

**LOCAL LAW #1 OF 1999
TOWN OF CATLIN
SUBDIVISION LAW**

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ARTICLE 1 GENERAL PROVISIONS**1.0 AUTHORITY**

The TOWN BOARD of the Town of Catlin in accordance with Sections 276-278 of Article 16 of the Town Law of the State of New York, and by resolution adopted on 12/31/1999 has assigned to the PLANNING BOARD the responsibility and authority to review and approve, or disapprove plans for land SUBDIVISION within the Town which shows LOTS, blocks or sites, with or without new streets or highways. Pursuant to the above authority, the PLANNING BOARD has prepared and the TOWN BOARD has adopted this Local Law setting forth procedures and standards to be followed in the preparation and review of preliminary layouts and SUBDIVISION PLATS. By the same authority, using procedures set forth in these regulations, the PLANNING BOARD has the power and authority to pass and approve the development of plats already filed in the office of the clerk of Chemung County if such plats are entirely or partially undeveloped.

1.1 PURPOSE AND CONTENT

The purpose of establishing this SUBDIVISION Local Law is to provide for the orderly growth and development of the Town and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and welfare of the Town's population. This Local Law establishes requirements for approval of SUBDIVISION PLATS, including a description of maps and supporting materials which the PLANNING BOARD requires to carry out its responsibilities under these regulations. The review and approval procedures contained herein are designed to safeguard the community.

1.2 ENACTMENT, TITLE AND JURISDICTION

In order that land may be subdivided in accordance with this purpose, this Law is hereby adopted, and shall be known and may be cited as "Subdivision Local Law of the Town of Catlin" upon the adoption of this Local Law by the TOWN BOARD.

1.3 CONFLICT WITH EXISTING REGULATIONS

Where the regulations of this Local Law impose greater restrictions than are imposed by the provision of any law, ordinance, regulation or private agreement, these regulations shall control. Where greater restrictions are imposed by any law, ordinance, regulation or private agreement than are imposed by these regulations, such greater restrictions shall govern.

1.4 GENERAL POLICY FOR SUBDIVISION DESIGN AND REVIEW

It is declared to be the policy of the PLANNING BOARD to consider land SUBDIVISIONS as part of a plan for the orderly, efficient and economical development of the Town which is to be done in a manner that is reasonable and in the best interests of the community. The PLANNING BOARD shall require the SUBDIVIDER to complete said approved SUBDIVISION or section thereof as filed within a period agreed upon by the subdivider and the PLANNING BOARD.

The PLANNING BOARD will be guided in its consideration of an application for the SUBDIVISION of land by the following general requirements:

- A. The physical characteristics of the land to be subdivided shall be such that it can be used for building purposes without danger to health and safety, property, or peril from fire, flood or other menace. Proper provision shall be made for drainage, water supply, sewage, utilities and other needed improvements. All PARCEL developments shall meet Town, County, State, and Federal health requirements.

- B. Natural and historic features shall be preserved. Insofar as possible, all existing features of the landscape such as large trees, rock outcrops, unusual glacial formations, water and flood courses, historic sites and other such irreplaceable assets shall be preserved.
- C. SUBDIVISION PLATS shall conform to the TOWN COMPREHENSIVE PLAN. They shall be in conformance with the ZONING LAW, and shall be properly related to the TOWN COMPREHENSIVE PLAN as it is developed and used for guidance by the PLANNING BOARD, either with or without formal adoption. ROADS shall be of such width, grade and location as to accommodate the prospective traffic, account for topographic relief and to facilitate fire protection according to highway specifications. Park areas of suitable location, size and character for playground or other recreational or open space purposes shall be shown on the SUBDIVISION PLAT in proper cases and when required by the PLANNING BOARD.

1.5 SUBDIVISIONS STRADDLING MUNICIPAL BOUNDARIES

Whenever access to a SUBDIVISION can be had only across land in another municipality, the PLANNING BOARD may request assurance from the Catlin Town Highway Superintendent that the access ROAD is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access ROAD. In general, LOT lines shall be laid out so not to cross Town boundary lines.

1.6 RESUBDIVISION

For a RESUBDIVISION, the same procedure shall apply as for a SUBDIVISION. If the proposed RESUBDIVISION consists solely of the simple alteration of LOT lines with no major changes in LOT sizes, access, proposed ROADS, sewage disposal systems and/or public facilities, then normal SUBDIVISION procedures maybe waived at the discretion of the PLANNING BOARD.

1.7 WAIVERS

Where, due to topography or other conditions especially affecting the land being subdivided, a strict enforcement of this Law would result in practical difficulty, unnecessary hardship, or conflict with other requirements in such SUBDIVISION deemed to be of greater benefit or importance, the PLANNING BOARD may vary the application of these regulations in harmony with its general purpose and intent. The approval of any such waiver shall be included in the approval by the PLANNING BOARD of the SUBDIVISION PLAT, and the PLANNING BOARD shall state in the minutes its reasons for granting such waiver.

1.8 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or other part of these regulations are for any reason held invalid of the remaining portion of these regulations shall not be affected.

1.9 FINES AND PENALTIES

- 1.9.1 Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with enforcement of any of the provisions of this *Law* or any conditions imposed by the PLANNING BOARD or Zoning Board of Appeals, shall be guilty of an offense and subject to a fine not exceeding three hundred and fifty dollars (\$350) or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense: for conviction of a second offense, both of which are committed within a period of five (5) years, punishable by a fine of not less than three hundred and fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine of not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.
- 1.9.2 In case of any violation, threatened violation, or impending violation, of any provision of this Local Law or conditions imposed by the PLANNING BOARD, Zoning Board of Appeals or CODE ENFORCEMENT OFFICER, in addition to the other remedies herein provided, the TOWN BOARD may institute such appropriate action and proceeding to prevent such unlawful action, or to restrain, correct or abate such violation

ARTICLE 2. INTERPRETATION AND DEFINITIONS**2.0 GENERAL INTERPRETATION**

In these regulations when not inconsistent with the context:

- A. The word "LOT" includes the words "plot", "PARCEL", "sites", or other divisions of land.
- B. Words in the present tense imply also the future tense.
- C. The singular includes the plural and the plural includes the singular.
- D. The male gender includes the female gender.
- E. The word "person" includes an individual or business entity of any form .
- F. The verb "shall" is mandatory.
- G. The verb "may" is permissive.
- H. Other words not defined above or in Section 2.1 Defined Terms shall be as defined in the **TOWN OF CATLIN ZONING LAW**, the **NYS UNIFORM FIRE PREVENTION AND BUILDING CODE**, or as used in their common meaning in the Dictionary.

2.1 DEFINED TERMS

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

CODE ENFORCEMENT OFFICER: The duly appointed CODE ENFORCEMENT OFFICER of the Town of Catlin.

CONCEPT PLAT: A drawing prepared in accordance with Section 3.2 of these regulations showing in sketch form the general manner in which a tract of land is proposed to be subdivided.

DRIVEWAY: An improved way that provides or is designed to provide vehicular access between a ROAD and a LOT, PARKING AREA and / or an INTERNAL DRIVE.

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

ENGINEER OR LICENSED PROFESSIONAL ENGINEER: A person licensed as a professional ENGINEER by the State of New York.

FLOOD LIMITS: The land-water boundary of a natural water-course flowing at a flood stage frequency such as 10, 25, 50, 100-year as defined in the most recently enacted mapping by a responsible agency such as the U.S. Army Corps of Engineers, National Flood Insurance Agency, the Soil Conservation Service of the U.S. Department of Agriculture or the Susquehanna River Basin Commission.

LOT: A PARCEL considered as a unit, devoted to a specific use or occupied by a structure or a group of structures united by a common interest, use or ownership, which abuts and is accessible from a PRIVATE or PUBLIC ROAD.

LOT, WIDTH - "FLAG LOTS": The distance between the side LOT lines measured at the minimum front yard setback, or in the case where a minimum front setback is established by the PLANNING BOARD at the time of SUBDIVISION approval, which line is further removed from the front LOT line than the minimum front yard setback established for the Zoning District.

ORIGINAL PARCEL: A PARCEL of land as defined by its legal boundaries as of the date of adoption of this Local Law.

PARCEL: A contiguous tract of land under the control of the applicant or his agent considered to be one unit and defined by legal boundaries that is not divided by any natural or man-made barriers such as existing ROADS, rights-of-way, rivers, and streams classified as 5C or higher by New York State Department of Environmental Conservation (NYSDEC).

PERFORMANCE GUARANTEE: Any security which may be acceptable to the TOWN BOARD on all PUBLIC IMPROVEMENTS specified in these regulations to be constructed by the SUBDIVIDER. This guarantee shall be made before the PLANNING BOARD approves the final plat.

PLANNING BOARD: PLANNING BOARD of the Town of Catlin as designated by TOWN BOARD per Section 271 of the Town Law.

PRELIMINARY PLAT: A drawing prepared for MAJOR SUBDIVISIONS in accordance with Section 3.3.1 of these regulations showing the manner in which a track of land is proposed to be subdivided and including preliminary design data for related improvements. This is identical to the "Preliminary Layout" referred to in Section 276 of the Town Law.

PRIVATE ROAD: A private way that services or is designed to serve no more than three (3) principal uses and is built to town specifications that remains in the ownership of and is maintained by the developer or development association and is not dedicated to the town. More than three (3) principal uses may be permitted if a legal entity approved under NYS Law is established for maintenance.

PUBLIC IMPROVEMENTS: Any improvement and/or utility service that is owned, operated and maintained by the Town of Catlin or County of Chemung.

PUBLIC ROAD: A ROAD that serves one or more principal uses, that is built to town specifications and is dedicated to the town for maintenance or an existing ROAD established by use.

ROAD, COLLECTOR: ROADS intended primarily to serve in collecting traffic from MINOR ROADS and connecting this traffic to PRIMARY ROADS.

ROAD, MINOR: ROADS intended primarily to serve as access to abutting properties.

ROAD, PRIMARY: ROADS which are used or designed primarily for through or heavy traffic and used primarily as a route for traffic between communities, including all County and State ROADS.

ROAD, DEAD-END ROAD OR CUL-DE-SAC: A ROAD or a portion of a ROAD with only one vehicular traffic access.

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

ROAD WIDTH: The width of the right-of-way, measured at right angles to the centerline of the ROAD.

RESUBDIVISION: A change in a map of an approved or filed SUBDIVISION PLAT, including merging of tax PARCELS.

SLOPE: A percentage of grade, rise or incline calculated by dividing number of feet that the elevation increases by the number of feet of horizontal distance.

SUBDIVIDER: Any person, firm, corporation, partnership, or other organization who proposes any SUBDIVISION as defined herein.

SUBDIVISION: The division of any PARCEL of land into three (3) or more LOTS, plots, sites or other division of land. If a new ROAD or extension of an existing ROAD or any municipal facilities are involved, any division of an ORIGINAL PARCEL of land will constitute a SUBDIVISION. The third (3rd) LOT of an ORIGINAL PARCEL creates a SUBDIVISION and all LOTS are required to meet the criteria of this Law. The division of land into LOTS of ten (10) acres or more shall not constitute a SUBDIVISION under this Local Law.

SUBDIVISION, MINOR: Any SUBDIVISION, of four (4) LOTS or less, fronting on or having access from an existing ROAD, not involving any new ROAD or extension of PUBLIC IMPROVEMENTS and not adversely affecting the development of the remainder of the PARCEL or adjoining property as stated in Section 3.2.

SUBDIVISION, MAJOR: Any SUBDIVISION not classified as a MINOR SUBDIVISION and any fourth and all subsequent MINOR SUBDIVISIONS from a PARCEL by the same SUBDIVIDER.

SUBDIVISION PLAT: Drawings prepared in accordance with these regulations showing in final form, as specified in Section 3.3.2, a proposed SUBDIVISION of a tract of land including all information, detail and final plans for related improvements required by Law, and, if approved suitable for filing in the office of the County Clerk.

SURVEY: A drawing showing, at a minimum, metes and bounds description of a property as prepared by a professional NYS LICENSED SURVEYOR.

SURVEYOR, LICENSED: Any individual licensed by the Sate of New York to prepare SURVEYS.

TOWN BOARD: The TOWN BOARD of the Town of Catlin.

TOWN COMPREHENSIVE PLAN: A plan for the development of the Town pursuant to Section 272-a of the Town Law.

TOWN ENGINEER: The ENGINEER or LICENSED PROFESSIONAL ENGINEER duly authorized by the TOWN BOARD to review SUBDIVISION PLATS, make inspections, approvals, and other determinations, and to act in the capacity specified in this Law.

ZONING LAW: The ZONING LAW of the Town of Catlin.

ARTICLE 3. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**3.0 GENERAL PROCEDURE**

Whenever any SUBDIVISION of land is proposed, before the conveyance or delivery of any title, deed or any other instrument that conveys equitable title, before any permit for the erection of a permanent building in such proposed SUBDIVISION shall be granted, and before any SUBDIVISION PLAT may be filed in the office of the Chemung County Clerk, the SUBDIVIDER or his authorized agent shall apply for and secure approval of such proposed SUBDIVISION in accordance with the procedures outlined in this Local Law. The SUBDIVIDER or his duly authorized representative shall attend a regular monthly meeting of the PLANNING BOARD to discuss the requirements of this Law and/or to submit a CONCEPT PLAT. A RESUBDIVISION shall follow the same procedures as outlined for a SUBDIVISION herein.

3.1 CONCEPT PLAT PROCEDURE

The purpose of this optional step is to afford the SUBDIVIDER an opportunity to consult early and informally with the PLANNING BOARD. Classification as to whether the application is a MINOR or MAJOR SUBDIVISION as defined in this Law will be made by the PLANNING BOARD at the time of this submittal. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a MINOR SUBDIVISION comply with all or some of the requirements specified for MAJOR SUBDIVISIONS. If the CONCEPT PLAT is classified as a MAJOR SUBDIVISION, the SUBDIVIDER shall then comply with the procedure outlined in Section 3.3 of this Law. If it is classified as a MINOR SUBDIVISION, the SUBDIVIDER shall then comply with the procedures outlined in Section 3.2. The PLANNING BOARD shall determine whether the CONCEPT PLAT meets the purposes and specific requirements of this Law, and shall notify the SUBDIVIDER in writing of its findings, including any recommended modifications to the CONCEPT PLAT.

3.1.1 REQUIREMENTS

A CONCEPT PLAT may be prepared and twelve (12) copies submitted to the PLANNING BOARD. The CONCEPT PLAT shall comply substantially with the requirements set forth in Section 3.1.2 of this Law. One (1) copy of the CONCEPT PLAT shall be returned to the SUBDIVIDER with a copy of the appropriate meeting minutes; one (1) copy shall be retained by the PLANNING BOARD; and one (1) copy shall be used for necessary coordination with other agencies. Before preparing a CONCEPT PLAT, the SUBDIVIDER may discuss with the PLANNING BOARD, and if directed to do so with the Towns Consultants *with expertise in a related area*, the general requirements as to design of ROADS, reservations of land, preservation of natural and/or historic features, drainage, sewerage, water supply, fire protection, and other improvements as well as procedural matters. SUBDIVIDERS of land adjoining state or county highways are advised to consult with the District ENGINEER of the New York State Department of Transportation or the County Department of Public Works at the CONCEPT PLAT stage in order to resolve problems of ROAD openings or storm water drainage at the earliest possible stage in the design process. The PLANNING BOARD shall study the CONCEPT PLAT of a proposed SUBDIVISION in relation to existing and potential development of the adjacent area, the Town and County Comprehensive Plans, Town ZONING LAW, and in the course of its review may consult with other interested public agencies.

3.1.2 SPECIFICATIONS FOR CONCEPT PLAT

The CONCEPT PLAT shall be drawn on paper or other suitable material at a standard scale of not more than two hundred (200) feet to the inch and shall show the following information. The

PLANNING BOARD may, at its discretion, waive any and all submittal requirements that are clearly not relevant to the application and/or site.

- (a) A location map showing the boundaries of the total tract in relation to adjoining streets; schematically the locations of the nearest: water and sewer lines, parks and playgrounds within one quarter mile (1320 feet) of the proposed SUBDIVISION and other public facilities as appropriate.
- (b) Title of the sketch, including name and address of the SUBDIVIDER.
- (c) North point, scale and date.
- (d) Boundaries of the tract to be subdivided, plotted to scale. If the SUBDIVIDER intends to develop the tract in stages, the entire tract shall nevertheless be included in the CONCEPT PLAT.
- (e) A USGS topographic SURVEY showing ground contours adjacent to and within the tract to be subdivided at intervals of not more than twenty (20) feet of elevation, and all pertinent topographic and planimetric features within and adjoining the tract, including existing streets, existing buildings, watercourses and their one hundred (100) year FLOOD LIMITS, SLOPE 15% or greater, water bodies, wetlands, wooded areas, and individual large trees (12" diameter breast height). Other features to be retained in the SUBDIVISION should be so indicated.
- (f) The approximate lines of proposed ROADS, LOTS, sidewalks and neighborhood recreation areas or other permanent open space.
- (g) Schematic indication of proposed system for storm water drainage.
- (h) Statement as to proposed source of water supply and method of sewage disposal.
- (i) Indication of the zoning of the tract and any other legal restrictions of use.
- (j) Name or names of the landscape architect and/or LICENSED PROFESSIONAL ENGINEER and licensed land surveyor responsible for the preparation of the CONCEPT PLAT and related documents.
- (k) A completed copy of the appropriate State Environmental Quality Review (SEQR) Environmental Assessment Form.
- (l) Names of adjoining property owners and tax PARCEL identification numbers, and/or names of adjacent SUBDIVISIONS.

3.2 PROCEDURE FOR A MINOR SUBDIVISION

Within either, six months after classification of the CONCEPT PLAT as a MINOR SUBDIVISION, or submittal to the PLANNING BOARD of a SUBDIVISION PLAT determined by that Board to be a MINOR SUBDIVISION, the SUBDIVIDER shall submit an application and a SUBDIVISION PLAT for approval. The Plat shall conform to the layout shown on the CONCEPT PLAT plus any recommendations made by the PLANNING BOARD. A fee as determined by the TOWN BOARD shall accompany the submission.

3.2.1 SUBMISSION OF SUBDIVISION PLAT

For the purpose of these regulations, the submission date for review shall be taken as the date of the first regular PLANNING BOARD meeting following plat submission to the CODE ENFORCEMENT OFFICER (CEO) *at which the PLAT is accepted as complete*. Twelve (12) copies of the SUBDIVISION PLAT shall be presented to the CEO in accordance with the adopted PLANNING BOARD agenda deadlines. The CEO shall verify the completeness of the submission and refer it to the PLANNING BOARD for review. The CEO shall notify the applicant as to the date of the meeting at which the proposal will be discussed. The SUBDIVIDER, or his duly authorized representative, shall attend the monthly meeting of the PLANNING BOARD at which the SUBDIVISION PLAT is to be considered. Failure to attend the PLANNING BOARD meeting will result in a tabling action and all time frames will be stayed.

3.2.2 SUBMISSION REQUIREMENTS FOR MINOR SUBDIVISION

A SUBDIVISION PLAT for A MINOR SUBDIVISION shall be drawn on paper or other suitable material at a standard scale of not more than fifty (50) feet to the inch. The following design criteria and information shall be incorporated on the plat. The PLANNING BOARD may, at its discretion, waive any and all submittal requirements that are clearly not relevant to the application and/or site.

- (a) A location map showing the boundaries of the total tract in relation to adjoining streets; schematically the locations of the nearest; water and sewer lines; parks and playgrounds within one quarter (1/4) mile (1320 feet) of the proposed SUBDIVISION; and other public facilities as appropriate.
- (b) The dimensions and arrangements of LOTS which shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such LOTS or in securing building permits to build on the LOTS in compliance with the ZONING LAW *and NYS Law*. In general, side LOT lines shall be at right angles or radial to ROAD right-of-way (ROW), unless a variation from this can be shown to result in a better plan.
- (c) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (d) An actual field SURVEY of the boundary lines of the tract and LOTS 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 monuments, and shall be referenced and shown on the Plat.
- (e) Proposed SUBDIVISION name, name of the Town and County in which it is located.
- (f) The date, north point, map scale, and name and address of record owner and/or SUBDIVIDER, owner of PARCEL to be subdivided.
- (g) Location of all existing and proposed access to existing ROADS.
- (h) Proposed system for storm water drainage and supporting data or drainage report upon which design is based.
- (i) Location and design of proposed source of water supply and method of sewage disposal. If private, on-LOT sanitary sewage disposal is proposed, the endorsement and approval of the design of same shall be provided from the Chemung County Health Department.

- (j) A topographic SURVEY showing ground contours adjacent to and within the tract to be subdivided at intervals of not more than twenty (20) feet of elevation, and all pertinent topographic and planimetric features within and adjoining the tract, including existing ROADS, existing buildings, watercourses and their one hundred (100) year FLOOD LIMITS, areas of SLOPE 15% or greater, water bodies, *wetlands*, wooded areas, and individual large trees (12" diameter breast height). Other features to be retained in the SUBDIVISION should be so indicated.
- (k) In order to ensure that the land will be developed with a minimum amount of soil erosion, the PLANNING BOARD shall require the developer to follow certain erosion control practices. Both the PLANNING BOARD and the developer may consult with the Soil Conservation Service, as required, and the Soil Conservation Service shall determine whether or not the required procedures are being put into practice.
- (l) Location of any outstanding natural features, wetlands, water bodies.
- (m) Names of adjoining property owners and tax PARCEL identification numbers, and/or names of adjacent SUBDIVISIONS.
- (n) Location of existing buildings and proposed building envelopes (that area established by minimum yard setback requirements in the ZONING LAW) on each LOT showing required setbacks and other pertinent data.
- (o) Location, arrangement and design of any proposed sidewalks, street lighting, street trees and curbs.

3.2.3 COORDINATION WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

The PLANNING BOARD shall comply with all of the provisions of SEQR and its implementing regulations in the review and approval of a MINOR SUBDIVISION. SEQR time frames shall be coordinated in the SUBDIVISION review process in the following manner:

- (a) SUBDIVISION PLAT - A SUBDIVISION PLAT shall not be considered complete until a Negative Declaration has been filed or until a Notice of Completion of a Draft Environmental Impact Statement (DEIS) has been filed in accordance with the provisions of SEQR.
- (b) Public Hearing - When an Environmental Impact Statement is required, and a public hearing on the DEIS is held, the PLANNING BOARD shall hold both public hearings within sixty-two (62) days of the filing of the Notice of Completion on the DEIS.
- (c) Decision - When an Environmental Impact Statement is required, the PLANNING BOARD shall make a decision on the SUBDIVISION PLAT within thirty (30) days of the filing of a Notice of Completion on the Final Environmental Impact Statement (FEIS).

3.2.4 PUBLIC HEARING

If the application for MINOR SUBDIVISION is complete and satisfactory, the PLANNING BOARD shall schedule a public hearing within sixty-two (62) days from the date of *the acceptance of the PLAT as complete*. The hearing shall be advertised at least five (5) days before its scheduled date in a newspaper of general circulation in the Town. *The APPLICANT shall notify all property owners within 500 feet of the proposed SUBDIVISION. Verification of such notification shall be provided by the SUBDIVIDER prior to the opening of the public hearing. The PLANNING BOARD shall also require that the APPLICANT post a sign, as*

provided by the Town, so that it is visible from the public RIGHT-OF-WAY, a minimum of ten (10) days prior to the hearing date.

3.2.5 NOTIFICATION OF DECISION ON PLAT

The PLANNING BOARD shall, within sixty-two (62) days from the date of the public hearing, act to approve, conditionally approve with modification or *disapprove* the SUBDIVISION PLAT. This time may be extended by mutual consent of the SUBDIVIDER and the PLANNING BOARD, or as specified *in NYS Town Law* to comply with the requirements of SEQR.

Failure of the PLANNING BOARD to act within such time shall constitute approval of the PLAT.

Upon granting approval with or without modification to the plat, the PLANNING BOARD shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Three (3) copies of the approved SUBDIVISION PLAT shall remain with the Town and two (2) copies shall be returned to the SUBDIVIDER for compliance with Section 3.3.16 of these regulations.

3.3 PROCEDURE FOR A MAJOR SUBDIVISION

After the PLANNING BOARD has determined, either at the CONCEPT PLAT review or, if no CONCEPT PLAT is submitted, on the basis of a PRELIMINARY PLAT application, that the SUBDIVISION is a MAJOR SUBDIVISION (refer to Section 3.1), the SUBDIVIDER or his authorized agent shall apply for and secure approval of such proposed SUBDIVISION in accordance with the following procedures.

3.3.1 SUBMISSION OF PRELIMINARY PLAT

A PRELIMINARY PLAT layout shall be prepared and submitted to the CEO for all proposed MAJOR SUBDIVISIONS, and shall be subject to the following.

- (a) For the purpose of this Law, the review time shall begin from the first regularly scheduled PLANNING BOARD meeting following the *acceptance of the PRELIMINARY PLAT as complete by the PLANNING BOARD.*
- (b) A fee as determined by the TOWN BOARD shall accompany the submission.
- (c) The PRELIMINARY PLAT layout shall satisfy the submission requirements as described in Section 3.3.2 and shall comply with the recommendations made by the PLANNING BOARD in its report on the CONCEPT PLAT, if any.
- (d) *Twelve (12)* copies of the PRELIMINARY PLAT layout and supplementary material specified shall be submitted to the CEO in accordance with the schedule outlined in Section 3.2.1.
- (e) The SUBDIVIDER or his duly authorized representative shall attend the monthly meeting of the PLANNING BOARD at which the SUBDIVISION proposal is to be considered. Failure to attend the PLANNING BOARD meeting will result in a tabling action and all time frames will be stayed.
- (f) The PLANNING BOARD shall study the preliminary layout in connection with the topography of the area, existing requirements of the ZONING LAW, the Comprehensive Plan, and the Town Official Map, if any, and shall take into consideration the general requirements of the town. Particular attention shall be given to the suitability of the land for development, the layout of proposed ROADS to make sure that adequate provision

has been made for accommodating the prospective traffic, provisions for storm water drainage, sewage disposal and the adequacy of proposed sites for parks, playgrounds, and other community facilities.

3.3.2 SUBMISSION REQUIREMENTS FOR PRELIMINARY PLAT

The preliminary layout shall be drawn on one (1) or more sheets of reproducible material and shall be clearly marked as a "Preliminary Layout", be drawn at a standard scale of not more than fifty (50) feet to one (1) inch and shall include the information listed below. If more than one (1) sheet is required to show an entire tract, an index map shall be provided.

- (a) A location map showing the boundaries of the total tract in relation to adjoining streets; schematically the locations if within five hundred (500 feet) of the proposed SUBDIVISION: the nearest elementary school; water and sewer lines; parks and playgrounds within and other public facilities, such as shopping, churches, and public transportation routes as appropriate.
- (b) A copy of such proposed covenants or deed restrictions as are intended to cover all or part of the tract.
- (c) Title of the SUBDIVISION, including name and address of the SUBDIVIDER, who shall have some interest in the land, or the owner of PARCEL to be subdivided.
- (d) North point, scale, date, and location map.
- (e) A topographic map prepared by a LICENSED SURVEYOR showing ground contours adjacent to and within the tract to be subdivided at intervals of not more than two (2) feet of elevation, and all pertinent topographic and planimetric features within and adjoining the tract.
- (f) Existing ROADS, existing buildings, water courses and their one hundred (100) year FLOOD LIMITS, areas of SLOPE 15% or greater, water bodies, wetlands, wooded areas, individual large trees (12" dbh), and all certified Agricultural District boundaries within five hundred (500) feet of the proposed SUBDIVISION boundaries. Other features to be retained in the SUBDIVISION should be so indicated.
- (g) Names of owners and tax PARCEL identification numbers of adjacent land or names of adjacent SUBDIVISIONS.
- (h) Indication of the zoning of the tract and any other legal restrictions of use.
- (i) The Plat shall be prepared by a PROFESSIONAL ENGINEER or architect licensed to practice in New York State. The Plat shall bear the name or names of the architect and/or professional ENGINEER and licensed land surveyor responsible for the preparation of the preliminary layout, and appropriate seals.
- (j) The approximate lines and areas of proposed LOTS, including required setbacks, which shall be numbered and the location of existing or proposed access to PUBLIC ROAD(S) from all LOTS.
- (k) The dimensions and arrangements of LOTS, which shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such LOTS or in securing building permits to build on the LOTS in compliance with all requirements of the ZONING LAW. In general, side LOT lines shall be at right angles or radial to ROAD ROW, unless a variation from this can be shown to result in a better plan.

- (l) Existing stormwater management facilities/features, water lines, hydrants and sanitary sewers nearby and within the tract to be subdivided, with their location size, type and approximate elevations and gradients, using mean sea level as datum plane. Also, existing EASEMENTS for such facilities.
- (m) Width and location of any existing ROADS or public ways, the approximate lines, gradients and ROAD profiles of all proposed ROADS and sidewalks and the names of proposed ROADS.
- (n) Location of all existing buildings and proposed building envelopes (that area established by minimum yard setback requirements in the ZONING LAW) indicating setback dimensions and other pertinent data. If a proposed LOT contains one (1) or more existing buildings, the proposed setback dimensions for such buildings shall be indicated. Buildings on each LOT showing setback and other pertinent data.
- (o) Location of any outstanding natural site features including wooded areas, steep SLOPES, individual large trees and etc.
- (p) The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.
- (q) Statement as to proposed source of water supply and method of sewage disposal. If private, on-LOT sanitary sewage disposal is proposed, the necessary data and preliminary design of unit shall be provided to the Chemung County Health Department. Design and profiles of all proposed water and sewer lines.
- (r) Proposed system for stormwater drainage indicating the approximate location and size of proposed lines and their profiles, connection to existing lines or alternate means of control. When requested by the PLANNING BOARD, a Drainage Report presenting plan and supporting data for storm water drainage and erosion control provisions within the SUBDIVISION, including:
 - (1) Plan, profiles, and typical and special cross-sections of proposed storm water drainage facilities.
 - (2) Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 - (3) SUBDIVISION grading plan developed to suitable contour interval with grading details to indicate proposed street grades and elevations and building site grades and elevations through the SUBDIVISIONS.
 - (4) If the SUBDIVISION is within or adjacent to any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the SUBDIVISION PLAT drainage report.
 - (5) A separate drainage report if required by the PLANNING BOARD shall clearly indicate the basis of design and the intended method of storm water disposal in accordance with Town Standards.
 - (6) Proposed method of maintenance for any proposed stormwater management facilities.
- (s) The location of any municipal boundary lines, existing special service district lines, and zoning district lines within the tract.

- (t) Indications of all proposed non-conforming LOTS showing the required and actual areas, yards, and setbacks as applicable.
- (u) A reproducible overlay showing all soil areas and their classification as determined by *Natural Resources Conservation Service* and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include and outline any description of existing vegetation and proposals for additional planting for erosion control.
- (v) Plans and cross-sections showing proposed location and type of sidewalks, ROAD lighting, ROAD trees, curbs, watermains, sanitary sewers and stormwater management facilities, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
- (w) Design of any bridges or culverts which may be required.
- (x) An completed application form as provided by the Town of Catlin and such additional explanation of the purpose of the SUBDIVISION as appropriate.

3.3.3 PUBLIC HEARING

If the application for the PRELIMINARY PLAT is complete and satisfactory, the PLANNING BOARD shall schedule a public hearing within sixty-two (62) days from the time of submission. The hearing shall be advertised at least five (5) days before its scheduled date in a newspaper of general circulation in the Town. The PLANNING BOARD shall require that the Applicant notify all property owners within five hundred feet (500") of the project and post a sign, provided by the Town, so that it is visible from the public right-of-way, a minimum of ten (10) days prior to the hearing date.

3.3.4 COORDINATION WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

The PLANNING BOARD shall comply with all of the provisions of SEQR and its implementing regulations in the review and approval of a *MAJOR SUBDIVISION*. SEQR time frames shall be coordinated in the SUBDIVISION review process in the following manner:

- (a) Complete PRELIMINARY PLAT - A PRELIMINARY PLAT shall not be considered complete until a Negative Declaration has been filed or until a Notice of Completion of a Draft Environmental Impact Statement (DEIS) has been filed in accordance with the provisions of SEQR.
- (b) Public Hearing - When an Environmental Impact Statement is required, and a public hearing on the DEIS is held, the PLANNING BOARD shall hold both public hearings within sixty-two (62) days of the filing of the Notice of Completion on the DEIS.
- (c) Decision - When an Environmental Impact Statement is required, the PLANNING BOARD shall make a decision on the PRELIMINARY PLAT within thirty (30) days of the filing of a Notice of Completion on the Final Environmental Impact Statement (FEIS)

3.3.5 DECISION ON PRELIMINARY PLAT

Within sixty-two (62) days after the public hearing for the PRELIMINARY PLAT, the PLANNING BOARD shall act upon it. The PLANNING BOARD'S action shall be to approve, conditionally approve, or deny the PRELIMINARY PLAT. When granting approval of a

PRELIMINARY PLAT, the PLANNING BOARD shall state the conditions for such approval, if any, with respect to the following:

- (a) the specific changes which it will require in the SUBDIVISION PLAT;
- (b) the character and extent of required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to public health, safety and general welfare; and
- (c) the amount of improvement or amount of all bonds therefore which it will require as prerequisite to the approval of the SUBDIVISION PLAT.

If the PRELIMINARY PLAT is disapproved, the PLANNING BOARD'S resolution shall contain the reasons for such findings. Subsequent to the public hearing, the PLANNING BOARD may recommend to the SUBDIVIDER further study of the proposed SUBDIVISION and resubmission of the preliminary layout to the PLANNING BOARD after it has been revised or redesigned.

Failure of the PLANNING BOARD to act within the prescribed time frames, including the requirements of SEQR, without an extension by mutual consent of the SUBDIVIDER and the PLANNING BOARD shall result in the PRELIMINARY PLAT being deemed approved.

3.3.6 CERTIFICATION AND FILING OF DECISION

Within five (5) business days of the adoption of the resolution granting approval, conditional approval or denial of such PRELIMINARY PLAT, the chairman or other authorized representative of the PLANNING BOARD shall cause a copy of PRELIMINARY PLAT and the resolution to be filed in the office of the Town Clerk. Such PLAT and resolution shall be certified by the *secretary* of the PLANNING BOARD. The SUBDIVIDER will be immediately provided with a copy of the Resolution stating the action taken.

3.3.7 SUBMISSION OF FINAL PLAT

After receiving conditional approval from the PLANNING BOARD on a PRELIMINARY PLAT, the SUBDIVIDER may prepare the SUBDIVISION PLAT and submit *twelve(12)* copies to the CEO for PLANNING BOARD approval at least in accordance with the adopted PLANNING BOARD agenda deadlines; except that if more than six (6) months has elapsed between the time of the PLANNING BOARD'S report on the PRELIMINARY PLAT and submission of the SUBDIVISION PLAT, and if the PLANNING BOARD finds that conditions have changed significantly in the interim, the PLANNING BOARD may require resubmission of the PRELIMINARY PLAT for further review and possible revision prior to accepting the proposed SUBDIVISION PLAT for review.

3.3.8 SUBMISSION REQUIREMENTS FOR FINAL PLAT

The SUBDIVISION PLAT shall conform substantially to the PRELIMINARY PLAT that has received approval from the PLANNING BOARD. It should incorporate any revisions or other features that may have been recommended by the PLANNING BOARD at the PRELIMINARY PLAT stage. All such compliances shall be clearly indicated by the SUBDIVIDER on the appropriate submission.

- (a) All maps, plans and drawings submitted for final review and approval shall be duly certified by a LICENSED SURVEYOR in the case of SURVEYS, and a LICENSED PROFESSIONAL ENGINEER in the case of engineered drawings. Such certifications shall expressly run in favor of the Town of Catlin.

- (b) An actual field SURVEY of the boundary lines of the tract and LOTS 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 monuments, and shall be referenced and shown on the plat. If the SUBDIVIDER intends to develop the tract in stages, the entire tract shall nevertheless be included in the preliminary layout.
- (c) The final SUBDIVISION PLAT shall also include all construction drawings including plans, profiles and typical cross-sections as required below, all necessary permits from County, State, and Federal authorities; and
 - (1) Grading, drainage and erosion, and sedimentation control, including all proposed maintenance EASEMENTS and/or rights-of-way.
 - (2) All proposed public and PRIVATE ROADS.
 - (3) All water and sewer facilities.
 - (4) Energy distribution facilities.
- (d) If the SUBDIVIDER wishes to develop the SUBDIVISION in stages, he may prepare and submit a SUBDIVISION PLAT for a portion of the area encompassed by the PRELIMINARY PLAT, provided the proposed development stages were indicated on the preliminary layout reviewed by the PLANNING BOARD.
- (e) When submitting a SUBDIVISION PLAT for approval, the SUBDIVIDER shall also file with the PLANNING BOARD formal offers of dedication to the Town or other appropriate public agency of all streets, parks and playgrounds, and other permanent open spaces for community use shown on the SUBDIVISION PLAT. The approval of the plat does not constitute an acceptance by the Town of the dedication of those facilities. Also, the SUBDIVIDER shall attach all necessary EASEMENTS for storm water discharge, petitions for creation of any needed special districts, or any other legal documents that may be requested by the PLANNING BOARD.
- (f) Evidence of approval of the sewage disposal system for each LOT.

3.3.10 PUBLIC HEARING

If the application for SUBDIVISION PLAT is complete and satisfactory, a public hearing may be held within sixty-two (62) days from time of submission on the final plat application. The PLANNING BOARD may hold a public hearing on the SUBDIVISION PLAT if the Board deems that there are substantial changes or modifications from the approved PRELIMINARY PLAT.

3.3.11 COORDINATION WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

The timing modifications outlined in Section 3.3.4 for a PRELIMINARY PLAT shall also be applicable for a SUBDIVISION PLAT.

3.3.12 DECISION ON SUBDIVISION PLAT

Within sixty-two (62) days from the submission date, if no hearing is held, or in the event a hearing is held, within sixty-two (62) days after the date of such hearing, the PLANNING BOARD shall approve, modify and approve, or disapprove the SUBDIVISION PLAT. In reviewing a SUBDIVISION PLAT, the PLANNING BOARD shall consult with the Town

Consultants and such other officials or agencies as may be appropriate in each case. The action of the PLANNING BOARD shall be recorded in the Board's minutes, and the SUBDIVIDER shall be notified of the reasons for disapproval. Such decision or action shall be filed in the office of the Town Clerk within five (5) business days.

3.3.13 CERTIFICATION OF PLAT

Within five (5) business days of the adoption of the resolution granting conditional or final approval of the SUBDIVISION PLAT, such plat shall be certified by the *secretary* of the PLANNING BOARD as having been granted conditional or final approval, and shall be filed in such clerk's office. A copy of the resolution shall be mailed to the *APPLICANT*. In the case of a conditionally approved Plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of the requirements the Plat shall be signed by the duly authorized officer of the PLANNING BOARD and a copy of such signed Plat filed in the office of the Town Clerk.

3.3.14 DEFAULT APPROVAL

In the event that the PLANNING BOARD fails to act on a SUBDIVISION PLAT within the time frames prescribed therefore, or within such extended time frames as may have been established by mutual consent of the owner and the PLANNING BOARD, such SUBDIVISION PLAT shall be deemed granted approval.

3.3.15 APPROVAL OF PLAT IN SECTIONS

In granting conditional or final approval of a SUBDIVISION PLAT in final form, the PLANNING BOARD may permit a Plat to be subdivided and developed in two (2) or more sections or phases. The PLANNING BOARD may in the resolution granting conditional or final approval state such requirements as it deems necessary to insure orderly development of the Plat be completed before said sections may be signed by the duly authorized officer of the PLANNING BOARD. Conditional or final approval of the sections of a Final Plat, may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the PLANNING BOARD.

3.3.16 EXPIRATION OF APPROVAL

The signature of the duly authorized officer of the PLANNING BOARD constituting final approval by the PLANNING BOARD of a SUBDIVISION PLAT as herein provided; or the approval by such Board of the development of a plat or plats already filed in the office of the county clerk or register of the county in which such plat or plats are located if such plats are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the SUBDIVISION PLAT and the failure of the PLANNING BOARD to take action within the time herein provided, *shall* expire within sixty-two (62) days from the date of such approval, or from the date such certificate is issued, unless within such sixty-two (62) day period such Plat or a section thereof shall have been duly filed or recorded by the owner in the office of the county clerk or register. In the event the owner shall file only a section of such approved SUBDIVISION PLAT in the office of the county clerk or register, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the town clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten (10) per cent of the total number of LOTS contained in the approved Plat and the approval of the remaining sections of the approved Plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of SUBDIVISION two of section 235-a of the Town Law.

No building permit for any permanent building within the SUBDIVISION shall be issued by the CODE ENFORCEMENT OFFICER until the copy of the SUBDIVISION PLAT has been approved by the PLANNING BOARD and has been filed in the office of the Chemung County

Clerk and Liber and page numbers have been assigned by the County Clerk. Where a permit is desired for the occupancy of a building in the SUBDIVISION prior to the completion of all the improvements, the ROAD serving the building shall be completed to a degree satisfactory to the Town Superintendent of Highways.

3.4 REQUIRED IMPROVEMENTS

3.4.0 PERFORMANCE BOND

Prior to the duly authorized officer of the PLANNING BOARD signing the SUBDIVISION PLAT, the SUBDIVIDER shall file with the Town Clerk, in an amount to be set by the TOWN BOARD, a certified check to cover the full cost of all required improvements or a performance bond to cover the full cost of all improvements. The performance or completion bonds shall comply with Section 277 of the Town Law, and shall be satisfactory to the TOWN BOARD and TOWN ENGINEER as to form, sufficiency, manner of execution and surety, to insure installation of all improvements shown upon the SUBDIVISION PLAT. A period of one (1) year of filing of said plat, in accordance with the standards and specifications of the Town of Catlin, but no more than three (3) years shall be set forth in the bond within which time all required improvements shall be completed. The time limit may be extended by the Board, upon written application made not less than thirty (30) days prior to the expiration of said period.

3.4.1 INSPECTION OF IMPROVEMENTS

The TOWN BOARD shall provide for the inspection of required improvements during and after construction to assure that all Town specifications and requirements shall be met during the construction of the required improvements, and to assure satisfactory completion of the improvements and utilities as required by the PLANNING BOARD. The SUBDIVIDER shall pay an inspection fee as set by the TOWN BOARD. Such fee shall be paid to the Town prior to the PLANNING BOARD Chairman signing the SUBDIVISION PLAT.

3.4.2 AS-BUILT DRAWINGS

The SUBDIVIDER shall deliver and file with the Town of Catlin a set of final maps, plans and drawings conforming to those submitted for the SUBDIVISION PLAT approval, and certified by a duly LICENSED PROFESSIONAL ENGINEER that all construction of improvements was accomplished in accordance with the final SUBDIVISION PLAT and plan, and said certification shall run specifically in the favor of the Town of Catlin.

3.4.3 ACCEPTANCE OF IMPROVEMENTS

The SUBDIVIDER shall complete all required improvements to the satisfaction of the TOWN ENGINEER *and/or Highway Superintendent* who shall file with the **TOWN BOARD** a report documenting the satisfactory completion of all required improvements, including all rights-of-way and EASEMENTS in the form of an acceptable deed filed with the Town Clerk. For any required improvement not completed or not approved the SUBDIVIDER shall file with the Town Clerk a certified check or bond covering the cost of satisfactorily installing such improvements.

ARTICLE 4. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

4.0 GENERAL

The PLANNING BOARD, in reviewing an application for approval of a SUBDIVISION PLAT, shall be guided by the considerations and standards presented in this Article. In its review, the PLANNING BOARD shall take into consideration the prospective character of the development and require that SUBDIVISION improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare.

4.1 LOTS AND BLOCKS

4.1.1 LOT SIZE AND ARRANGEMENT - The dimensions and arrangements of LOTS shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such LOTS or in securing building permits to build on the LOTS in compliance with the ZONING LAW. In general, side LOT lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.

4.1.2 ACCESS - Insofar as possible, LOTS shall not derive access from a major ROAD. Access to LOTS adjacent to a major ROAD shall in general be from marginal access ROADS or other ROADS within the SUBDIVISION. Where a watercourse separates the buildable area of a LOT from the ROAD by which it has access, provision shall be made for installation of a culvert or other structure, which shall be subject to the same design criteria and review as all other storm water drainage facilities in the SUBDIVISION.

4.2 ROAD DESIGN GUIDELINES

4.2.1 General

- (a) ROAD systems shall be designed with due regard to the needs for: convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; and storm water drainage and sewage disposal. ROADS shall be designed to accommodate the prospective traffic, so arranged as to separate through traffic from neighborhood traffic insofar as possible, and coordinated to compose a convenient system.
- (b) The ROADS in contiguous developments shall be designed and coordinated so as to compose a convenient roadway system. Where a SUBDIVISION adjoins undeveloped land, its ROADS shall be laid out so as to provide suitable future ROAD connections with the adjoining land when the latter shall be subdivided. A ROAD thus temporarily dead-ended shall be constructed to the property line and shall be provided with a temporary turn-around of the same dimensions as for permanent DEAD-END ROADS, with a notation on the SUBDIVISION PLAT providing for temporary EASEMENTS for the turn-around until such time as the ROAD is extended. These same requirements shall apply at the discretion of the PLANNING BOARD in those cases where the adjoining land is in another section of the same SUBDIVISION, and which is not scheduled for development at the same time.
- (c) ROADS shall be logically related to the topography, and all ROADS shall be arranged so that as many building sites as possible are at or above the grade of the ROADS. Grades of ROADS shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.
- (d) Where a SUBDIVISION abuts on or contains an existing or proposed major ROAD, the PLANNING BOARD may require marginal access ROADS, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep LOTS with or without 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) Where a SUBDIVISION borders or contains an existing or proposed railroad right-of-way or controlled access highway right-of-way, the PLANNING BOARD may require a ROAD 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 business, commercial or industrial purpose in appropriate areas. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

4.2.2 Standards for ROAD Design

All **ROADS** shall be designed and constructed to conform to the Town specifications. The Town Highway Superintendent shall approve all **ROAD** design and construction.

MINIMUM ROAD STANDARDS				
STANDARD	PRIMARY ROAD	COLLECTOR ROAD	MINOR ROAD	T-TURN AROUND **
Minimum right-of-way width (feet)	60	50	50	50
Maximum grade (percent)	8	10	10	10 (5 within turnaround)
Minimum grade (Percent)	0.5	0.5	0.5	0.5
Minimum radius horizontal curves (feet)	500	300	150	150
Minimum length vertical curves (feet)	300	100	100	100
Minimum braking sight distance (feet)	250	200	200	150
Minimum distance between center line of street offsets (feet)	200	150	150	150
Minimum outside pavement radius (feet)				50**
Angle at intersection of street center lines (degrees)	80-100	80-100	75-105	75-105
Maximum length (feet)				1,800*

**PLANNING BOARD may waive to an absolute maximum of 2,500' in special cases where conditions warrant, such as the availability of alternate access, width of the proposed roadway, grade of roadway, and/or the provision of public water supply/fire protection.*

** T-Type turn arounds are acceptable with a minimum leg dimension of 40 feet or greater depending on the town equipment requirements

4.2.3 Typical ROAD Section - The typical section approved by the Town **Highway** Superintendent shall be used for all ROADS. Pavement and right-of-way width may vary with the type of use required stormwater management facilities, or other appurtenances.

4.2.4. PRIVATE ROADS

All PRIVATE ROADS as defined herein shall have a minimum fifty (50) feet of right-of-way granted by the SUBDIVIDER/developer to each LOT owner served by the ROAD. The middle twenty (20) feet shall be improved with base, gravel and drainage structures as described in the Town=s Specifications exclusive of any required paving coats.

4.2.5 ROAD Intersections

Intersections of major ROADS shall be held to a minimum and spaced at least one thousand (1,000) feet apart, and intersections of COLLECTOR ROAD by other ROADS shall be at least eight hundred (800) feet apart. Cross (four-cornered) ROAD intersections shall be avoided insofar as possible, except at intersections where both ROADS are at least of COLLECTOR designation. Between offset intersections there shall be a distance of at least *two hundred (200)* feet. Within fifty (50) feet of an intersection, ROADS shall be approximately at right angles and in no case shall the angle of intersection be less than seventy-five (75) degrees without additional channelization. Minimum curb radii shall depend on the intersecting ROAD types; and shall be as follows:

COLLECTOR with COLLECTOR:	35'
MINOR with COLLECTOR:	30'
MINOR with MINOR:	25'

COLLECTOR or MINOR ROADS into the SUBDIVISION from a major ROAD shall have a minimum curb radii of forty (40) feet. All property corners at ROAD intersections shall be rounded with a radius of twenty (20) feet or have comparable cutoffs or chords. Within triangular areas formed by the intersecting ROAD lines, for a distance of seventy-five (75) feet from their intersection and the diagonals connecting the end points of these lines, visibility for traffic safety shall be provided by exclusions of plantings or structures. Grades within the intersection shall not exceed one and one-half percent (1-1/2%) for a distance of fifty (50) feet from the intersection, from fifty (50) to one hundred (100) feet, the grades should not exceed three percent (3%), and in no case shall they exceed five percent (5%). Triangles, circles or other traffic channeling islands may be required at intersections where present or anticipated traffic conditions indicate their advisability for traffic control or safety.

4.2.6 DEAD-END ROADS

Where a ROAD does not extend to the boundary of the SUBDIVISION and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a LOT meeting the requirement of the ZONING LAW. Reserve strips of land shall not be left between a proposed ROAD and an adjacent piece of property. However, the PLANNING BOARD may require the reservation of an EASEMENT fifteen (15) feet wide for pedestrian traffic or utilities. A T-turn-around shall be provided at the end of any permanent DEAD-END ROAD. For greater convenience to traffic and more effective police and fire protection, the length of permanent DEAD-END ROADS shall be limited to 1,800 feet, such length to be measured to the center point of the turn-around. (SEE REFERENCE IN SECTION 4.2.2)

4.3 ROAD IMPROVEMENT

4.3.1 ROAD Grading and Shoulders

Areas within ROAD rights-of-way shall be graded as necessary to eliminate any SLOPES steeper than one (1) foot vertical in two (2) feet of horizontal distance. ROAD shoulders shall not exceed a SLOPE of ten percent (10%) at right angle to the ROAD centerline. Shoulders at least eight (8) feet wide shall be

provided on both sides of COLLECTOR ROADS. MINOR ROADS shall have shoulders at least four (4) feet wide. (See Town Highway Specifications)

4.3.2 *Pedestrian Access*

The PLANNING BOARD may require special ROAD and/or walkway designs to accommodate safe pedestrian movement and access.

4.3.3 Trees

The SUBDIVIDER shall take adequate measures to preserve desirable existing trees in suitable locations within the SUBDIVISION. Street trees *may* be planted on both sides of the ROAD and ten (10) feet outside the right-of-way, at intervals of approximately fifty (50) feet, subject to location of drives, ROAD intersections, or other features. In general, the ROAD right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the ROAD right-of-way if approved by the PLANNING BOARD.

4.3.4 ROAD Names and Signs

All ROADS shall be named, and such names shall be subject to the approval of the TOWN BOARD. A ROAD which is a continuation of an existing ROAD shall bear the same name. There shall be no duplication of existing area ROAD names. Relating ROAD names to features of local historical, topographical, or other natural interest is encouraged. ROAD signs shall be provided by the developer at all intersections and shall be of a type approved by the Town Superintendent of Highways.

4.3.5 Monuments

Permanent SURVEY monuments (permanent markers) shall be set in the boundary of rights-of-way at intersecting ROADS, PC (point of curve - beginning) and PT (point of tangent - end of curve) of curves, though the PI (point of intersection) of short curves may be used instead, where such is practical, at the discretion of the Town Superintendent of Highways. Monuments shall be placed on one (1) side of the ROAD only and at only one (1) corner of intersecting ROADS. Monuments shall be tied into the New York State Coordinate System, or other acceptable datum. Monument locations should be shown on the SUBDIVISION PLAT; and field notes of ties to monuments or a tie sheet shall be submitted to the Town Highway Superintendent after installation of monuments. Monuments shall be of stone or concrete and not less than four (4) inches in diameter or square, and not less than forty-two (42) inches long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate, or pin shall serve as the point of reference and a reinforcing rod or other metal shall be placed adjacent to allow for magnetic recovery. After construction and fine grading is completed, the corners of each LOT shall be staked with iron pipe or pins.

4.3.6 ROAD Lighting

When offered by the APPLICANT or when required by the PLANNING BOARD, ROAD lighting of a design approved by the Town, shall be installed by the SUBDIVER in a manner and location approved by the Town, the appropriate power company and the Highway Superintendent. In the case of a SUBDIVISION involving a County or State highway, approval shall be obtained from the County Superintendent of Highways. Where a new lighting district is to be created or an existing district expanded, the applicant shall petition the TOWN BOARD to create said district or expansion before final SUBDIVISION approval.

4.3.7 Widening of Existing ROAD RIGHT-OF-WAY

Where a development adjoins an existing ROAD which does not conform to the Town's right-of-way standards, the PLANNING BOARD may require that additional right-of-way width as necessary be provided, on the development side of the normal ROAD centerline, a width which is equal to at least one-half of the minimum standard width for the respective type of ROAD.

4.4 DRAINAGE SYSTEM AND EROSION CONTROL

4.4.1 Drainage System. The Town of Catlin has experienced significant stormwater damage and flooding associated with stormwater runoff. The Town finds it in the best interests of the health, safety and general welfare of all Town residents to require that adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating from within and outside the proposed development as follows:

- (a) Drainage systems shall be designed to have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.
- (b) There shall be no net increase in the rate of stormwater run-off from a site post-development.
- (c) Interior drainage system shall be designed to accommodate a minimum twenty-five (25) year storm.
- (d) The design of drainage systems shall be approved by the appropriate Town Officials and the TOWN ENGINEER.
- (e) Utilizing the drainage guidelines outlined above, the PLANNING BOARD may require the developer to submit the following:
 - (1) Plan profiles, and typical and special cross-sections of proposed storm water drainage facilities.
 - (2) Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 - (3) A grading plan developed to a two (2) foot contour interval and grading details to indicate proposed ROAD grades and elevations and building site grades and elevations.
 - (4) If the development is within or adjacent to any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.
- (f) Design criteria for Stormwater management in the Town shall be as generally specified in the NYSDEC, "Stormwater Management Guidelines for New Development", as may be amended from time-to-time.
- (g) All structures shall be set back a minimum of fifty (50) feet from a stream bank.

4.4.2 Erosion Control. In order to insure that the land will be developed with a minimum amount of soil erosion, the PLANNING BOARD shall require the developer to follow certain erosion control practices. These practices shall generally be as described in the Empire State Chapter Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, March, 1988, or its most recent revisions and shall include the following general practices:

- (a) Exposing the smallest practical area of land at any one time during the development.
- (b) Provision of temporary vegetation and/or mulching to protect critical areas.
- (c) Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. The developer's ENGINEER shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.

- (d) Fitting of the development plan to the topography and soils so as to minimize the erosion potential.
- (e) Retention and protection of natural vegetation wherever possible.
- (f) Installation of permanent final vegetation and structures as soon as practicable.
- (g) Provision of adequate protective measures when SLOPES in excess of 15% are graded, and minimizing such steep grading.
- (h) Installation and maintenance of temporary sedimentation basins shall be in conformance with the Empire State Chapter Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, March, 1988, or its most recent revisions.

4.4.3 Flood Hazard Prevention. Flood hazard prevention shall include the control of soil erosion of land surface and drainage channels and the prevention of inundation and excessive ground water seepage by comprehensive site grading and the establishment of adequate elevations of buildings, building openings, and roadways. These should be above the observed, anticipated or computed water levels of storm sewers, streams, channels, floodplains, detention basins and swales. Particular attention shall be paid to development in the vicinity of designated floodplain areas defined by the National Flood Insurance Program or known high ground water problem areas. The effect of such development on upstream and downstream reaches of the watercourse and adjacent properties shall be considered as well as the adequacy of the protective measures to be implemented.

4.5 - UTILITIES.

4.5.1 Water Supply and Sewage Disposal. Provisions for water supply and sewage disposal shall comply with requirements of the Town of Catlin and/or NYS Health Department and/or NYS Department of Environmental Conservation.

4.5.2 Underground Installation. All utility companies (telephone, electric, etc.) are now equipped to make underground installation of their services: underground installation shall be required when practical.

4.6 - EASEMENTS.

EASEMENTS within the SUBDIVISION shall be provided where required for storm drains, sanitary sewers, other utilities, or pedestrian traffic. The designation of any such EASEMENT on a SUBDIVISION PLAT shall constitute a restriction against the location of any building or conflicting use on such EASEMENT. Such EASEMENTS shall generally be not less than twenty (20) feet wide. EASEMENTS for natural watercourses for constructed channels shall be provided as needed, with the required width based on the needed cross-section of channel to pass the design flow specified in Section 4.4.

4.7 - NEIGHBORHOOD PARKS AND PLAYGROUNDS.

Pursuant to Section 277 of the Town Law, SUBDIVISION PLATS may be required to provide lands comprising up to ten percent (10%) of the gross site area that are suitable areas for neighborhood parks or playgrounds to be reserved or dedicated to such purposes in conformance with the TOWN COMPREHENSIVE PLAN.

4.7.1 General Guidelines: When such recreation areas are required by the PLANNING BOARD, they shall be provided on the basis of at least two (2) acres for every fifty (50) dwellings to be accommodated within the SUBDIVISION. SUBDIVISIONS with LOTS of one (1) acre or more may not be required to provide recreation areas.

4.7.2 Payment-in-Lieu: If the PLANNING BOARD determines that a suitable park or parks of adequate size can not be properly located in any such plat or that it is otherwise impractical, the Board may require as a condition of approval of such plat a payment to the Town in an amount to be set by the TOWN BOARD. Such sum shall be paid to the CODE ENFORCEMENT OFFICER at the time of the issuance of a building permit for new residential construction. Such sums shall be deposited with the Town Clerk and shall be used exclusively to purchase, develop and equip parks, playgrounds and other recreational uses.

4.7.3 All lands proposed for park or recreation purposes shall meet the following minimum standards:

- (a) Such land shall either be deeded to the Town or be held in corporate ownership and maintained by an established organization.
- (b) Shall have physical characteristics and locations which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimize hazards and vehicular traffic for children walking.
- (c) No such area may be smaller than two (2) acres, and in general, recreation areas shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.
- (d) A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least one hundred seventy-five (175) feet square for children's field games.
- (e) The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.
- (f) All improvements shown on the site development plan shall be made by the SUBDIVER as part of the required improvements of the SUBDIVISION as a whole.

4.8 - DRIVEWAY STANDARDS.

No person, firm or corporation shall construct or locate any DRIVEWAY entrance or exit into a ROAD in the Town of Catlin without having first met the provisions of this Section.

- A. *The APPLICANT shall furnish all materials and bear the costs of all construction, pay the cost of all work done and materials furnished* as required to meet the conditions set by the Highway Superintendent and County and State Highway Departments.
- B. No *new DRIVEWAY* or alteration *or relocation made to an existing DRIVEWAY* shall be made without first securing permission from the Highway Superintendent.
- C. No DRIVEWAY shall have an average grade that exceeds 10 percent.
- D. The SLOPE DRIVEWAY shall not exceed 2% within 25 feet of the intersecting PUBLIC ROAD.
- E. No more than two (2) DRIVEWAYS to a single LOT entering on one (1) ROAD shall be permitted.
- F. No commercial drive shall be located within **50** feet of any **ROAD** intersection.
- G. MAXIMUM WIDTH:
 - 1. RESIDENTIAL USE: single entrance or exit shall be not more than 20 feet
 - 2. NON-RESIDENTIAL USE: entrance or exit shall be not more than 30 feet for a one-way, single entrance, or 50 feet for a two-way, double entrance commercial use.

3. The width shall be measured at the right-of-way line.
- H. MINIMUM WIDTH: For all uses shall be ten (10) feet
 - I. No DRIVEWAY shall be approved with a sight distance of less than 150 feet in either direction.
 - J. The DRIVEWAY shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the appropriate Highway Superintendent, a catch basin at a point near the intersection of the DRIVEWAY and ROAD may be required. This will prevent surface water and debris from being discharged onto the ROAD.
 - K. The property owner shall be responsible for the maintenance of the DRIVEWAY, including that portion of the DRIVEWAY that is located within the RIGHT-OF-WAY. This maintenance shall include all drainage structures, pipes, ditches and other appurtenances constructed in connection with the DRIVEWAY.
 - L. All DRIVEWAYS shall be located as to provide:
 1. The most favorable grade and alignment conditions for the motorists using the DRIVEWAY and ROAD.
 2. No undue interference with the free and safe movement of traffic on the ROAD.
 3. Maximum safety and convenience for pedestrians and users of the ROAD RIGHT-OF-WAY.

4.9 - STEEP SLOPE GUIDELINES.

The Town of Catlin is characterized by numerous steep SLOPE (15% or greater) areas. Special design treatment for ROADS, building sites, and other development is needed to preserve the natural terrain, trees, scenic views, etc. Development on steep SLOPES will be permitted subject to the following guidelines:

- A. Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basins, diversions, retaining walls, stream channel improvement, etc.) and ROAD location (including cross-sections).
- B. Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable environmental impact and/or an unfavorable visual appearance.
- C. Design principles shall include, but not be limited to, the following:
 1. Landscaping of areas around structures making them compatible with the natural terrain.
 2. Shaping, grouping and placement of man-made structures to complement the natural landscape.
 3. Arrangement of buildings so they complement one another to promote visual interest.
 4. Shaping of essential grading to complement existing land forms and prohibit any appearance of successive padding, terracing or other similar forms for building sites in the steep SLOPE areas.
 5. Development of off-ROAD parking bays.

6. Use of turning circles at mid-block points to avoid the use of private DRIVEWAYS for turning and parking movement.
7. Encouragement of split-level building sites.
8. Use of one-way ROADS when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller ROAD right-of-way, less cut and fill within a given area and a highway network consistent with the natural terrain. ROADS shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.
9. Land within the hill area that is in excess of 25% SLOPE shall not, to the greatest extent possible, be developed.

ARTICLE 5

5.1 Effect of Enactment

All ordinances, local laws, and parts thereof of the Town of Catlin inconsistent with this Local Law are hereby repealed.

5.2 Separability

If any part of this Local Law or application thereof to any person or circumstance be adjudged invalid by any court of competent Jurisdiction, such Judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law Or the application thereof to other persons or circumstances, and the TOWN BOARD of the Town of Catlin hereby declares that It would have passed this Local Law or the remainder thereof had such Invalid application or invalid provision been apparent.

5.3 Effective Date

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