

PART II – SUBDIVISION REGULATIONS

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Section 1 – Policy

It shall be the policy of the Lake Pleasant Town Planning Board to consider the proposed subdivision of land within the Town with respect to its effect upon the orderly, efficient, and economical development of the Community. The purpose for such review shall be to insure that:

1. the land in question can be used safely for building purposes without danger to health or peril from flood or fire;
2. adequate provision has been made for water supply, sewage disposal and surface drainage;
3. the proposed lot and street layout complements neighboring development and is in accord with the proposals and standards of the Town Master Plan; and that
4. proper consideration is given to natural features, open space, and recreation areas.

It is not, nor shall it ever be the intent of these regulations to discourage any legitimate and proper development in the Town of Lake Pleasant, nor to work any arbitrary or unnecessary hardship on any potential developer. Rather, it is the purpose of these regulations to insure that the proper interests of the Town are considered in relation to the responsibilities it will be expected to discharge in connection with any new subdivision of land.

SECTION II – DEFINITIONS

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

SUBDIVISION – means the division of any parcel of land, now or hereafter, into two or more lots, plots, sites or other division of land, for the purpose of transfer of ownership or for building development, and shall include re-subdivision of all or in part of any plot, filed or unfilled, which is entirely or partially undeveloped. Any division of land creating a new street shall be considered a subdivision.

SKETCH PLAN – means a sketch of a proposed subdivision showing sufficient information to enable the subdivider to reach general agreement with the Planning Board as to the pattern of the subdivision in relation to the objectives of these regulations.

PRELIMINARY PLAT – means a drawing or drawings clearly marked “Preliminary Plat”, showing the salient features of a proposed subdivision, as specified in Section III of these regulations, in sufficient detail to apprise the Planning Board of the layout of the proposed subdivision and for Planning Board approval prior to preparation and submission of the plat in final form.

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, may be duly filed or recorded by the applicant in the office of the County Clerk.

STREET – means and includes streets, roads, avenues, lanes or other vehicular trafficways, between right-of-way lines.

PLANNING BOARD OR BOARD – means the Planning Board of the Town.

MASTER PLAN – means a comprehensive plan, prepared by the Planning Board pursuant to Article 16 of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

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

TIME OF SUBMISSION – of the Preliminary or Final Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for approval of the plat, complete and accompanied by all data required by these regulations, has been filed with the Secretary of the Planning Board.

SECTION III – PROCEDURE

A. Pre-application Procedure

Prior to the filing of an application for conditional approval of a Preliminary Plat, the subdivider or his agent may appear and submit general site information and data regarding existing conditions, a location map and a sketch plan with a request for informal consideration by the Board and for an expression of its views. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Board with the view toward conserving the time and expense of the subdivider and creating mutual opportunities of the parties for the achievement of a desirable subdivision in the public interest.

B. Application

Whenever any subdivision of land is proposed, the subdivider or his agent shall apply in writing to the Planning Board for conditional approval of such subdivision. The application and a Preliminary Plat of the proposed subdivision shall be filed with the Board in accordance with the following:

Subdivision Fee Schedule
Flat Fee.....\$100

C. Procedure for Conditional Approval of Preliminary Plat

1. On reaching conclusions regarding the general program and objectives following the Pre-Application conference, if any, the subdivider shall prepare a preliminary layout, together with the following supplementary or supporting materials:
 - a. Topographic data on the tract and existing drainage ways
 - b. Tract boundary lines, tract area and street layout
 - c. Name and width of each street or other right-of-way

- d. Utilities on and adjacent to the tract
- e. Location, dimensions and purpose of any easements
- f. Number to identify each lot and letter to identify each block
- g. Purpose for which sites, other than residential lots, are dedicated or reserved
- h. Minimum setback line on all lots and other sites.
- i. Names of owners of record of adjoining unplatted land.
- j. Site data, including number of residential lots, typical lot size, lineal feet of streets, acres in parks, etc.
- k. Title, scale, north arrow and date.

1. Conditional approval of preliminary plat may be issued without the subdivider having complied with (d and e above). The subdivider must comply with (d and e above) before the Board will issue its approval for the final plat.

2. Three copies of the Preliminary Plat and supplementary material shall be submitted to the Board with a written application for Conditional Approval not less than ten (10) days prior to a regularly scheduled meeting of the Board.

3. The time of submission of the Preliminary Plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which the application for conditional approval of the Preliminary Plat, complete and accompanied by all data required by these regulations, has been filed with the Secretary of the Planning Board.

4. The Board shall, within forty-five (45) days after the time of submission of the Preliminary Plat, conditionally approve or disapprove the Preliminary Plat and other material as submitted or modified; and the Board shall notify the Subdivider, in writing, of its action. If conditionally approved, the Board shall state the conditions of such approval; or if disapproved, shall notify the Subdivider of the reasons thereof. Failure of the Planning Board to act within such forty-five (45) day period shall constitute conditional approval of the Preliminary Plat.

D. Procedure for Approval of Final Plat

1. The Final Plat shall conform substantially to the Preliminary Plat as conditionally approved. If desired by the Subdivider, the Final Plat may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

2. Application for Approval of the Final Plat and other material required for approval including any offers of cession, covenants and agreements shall be submitted to the Board by filing the Plat and such other material with the Secretary of the Board at least ten (10) days prior to the regular monthly meeting at which it is to be considered.

3. Three copies of the Final Plat and other material required for approval shall be submitted to the Board within six months after Conditional Approval of the Preliminary Plat; otherwise such Conditional Approval shall become null and void unless an extension of time is applied for and granted by the Board.

4. The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which the application for approval of the Subdivision Plat, complete and accompanied by the required fee and all data required by these regulations, has been filed with the Secretary of the Planning Board.

5. Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Town Engineer and the State Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary town, county and state agencies. Endorsement and approval by the State Department of Health shall be secured by the subdivider after conditional approval and before final approval of the Subdivision Plat by the Planning Board.
6. A public hearing shall be held by the Planning Board within thirty (30) days after the time of submission of the Subdivision Plat for approval. This hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.
7. The Planning Board shall, within forty-five (45) days from the date of the public hearing on the Subdivision Plat, approve, modify and approve, or disapprove the Subdivision Plat. However, the Subdivision Plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of number 8 below.
8. Approval shall not be final until the Subdivider has complied with the requirements with respect to certifications that required improvements have been completed or bond satisfactory to the Board has been posted in lieu thereof in accordance with the provisions of Article 16 of the Town Law and shall have filed the Final Plat with the County Clerk within 90 days after approval; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Board, pursuant to law.
9. The Subdivider will be required to tender offers of cession in form approved as satisfactory by the Attorney of all sewers, drains, surface drains, water lines and all land included in streets, parks or other public areas, not specifically reserved as shown on the Final Plat. Approval of the Final Plat shall not constitute acceptance by the Town of the dedication of such facilities without formal acceptance by the Town Board.

SECTION IV - MINIMUM DESIGN STANDARDS

A. Streets

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
2. The arrangement of streets in a subdivision shall either;
 - a. Provide for the continuation, if appropriate, of major streets in the surrounding area; or
 - b. Conform to a plan for the neighborhood approved by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require a frontage street, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Reserve strips controlling access to streets, water mains, sewage mains or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the Town under conditions approved by the Town Board.

6. Street jogs with center line offsets of less than one hundred and fifty (150) feet shall be avoided.

7. A tangent between reverse curves on arterial and major streets shall be 100 feet minimum; on minor streets, 50 feet minimum, in length.

8. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees.

9. Street right-of-way width shall not be less than 60 feet, except that a minor residential street right-of-way width may be not less than 50 feet.

10. Cul-de-sac streets shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred fifty (150) feet. A wye may be used provided a turning area 60 feet wide and 60 feet deep shall be provided. Dead-end streets shall not be permitted except as provided herein.

11. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Village or Town. Street names shall be subject to the approval of the Board.

12. Street grades shall be not less than 0.5 percent, nor more than 10 percent.

B. Alleys

1. The minimum width of an alley, if provided, shall be twenty (20) feet.

C. Easements.

1. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. An easement width of fifteen feet is required.

2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such waste course, and such further width or construction, or both, as will be adequate for the purpose and as determined by the Town Board.

D. Blocks

1. The lengths, widths and shapes of blocks shall be determined with due regard to:

- a. The type of development proposed;
- b. Zoning requirements as to lot sizes and dimensions;
- c. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress or egress;
- d. Limitations and opportunities of topography.

2. Block lengths shall not exceed twelve hundred (1,200) feet, nor be less than six hundred (600) feet in length.

3. A pedestrian right-of-way, not less than twelve (12) feet wide, in addition to any street, shall be provided where deemed essential by the Board to provide safe circulation, or access to schools, playgrounds, parks, shopping centers, transportation, and other community facilities.

E. Lots

1. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.

2. All lots shall have area and width equal to minimum requirements of the zoning regulations applying to the district in which they are located.

3. Corner lots for residential use shall have extra width to permit appropriated building setback from and orientation to both streets.

4. The subdividing of land shall be such as to provide each lot with frontage on an improved street.

5. Every street shown on the plat is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the public and formally accepted as a public street by resolution of the Town; or alternatively until it has been condemned by the municipality for use as a public street.

6. Double frontage lots should be avoided.

7. Side lot lines shall be substantially at right angles or radial to street lines.

8. Off street parking space shall be required for all uses. In the case of dwellings, at least one hundred and eighty (180) square feet of off street parking space per dwelling unit shall be provided back of the building setback line, plus access drive and maneuvering space.

F. Grading and Drainage

Street layout, block grading, and lot grading data shall be shown. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal, use and drainage. The developer shall allow no holes, depressions or other untrained areas to remain.

Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided where necessary. Storm and sanitary sewers shall be separate.

G. Public Sites and Open Spaces

Where a proposed park, playground, school or other public use shown in the Master Plan, or not anticipated in such Master Plan, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency; or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of

acquisition, and the cost thereof. If the Planning Board determines that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law.

SECTION V - MINIMUM REQUIRED IMPROVEMENTS

A. General

Prior to or not later than 90 days after the granting of final approval, the subdivider shall have installed or shall have furnished adequate bond for the installation within a specified time of the required improvements listed and described in this section. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work, as required by the municipality, or the State and County health authorities, according to the nature of the improvements.

B. Monuments

The tract boundary lines, and the lines of all streets or roads shall be monumented with concrete, stone or iron monuments with monument caps. Individual properties shall be monumented with iron pins or pipe.

C. Street Improvements

1. Subgrade - by Developer

All topsoil shall be removed from the area 18 feet on each side of the centerline, unless a fill of three feet or more is required. Fills must be made with material approved by the Engineer of Highway Superintendent and shall be placed in layers not over 6 inches thick and each layer shall be properly rolled. All muck, quicksand, spongy material and any other objectionable material shall be removed.

The subgrade of all streets and roads, shall be graded as follows: The center portion, 18 feet on each side of the center line shall be 12 inches below the finished grade, as shown on the street profile. After it has been properly shaped, it shall be thoroughly rolled and compacted. Drainage ditches 21 feet from the center of the road shall be provided on each side of the road. Ditches shall be at least 18 inches deep, one foot wide at the base, with slopes one foot vertical to 1.5 feet horizontal. The grade of the outside area or sidewalk and planting strip section shall in no case be lower than the crown of the pavement nor more than 8 inches above the crown. No gravel or stone is to be placed on the subgrade until the subgrade is approved by the Engineer or Highway Superintendent.

2. Base Course - by Developer

The thickness and method of constructing the base course may vary, depending upon the amount of traffic anticipated, the type of material used, and the condition of the subgrade. All materials and construction procedure shall be subject to the approval of the Town Highway Superintendent, shall comply with current construction and material specifications of the NYS Department of Public Works.

A base course, at least 22 feet wide, consisting of not less than 12 inches of compacted stone or gravel approved by the Town Engineer or Highway Superintendent shall be installed. Street and road culverts shall be installed by the developer where necessary. Driveway culverts shall not be less than 12 inches in diameter and 20 feet in length and shall be

corrugated metal or reinforced concrete; installation to be approved by the Town Engineer or Highway Superintendent. Where there is no natural stream or water course for the drainage of surface water from the proposed street or road, the developer shall secure rights-of-way and construct ditches or install storm water sewers to a natural waterway or as the Town directs.

3. Surface Course

The surface course, if required, shall be as specified by the Town Board and the Developer shall pay to the Town Clerk a sum to be determined by the Town Board toward the cost of applying a hard surface pavement thereon.

4. Curbs and Gutters

- a. Where curbs exist on abutting properties, their extension by the developer will ordinarily be required throughout the proposed subdivision.
- b. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriated surfacing by the developer.

5. Sidewalks

The Town Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least 4 feet wide and 5 inches thick shall comply with the current construction and material specifications of the New York State Department of Public Works, Item 105.

D. Water Supply - by Developer

The developer shall connect each lot at the property line with the public water supply, if available. Neighborhood water supply systems, where provided, must conform to standards and inspection by the NYS Department of Health.

E. Sewage Disposal System - by Developer

If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a neighborhood system, the developer shall provide sanitary sewers and laterals for each lot for such service. Where public or neighborhood sanitary sewers are not feasible, the developer shall provide and install an individual system for each lot in accordance with State and local requirements upon specific approval by the NYS Department of Health.

F. Utilities

Electrical service, gas mains and other available utilities shall be provided underground by the developer within each subdivision. Such utilities may be provided above ground by the developer in any case where the utility company has obtained a variance for such above ground utility from the Public Service Commission and providing the Planning Board consents to such above ground service.

G. Street Trees and Miscellaneous

1. Street Trees--to be planted by developer. Location and type of trees to be approved by the Board.

2. Planting Strips--the area between the gutter and the property line to be seeded by developer, maintained by owner.
3. Street name signs--by municipality.
4. A Planting Screen--easement not less than 10 feet wide, across which there shall be no right of access, may be required by the Board along the line of lots between the subdivision and industrial, commercial, major street, and other similar uses.

SECTION VI - PLAT DATA

A. The Final Plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger (preferred scale of 40 feet to one inch.) The Final Plat shall show the following:

1. Topographic data on the tract, related to Bench Mark approved by the Engineer or Highway Superintendent.
2. Tract boundary lines with bearings and distances, tract area, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and central angles of all curves.
3. Name and right-of-way width of each street or other right-of-way.
4. Utilities on an adjacent to the tract; location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles.
5. Location, dimensions and purpose of any easements.
6. Number to identify each lot and letter to identify each block.
7. Purpose for which sites, other than residential lots, are dedicated or reserved.
8. Minimum setback line on all lots and other sites.
9. Location and description of monuments.
10. Names of owners of record of adjoining unplatted land.
11. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
12. Certification by surveyor or engineer as to accuracy of survey and plat.
13. Certification of title showing that applicant is the land owner.
14. Statement by owner as to dedicating streets, rights-of-way and any sites for public use.
15. Site data, including number of residential lots, typical lot size, lineal feet of streets, acres in parks, etc.
16. Title, scale, north arrow and date.
17. Cross Sections and Profiles of streets showing approved grades shall be provided.

THE FOLLOWING SHALL ALSO BE SUBMITTED TO THE BOARD:

B. Offers of Cession for dedicating streets, easements, right-of-way and any sites for public uses; agreements covering the improvements and maintenance of unceded public open spaces and the conditions and limitations, if any, which offers and agreements, if any, shall be subject to the prior approval of the Town Attorney.

C. Protective covenants in form for recording.

D. Written statement by the Town Attorney certifying that:

1. the required improvements have been completed or bond satisfactory in form and sufficiency to the Town has been posted in lieu thereof and that the applicant or subdivider is the land owner, and

2. all offers of cession or agreements regarding improvements and maintenance of public open spaces, if any are approved as to legal sufficiency.

E. OTHER DATA

Such other certificates, affidavits or other agreements as may be required by the Board in the enforcement of these regulations.

SECTION VII - VARIANCES AND APPEALS

A. Hardship

Where the Board finds that practical difficulty or extraordinary hardship, because of exceptional narrowness, shallowness, or shape of the specific parcel, or because of unusual topographic conditions or other unusual physical condition of the specific parcel may result from strict compliance with these regulations, it may grant a variance from the regulations in the specific case, so that substantial justice may be done and the public interest is secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or these regulations. In granting a variance, the Board may require such conditions as will, in its judgement, secure substantially the objectives of the subdivision regulations.

B. Large Scale Development

The standards and requirements of these regulations may be modified by the Board in the case of a plan and program for a complete new community, planned neighborhood, or cluster development, which in the judgement of the Board provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.