

SUBDIVISION REGULATIONS

TOWN OF FENNER

September 1, 1994

TABLE OF CONTENTS

			<u>Page</u>
ARTICLE	1	DECLARATION OF POLICY	1
ARTICLE	2	DEFINITIONS	4
ARTICLE	3	REVIEW AND APPROVAL PROCEDURE	6
ARTICLE	4	MINOR SUBDIVISION	15
ARTICLE	5	MAJOR SUBDIVISION	18
ARTICLE	6	DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS	23
ARTICLE	7	BOND FOR INSTALLATION OF IMPROVEMENTS	33
ARTICLE	8	CLUSTER AND ZERO LOT LINE PROVISIONS	38
APPENDIX	A	ENVIRONMENTAL ASSESSMENT FORMS (EAF)	41

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE 1 DECLARATION OF POLICY	1
Section 110 Enactment and Authorization	1
Section 120 Title	1
Section 130 Effective Dates	1
Section 140 Purpose	2
Section 150 Administration	2
Section 160 Separability	2
Section 170 Amendment	2
Section 180 Waiver	2
Section 185 Fees	2
Section 190 Violations and Penalties	3
Section 195 Conflicts with other Local Laws, Ordinances and Regulations	3
ARTICLE 2 DEFINITIONS	4
ARTICLE 3 REVIEW AND APPROVAL PROCEDURE	6
Section 310 General	6
Section 320 Pre-Application Procedures	7
Section 330 Sketch Plan Conference	8
Section 340 Agricultural Subdivision Waiver	9
Section 350 Madison County Department of Health	10
Section 360 Preliminary Plat	11
Section 370 Final Plat	13
ARTICLE 4 MINOR SUBDIVISION	15
Section 410 Information Required for Minor Subdivisions	15
Section 420 Waiver of Submission Requirements	17
ARTICLE 5 MAJOR SUBDIVISION	18
Section 510 Preliminary Plat, Major Subdivision	18
Section 520 Final Plat, Major Subdivision	20
Section 530 Waiver of Submission Requirements	22
ARTICLE 6 DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS	23
Section 605 General	23
Section 610 Road Design and Construction Standards	24
Section 615 Sidewalks	25
Section 620 Utilities	26
Section 625 Water Supply	27
Section 630 Sewage Disposal	28

Section 635	Drainage Improvements	29
Section 640	Lots	30
Section 645	Unique And Natural Features	31
Section 650	Public Open Spaces and Sites	32
ARTICLE 7	BOND FOR INSTALLATION OF IMPROVEMENTS	33
Section 710	General	33
Section 720	Conditions	34
Section 730	Extension of Time	35
Section 740	Agreement - Schedule of Improvements	36
Section 750	Inspections	37
ARTICLE 8	CLUSTER AND ZERO LOT LINE PROVISIONS	38
Section 810	General	38
Section 820	Standards	39
Section 830	Procedures	40
APPENDIX A	ENVIRONMENTAL ASSESSMENT FORMS (EAF)	41
	Full Environmental Assessment Form	
	Short Environmental Assessment Form	

ARTICLE 1 DECLARATION OF POLICY

It is declared to be the policy of the Planning Board to consider land Subdivision Plats as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Land Use Map, and shall be properly related to the proposals shown on the General Plan, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

Section 110 Enactment and Authorization

By authority of the resolution of the Town Board of the Town of Fenner pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Fenner Town Planning Board is authorized and empowered to:

1. Approve, conditionally approve, or disapprove plans showing lots, blocks, or sites, with or without roads or highways.
2. Approve preliminary plats.
3. Pass and approve the development of entirely or partially undeveloped plats already filed in the Office of the County Clerk.

Section 120 Title

These regulations shall be known as the "Subdivision Regulations of the Town of Fenner."

Section 130 Effective Dates

These regulations, after public hearing and adoption by the Planning Board, have been approved on July 2, 1991 by the Town Board and are effective this day of approval.

Section 140 Purpose

The purpose of these regulations is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health, and welfare of its population.

Section 150 Administration

These subdivision regulations shall be administered by the Planning Board and the Codes Enforcement Officer.

Section 160 Separability

The invalidity of any provision of these regulations shall not invalidate any other provision.

Section 170 Amendment

The Planning Board may on its motion and after public hearing amend, supplement, or change these regulations subject to the approval of the Town Board.

Section 180 Waiver

When in the opinion of the Planning Board undue individual hardship may result from strict compliance with these regulations, it may modify these regulations so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of these regulations.

Section 185 Fees

185.1 Minor Subdivisions

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee of \$25.00 dollars and \$5.00 dollars per lot.

185.2 Major Subdivisions

All applications for Plat Approval for Major Subdivisions shall be accompanied by a fee of \$50.00 dollars and \$5.00 dollars per lot.

185.3 Other Fees

If the Planning Board decides it is necessary to hire an outside consultant to assist in the review of the subdivision proposal, the Planning Board may charge an additional fee to the applicant in order to cover the actual costs of such a review.

Section 190 Violations and Penalties

A violation of this law is declared to be an offense punishable by a fine not exceeding Three Hundred Fifty Dollars (\$350.00) or imprisonment for a period not to exceed six (6) months, or both.

Each week's continued violation shall constitute a separate additional violation.

Section 195 Conflict with other Local Laws, Ordinances and Regulations

Whenever there may be a conflict between the standards specified in this local law and those of other codes, ordinances, local laws or regulations of the Town of Fenner, the most restrictive or highest standard shall apply.

ARTICLE 2 DEFINITIONS

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

Codes Enforcement Officer	Any Person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such person according to these regulations.
Final Plat	Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, shall be duly filed or recorded by the applicant in the office of the County Clerk.
General Plan	Means a comprehensive or master plan for the development of the Town prepared by the Planning Board pursuant to Section 272-a of the Town Law.
Land Use Ordinance	Land Use Ordinance of the Town of Fenner.
Official Submission Date	Means the date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board and the Planning Board has determined that the application is complete.
Planning Board	The Fenner Town Planning Board
Preliminary Plat	Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.
Resubdivision	The division of any previously subdivided lot. For the purposes of this local law, resubdivisions shall be considered subdivisions and shall be subject to the same regulations.

Road, Major	Means a road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties.
Road, Minor	Means a road intended to serve primarily as an access to abutting residential properties.
Sketch Plan	Means a sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.
Subdivider	Any person, firm, corporation, partnership or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein either by the subdiviver or others.
Subdivision	Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development, or sale. The term subdivision shall include resubdivision.
Subdivision, Major	A subdivision containing five (5) or more lots, or any subdivision requiring a new road or roads.
Subdivision, Minor	A subdivision containing two (2), three (3) or four (4) lots fronting on an existing road.

ARTICLE 3 REVIEW AND APPROVAL PROCEDURE

Section 310 General

310.1 Minor subdivisons shall be processed in the following stages:

1. Sketch Plan Conference
2. Public Hearing
3. Final Plat approval

310.2 Major subdivisions shall be processed in the following stages:

1. Sketch Plan Conference
2. Public Hearing
3. Preliminary Plat approval
4. Optional Public Hearing
5. Final Plat approval

Section 320 Pre-Application Procedures

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. The subdivider should study the site suitability and opportunities for development; presumably he will discuss financing, planning and marketing with the lending institutions. The subdivider should develop a preliminary layout in sketch form which in turn should be submitted to the Planning Board for advice and assistance and should include a preliminary environmental assessment (EAF Short Form, Appendix A). The sketch plan should include the information identified in Articles 4 and 5. It is recommended that this sketch plan be prepared in consultation with a licensed land surveyor.

Section 330 Sketch Plan Conference

The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Clerk will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the subdivider's intentions as they relate to the General Plan for the Town of Fenner, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans.

This step does not require formal application, fee, or filing with the Planning Board.

330.1 Subdivision Classification

The plan will be classified as a minor or major subdivision by the Planning Board as defined by these regulations. Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat which shall be required for a major subdivision.

330.2 Adverse Natural Features Review

The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site as indicated by the General Plan's maps of physical limitations to development. If the site falls into areas on the soils map denoted as having "moderate" or "severe" limitation, within flood hazard areas, or areas of unique hydrologic or natural habitat areas (including wetlands), the Planning Board may require the subdivider to consult with the appropriate technical review or assistance agencies (such as, but not limited to the Soil Conservation Service, the State Health Department, Army Corps of Engineers, and the State Department of Environmental Conservation) to determine appropriate measures to mitigate or eliminate such problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or subdivider, except with regard to flood hazard areas and N.Y.S. wetlands in which case the findings or recommendations of such agencies shall be binding.

The Planning Board may require that design techniques be used to avoid development in these critical resource areas, and shall not approve a sketch plan which has failed to adequately address these critical resources concerns (soils, flood hazards, and hydrologic and natural habitat resources). Building in a floodplain must be reviewed and approved by the Town's Board of Appeals.

Section 340 Agricultural Subdivision Waiver

If, at the sketch plan conference, the Planning Board determines that the subdivision is for agricultural purposes only, does not involve the creation of a new road or highway, and does not include more than one lot of less than five (5) acres in area, the Planning Board may waive the subdivision review procedures and exempt the subdivision from these regulations.

Section 350 Madison County Department of Health

Madison County Department of Health approval must be required for any subdivision creating lots of five (5) acres or less and where the subdivision results in the creation of 5 or more lots in a three year period. Early contact by the subdivider with this department is advised.

Section 360 Preliminary Plat

All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available at the Town Office accompanied by all documents specified in Article 4 herein.

360.1 Review of Subdivision

Following the review of the Preliminary Plat and supplementary material submitted for conformity to these regulations, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider or the subdivider's representative is expected to attend the hearing. This hearing may also fulfill the hearing requirements for the State Environmental Quality Review Act. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications, or disapprove the preliminary plat and state its reasons for disapproval.

360.2 Notice of Public Hearing

The hearing shall be advertised at least once in the Town's designated Official Newspaper at least five (5) days before the hearing. Notice of the hearing shall be mailed by the subdivider to the owners of all adjoining properties within five hundred (500) feet of the subdivided property at least five (5) days before the hearing.

360.3 State Environmental Quality Review (SEQR)

If the subdivision meets any Type-1 thresholds listed in Part 617.12 or unlisted-action criteria listed in Part 617.10 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined respectively in Sections 617.6 and 617.7 of the SEQR regulations. A determination of no significant environmental impact (Negative Declaration) or a Draft Environmental Impact Statement (DEIS) is required by the designated lead agency before the subdivisions may be approved (in accordance with Section 617.11 or the SEQR rules). The public hearing shall be used to solicit comments on the Draft EIS under SEQR.

360.4 Notice Of Decision

The action of the Planning Board shall be noted on four (4) copies of the Preliminary Plat and reference shall be made to any modifications determined. the copies shall be distributed as follows: one (1) copy to the subdivider; one (1) copy to the Codes Enforcement Officer; one (1) copy to the Town Attorney; and one (1) copy shall be retained by the Planning Board.

360.5 Effect Of Approval

Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with these regulations and all requirements set forth by the Planning Board in its review of the preliminary plat, and any other State, Federal, or County requirements.

Section 370 Final Plat

All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board.

The Subdivider shall file an application for Final Plat approval on forms available at the Town Office, and the application shall be accompanied by documentation as specified in Article 5 herein, to the Planning Board. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary plat approval.

370.1 Optional Public Hearing

A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forth-five (45) days of the official submission date of the plat. The subdivider or the subdivider's representative is expected to attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forth-five (45) days of the public hearing.

If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the regulation violated by the Plat. Failure of the Planning Board to render a decision within the stated forty-five (45) day period shall be deemed final approval of the plat.

370.2 Notice Of Public Hearing

The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing. Notice of the hearing shall be mailed by the subdivider to the owners of all adjoining properties within five hundred (500) feet of the subdivided property at least five (5) days before the hearing.

370.3 Waiver Of Public Hearing

If the final plat is in substantial agreement with the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the plat within forty-five (45) days of the official submission date.

370.4 State Environmental Quality Review (SEQR)

The Planning Board's action on the subdivision plat shall include either a Negative Declaration or the final Environmental

Impact Statement and a statement of findings on the subdivision as required under Section 8-0109-8 of the Environmental Conservation Law.

370.5 Notice of Decision

The subdivider shall be notified of the final action of the Planning Board and the subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Madison County, New York within sixty (60) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Madison County, New York.

370.6 Conditional Approval

Upon conditional approval of such final plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. The plat shall be certified by the Town Clerk and a certified statement of such requirements shall accompany such plat which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. If the requirements are not completed by the deadline set in the resolution granting conditional approval, the conditional approval shall expire, and the applicant must reapply. The planning Board may, however, extend the expiration time for a period not to exceed six (6) months.

ARTICLE 4 MINOR SUBDIVISION

Section 410 Information Required For Minor Subdivisions

The following shall be submitted with applications for approval of a final plat for a minor subdivision:

- 410.1 Name and address of subdivider and professional advisers, including license numbers and seals.
- 410.2 One copy of the minor subdivision plat (which is to be submitted by the County Clerk once the Planning Board's chairman places signature on same signifying that the subdivision is approved), drawn with ink on appropriate material, plus two (2) paper copies. The plat map (drawn by a licensed surveyor at a scale of one (1) inch to one hundred (100) feet, unless otherwise specified by the Planning Board) shall contain the following information:
 - a. Subdivision name, scale, north arrow, and date;
 - b. Subdivision boundaries;
 - c. Contiguous properties and names of owners;
 - d. Existing roads, utilities, and structures;
 - e. Water courses (including all HUD Federal Flood Insurance Hazard Areas), marshes (including DEC-designated wetlands), wooded areas, and other significant physical features on or near the site;
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewage, and water supply;
 - g. Land contours at ten-foot (10') intervals, or other suitable indicators of slope.
- 410.3. Copy of tax map(s).
- 410.4. Existing and/or intended restrictions on the use of land including easements, covenants, and zoning.
- 410.5. Total acreage of subdivision and number of lots proposed.
- 410.6. Building types and approximate size and cost.
- 410.7. Environmental Assessment Form (EAF); long or short form as required by the Planning Board (Appendix A).

- 410.8. On-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health, and a statement to this effect shall be made on the application.
- 410.9. Additional information as deemed necessary by the Planning Board.
- 410.10. Any required fees.

Section 420 Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE 5 MAJOR SUBDIVISION

Section 510 Preliminary Plat, Major Subdivision

The following shall be submitted with all applications for approval of a Preliminary Plat for a major subdivision:

- 510.1. Name and address of subdivider and professional advisers, including license numbers and seals.
- 510.2. Three (3) copies of the preliminary plat map, drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board, including:
 - a. Subdivision name, scale, north arrow, and date;
 - b. Subdivision boundaries;
 - c. Contiguous properties and names of owners;
 - d. Existing and proposed roads, utilities, and structures;
 - e. Water courses, (including all HUD Federal Flood Insurance Hazard Areas), marshes (including DEC-designated wetlands), wooded areas, and other significant physical features on or near the site;
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewage, and water supply;
 - g. Land contours at two-foot (2') intervals, or other suitable indicators of slope.
- 510.3. Copy of tax map(s).
- 510.4. Existing and/or intended restrictions on the use of land including easements, covenants, and zoning.
- 510.5. Total acreage of subdivision and number of lots proposed.
- 510.6. Building types and approximate size and cost.
- 510.7. All parcels of land proposed to be dedicated to public use and the conditions of such use.
- 510.8. Grading and landscaping plans.

- 510.9. The width and location of any roads or public ways and the width, location, grades, and road profiles of all roads or public ways proposed by the developer.
- 510.10. The approximate location and size of all proposed waterlines, hydrants, and sewer lines, showing connection to existing lines.
- 510.11. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
- 510.12. Preliminary plans drawn to scale and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, and the location of any underground cables.
- 510.13. Preliminary designs for any bridges or culverts.
- 510.14. The proposed lot lines with approximate dimensions and area of each lot.
- 510.15. An actual field survey of the boundary lines of the tract, giving complete description of bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
- 510.16. Environmental Assessment Form (long form, Appendix A) and a Draft Environmental Impact Statement, if required.
- 510.17. Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
- 510.18. Additional information as deemed necessary by the Planning Board.
- 510.19. Any required fees.

Section 520 Final Plat, Major Subdivision

The following shall be submitted with all applications for approval of a Final Plat for a major subdivision:

- 520.1. One (1) copy of the final plat (which is to be submitted to the County Clerk once the Planning Board's chairman places his signature on same signifying that the subdivision is approved), drawn with ink on suitable material, plus two (2) paper copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
- 520.2. Proposed subdivision name and the name of the Town and County in which the subdivision is located; the name and address of record owner and subdivider; name, address, license number and seal of the surveyor and/or engineer.
- 520.3. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- 520.4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
- 520.5. The length and bearing of all straight lines, radii, length of curves, and central angles of all curves; tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
- 520.6. All offers of cession and any covenants governing the maintenance of uncaded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- 520.7. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
- 520.8. Approval of the Madison County Health Department of water supply systems and sewage disposal systems proposed or installed.
- 520.9. An approved Environmental Impact Statement.

- 520.10. Construction drawings, drawn to scale by a licensed engineer, including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements and sub-base, and other facilities.
- 520.11. Evidence of legal ownership of property.
- 520.12. Deed restrictions, existing and proposed in form for recording.
- 520.13. A certificate by a licensed professional engineer that any required improvements constructed by the subdivider have been designed and inspected and meet the minimum standards in this local law, or as otherwise required by law.
- 520.14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of these regulations.

Section 530 Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE 6 DESIGN, STANDARDS, AND REQUIRED IMPROVEMENTS

Section 605 General

All improvements specified in the subdivision plan or required by the Planning Board in accordance with this Article shall be constructed at the expense of the subdivider without reimbursement by the Town or any district therein.

All such improvements shall be installed by the subdivider to the satisfaction of the Planning Board prior to the approval of the final plat, or alternatively, he shall post a performance bond, as provided in Article 7 sufficient in amount to cover the estimated full costs of such construction as determined by the Planning Board (at the discretion of the Town Board, the subdivider may secure the formation of a special district to install such utility and street improvements pursuant to the laws of the state).

Prior to public acceptance of any improvements, the subdivider shall submit an affidavit stating that all bills and accounts for material and labor used in construction have been paid in full.

The subdivider shall make good without any cost to the Town any defects in any of the improvements constructed by him or his agent, and any damage due to faulty workmanship on his or his agent's part or due to imperfect material or equipment furnished by him or his agent which defects or damage may appear within one year after installation and approval of the improvements.

Section 610 Road Design and Construction Standards

610.1 Conformity with General Plan

The arrangement, width, location, and extent of major roads and all minor roads should conform and be in harmony with the local highway standards adopted by the Town Board. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

610.2 Special Treatment Along County Highways

When a major subdivision abuts or contains a County highway, the Planning Board may require that highway access to and from the subdivision's lots be provided by the subdivider's establishment of a feeder road or roads and/or such other treatment as may be necessary to maintain traffic safety and an efficient traffic flow along the highway without any reduction of its speed limit.

Section 615 Sidewalks

Sidewalks are not required in every subdivision; when sidewalks are required, they shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider at such locations as the Planning Board may deem necessary;
2. Sidewalks must be constructed to comply with the detailed specifications of the Planning Board;
3. Sidewalks shall be concrete or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

Section 620 Utilities

Public utility improvements may be required and shall be installed as follows:

1. Fire Protection: Hydrants to be of size, type, and location specified by the Insurance Services Organization.
2. Street Lighting: Poles, brackets, and lights to be of size, type, and location approved by the local power company and shall be compatible with an existing street lighting.
3. Electricity: Power lines may be required to be placed underground and shall be approved by the local power company.
4. Utility Services: Shall be located from six (6) to eight (8) feet from the back property line to the center line of the utility service or between the sidewalk and curb line. Utility lines may be required to be placed underground and shall be approved by the local utility company.

Section 625 Water Supply

1. Where individual wells will be used, evidence of water supply, geological reports, and supporting data shall be provided.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider upon approval by the Town Board and Madison County Department of Health.
3. All individual wells shall meet the requirements of the New York State Department of Health to the satisfaction of the Planning Board.

Section 630 Sewage Disposal

1. Where septic tanks are proposed, the subdivider shall submit results and specific locations of percolation tests, or such other tests of soil suitability for on-site sewage disposal as the New York State Department of Health may currently specify, for each lot and a lot-specific design plan for each such disposal system.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider upon approval of the Town Board and the Madison County Department of Health.
3. All sanitary sewage disposal systems shall meet the requirements of the New York State Department of Health.

Section 635 Drainage Improvements

635.1 Removal of Spring and Surface Water

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

635.2 Drainage Structure To Accomodate Potential Development Upstream

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Highway Superintendent shall approve the design and size of facility based on anticipated run-off from a "ten-year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

635.3 Responsibility From Drainage Downstream

The Subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Highway Superintendent. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "five-year" storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board will not approve the subdivision until provisions have been made for the improvement of said condition. If in the opinion of the Planning Board, it is feasible and desirable to require a drainage district, such district shall be installed at the expense of the subdivider upon approval of the Town Board.

Section 640 Lots

- 640.1 Location All lots shall abut by their full frontage on roads built to the Town's road specifications.
- 640.2 Dimensions The lot size, width, depth, shape, and area shall comply with the Town's Land Use Ordinance. Excessive depth in relation to width (for example, such as to exchange the later creation of a second building lot at the front or rear) shall be avoided. A proportion of two and one-half to one (2 1/2 : 1) will normally be considered the maximum.
- 640.3 Double Frontage Lots Frontings on two roads other than corner lots shall be discouraged.
- 640.4 Pedestrian Easements In order to facilitate pedestrian access from roads to schools, parks, play areas, or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.
- 640.5 Setback The provisions of the Town's Land Use Ordinance shall apply regarding setback lines.
- 640.6 Lot Lines Side lot lines shall be approximately at right angles to the road, or radial to curved roads. On large size lots and except when indicated by topography, lot lines shall be straight.
- 640.7 Corner Lots Lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

Section 645 Unique And Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds, and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

Section 650 Public Open Spaces And Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Such lands may be offered to the Town as a gift, and at the discretion of the Town Board may be accepted upon recommendation by the Planning Board. If such lands are given to the Town they shall be used either for their intended purpose or they may be sold and the funds realized shall be placed in the Town recreation land fund;
2. Reservation of land for the use of property owners by deed or covenant;
3. If the Planning Board determines that suitable parks or parks of adequate size cannot be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the Town of Fenner a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreational purposes including the acquisition of property.

The Planning Board may require the reservation of such other areas or sites of a character, extent, and location suitable to the needs of the Town as water plants, sewage treatment plant, and other community purposes not anticipated in the General Plan.

ARTICLE 7 BOND FOR INSTALLATION OF IMPROVEMENTS

Section 710 General

In order that the Town has the assurance that the construction and installation of such improvements as drainage districts, sewage districts, public water districts, road signs, sidewalks, and road construction will be constructed, the subdivider shall enter into one of the following agreements with the Town:

1. Construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final approval of the plat;
2. Furnish a performance bond or other security, approved by the Planning Board and Town Board as to form, sufficiency, manner of execution and surety, for the completion of such required improvements.

Section 720 Conditions

Before the final plat is approved, the subdivider shall have executed a subdivider contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond or certified check shall be to the Town and shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all the applicable terms, conditions, provisions, and requirements of these regulations; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

Any such bond shall require the approval of the Planning Board, the Town Board and the Town Attorney as to form, sufficiency, manner of execution, and surety.

Wherever a certified check is made, the same shall be made payable to the Town of Fenner.

Section 730 Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the final plat. Road improvements shall be completed within two years from the date of approval of the final plat. The subdivider may request an extension of time, provided the subdivider can show reasonable cause for inability to perform said improvements within the required time. The extension should not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. More than one six month extension may be granted at the discretion of the Planning Board. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Section 740 Agreement - Schedule of Improvements

When a certified check or performance bond is made pursuant to the preceding Sections, the Town and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the subdivider until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

Section 750 Inspections

Periodic inspections during the installation of improvements shall be made by the Codes Enforcement Officer to insure conformity with the approved plans and specifications as contained in the subdivider's contract and these regulations. The subdivider shall notify the Codes Enforcement Officer when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk any inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of Fenner the portion of the performance bond or certified deposit as designated in the subdivider's contract to cover cost of such completed work. In the case of improvements in the form of road construction, such inspections shall be conducted by the Town Highway Superintendent rather than the Codes Enforcement Officer.

ARTICLE 8 CLUSTER AND ZERO LOT LINE PROVISIONS

Section 810 General

Pursuant to a resolution of the Town Board, the Town of Fenner Planning Board has been empowered to modify the minimum width and minimum setback requirements in accordance with the provisions of Section 281 of Town Law, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands and shorelines.

Section 820 Standards

The following shall be standards and procedures:

1. The Town of Fenner Planning Board may make such modifications only with respect to the lands within special development areas.
2. The minimum acreage to which this section may be applicable to shall be 10 acres, except that where public services, sewer and/or water are available the Planning Board may determine the minimum size.
3. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.
4. In the event that the utilization of this section results in a Plat showing lands available for park, recreation, or other municipal purposes, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyancy of a scenic easement or other appropriate means against any development or land use inconsistent with their retention on open space.
5. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in other Town regulations or ordinances.

Section 830 Procedures

830.1. Request By Subdivider

A subdivider may request the use of this Section simultaneously with the submission of the Sketch Plan, as described in Article 3, Section 330. Any submission subsequent thereto, shall require a resubmission of the Sketch Plan.

830.2. Alternate Sketch Plan

A subdivider shall present for the Planning Board's consideration along with a proposal utilizing the provisions of this Section, an alternate Sketch Plan, with lots meeting the minimum lot area, minimum lot width, and requirements of any other town ordinance or local law.

830.3. Plat Submission

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

830.4. Local Filing, Notation on Zoning Map

Any Subdivision Plat finally approved which involves modifications as provided for in this Section shall be filed, in addition to the filing required in Article III, Section 370, hereof with the Town Clerk, who shall make appropriate notation and reference thereto on the official Town Map.

APPENDIX A ENVIRONMENTAL ASSESSMENT FORMS (EAF)