serving less than 25 lots (in each case including lots on both sides of the road) the stated velocity may be reduced to 15 miles per hour.

E. Road Ditches and Drainage Culverts

Finished grades of all road ditches shall be a minimum of one and one-half (1¹/₂) feet below the center of the road surfaces. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a five-year, 24-hour rainfall. Drainage culverts shall be adequately sized and located so as to maintain pre-construction surface drainage patterns prior to construction provided such patterns were acceptable prior to construction.

F. Hydraulic Capacities of Bridges and Culverts

Stream crossings shall be roughly at right angles, and bridges or culverts shall be designed to accommodate the peak runoff rate from:

1. A 10-year, 24-hour rainfall if the contributing drainage area is one square mile or less,
2. A 25-year, 24-hour rainfall if the contributing drainage area is between one and four square miles, or
3. A 100-year, 24-hour rainfall if the contributing drainage area is more than four square miles.

Cut and Fill Slopes

Fill slopes shall not be steeper than 2 horizontal on 1 vertical (2:1). Cut slopes shall not be steeper than 2:1 on coarse sand and gravel soils, 2-1/2:1 in fine sand and silty sand, 3:1 in sandy silt, 4:1 in silt, sandy clay, or clay. If internal drainage measures and/or lateral structural support is provided by the subdivision for wet soil conditions or fine grained soils, the slopes may be steeper in accordance with design analysis.

H. Use of Road Fill

All areas to be filled for road construction shall be cleared and grubbed prior to placement of fill. Clearing and grubbing shall consist of removal of all woody vegetation consisting of trees, fallen trees, logs, and brush. All fills shall be compacted to provide stability of material and to prevent undue settlement.

I. Dead-End Roads

Dead-end roads shall have pull-offs and turn-arounds at intervals of not more than one-quarter mile in strongly rolling to mountainous terrain and not more than one-half mile in flat to gently rolling terrain. Dead-end roads should terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end roads, a temporary turn-around with a pavement radius of 50 feet shall be provided, unless the Planning Board approves a different arrangement.

J. Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots, by the utilization of culverts or other structures of design approved by the Planning Board.

K. Clearing and Grading for Roads and Utilities: Placement of Utilities; Construction of Roads and Installation of Utilities

1. Clearing and grading for road and utility installations shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills and provide for utility installation. The typical clearing and grading cross-sections shown in Appendix D of these regulations shall be used as a design guide for the subdivider and a review guide for the Planning Board. The subdivider shall employ an appropriate typical clearing and grading cross-section from that appendix, and where utilities are to be undergrounded, those utilities shall be placed in accordance with such cross-section. Provided that, the Planning Board in its discretion may require or allow for different construction of roads or placement of underground utilities, considering among others the following factors:

- a. The extent and nature of existing vegetation.
- b. Topographic and geologic conditions, including unstable soils.
- c. Potential visual impact.
- d. The possibility of future relocation of utility lines necessitated by pavement widening or other reasons.

Clearing and grading for roads, water, sewer, electric, telephone, natural gas or cable television distribution lines shall be as shown on the final grading plans for the project.

2. The construction of roads and the installation of utilities should be planned sequentially, so that construction operations do not conflict and so that subsequent construction operations do not interfere with or destroy completed work. For this purpose, installation of community sewer and water lines, if proposed, shall be done prior to the installation of underground electric, telephone, natural gas or cable television distribution lines. When electric, telephone, natural gas or cable television distribution lines are to be located underground, sewer and water stubs for individual or group service shall extend at least two (2) feet beyond underground utility easements into private property.

3. Transformer pads or mounts for distribution of electric, telephone, natural gas, or cable television to service radials shall be located to the maximum amount possible within the private portion of the utility limit of clearing, utilizing the lot area adjoining private portion of the limit of clearing to the extent necessary, or adjoining the limit of clearing where there is no such private portion. Such pads or mounts shall be located as close as practical to the property line dividing adjoining lots.

L. Revegetation

All cleared areas associated with the construction of roads and installation of utilities (excluding those areas comprising road surfaces or shoulders), all exposed borrow areas, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions or as specified in Section 4 of this Article and Appendix E of these regulations. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of design flow, by means of revegetation, sodding, mulching, netting, stone paving, rip-rap, and other materials or combinations of these, depending on hydraulics and soil properties.

Section 4.04 Revegetation of Disturbed Soil Areas

A. Applicability and Compliance

Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites or parking lots, shall be successfully revegetated or otherwise stabilized with structural measures to minimize the potential for soil erosion as soon as practicable. Revegetation measures and efforts shall be evaluated by visual inspection which shall include identification and measurement of the actual condition of new healthy vegetation. Such evaluation shall be made not sooner than one hundred and eighty (180) calendar days from the date of planting. Evaluation and determination of compliance with this standard shall be made within three hundred and sixty (360) calendar days from the date of planting. Failure on the part of the Planning Board or a designee thereof to make such evaluation and determination of compliance shall relieve the subdivider of any obligation under this section. Corrective action shall be instituted and completed within fifteen (15) working days upon determination of unsatisfactory compliance with this section. In making any determination required by this section, the Planning Board or its designee shall consider significant rills, gullies, loss of mulch, loss of seed, or failure of seed germination as evidence of unsatisfactory compliance herewith.

B. Staging of Revegetation Operations

Construction operations requiring revegetation of an aggregate area larger than twenty thousand (20,000) square feet should generally be done in stages, each stage consisting of no more than twenty thousand (20,000) square feet of surface area.

C. Timing of Operations

Upon completion of final grading of any area, revegetation operations shall begin within five (5) working days and shall be completed within ten (10) working days,

provided however, that where this is not possible or desirable because of weather conditions or other circumstances, such revegetation operations shall be performed as soon as reasonably possible. In the event that more than five (5) working days shall elapse between any consecutive construction operations that materially disturb the soil, such areas shall be adequately mulched or otherwise stabilized with structural measures within five (5) working days of disturbance and shall be completed within ten (10) working days to minimize the potential for soil erosion.

Section 4.05 Street Names

A. Type of Name

All street names shown on a Subdivision Plat shall be subject to approval by the Planning Board. In general, streets shall have names and not numbers or letters.

B. Names to be Substantially Different

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present street names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name, except for residential loop streets.

Section 4.06 Lots

A. Lots to be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography, access or other existing physical or biological conditions. Except where Article III, Section 3.05 of these regulations is being utilized, lots shall meet or exceed the minimum lot area, minimum lot width, and minimum shoreline lot width requirements of the Zoning Ordinance for the zoning district(s) involved.

B. Side Lines

Side lines of lots shall be generally at right angles to straight street lines and radial to curved street lines, unless a different alignment will give a better street or lot plan.

C. Corner Lots

In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

D. Driveway Access

Driveway access and grades shall conform in general to the terrain, but shall not exceed a 12% grade over any 150 foot length, shall not exceed 15% over any lengths, and shall

not exceed 3% within fifty feet of the street pavement or driving surface, as measured along the center line of the driveway.

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E. Access By Means of Private Rights-of-Way

Access to more than three lots by means of a private right-of-way shall be deemed acceptable only if such right-of-way is designed and improved in accordance with Sections 2 and 3 of this article.

F. Monuments and Lot Corner Markers

Permanent monuments meeting Town specifications as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Planning Board may require, and their location shall be shown on the Subdivision Plat.

G. Pre-existing Shorefront Access Lots and Pending Subdivision Application

1. The requirements of Section 7.02 of the Zoning Ordinance shall not apply to waterfront access lots created prior to July 20, 1985 or to waterfront access lots shown upon subdivision applications pending before the Town of Chester Planning Board on July 20, 1985. The pre-July 10, 1985 waterfront access provisions shall control any development on preexisting waterfront access lots and subdivision applications pending on July 10, 1985.

2. If at this time, any subdivision has not been materially completed, 67% or more, at the time of the passage of the Zoning Ordinance, then the application will no longer be considered open and active. A new application would be required subject to the Zoning Ordinance.

3. Lots having substandard area and frontage. In any District where dwellings are permitted, a lot having less than the minimum area and lot frontage prescribed in the District in which it is situated and corresponding in location and area with a recorded lot on a plat or deed recorded in the land records of Warren County prior to the effective date of the Zoning Ordinance may be used for dwelling purposes, subject to approval by the NYS Department of health where public or private community water supply and distribution systems and public or private community sewerage are available, and provided further that where there are two or more adjoining lots in the same ownership which, by subdivision, could be designated to meet or better approach the minimum area and frontage requirements for the District in which the lots are situated, the owner thereof shall be required to resubdivide his lots so as to avoid or minimize substandard development.

Section 4.07 Drainage Improvements

A. Removal of Spring and Surface Water

Except where a wetland is involved as defined in the Zoning Ordinance, the Planning Board may require the subdivider to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as 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.

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B. Storm Water Easements or Drainage Rights-of-Way

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a stormwater easement or drainage right-of-way shall be provided as required by the Planning Board, but in no event less than 50 feet in width.

C. Drainage Structure to Accommodate Potential Development Upstream

Any culvert or other drainage facility shall be large enough to accommodate the peak runoff rate from its entire upstream drainage area, whether inside or outside the subdivision under conditions of total potential development permitted by the Zoning Ordinance in such contributing drainage area, of:

1. A 10-year, 24-hour rainfall if the contributing drainage area is one square mile or less
2. A 25-year, 24-hour rainfall if the contributing area is between one and four square miles or
3. A 100-year, 24-hour rainfall if the contributing drainage area is more than four square miles

D. Responsibility For Drainage Downstream

The subdivider shall also furnish a study of the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility within the Town during a ten-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 alleviation of said condition.

E. Land Within the Floodway Special Zoning District

Land within the floodway special zoning district shall not be platted for residential occupancy, nor for any other uses which are non-permissible under the Zoning Ordinance.

Section 4.08 Parks, Open Spaces and Natural Features

A. Recreation Areas Shown on Town Plan

Where a proposed park, playground or open space shown on the Town plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph (B) below. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board or County, respectively, approve such dedication.

B. Parks and Playgrounds Not Shown on Town Plan

If a Major Subdivision Plat containing residential units shows sites of a character, extent, and location suitable for a park, playground, or other open space area, not less than ten (10) percent of the total area of the subdivision shall be provided for such purposes. However, land for park, playground or other recreational purposes may not be required until the Planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. 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 plat will contribute. The Planning Board in its discretion may require that the developer satisfactorily grade or improve any such recreation or open space areas shown on the Plat. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication. Appropriate legal measures should be taken to assure that such land can never be developed for other than recreational or open space purposes.

C. Information to be Submitted

In the event that an area to be used for recreational or open space purposes is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three prints 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 area in question and of the area immediately adjacent.
4. Plans for recreational facilities or equipment, if any.

D. Waiver of Plat Designation of Area for Park 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 recreational or open space purpose cannot be properly located therein, the Board may waive the requirement that the Plat show land for such

purposes. The Board may then require as a condition to approval of the Plan a payment to the Town of Chester a sum of money in an amount determined by the Town Board.

Such amount shall be paid to the Town Board at the time of final Plat approval, and no Plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for permanent park, playground or other recreational or open space purposes,

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and (b) is so located that if possible it will serve primarily the general neighborhood in which the land covered by the Plat lies, and (c) shall be used only for park, playground or other recreational or open space land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the Plat is situated.

E. Preservation of Natural Features

The subdivider shall, wherever possible, provide for the preservation of all natural features which add value to residential developments and to the community, such as large trees or unusual groves of trees, water courses and waterfalls, beaches, historic spots, and scenic vistas.

Section 4.09 Regional Subdivisions

A. Applicability of This Section

When a proposed subdivision is a regional subdivision, the provisions of this section shall apply in addition to all other provisions of these regulations. For the purpose of these regulations, if a subdivision constitutes both a Class B regional subdivision and a Class A regional subdivision, it shall be deemed a Class A regional subdivision in its entirety.

B. Special Requirement for Approval of Class B Regional Subdivisions

When a proposed subdivision is a Class B regional subdivision, the Planning Board shall not render approval or conditional approval under Article III, Section 2 (F) hereof, nor shall the board render approval or approval with modifications under Article III, Section 3 (F) hereof, unless the Board first determines that the subdivision would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider those factors pertinent to the subdivision contained in the development considerations set forth at Appendix C hereof, and in so doing, the Planning Board shall be guided by the development objectives and general guidelines set forth at paragraph F of this Section.

When the Planning Board renders final approval of a Class B regional subdivision under Article III, Section (2)(F) or (4)(F), the Board shall issue a permit authorizing the subdivider to undertake the subdivision in accordance with any terms and conditions set forth therein. The Planning Board, in conjunction with its approval of any Class B regional subdivision, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in the zoning ordinance shall be respected, and the imposition of reasonable conditions to insure that the subdivision will be adequately supported by services and

improvements made necessary thereby and to insure that the subdivision will be completed in accordance with the terms of the approval and permit. In addition, the Planning Board may incorporate any such requirements and conditions in the permit issued with regard to such Class B regional subdivision.

C. Special Additional Procedures Regarding Class B Regional Subdivisions

When a proposed subdivision is a Class B regional subdivision, within ten (10) days following receipt of a completed application under Article III, Section 2 (A) or Article III, Section 3 (A), the Planning Board shall furnish the Adirondack Park Agency a copy of the application and Plat together with such further pertinent information as the Agency may deem necessary. The Planning Board shall also mail a copy of the notice of public hearing on the subdivision to the Agency at least five (5) days before such hearing. The Agency shall be a full party in interest with standing to participate in the hearing and other proceedings pursuant to this section relative to Class B regional subdivisions.

D. Criteria and Certain Procedures for Adirondack Park Agency Review of Class A Regional Subdivisions

1. The Adirondack Park Agency's review of Class A regional subdivisions within the territory of the Town pursuant to and in accordance with Section 809(9) of the Adirondack Park Agency Act, shall be governed by the criteria and certain procedures set forth below, as well as those set forth in the Act and the applicable Agency Rules and Regulations.

2. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A regional subdivision the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the application and formulating advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the Town land use program including the Zoning Ordinance, Subdivision Regulations and Sanitary Sewer Disposal Ordinance. Not later than thirty (30) days following receipt by the Planning Board from the Agency of such notice of application completion with regard to a Class A regional subdivision, or such shorter period as may be agreed upon in writing by the Agency and the Town, the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the Town land use program.

E. Establishment of Joint Procedures with the Adirondack Park Agency for Review of Class A Regional Subdivisions

The Planning Board may establish whatever joint procedures with the Adirondack Park Agency for review of Class A regional subdivision which the Board in its discretion deems desirable to minimize duplication and generally expedite the review process.

F. Development Objectives for Use in Review of Regional Subdivisions

1. The principal natural and public resource aspects of a proposed subdivision site to be considered in connection with the determination required by Paragraph B of this Section, together with representative means for avoiding undue adverse impact thereupon include the following:

(a) Soils

(i) Soils, General

Objective: Prevent accelerated soil erosion and the potential for earth slippage.

General Guideline: Respect existing natural features such as slope, soil texture and structure; minimize removal or vegetative cover; rapidly revegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

(ii) Agricultural Soils

Objective: Conserve viable agriculture soils.

General Guideline: Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use for agricultural purposes.

(b) Topography

Objective: Minimize topographic alterations.

General Guideline: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

(c) Surface Waters

(i) Water Quality and Eutrophication

Objective: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

General Guideline: Maintain wide buffer strips of natural vegetation bordering waterbodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to waterbodies.

(ii) Surface Drainage

Objective: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

General Guideline: Minimize alterations to existing drainage patterns and drainage courses; preserve drainageways in their natural state; and provide where necessary, natural ponding areas and other measures designed to provide natural retention of storm water run-off if development includes a significant area of impervious surface.

(iii) Flood Plains

Objective: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

General Guideline: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites.

(d) Ground Water

Objective: Preserve quality, infiltration rate, and levels of ground water.

General Guideline: Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifers and aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

(e) Shorelines

Objective: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

General Guideline: Comply at a minimum with applicable governmental shoreline restrictions, minimize construction or development of any kind near or on the shorelines; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

(f) Mineral Resources

Objective: Conserve existing known mineral resources.

General Guideline: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

(g) Air Quality

Objective: Maintain or enhance existing air quality.

General Guideline: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

(h) Noise Levels

Objective: Limit additions to noise levels.

General Guideline: Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

(i) Wetlands

Objective: Preserve the hydrologic, wildlife, vegetation, aesthetic, educational, open space and recreational values of wetlands.

General Guideline: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

(j) Aquatic Communities

Objective: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

General Guideline: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities, and breakwaters; and avoid introduction of toxic materials and nutrients to waterbodies.

(k) Terrestrial Vegetation

(i) Vegetation, General

Objective: Preserve or quickly restore terrestrial vegetation.

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General Guideline: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

(ii) Rare and Endangered Terrestrial Plant Species

Objective: Preserve rare and endangered terrestrial plant species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

(iii) Productive Commercial Forest Land

Objective: Conserve productive forest lands.

General Guideline: Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development

(l) Fragile Ecosystems at Higher Elevations

Objective: Minimize disturbance of fragile ecosystems at higher elevations.

General Guideline: Avoid development at elevations of 1,400 feet or more.

(m) Terrestrial Wildlife

Terrestrial Wildlife, General

Objective: Maximize the preservation of terrestrial wildlife species.

General Guideline: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, wildlife travel corridors and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

(ii) Rare and Endangered Terrestrial Wildlife Species

Objective: Preserve rare and endangered terrestrial wildlife species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

(n) Aesthetics

(i) Aesthetics, General

Objective: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

General Guideline: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

(ii) Scenic Vistas

Objective: Maintain the scenic qualities of views from vistas

designated in the Adirondack Park State Land Master Plan.

General Guideline: Avoid visibility of buildings and other development and land use alternations generally from vistas by employment of vegetative screening, existing topography, and careful siting methods.

(iii) Travel Corridors

Objective: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

General Guideline: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

(o) Open Space

(i) Open Space, General

Objective: Maintain the open space character of the project site, adjacent land, and surrounding areas.

General Guideline: Preserve vegetative screening and existing topography and employ clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open

space; and preserve undeveloped areas as large as possible in view of project objectives.

(ii) Outdoor Recreation

Objective: Maintain the quality and availability of land for outdoor and open space recreational purposes.

General Guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails as well as trail bike, jeep, all-terrain vehicle and horse trails, play grounds, picnic areas, campgrounds, parks, beaches, and similar uses.

(p) Adjoining and Nearby Land Uses

(i) Surrounding Land Uses, General

Objective: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

General Guideline: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

(ii) Adjacent State Land

Objective: Preserve the wild and natural character of adjacent State lands designated as Wilderness, Primitive, or Canoe by the Adirondack Park State Land Master Plan.

General Guideline: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audile impact in these wilderness-like areas, thereby insuring the continued compatibility of State and private types of ownership.

(q) Wild. Scenic. and Recreational Study Rivers

Objective: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's Wild, Scenic and Recreational River System.

General Guideline: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

(r) Historic Sites

Objective: Protect archeological sites, historic sites, and unique historical structures for their educational and cultural value to the area, region or State.

General Guideline: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

(s) Special Interest Areas

Objective: Preserve special interest areas such as unique natural features and their surrounding environs.

General Guideline: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations provide for their continuing protection; utilize these special interest areas as assets to development.

(t) Government Considerations

(i) Service and Finance

Objective: Fully explore and assure the ability of government to provide governmental services and facilities made necessary by the project.

General Guideline: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply Systems, and fire and police protection; require that as nearly as possible, the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be

generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability of the government to provide services and facilities.

(u) Regulation

Objective: Conform development activities to all applicable governmental rules and regulations.

General Guideline: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Departments of Health and Environmental Conservation, and the Adirondack Park Agency.

(v) Public Utilities and Community Resources

Objective: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

General Guideline: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; and avoid necessity for major uncompensated increases in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

2. The principal development activities associated with a subdivision to be considered in connection with the determination required by Paragraph B of this Section, together with representative means for avoiding undue adverse impact include the following:

(a) Streets and Roads

Objective: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

General Guideline: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

(b) Siting and Construction of Buildings

Objective: Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

General Guideline: Blend buildings with existing topography and their surrounding environs; avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

(c) Sewage Disposal

Objective: Select, design and locate sewage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or ground water.

General Guideline: Comply with all State and local health standards, adhere at a minimum to the Adirondack Park Agency Act's setback requirements for waterbodies; employ proven design criteria for sewage disposal systems in proper working order.

(d) Storm Drainage

Objective: Design, locate and construct storm drainage systems so as to maintain existing drainage volume and patterns in a natural state and to minimize adverse hydrologic effects.

General Guideline: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainageways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands, bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

(e) Water Supply

Objective: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.

General Guideline: Comply with all State and local health standards with regard to the design, location, construction and maintenance of water supply systems.

(f) Solid Waste Disposal

Objective: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water, and visual pollution and in a

manner which will not create hazards to the health and welfare of people or wildlife.

General Guideline: Comply with all applicable State and local standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well-drained soils and at sufficient distances from waterbodies so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

(g) Pesticides and Herbicides

Objective: Avoid all uses of pesticides, herbicides and other biocides potentially detrimental to natural systems.

General Guideline: Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

(h) Shoreline Development

Objective: Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

General Guideline: Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all local laws maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

(i) Noise

Objective: Minimize noise insofar as practicable.

General Guideline: Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

(j) Signs

Objective: Avoid signage that detracts from aesthetic and scenic qualities.

General Guideline: Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and manmade travel corridors, and of signs containing moving parts or flashing lights.

(k) Utilities

Objective: Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

General Guideline: Locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have adverse environmental impacts on terrestrial and aquatic ecosystems.

ARTICLE V - APPLICATION REQUIREMENTS

Section 5.01 Sketch Plan

A. The Sketch Plan shall consist of a drawing based on tax map information or some other similarly accurate base map at a scale (preferably not more than 200 feet to the inch) to enable the entire ownership of the subdivider to be shown on one sheet, and shall show:

1. The location of that portion of the subdivider's ownership which is to be subdivided in relation to the whole, and the location of nearby streets and roads.
2. All existing structures, wooded areas and permanent and intermittent watercourses within the portion to be subdivided and within 200 feet thereof.
3. The name of the owner(s) of the property to be subdivided and of 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 available utilities, and streets which are either proposed, mapped or built.
6. The proposed lot layout, street layout and any proposed recreation or open space areas.
7. All existing restrictions on the use of land including easements or covenants.

Section 5.02 Minor Subdivision Plat

A. An application for Minor Subdivision Plat approval shall include:

1. The Plat to be filed with the County Clerk, at a scale of not more than two hundred (200) but not less than fifty (50) feet to the inch, which shall show:
 - (a) Proposed subdivision name, name of the Town and county in which it is located, and the names of all adjoining property owners.
 - (b) North point map scale, and name and address of the subdivider, the owner(s) of record, and engineer or surveyor, if any, including license number and seal.

- (c) The boundary lines of the tract, and for each of the lots therein offered for sale to the public, if any, the boundary lines of such lots by actual field survey, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor, and bearing the date of the completion of the survey. The corners of whatever part or parts of the tract may be offered for sale to the public shall also be located on the ground and marked by monuments as approved by the Planning Board, and shall be as shown on the Plat. No survey shall be required for a minor subdivision effected entirely by bona fide gift, devise or inheritance.
- (d) All existing structures, easements, wooded areas and permanent and intermittent watercourses.

The size of the sheet upon which the Plat is drawn shall be not less than 8-1/2 by 11 inches, nor more than 22 by 34 inches.

- 2. Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State Department of Health and the Town sanitary code.
- 3. A copy of the deed(s) relating to the property to be subdivided, and such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

Section 5.03 Major Subdivision Preliminary Plat and Accompanying Data

- A. An application for Preliminary Plat Approval shall include:
 - 1. The Preliminary Plat, clearly marked "Preliminary Plat," at a scale of not more than one hundred (100) but not less than fifty (50) feet to the inch, which shall show:
 - (a) Proposed subdivision name or identifying title, name of Town and county in which it is located, and the names of all adjoining property owners.
 - (b) North point, map, scale, and name and address of subdivider, owner(s) of record, and engineer or surveyor, including license number and seal.

The boundary lines of the tract as determined by actual field survey, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor and bearing the date of the completion of the survey. The corners of the tract shall also be located on

the ground and marked by substantial monuments of such size and type as approved by the Planning Board, and shall be shown on the Plat.

- (d) Topographic contours, at intervals of five (5) feet, including elevations on existing roads and approximate grading plan if natural contours are to be changed by more than two (2) feet.
- (e) Location of existing structure, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
- (f) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (g) The width and location of any streets or roads within the area to be subdivided, shown on the Official map, if such exists, and the width, location and grades of all streets or roads proposed by the subdivider.
- (h) The proposed lot lines with approximate dimensions and area of each lot.
- (i) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, and connections to existing lines. Alternate means of water supply or sewage disposal and treatment shall be indicated.
- (j) Storm drainage plan indicating the approximate location and size of proposed lines or ditches and their profiles, connections to existing lines or ditches, and any alternate means of drainage.
- (k) Preliminary design of any proposed bridges or culverts.
- (l) Typical lot layout(s), with building and on-site sewage disposal system sites.
- (m) Typical clearing and grading cross section for construction of roads and installation of utilities (may be referenced to Appendix D of these regulations).
- (n) Proposed recreational or open space areas, including parcels of land proposed to be dedicated to public use.

When more than one sheet is required, an additional index sheet of the same size shall be submitted showing to scale the entire subdivision with lot and block numbers clearly legible.

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2. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch showing all existing streets, an outline of the plated area with its proposed streets, and an indication of the probable future street and drainage systems (if any) in the remaining portion of the tract with its grades and drainage.
3. Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State Department of Health and the Town Sanitary Sewage Disposal Ordinance.
4. A copy of such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

B. If the Proposed Subdivision is a Regional Subdivision, the subdivider may also be required to submit an analysis with supporting data of the ability of the public to provide supporting services and facilities which can reasonably be anticipated to be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project and information describing the applicant, evidence of his or its financial capacity to complete the project as planned, and the names of any professional advisors or consultants engaged in respect to the project.

Section 5.04 Major Subdivision Plat and Accompanying Data

An application for Major Subdivision Plat approval shall include:

A. The Plat to be filed with the County Clerk at a scale of not more than one hundred (100) but not less than fifty (50) feet to the inch, which shall show:

1. Proposed subdivision name or identifying title, name of Town and county in which it is located, and the names of all adjoining property owners.
2. North point, map scale, and name and address of subdivider, owner(s) of record, and engineer or surveyor, including license number and seal.
3. The location of all boundary lines, proposed street lines and lot lines, as determined by actual field survey, including the length and bearings of straight lines and length and radii of all curves. All dimensions shall be shown in feet and decimals thereof. Such survey shall be made and certified to by a licensed land surveyor and the Plat shall bear the date of the completion of the survey. Referenced on the Plat shall be:
 - (a) Monuments of a type approved by the Planning Board set at all corners and angle points of the boundaries of the

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original tract to be subdivided, all street intersections, angles in street lines, points of curve and such other points as may be required by the Planning Board; and

- (b) Permanently lodged lot corner markers of at least 3/4 inch diameter and 24 inch length, located in the ground to existing grade.
- 4. Topographic contours, at intervals of five (5) feet or less as required by the Board, including elevations on existing roads and final grading plan if natural contours are to be changed by more than two (2) feet.
- 5. Location of existing structures, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas, single trees with diameter of twenty-four (24) inches or more as measured at breast height, and other significant existing features for the proposed subdivision and adjacent property.
- 6. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- 7. The location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, and connections to existing lines.
- 8. Storm drainage plan indicating the location and size of proposed lines or ditches and their profiles, and connections to existing lines or ditches.
- 9. Final design of any proposed bridges or culverts.
- 10. All recreational or open space areas, including parcels of land proposed to be dedicated to the Town.
- 11. Typical lot layout(s) with building and on-site sewage disposal sites.
- 12. Typical clearing and grading cross sections for construction of roads and installation of utilities (may be references to Appendix D of these regulations).

The size of the sheets shall be not less than 8¹/₂ by 11 inches nor more than 22 by 34 inches. 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.

B. Design of all proposed on-site sanitation and water supply facilities meeting the minimum specifications of the State Department of Health and the Town Sanitary Sewage Disposal Ordinance.

C. Offers of cession and deeds for any recreational or open space areas to be dedicated to the Town, and for such areas title to which is to be retained by the subdivider, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor. Such offers, deeds, agreements or other documents shall be approved by counsel to the Town as to their legal sufficiency.

ARTICLE VI-WAIVERS

Section 6.01 WAIVER

The Planning Board may waive when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

Section 6.02 Conditions

In granting waivers, the Planning Board shall impose such conditions as will substantially assure that the objectives of the standards or requirements so waived are met.

ARTICLE VII- SEPARABILITY

Section 7.01 Separability

Should any section or 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.

APPENDIX A - CLASS A REGIONAL SUBDIVISIONS

A. Hamlet Areas.

1. All subdivisions of land involving wetlands.
2. All subdivisions of land involving one hundred (100) or more residential lots, parcels or sites.

B. Moderate Intensity Use Areas.

1. All subdivisions of land located in the following critical environmental areas:
 - (a) within one-quarter mile of rivers navigable by boat designated to be studied as Wild, Scenic or Recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - (b) involving wetlands;
 - (c) at elevations of twenty-five hundred feet (2,500) or more;
 - (d) within one-eighth mile of tracts of Forest Preserve land or water now or hereafter classified as Wilderness, Primitive or Canoe in the Master Plan for management of State lands.
2. All subdivisions of land involving seventy-five (75) or more residential lots, parcels or sites.

C. Low Intensity Use Areas.

1. All subdivisions of land located in the following critical environmental areas:
 - (a) within one-quarter mile of rivers navigable by boat designated to be studied as Wild, Scenic or Recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - (b) involving wetlands;
 - (c) at elevations of twenty-five hundred feet (2,500) or more
 - (d) within one-eighth mile of tracts of Forest Preserve land or water now or hereafter classified as Wilderness, Primitive or Canoe in the Master Plan for management of State lands.
2. All subdivisions of land involving thirty-five (35) or more residential lots, parcels or sites.

D. Rural Use Areas

All subdivisions of land located in the following critical environmental areas:

- (a) within one-quarter mile of rivers navigable by boat designed to be studied as Wild, Scenic or Recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - (b) involving wetlands;
 - (c) at elevations of twenty-five hundred feet (2,500) or more;
 - (d) within one-eighth mile of tracts of Forest Preserve land or water now or hereafter classified as Wilderness, Primitive or Canoe in the Master Plan for management of State lands.
 - (e) within one hundred fifty (150) feet of the edge of the right-of-way of Federal or State highways;
 - (f) within one hundred fifty (150) feet of the edge of the right-of-way of county highways designated by rule or regulation of the agency adopted pursuant to Subdivision 14 of Section 809 of the Adirondack Park Agency Act, as major travel corridors by the Agency
2. All subdivisions of land involving thirty-five (35) or more residential lots, parcels or sites.

E. Resource Management Areas

1. All subdivisions of land involving two or more lots, parcels or sites.

APPENDIX B - CLASS B REGIONAL SUBDIVISIONS

A. Moderate Intensity Use Areas

1. Subdivision of land (and all land uses and development related thereto) involving fifteen (15) or more but less than seventy-five (75) lots, parcels or sites, other than subdivisions of land involving mobile homes.

2. Subdivisions of land (and all land uses and development related thereto) involving less than fifteen (15) lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria (a) in the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least twenty-five thousand (25,000) square feet in size and complies with all of the provisions of the shoreline restrictions; (b) in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least forty thousand (40,000) square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen (14).

3. Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.

4. Subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal building per linear mile or proportionate fraction thereof, as provided for in these regulations.

5. Subdivisions of land within one-half mile of rivers designated to be studied as Wild, Scenic or Recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

B. Low Intensity Use Areas.

1. Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than thirty-five (35) lots, parcels or sites, other than subdivisions of land involving mobile homes.

2. Subdivisions of land (and all land uses and development related thereto) involving less than five (5) lots, parcels or sites which do not meet the following criteria: (a) in the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least eighty thousand (80,000) square feet in size and complies with all of the provisions of the shoreline restrictions of the plan; (b) in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least three hundred twenty thousand (320,000) square feet in size.

Any subdivisions or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the

total number of lots parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceed four (4).

3. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.

4. Subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in these regulations.

5. Subdivisions of land within one-half mile of rivers designated to be studied as Wild, Scenic or Recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

APPENDIX C - DEVELOPMENT CONSIDERATIONS

A. Natural Resource considerations.

1. Water
 - (a) Existing water quality
 - (b) Natural sedimentation of siltation
 - (c) Eutrophication
 - (d) Existing drainage and runoff patterns
 - (e) Existing flow characteristics
 - (f) Existing water table and rates of recharge
2. Land
 - (a) Existing topography
 - (b) Erosion and slippage
 - (c) Floodplain and flood hazard
 - (d) Mineral resources
 - (e) Viable agricultural soils
 - (f) Forest resources
 - (g) Open space resources
 - (h) Vegetative cover
 - (i) The quality and availability of land for outdoor recreational purposes
3. Air
 - (a) Air quality
4. Noise
 - (a) Noise levels
5. Critical resource areas

- (a) Rivers and corridors of rivers designated to be studied as Wild, Scenic or Recreational in accordance with the Environmental Conservation Law.
 - (b) Rare plant communities
 - (c) Habitats of rare and endangered species and key wildlife habitats
 - (d) Alpine and subalpine life zones
 - (e) Wetlands
 - (f) Elevations of twenty-five hundred (2,500) feet or more
- Unique features, including gorges, waterfalls, and geologic formations
- 6. Wildlife
 - (a) Fish and wildlife
 - 7. Aesthetic
 - (a) Scenic vistas
 - (b) Natural and man-made travel corridors

B. Historic Site Considerations.

- 1. Historic factors
 - (a) Historic sites or structures

C. Site Development Considerations.

- 1. Natural site factors
 - (a) Geology
 - (b) Slopes
 - (c) Soil characteristics
 - (d) Depth to groundwater and other hydrological factors
- 2. Other site factors
 - (a) Adjoining and nearby land uses
 - (b) Adequacy of site facilities

D. Governmental Considerations

1. Governmental service and finance factors
 - (a) Ability of government to provide facilities and services
 - (b) Municipal school or special district taxes or special district user charges

E. Governmental Review Considerations.

1. Governmental control factors
 - (a) Conformance with other governmental controls

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