

LOCAL LAW ____ OF 2011

A LOCAL LAW OF THE TOWN OF SPRINGWATER TO ESTABLISH LAND SUBDIVISION REGULATIONS TO PROVIDE FOR THE ORDERLY DEVELOPMENT OF REAL PROPERTY WITHIN THE TOWN AND CREATE A UNIFORM PROCESS FOR THE SUBDIVISION OF LAND WITHIN THE TOWN OF SPRINGWATER.

BE IT ENACTED by the Town Board of the Town of Springwater, Livingston County, New York, as follows:

SECTION 1.

Title.

The title of this local law shall be “Town of Springwater Land Subdivision Regulations”.

SECTION 2.

Legislative purpose.

Because the Town Board of the Town of Springwater recognizes the need for the orderly development of real property within the Town of Springwater and because the Town Board of the Town of Springwater recognizes that a uniform set of requirements for the subdivision of land within the Town of Springwater is necessary to preserve the health and safety of its residents and the proper and orderly development and growth of the Town of Springwater, the Town Board finds that it is in the best interest of the Town of Springwater to adopt this local law to govern the subdivision of land within the Town.

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TOWN OF SPRINGWATER LAND SUBDIVISION REGULATIONS

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ARTICLE I — DECLARATION OF POLICY

A. Authority for Plat Approval

By the authority of the resolution of the Town Board of the Town of Springwater (hereafter "Town"), adopted on _____ pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Springwater (hereafter "Planning Board") is authorized and empowered to:

1. Approve plats showing lots, blocks or sites, with or without streets or highways.
2. Approve the development of entirely or partially undeveloped plats already filed in the Office of the Livingston County Clerk.
3. Approve (conditionally or without condition) preliminary plats, within the Town.

B. Compliance with Policy

It is the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other unsafe situations; that proper provision shall be made for drainage, water supply, sewerage, and other needed improvements when appropriate.

All proposed lots shall be laid out and of such size as to be in harmony with the development pattern of the neighboring properties so that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be of such width, grade, and location as to accommodate the prospective traffic, to facilitate fire protection, and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for open spaces, parks and playgrounds or for natural resource protection.

In order that land subdivision may be made in accordance with this policy, these regulations known as the "Town of Springwater Land Subdivision Regulations" have been adopted by the Town Board of the Town of Springwater (hereafter "Town Board").

ARTICLE II— DEFINITIONS

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

CLERK OF THE PLANNING BOARD:

Any official authorized by the Planning Board to assist the Planning Board in the administration of these regulations.

CUL-DE-SAC:

A street having only one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

DRAINAGE RIGHT-OF-WAY:

The land required for the installation of storm water sewers or drainage ditches or field tile, required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flow and/or flood damage.

EASEMENT:

The authorization by a property owner for the use by another, for a specified purpose, of any designated part of such property or, as in a conservation easement, an agreement by the property owner to restrict the use of a designated portion of such property to a particular use or to prohibit use of a designated portion of such property for certain uses.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER:

A person licensed as a professional engineer by the State of New York.

FINAL PLAT:

See Subdivision Plat below.

FORMAL OFFER TO SELL:

Any offer to sell land which involves a form of public offering including but not limited to real estate listings, auction listings, media advertising (printed, radio, television, etc.) or use of signs.

LOT:

A piece, parcel, or plot of land intended as a unit for transfer of ownership, lease or for development.

LOT LINE ADJUSTMENT:

A change in the location of the boundary line(s) between two or more contiguous lots, such that even though the configuration of said lots has been modified, no new lot has been created by way of any subdivision as defined herein.

MAJOR SUBDIVISION:

Any subdivision not classified as a "minor subdivision".

MINOR SUBDIVISION:

A subdivision of four lots or less fronting on an existing street and requiring no new streets nor the creation or extension of municipal facilities for the supply of water, sewer or drainage and having no substantial adverse effect on access to, use or development of the remainder of the parcel or adjoining parcels. This definition can apply to one lot development.

MUNICIPAL FACILITY:

A facility operated by a municipality, governmental agency, or a public utility for the provision of potable water and/or the collection, treatment and disposal of waste water/sewerage.

OFFICIAL MAP:

The map, if established by the Town Board under Section 270 of the Town Law, showing the streets,

highways, and parks heretofore laid out, and any amendments thereto adopted by the Town Board, or additions thereto resulting from the approval of subdivision plats by the Planning Board, and the subsequent filing of such approved plats.

PLANNING BOARD:

The Town of Springwater Planning Board as established pursuant to the provisions of Article 16 of the Town Law.

PRELIMINARY PLAT:

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

RE-SUBDIVISION:

Revision of all or part of an existing filed plat.

SUBDIVISION PLAT OR FINAL PLAT:

A drawing prepared by a New York State Licensed Professional Engineer or Land Surveyor (with appropriate certification) showing a proposed subdivision, containing all information or detail required by law and by these regulations, to be submitted to the Planning Board for approval, and which, if approved, may be filed or recorded by the Subdivider in the Office of the Livingston County Clerk.

STREET:

Includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lines. For the purpose of this regulation, streets shall be classified as follows:

- A. Arterial streets are those which are used primarily by a heavy volume of traffic.
- B. Collector streets are those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- C. Minor streets or local residential streets are those which are used primarily for access to the abutting properties.
- D. Marginal service streets are streets which are parallel to and adjacent to arterial streets and highways, which provide access to abutting properties and protection from through traffic.
- E. Alleys are minor ways which are used primarily for vehicular service to the back or the side of properties otherwise abutting a street.

STREET PAVEMENT:

The exposed surface of the roadway used by vehicular traffic.

STREET WIDTH:

The width of the right-of-way measured at right angles to the center line of the street.

SUBDIVIDER:

The owner of property or its duly authorized representative, who shall lay out any subdivision or part thereof as defined herein, either for itself or others.

SUBDIVISION:

The division of any parcel of land into two or more lots, plots, sites or other divisions of land, for the purpose, whether immediate or future, of transfer of ownership, lease or building development which shall include re-subdivision in whole or in part of any plot, filed or unfiled, which is entirely or partially undeveloped. When land is divided into parcels of twenty or more acres for agricultural purposes only and lies within Livingston County Agricultural District #3 and no streets, roads, or habitable structures are involved, this shall not be considered a subdivision.

SURVEYOR:

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

TOWN COMPREHENSIVE PLAN, TOWN PLAN, OR MASTER PLAN:

A composite of the mapped and written proposals or recommendations as to the physical development of the Town adopted by the Town Board pursuant to Section 272-a of the Town Law, together with any additions or amendments thereto.

TOWN ENGINEER:

The duly designated engineer of the Town of Springwater.

UNDEVELOPED PLAT:

Those Plats existing at the time of the enactment of this Ordinance, that have been filed in the Office of the Livingston County Clerk, where twenty percent (20%) or more of the lots within the Plat are unimproved.

ARTICLE III — PROCEDURE FOR FILING SUBDIVISION APPLICATION

A. Applicability.

Whenever any subdivision or re-subdivision of land is proposed 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 or a duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.

B. Pre-Application Sketch Plan.

Subdivider is encouraged, prior to subdividing or re-subdividing land, to submit to the Chairperson of the Planning Board at least ten days prior to the regular meeting of the Board, six (6) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements listed below for the purpose of preliminary discussion.

The purpose of the sketch plan review shall be to present to the Planning Board, for initial review, discussion and comment, a design concept or plan for the development of a parcel or parcels within the Town.

1. REQUIREMENTS FOR SKETCH PLAN

The Sketch Plan initially submitted to the Planning Board should be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan should be submitted showing the following information:

- a. The location of that portion to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- b. All existing structures, wooded areas, streams and other significant physical features within the area to be subdivided and within 200 feet thereof.
- c. The tax map sheet, block and lot numbers, if available.
- d. All the utilities available and/or proposed including easements and all streets which are either existing, proposed, or shown on the Official Map, if any.
- e. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the area to be subdivided.
- f. All existing and proposed restrictions on the use of land including easements, covenants, or zoning lines, if any.

2. SUBDIVIDER ATTENDANCE AT PLANNING BOARD MEETINGS

The Subdivider may attend the meeting of the Planning Board to discuss the applicability of these regulations including, but not limited to, those for street improvements, drainage, sewerage, water supply, and fire protection, as well as the availability of existing services and other pertinent issues.

3. STUDY OF SKETCH PLAN

The Planning Board shall determine whether the Sketch Plan, if submitted, complies with the requirements and purposes of these regulations, and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the Subdivider into the Preliminary Plat.

C. General Procedures Applicable to Review of Major and Minor Subdivision Plats.

1. Prior to subdividing or re-subdividing land in the Town, Subdivider shall submit an application in conformance with these regulations, to the Chairperson of the Planning Board. The application for approval of a Major or Minor Subdivision Plat shall be accompanied by a fee as specified in the fee schedule established from time to time by resolution of the Town Board.

2. The Chairperson shall determine whether the proposed subdivision is a Major or Minor Subdivision for purposes of these regulations. If the determination requires interpretation, the Chairperson shall request that the Planning Board make the determination.

3. If the proposed subdivision is determined to be a Minor Subdivision, Subdivider shall submit a Final Plat for a Minor Subdivision in conformance with the requirements of section D below and in conformance with sections 276 and 277 of the New York State Town Law.

4. If the proposed subdivision is determined to be a Major Subdivision, Subdivider shall, prior to filing a Final Plat for Major Subdivision, submit a Preliminary Plat for a Major Subdivision in conformance with the requirements of section E below and in conformance with sections 276 and 277 of the New York State Town Law.

5. Planning Board review of subdivision plats shall also comply with SEQRA.

D. Procedures for Review of Minor Subdivision.

Subdivider shall submit a Final Plat for a Minor Subdivision in conformance with the requirements of sections 276 and 277 of the New York State Town Law, and those requirements listed below as determined to be applicable by the Planning Board.

The Subdivision Plat to be filed with the Livingston County Clerk shall be printed upon mylar or other base material acceptable to the Planning Board and County Clerk. The size of the sheets shall be uniform size sheets in accordance with NYS statutes and Livingston County Clerk's requirements. The Subdivision Plat shall be drawn at a scale of not more 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block number clearly legible.

1. REQUIREMENTS FOR MINOR SUBDIVISION PLAT

a. The proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of the record owner and Subdivider, name, license number and seal of the professional engineer or licensed land surveyor who prepared the Subdivision Plat.

b. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

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

d. The length and bearing of all strait lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each

lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Subdivision Plat shall show the boundaries of the property, location, graphic scale and true north point.

e. The Subdivision Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the Subdivider. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained.

f. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

g. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

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

i. Subdivider shall also supply at the time of application, all forms and information necessary for compliance with the New York State Environmental Quality Review Act (SEQR) and an agricultural data statement if the proposed subdivision is in or within 500 feet of a farm operation in a county agricultural district.

j. Any other data or information required by the Planning Board.

E. Preliminary Plat for Major Subdivision.

1. APPLICATION AND FEE

Prior to the filing of an application for the approval of a Final Subdivision Plat for a Major Subdivision, the Subdivider shall file an application with the Chairperson of the Planning Board for the approval of Preliminary Plat of the proposed Major Subdivision. An application form shall be available at the Town Clerk's Office. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall comply with the requirements as listed below. The Preliminary Plat shall also comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law.

The application for approval of the Preliminary Plat shall be accompanied by a fee as specified in the fee schedule established from time to time by resolution of the Town Board.

2. NUMBER OF COPIES

Five (5) copies of the Preliminary Plat, in the form required herein, shall be filed with the Chairperson of the Planning Board at the time of submission of the application for Preliminary Plat.

3. SUBDIVIDER ATTENDANCE AT PLANNING BOARD MEETING

The Subdivider, or its authorized agent, shall attend all meetings of the Planning Board during which the Preliminary Plat is reviewed.

4. STUDY OF PRELIMINARY PLAT

The Planning Board shall study the practicability of the proposal set forth in the Preliminary Plat, taking into consideration the nature of the community and the best use of the land being subdivided. Particular attention shall be given to:

- a. The arrangement, location, and width of streets; the relation of any streets to the topography of the land, water supply, sewage disposal, storm water drainage, erosion and sediment control.
- b. Lot sizes and arrangement.
- c. Any current zoning regulations.
- d. Any existing comprehensive plan and official map.

5. WHEN OFFICIALLY SUBMITTED

The Preliminary Plat shall be deemed submitted on the date on which the completed application for Preliminary Plat approval, along with ten copies of the Preliminary Plat (meeting all requirements of these Regulations and Town Law Sections 275 and 276 and the required fee, has been filed with the Chairperson of the Planning Board.

6. REQUIREMENTS OF PRELIMINARY PLAT

- a. The Preliminary Plan shall be prepared at a scale of not more than one hundred feet to the inch. The Planning Board will provide guidance to the applicant as to which of the following items are to be submitted for approval.
- b. Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
- c. The name and address of the owners of record of all adjacent property.
- d. Land area proposed to be dedicated to public use and the conditions of such dedication.
- e. Location of existing and proposed property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
- f. Location of any existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

g. Contours with intervals of five feet or less as required by the Planning Board, including elevations on existing roads; approximate grading plan if natural contours are to be changed more than two feet in elevation.

h. The width and location of any streets or public ways or places shown on the Official Map or Comprehensive Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the Subdivider.

i. The approximate location and size of any proposed water lines, valves, hydrants and sewer lines. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law or Environmental Conservation Law. Profiles of all proposed water and sewer lines.

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

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

l. Preliminary designs of any bridges or culverts which may be required.

m. The proposed lot lines with approximate dimensions and area of each lot.

n. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the Official Map.

o. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the Preliminary Plat.

p. A copy of any covenants or deed restrictions which will be applicable to all or part of the tract.

q. Subdivider shall also supply at the time of application, all forms and information necessary for compliance with the New York State Environmental Quality Review Act (SEQR) and an agricultural data statement if the proposed subdivision is in or within 500 feet of a farm operation in a county agricultural district.

7. APPROVAL OF THE PRELIMINARY PLAT

Within sixty-two (62) days after the receipt of the Preliminary Plat and accompanying data by the Chairperson of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five 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 the Preliminary Plat. Within sixty-two (62) days after the date of such hearing, the Planning Board shall by resolution, approve, with or without modification(s), or disapprove, such Preliminary Plat, and the ground(s) for any modification(s) or disapproval shall be stated in the minutes of the Planning Board meeting. The time for the Planning Board to take action on the Preliminary Plat may be extended by mutual consent of the Subdivider and the Planning Board.

When approving a Preliminary Plat, the Planning Board shall state in writing any modification(s) it deems necessary for submission of the Subdivision Plat in final form. Within five (5) days of the resolution approving or granting conditional approval of the Preliminary Plat or such other period of time as required by applicable law, the Preliminary Plat shall be certified by the Chairperson of the Planning Board as being granted approval or conditional approval, and a copy filed in the Town Clerk's office. A certified copy will be mailed to the Subdivider and a copy forwarded to the Town Board. Failure of the Planning Board to act within such sixty-two (62) day period after the public hearing, shall constitute approval of the Preliminary Plat.

When approving, or conditionally approving a Preliminary Plat, the Planning Board shall state in its meeting minutes any terms of conditional approval with respect to:

- a. The modification(s) to the Preliminary Plat.
- b. The character and extent of the required improvements for which waiver may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare.
- c. The level of improvement(s) and/or the amount of certified check, bond or other security which it will require as prerequisite to the approval of the Subdivision Plat.

Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat. It shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Subdivision Plat. It will be submitted for approval of the Planning Board, and for filing at the Livingston County Clerk's Office, upon fulfillment of the requirements of these regulations. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

F. Final Subdivision Plat.

1. APPLICATION AND FEE

The Subdivider shall, within 180 days after the approval or conditional approval of the Preliminary Plat, file with the Chairperson of the Planning Board an application for approval of the Subdivision Plat,

which application shall be available at the Town Clerk's Office. All applications for Subdivision Plat approval shall be accompanied by the fee as specified in the fee schedule established by separate resolution of the Town Board. If the Subdivision Plat is not submitted within six months after the approval or conditional approval of the Preliminary Plat, the Planning Board may refuse to approve the Subdivision Plat and require the re-submission of the Preliminary Plat.

2. NUMBER OF COPIES

A Subdivider shall also submit with the application and fee, ten prints of the Subdivision Plat in the form required by Article VI, Section 3, the original and eight true copies of all offers of cession, covenants, and agreements and four prints of all construction drawings.

3. WHEN OFFICALLY SUBMITTED

The time of submission of the Subdivision Plat shall be considered to be the date on which the completed application for the Final Subdivision Plat, the required fee, and all other data required by these Regulations and Town Law Sections 275 and 276, has been filed with the Chairperson of the Planning Board.

4. REQUIREMENTS FOR FINAL SUBDIVISION PLAT

The Subdivision Plat to be filed with the Livingston County Clerk shall be printed upon mylar or other base material acceptable to the Planning Board and County Clerk. The size of the sheets shall be uniform size sheets in accordance with NYS statutes and Livingston County Clerk's requirements. The Subdivision Plat shall be drawn at a scale of not more 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block number clearly legible.

The Subdivision Plat shall show:

- a. The proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and Subdivider, name, license number and seal of the professional engineer or licensed land surveyor.
- b. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- c. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates and in any event should be tied to reference points previously established by a public authority.
- d. The length and bearing of all strait lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Subdivision Plat shall show the boundaries of the property, location, graphic scale and true north point.
- e. The Subdivision Plat shall also show by proper designation thereon all public open

spaces for which deeds are included and those spaces title to which is reserved by the Subdivider. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained.

f. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

g. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

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

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

5. ENDORSEMENT OF STATE AND COUNTY AGENCIES

Applications for approval of plans for water and/or sewer facilities shall be filed by the Subdivider with all necessary Town, County and State agencies. Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Livingston County Department of Health and/or the NYS Department of Environmental Conservation. Such endorsements shall be secured by the Subdivider before submission of the Subdivision Plat to the Chairperson of the Planning Board.

6. PUBLIC HEARING

Within sixty-two (62) days of the submission of a completed Final Subdivision Plat, a public hearing shall be held by the Planning Board. However, when the Planning Board deems the Final Subdivision Plat to be in substantial conformance with a Preliminary Subdivision Plat already approved pursuant to the terms of these Regulations, together with any modifications required by such approval, the Planning Board may waive the requirement for such public hearing. In the event the Planning Board requires a public hearing on the Final Subdivision Plat, the hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing, or such other period of time as required by applicable law.

7. ACTION ON PROPOSED FINAL SUBDIVISION PLAT

The Planning Board shall, by resolution, conditionally approve the Final Subdivision Plat with or without modification(s), disapprove it, or grant approval authorizing its signing, within sixty-two (62) days after such Final Subdivision Plat is officially submitted to the Chairperson of the Planning Board if

no hearing is held; or in the event a hearing is held, within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the Subdivider and the Planning Board. The Planning Board's failure to take action on a Final Subdivision Plat within the time prescribed of shall be deemed approval of the Final Subdivision Plat.

If approved, the Final Subdivision Plat shall be signed by the Chairperson or other duly designated officer of the Planning Board. If, however, the Final Subdivision Plat is conditionally approved, then within five days of such resolution, two copies of the Final Subdivision Plat shall be certified by the Chairperson of the Planning Board as being conditionally approved. One copy shall be filed in the Town Clerk's Office and the other copy shall be mailed to the Subdivider. The copy mailed to the Subdivider shall include a certified statement of the required modifications which, when completed, will authorize the signing of the Final Subdivision Plat.

Upon completion of such modifications, the Final Subdivision Plat shall be signed by the Chairperson or other duly authorized officer of the Planning Board. Conditional approval of a Final Subdivision Plat shall expire one hundred eighty (180) days after the date of the resolution granting such conditional approval unless the modifications 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, but not to exceed two additional periods of ninety (90) days each.

G. Lot Line Adjustment.

An application for a Lot Line Adjustment shall be made to the Chairperson of the Planning Board and shall include a mylar print and no less than ten (10) copies of the instrument survey map (prepared by a licensed Land Surveyor) of the relevant portions of the Lots for which the Lot Line Adjustment is being requested. The instrument survey map shall sufficiently show all lot lines being adjusted in sufficient scale so as to allow proper review of the application.

The application for a Lot Line Adjustment shall not require a fee.

The application for Lot Line Adjustment may not request, nor shall approval result in the creation of any additional Lot.

A Lot Line Adjustment can be approved by the act of the Chairperson of the Planning Board without formal review by or appearance in front of the Planning Board. However, the Chairperson of the Planning Board has discretion to require an applicant to appear before the Planning Board for review of any application for a Lot Line Adjustment.

Upon approval of an application for Lot Line Adjustment, the Chairperson of the Planning Board shall sign the mylar and all copies of the Instrument survey map and the applicant shall cause such map to be filed with the Livingston County Office of Real Property Services no later than thirty (30) days from the date of approval and signing by the Chairperson of the Planning Board. Any approved instrument survey map for a Lot Line Adjustment that is not filed as provided above shall be deemed invalid and any such approval shall be deemed to have lapsed.

ARTICLE IV — REQUIRED IMPROVEMENTS

A. Improvements and Performance Bond.

Before the Planning Board approves a Subdivision Plat, the Subdivider shall follow the procedure set forth in either Subsection 1 OR Subsection 2 below.

1. COMPLETION OF IMPROVEMENTS

The Subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.

2. PERFORMANCE BOND/OTHER SURETY FOR COMPLETION OF IMPROVEMENTS

Subdivider shall file with the Town Clerk, in an amount set by the Planning Board, a certified check, performance bond, irrevocable letter of credit or other financial instrument acceptable to the Town, to cover the full cost of the required improvements not completed at such time. Any such financial instrument shall comply with the requirements of Section 277 of the Town Law and further shall be satisfactory to the Town Board and Town Attorney as to the type of security, form, sufficiency, manner of execution and surety. A period of one year (or other such period as the Planning Board may determine appropriate, but not to exceed three years) shall be set forth in the bond as the time within which the required improvements must be completed.

B. Mapping of Completed Improvements.

The required improvements shall not be considered to be completed until their installation has been approved by the Town Engineer, and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the Subdivider completes all required improvements according to Subsection (1) above, then said map shall be submitted prior to endorsement of the Subdivision Plat by the appropriate Planning Board officer. However, if the Subdivider elects to provide a certified check, performance bond, irrevocable letter of credit or other financial instrument as specified in Subsection (2) above, such financial instrument shall not be released until the improvements have been completed and approved by the Town Engineer and such map is submitted.

C. Modification of Design of Improvements.

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

of such authorization to the Planning Board prior to its next regular meeting.

D. Inspection of Improvements.

At least five (5) days prior to commencing construction of required improvements, the Subdivider shall pay to the Town Clerk the inspection fee as specified in the fee schedule established by separate resolution of the Town Board, and shall notify the Town Board in writing of the time when he/she proposes to commence construction of such improvements so that the Town Board may cause proper inspection thereof, and to assure that all Town specifications and requirements shall be met during the construction of required improvements and utilities required by the Planning Board.

E. Proper Installation of Improvements.

If prior to the expiration date of the performance bond, irrevocable letter of credit or other applicable financial instrument, the Town Engineer determines that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, he/she shall so report to the Town Board, the Building Inspector, and Planning Board. The Town Board then shall notify the Subdivider and, if necessary, the bonding company, bank or other financial institution involved, and take all necessary steps to preserve the Town's right under the financial instrument.

F. Default Under Previously Approved Subdivision Plat.

No pending Subdivision Plat shall be approved by the Planning Board as long as the Subdivider is in default on a previously approved Subdivision Plat.

ARTICLE V — IMPROVEMENTS

A. General Improvements.

1. STREETS

All streets shall be constructed, graded and paved in accordance with specifications established by the Town Highway Superintendent and/or Town Engineer.

2. STORM DRAINS

Storm drains, culverts, catch basins and other drainage structures shall be located and installed in accordance with the Subdivision Plat approved by the Planning Board. All construction, basins, culverts and pipe shall comply with the requirements and specifications set forth in the storm water drainage, erosion and sediment control plan required in Article VI, Section B, Subsection 4.

3. SIGNS

Street signs shall be constructed and in conformity with Town specifications at the locations approved by the Planning Board.

4. LIGHTING

Street lighting facilities shall be provided along all streets in the subdivision and along all streets upon which the subdivision abuts, when and where required by the Planning Board.

5. WASTEWATER DISPOSAL SYSTEMS

All wastewater disposal systems shall be installed in accordance with plans approved by the Livingston County Health Department. Such systems shall provide each residence and other structures containing plumbing fixtures with an adequate and safe method of sewerage disposal. Where a public sewerage disposal system is not available, an adequate private wastewater disposal system approved by the Livingston County Health Department shall be provided.

6. WATER SUPPLY SYSTEMS

All water supply systems shall be installed pursuant to plans approved by the Livingston County Health Department. Such systems shall be designed to provide a sufficient supply of potable water under adequate pressure to all outlets, including, but not limited to, residences, other structures, drinking fountains, hose connections and hydrants. Where a public water supply system is not available, an adequate private water supply system approved by the Livingston County Health Department shall be provided.

7. MOMUMENTS

a. Each lot in the subdivision shall be referenced by two markers located at the intersection of the side boundary line of the lot and the front property line. Lot boundary line markers shall be of metal rod or pipe not less than three-quarters inch in diameter and twenty-four inches in length and driven so that the top of the marker is flush with the level of the improved ground.

b. A letter from a NYS Licensed Land Surveyor shall be provided by the Subdivider to the Planning Board certifying that all markers are installed as shown on the approved Subdivision Plat.

B. Permitted Modifications.

1. CURBING AND SIDEWALKS

Where curbing and/or sidewalks are not provided, adequate provisions for the protection of the edge of the road pavement, graded shoulders, all driveway openings and other access ways, shall be provided in a manner approved by the Town Engineer and the Town Planning Board.

Where sidewalks and curbing are not provided, grass curb strips shall not be required. However, grading and permanent seeding of the area between the pavement edge, shoulder or approved drainage structure and the front property line of the lot shall be provided.

2. FIRE HYDRANTS

Where adequate water mains are neither existing nor proposed to be available to the subdivision, fire hydrants may be omitted.

ARTICLE VI — DESIGN STANDARDS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth below. These standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article VIII herein.

A. General Conditions.

1. CHARACTER OF LAND

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

2. CONFORMITY TO OFFICIAL MAP AND COMPREHENSIVE PLAN

Subdivisions shall conform to the streets and parks shown on the Official Map of the Town as may be adopted and shall be properly related to the Town Comprehensive Plan, if any, as such plan is developed and adopted by the Planning Board or Town Board.

B. Design Standards of Improvements.

1. STREETS

The following regulations shall govern the layout of streets.

- a. The design of the street pattern shall be based upon a local residential collector street system.
- b. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas, or their proper extension where adjoining land is not subdivided, at the same or greater width as may be deemed necessary for public requirements.
- c. Local residential streets shall be designed to discourage through traffic.
- d. All right-of-way street widths and street roadways shall be measured at right angles or radial to the center line of the street and shall not be less than fifty (50) feet in width. Roadways shall have a minimum of two lanes, each of which shall be ten feet or wider as specified by the Town Highway Superintendent.
- e. Whenever possible, streets should intersect at right angles and not intersect at angles of less than sixty (60) degrees.

f. Roadways shall be designed and constructed so as to be acceptable to the Town Highway Superintendent and/or Town Engineer.

g. All proposed subdivisions requiring new street systems shall be designed to provide access to adjacent properties. When a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead end or "stub" streets of the existing subdivision.

h. The following standards shall apply to cul-de-sac streets:

i. A cul-de-sac should be designed and graded, if possible, so that it drains toward its entrance.

ii. Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street shall not be placed so that it backs on the property line of the subdivision.

iii. A cul-de-sac should not exceed five hundred feet in length, as measured from the center line of the street at the open end to the radius point of the turn point of the turn around.

iv. All cul-de-sacs shall have a turn around at the end of the street which shall have a right-of-way radius of eighty feet. The curb at the turn shall have a minimum radius of seventy feet.

i. If a dead end street is of a temporary nature, a turn around shall be provided and provision made for future extension of the street and the reversion of the excess right-of-way of such temporary turn around to the adjoining properties.

j. New half or partial streets shall not be permitted, except that wherever a proposed subdivision borders a half or partial street, the Planning Board may require that the other part of the street be platted in the proposed tract if it is found that such a requirement would increase the effectiveness of the circulation system in the area.

k. Multiple intersections involving a junction of more than two streets (four way intersection) shall be prohibited.

l. Arterial streets shall not intersect with local residential streets and residential collector streets less than eight hundred feet apart, measured from center line to center line.

m. To avoid confusion, no street shall have a name which will duplicate or so nearly duplicate, as to be confused with the names of existing streets. The continuation of an existing street shall have the same name. All proposed street names are subject to approval of the Town of Springwater's Local Addressing Official, the Livingston County Sheriff's Office and the Livingston County Planning Department.

o. The minimum radius of horizontal curve, minimum length of vertical curves, and minimum length of tangents between reverse curves shall be in accordance with specifications

established by the Town Highway Superintendent and/or Town Engineer. Said items shall be approved prior to final approval of the Subdivision Plat by the Planning Board.

p. New streets shall be so located as to provide adequate sign distance on any adjacent public road in both directions from the interior road in accordance with the current edition of the American Association of State Highway and Transportation Officials (AASHTO).

q. New streets shall not be placed so as to intersect another street directly opposite an existing residence.

2. LOTS

The following regulations shall govern the layout of lots.

a. All lots shown on the Subdivision Plat must conform to the Minimum Lot Size Law and to applicable Zoning Law, if any.

b. Each lot shall abut on a street in the Subdivision Plat or an existing publicly dedicated street, or the Subdivider shall provide proof that the lot has an adequate perpetual right-of-way to a public street. Proof of said right-of-way must be acceptable to the Planning Board.

c. Corner lots shall be of sufficient size to meet the minimum building line, lot width and yard setback requirements of any applicable Zoning Law.

d. Where extra width has been provided/dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.

e. Side lines of lots shall be at right angles to straight streets and radial to curved streets.

f. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions or similar circumstances, the Planning Board may, after investigation, withhold approval of such lots.

g. Lots intended for commercial or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

3. UTILITY EASEMENTS

Easements shall be provided for utilities where they do not fall within a dedicated right-of-way. All such easements shall be plotted on the Sketch Plan, Preliminary Plat and Subdivision Plat. Unless otherwise provided in this section, easements shall have a minimum width of twenty feet.

To the extent possible, easements shall be centered on or adjacent to rear or side lot lines.

4. STORM WATER DRAINAGE, EROSION AND SEDIMENT CONTROL MEASURES AND EASEMENTS

The Planning Board may refer all residential subdivision proposals to the Livingston County Soil and Water Conservation District (SWCD) and/or the Town Engineer, for their review as to the acceptability of proposed drainage, erosion and sediment control measures both during construction phases and after completion. Such review shall be based upon the U.S. Soil Conservation Service TR-55 system or an acceptable equivalent. All easements deemed necessary to maintain natural, or man-made storm water drainage, erosion and/or sediment control measures shall be provided and plotted accordingly on the Subdivision Plat.

5. LANDSCAPING AND GROUND COVER

When a proposed subdivision borders upon an existing commercial or industrial establishment or any other use which, in the opinion of the Planning Board, may be visually detrimental to the tranquility of the future residents of the subdivision, the Planning Board may require a landscape screen to protect the subdivision from the visually incompatible use.

6. PRESERVATION OF NATURAL FEATURES

a. Topsoil moved during the course of construction shall be redistributed so as to provide cover to all areas of the subdivision and shall be stabilized by seeding or planting. At no time shall topsoil be removed from the site without written permission from the Planning Board.

b. Where a subdivision is traversed by a natural lake, pond or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Town Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in watercourse alignment shall be in accordance with the New York State Environmental Conservation Law.

c. Unique physical features such as historic landmarks and sites, rock outcroppings, hilltop lookouts, desirable natural contours, and similar features shall be preserved, if possible.

d. All surfaces, including hills or mounds of dirt, shall be removed and/or restored within 180 days of the time of the completion. This will include removal of any construction debris. This requirement shall apply only to completed sections of a Subdivision.

e. The Subdivider shall not be permitted to leave any surface depressions which will collect pools of water.

f. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless the tree is within the right-of-way of a street as shown on the Subdivision Plat. Removal of additional trees shall be subject to approval of the Planning Board.

G. FLOODPLAINS

1.

Mapping - If any portion of the land within the subdivision is subject to inundation or flood hazard by storm water, such fact and area shall be clearly delineated on the Preliminary Plat and Subdivision Plat.

2.

Use - Land subject to flooding and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy or for such other uses so as to increase danger to health, life, or property, or aggravate the flood hazard.

H. SELF-IMPOSED RESTRICTIONS

The Subdivider may place restrictions on the development greater than those required by the Zoning Law, if such Law or Laws exist. Such restrictions, if any, shall be indicated on the Subdivision Plat.

ARTICLE VII — FILING OF APPROVED SUBDIVISION PLAT

A. Final Approval and Filing.

Upon completion of the requirements of Section 3 and 4 herein and entry of a notation to that effect upon the Subdivision Plat, it shall be deemed finally approved. The Subdivision Plat shall then be signed by the Chairperson or other duly authorized officer of the Planning Board and forwarded to the Subdivider for filing at the Livingston County Clerk's Office. Any Subdivision Plat not so filed within sixty (60) days of the date after which it is so signed or otherwise considered approved by the failure of the Planning Board to act as set forth in Article III, Section 3 Subsection F, shall become null and void.

B. Subdivision Plat Void if Revised After Approval.

No changes, erasures, modification(s), or revisions shall be made to any Subdivision Plat after it has been approved by the Planning Board and such approval has been endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is filed without complying with this requirement, the same shall be considered null and void.

ARTICLE VIII — PUBLIC STREETS, RECREATION AREAS

A. Public Dedication or Acceptance of Streets.

The approval by the Planning Board and subsequent filing of the Subdivision Plat at the Livingston County Clerk's Office shall not be deemed to constitute acceptance by the Town by dedication or otherwise, of any street, easement, or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas.

When a park, playground, or other recreation area shall have been shown on a Subdivision Plat, the approval of said Subdivision Plat shall not constitute an acceptance by the Town of such area, and the Subdivision Plat shall be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the Subdivider and the Town Board covering future deeding of title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE IX — TIME LIMITATIONS

The time limitations set forth in these regulations and the corresponding provisions of Town Law may be varied when required for the purpose of complying with the provisions of the State Environmental Quality Review Act (SEQR) (Part 617 of Article 8 of the Environmental Conservation Law.) An application for subdivision shall not be considered complete until the SEQR process is completed.

ARTICLE X — WAIVERS

Where the Planning Board finds that due to special circumstances of a proposed Subdivision Plat, the provision of certain improvements is not required in the interest of public health, safety and general welfare, or is inappropriate to the proposed Subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver shall not have the effect of nullifying the intent and purpose of any Zoning Law or any existing Comprehensive Plan and official map. In granting waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so waived.

ARTICLE XI — VALIDITY

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. In the event that the Town of Springwater does not have a functioning Town Planning Board, then the Town Board may, by resolution, elect to administer and enforce all provisions of the Subdivision Ordinance and assume all rights, powers and authority assigned to the Planning Board.

ARTICLE XII --- PENALTIES FOR VIOLATIONS

The violation of any of the provisions of these regulations is an offense and shall subject the person or entity violating the same to a fine not exceeding \$500.00 or to imprisonment not exceeding 15 days, or both.

Each week's continues violation shall constitute and be considered a separate and distinct offense.

Nothing contained in these regulations shall preclude the municipality or its agents from seeking such other and further relief as may be lawful in order to compel adherence to the terms of these regulations and otherwise enforce the same.

[End of Body of Land Subdivision Regulations]

SECTION 3.

Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4.

Effective date.

This local law shall take effect immediately upon filing with the New York State Secretary of State in Albany.