

SUBDIVISION OF LAND

Chapter 112

SUBDIVISION OF LAND

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SUBDIVISION REGULATIONS

TOWN OF ERWIN

ARTICLE 1. GENERAL PROVISIONS

Section 1.1 AUTHORITY. The Town Board of the Town of Erwin in accordance with Sections 276-278 of Article 16 of the Town Law of the State of New York, and by resolution adopted on November, 1972 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 adopted these Subdivision Regulations setting forth 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 Steuben County if such plats are entirely or partially undeveloped.

Section 1.2 PURPOSE AND CONTENT. The purpose of establishing subdivision regulations 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. These regulations establish 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.

Section 1.3 ENACTMENT, TITLE AND JURISDICTION. In order that land may be subdivided in accordance with this purpose, these regulations are hereby adopted, and shall be known and may be cited as "Subdivision Regulations of the Town of Erwin" upon the adoption of these regulations by the Planning Board and their approval by the Town Board.

Section 1.4 CONFLICT WITH EXISTING REGULATIONS. Where these regulations 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.

Section 1.5 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 and 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 sub-divided shall be such that it can be used for building purposes without danger to health and safety, or peril from fire, flood or other menace. Proper provision shall be made for drainage, water supply, sewage and other needed improvements. All parcel developments shall meet Town, County, State, 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 plans 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 recreation or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board.

Section 1.6 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 Erwin 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.

Section 1.7 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 may be waived at the discretion of the Planning Board.

Section 1.8 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.

Section 1.9 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.

Section 1.10 FINES AND PENALTIES

1.10.1 Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with or resists enforcement of any of the provisions of this Chapter 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 (6) months, or both. Each week's continued violation shall constitute a separate additional violation.

1.10.2 In case of any violation or threatened violation of any provision of this Chapter 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

SECTION 2.1 GENERAL INTERPRETATION. In these regulations when not inconsistent with the context:

- the words "lot" includes the word "plot", "parcel", "sites", or other divisions of land.
- words in the present tense imply also the future tense.
- the singular includes the plural and the plural includes the singular.
- the male gender includes the female gender.
- the word "person" includes a partnership or corporation as well as an individual.
- the verb "shall" is mandatory.
- the verb "may" is permissive.

SECTION 2.2 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 Erwin.

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.

CONTIGUOUS PARCEL: A tract of land under the control of the applicant or his agent that is not divided by any natural or man-made barriers such as existing roads and highways, rivers, areas with slopes greater than 35%, and not bisected by waterbodies.

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

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, BUILDING: A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and customary accessories and open spaces belonging to same. A "lot" shall be immediately adjacent to and be accessible from a public or private street.

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.

HISTORIC SITE: A place and/or property as designated on the State and/or National Register of Historic Places.

MUNICIPAL FACILITIES: Any public improvement and/or utility service that is owned, operated and maintained by the Town of Erwin.

ORIGINAL PARCEL: A parcel of land as defined by its legal boundaries as of the date of adoption (November, 1972) of the original Town of Erwin Subdivision Regulations.

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 Erwin as designated by Town Board per Section 271 of the Town Law.

PRELIMINARY PLAT: A drawing prepared for major subdivisions in accordance with Section 3.41 of these regulations showing the approximate 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 road or street, serving no more than two (2) residential lots, built to Town Specifications as per § 4, and that remains in ownership of and is maintained by a developer or development association and is not dedicated to the Town for maintenance.

PUBLIC ROAD: A right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, alley, or however otherwise designated, that is built to Town specifications and dedicated to the Town for maintenance, but not including a private driveway service one or two properties.

Major Roads: Roads which are used or designed primarily for through or heavy traffic (County and State roads).

Collector Roads: Roads which carry traffic from minor roads to major roads, including the principle entrance roads of a residential development and roads for circulation within a development.

Minor Roads: Roads which are used primarily for access to the abutting properties.

Marginal Access Roads: Minor roads which are parallel to and adjacent to major roads, and which provide access to abutting properties and protection from through traffic.

Dead-end Road or Cul-de-Sac: A road or portion of a road with only one vehicular access.

Alleys: Minor rights-of-ways which are used primarily for vehicular service access to the back or the side of lots which are otherwise abutting on another road.

RESUBDIVISION: A change in a map of an approved or filed subdivision plat if involving only lot line alterations, and does not cross a Town boundary, and if such change does not affect any street layout shown on such major area reserved there for public use. For example, the combining of two or more approved lots into one.

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

SUBDIVISION: As defined in these regulations, a subdivision is the division of any original parcel of land into two 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 second lot of an original parcel creates a subdivision and all lots are required to meet the criteria of these regulations.

SUBDIVISION, MINOR: Any subdivision, of three lots or less, fronting on or having access from an existing road, not involving any new road or extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property stated in Section 3.2.

SUBDIVISION, MAJOR: Any subdivision not classified as a minor subdivision.

SUBDIVISION PLAT: Drawings prepared in accordance with these regulations showing in final form, as specified in Section 3.4.2, a proposed subdivision of a tract of land including final plans for related improvements, and, if approved suitable for filing in the office of the County Clerk.

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

TOWN BOARD: The Town Board of the Town of Erwin.

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

ZONING LAW: The Zoning Law of the Town of Erwin.

ARTICLE 3 SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

Section 3.1 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 Steuben 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 these regulations. The subdivider or his duly authorized representative shall attend a regular monthly meeting of the Planning Board to discuss the requirements of this regulation and/or submit a sketch layout.

Section 3.2 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 of the sketch layout plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. The Board may require, however, when it deems 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 3.4 of these regulations. If it is classified as a minor subdivision, the subdivider shall then comply with the procedures outlined in Section 3.3.

3.2.1 Requirements. A Concept Plat may be prepared and eleven (11) copies submitted to the Planning Board. The concept plat shall comply substantially with the requirements set forth in Section 3.2.2 of these regulations. One (1) copy of the sketch layout shall be returned to the subdivider with a copy of the appropriate meeting; one (1) shall be retained by the Planning Board; and one (1) copy shall be used for necessary coordination with other agencies. Before preparing a sketch layout, the subdivider may discuss with the Planning Board of the Town Planning Consultant the general requirements as to design of streets, 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 Highway Superintendent at the concept plat stage in order to resolve problems of street 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 or 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.

3.2.2 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 miles (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 streets, sidewalks, lots 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) 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.

Section 3.3 PROCEDURE FOR A MINOR SUBDIVISION: Within six months after classification of the Concept Plat, if submitted, as a minor subdivision by the Planning Board, the subdivider shall submit for approval a letter of application with the Subdivision Plat. 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.

3.3.1 Submission of 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). Eleven (11) copies of the subdivision plat shall be presented to the CEO in accordance with the adopted Planning Board agenda deadline. 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.

3.3.2 Submission Requirements for Minor Subdivision. The subdivision plat for a minor subdivision shall be drawn on paper of 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 arrangement 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. 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 access to existing and proposed public 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 sanitary disposal unit is necessary, the necessary data and preliminary design of the unit shall be included.
- (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, swamps, 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 and proposed buildings on each lot showing setbacks and other pertinent data.
- (o) Location, arrangement and design of any proposed sidewalks, street lighting, street trees and curbs.

3.3.3 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) 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).

- 3.3.4 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 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 also at its discretion, use best efforts to notify all property owners within 500' of the subdivision proposal. Such notification may be required of the applicant.
- 3.3.5 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 approve the Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board or as specified 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 of 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. Four copies of the approved subdivision plat shall remain with the Town and two copies shall be returned to the subdivider for compliance with Section 3.5.1 of these regulations.

Section 3.4 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 has a major classification (refer to Section 3.2), the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

- 3.4.1 Submission of Preliminary Plat. A preliminary layout shall be prepared and submitted to the Code Enforcement Officer for all proposed subdivisions, and shall include the following.
- (a) For the purpose of these regulations, the review time shall begin from the first regularly scheduled Planning Board meeting following the submission of the proposed preliminary plat to the CEO.
 - (b) A fee as determined by the Town Board shall accompany the submission.
 - (c) The preliminary layout shall satisfy the submission requirements as described in Section 3.4.2 and shall comply with the recommendations made by the Planning Board in its report on the Concept Plat, if any.
 - (d) Eleven (11) copies of the preliminary layout and supplementary material specified shall be submitted to the CEO in accordance with the schedule outlined in subsection 3.3.1.
 - (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.
 - (f) The Planning Board shall study the preliminary layout in connected with the topography of the area, existing requirements of the Zoning Law, the Comprehensive Plan, and the Town Official Map, if any, 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.

- 3.4.2 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 "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 the 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 one quarter of a mile (1320 feet) of the proposed subdivision; of 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) 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) A copy of such proposed covenants or deed restrictions as are intended to cover all or part of the tract.
 - (d) 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.
 - (e) North point, scale, date, and location map.
 - (f) A topographic survey 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.
 - (g) 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.
 - (h) Names of owners and tax parcel identification numbers of adjacent land or names of adjacent subdivisions.
 - (i) Indication of the zoning of the tract and any other legal restrictions of use.
 - (j) 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.

- (k) 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.
- (l) 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. 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.
- (m) Existing drains, 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.
- (n) 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.
- (o) Location of all existing and proposed buildings 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.
- (p) Location of any outstanding natural site feature including wooded areas, steep slopes, individual large trees and etc.
- (q) The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.
- (r) Statement as to proposed source of water supply and method of sewage disposal. If private sanitary disposal unit is necessary, the necessary data and preliminary design of unit shall be included. Design and profiles of all proposed water and sewer lines.
- (s) Proposed system for storm water drainage, indicating the approximate location and size of proposed lines and their profiles, connection to existing lines or alternate means of control.
- (t) The location of any municipal boundary lines, existing special service district lines, and zoning district lines within the tract.
- (u) Indications of all proposed non-conforming lots showing the required and actual areas, yards, and setbacks as applicable.
- (v) A reproducible overlay showing all soil areas and their classification as determined by Soil 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.

- (w) Plans and cross-sections showing proposed location and type of sidewalks, street lighting, street trees, curbs, watermains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
- (x) Design of any bridges or culverts which may be required.
- (y) A separate drainage report if required by the Planning Board shall clarify indicate the basis of design and the intended method of storm water disposal.
- (z) A completed application form as provided by the Town of Erwin and such additional explanation of the purpose of the Subdivision as appropriate.

3.4.3 Public Hearing. If the application for preliminary approval of the layout is complete and satisfactory, the Planning Board shall schedule a public hearing within sixty-two (62) days from the time of submission. For the purpose of these regulations, the reviewing time schedule shall begin as of the date of the first regular scheduled monthly Planning Board meeting following submission of the subdivision application. 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 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.

3.4.4 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 minor subdivision. SEQR times 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 Environment 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).

3.4.5 Decision on Preliminary Plat. Within sixty-two (62) days after the public hearing for the preliminary layout, the Planning Board shall act upon it. The Planning Board's action shall be to approve, conditionally approve, or deny the Preliminary Plat. The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the Final Plat. If the preliminary layout 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.

- 3.4.6 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 Subdivision 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 clerk of the Planning Board or the CEO. The Subdivider will be immediately provided with a copy of the Resolution stating the action taken.
- 3.4.7 Submission of Final Plat. After receiving conditional approval from the Planning Board on a preliminary layout, the subdivider may prepare the Final Plat and submit eleven (11) 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 layout and submission of the Final Plat, and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require resubmission of the preliminary layout for further review and possible revision prior to accepting the proposed subdivision plat for review.
- 3.4.8 Submission Requirements for Final Plat. The subdivision plat shall conform substantially to the preliminary layout that has received conditional 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 Erwin.
 - (b) The final subdivision plat shall also include all construction drawings including plans, profiles and typical cross-sections as required below, all necessary permits from Count, State and Federal authorities; and
 - 1. Grading, drainage and erosion, and sedimentation control.
 - 2. All proposed public and private roads.
 - 3. All water and sewer facilities.
 - 4. Energy distribution facilities.
 - (c) 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 layout, provided the proposed development stages were indicated on the preliminary layout reviewed by the Planning Board.
 - (d) When submitting a Final 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.

- 3.4.9 Subdivision Plat Drainage Report. When requested by the Planning Board, this report certified as set forth in paragraph 3.4.6 shall expand upon the report submitted at the preliminary layout stage taking into account the provisions of Section 4.5 and presenting plan and supporting data for storm water drainage and erosion control provisions within the subdivision, including:
- (a) Plan, profiles, and typical and special cross-sections of proposed storm water drainage facilities.
 - (b) Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 - (c) 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.
 - (d) Erosion and sedimentation control Plan, if required, utilizing information and recommendations from the Soil Conservation Service.
 - (e) 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.
- 3.4.10 Public Hearing. If the application for final plat approval 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 does have the option to determine whether a public hearing is or is not necessary at the final plat stage.
- 3.4.11 Coordination with the State Environmental Quality Review Act (SEQR). The timing modifications outlined in Section 3.4.4 (b) and (c) for a Preliminary Plat shall also be applicable for a Final Plat.
- 3.4.12 Bonding. The Subdivider shall provide a letter of credit or other acceptable performance or completion bonds that comply with Section 277 of the Town Law to insure installation of all improvements shown upon the subdivision plat within one (1) year of filing of said plat, in accordance with the standards and specifications of the Town of Erwin. The time limit may be extended by the Planning Board, upon written application made not less than thirty (30) days prior to the expiration of said period. Upon completion, the subdivider may convey all utilities to the Town of Erwin or to the appropriate improvement district without charge or expense.
- 3.4.13 As-Built Drawings. The Subdivider shall deliver and file with the Town of Erwin a set of final maps, plans and drawings conforming to those submitted for the final subdivision 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 Erwin.

- Section 3.5 NOTIFICATION OF DECISION. 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 Final Plat. In reviewing a Final Plat, the Planning Board shall consult with the Town Planning Consultant 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.
- 3.5.1 Certification of Plat. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the Final Plat, such plat shall be certified by the clerk 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 owner. 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.
- 3.5.2 Approval of Plat in Sections. In granting conditional or final approval of a Plat in final form, the Planning Board may permit a Plat to be subdivided and developed in two (2) or more sections. 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.
- 3.5.3 Duration of Conditional Approval. Conditional approval of the Final Plat shall expire within one hundred and eighty (180) days after the resolution granting such approval unless all requirements stated in such resolution have been certified as complete. The Planning Board may extend by not more than two (2) additional periods of not more than ninety (90) days each the time in which a conditionally approved Plat must be submitted for signature.
- 3.5.4 Expiration of Approval. The signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a 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 Final Plat and the failure of the Planning Board to take action within the time herein provided, such 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 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) percent 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 two hundred thirty-five-a of the Town Law.

No building permit for any permanent building within the subdivision shall be issued by the Erwin 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 Steuben 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.

Section 3.6 DEFAULT APPROVAL. In the event that the Planning Board fails to act on a Preliminary or Final Plat within the time frames prescribed therefor, or within such extended time frames as may have been established by mutual consent of the owner and the Planning Board, such Preliminary or Final Plat shall be deemed granted approval.

ARTICLE 4. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Section 4.1 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.

Section 4.2 LOTS AND BLOCKS

4.2.1 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.

Section 4.3 ROAD DESIGN GUIDELINES

4.3.1 General. Road systems shall be designed with due regard to the needs for: convenient traffic access and circulation; traffic control and safety; access for firefighting, 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. Road systems shall be designed to accommodate the following:

- (a) Where a subdivision adjoins undeveloped land, its roads shall be laid out so as to provide suitable future road connections within 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.

- (b) 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.
- (c) Roads shall be logically related to the topography, and all roads shall be arranged so as to obtain as many as possible of the building sites 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.

4.3.2 Standards for Road Design. All streets shall be designed and constructed to conform to the Town specifications. The Town Highway Superintendent shall approve all street design and construction.

| MINIMUM ROAD STANDARDS | | | | |
|---|------------|----------------|------------|-----------------------------|
| STANDARD | MAJOR ROAD | COLLECTOR ROAD | MINOR ROAD | CUL-DE-SAC |
| Minimum right-of-way width (feet) | 60 | 50 | 50 | 80 |
| 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 radius vertical curves (feet) | 300 | 100 | 100 | 100 |
| Minimum braking sight distance (feet) | 200 | 200 | 200 | 150 |
| Minimum distance between center line of street offsets (feet) | 150 | 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) | | | | 500* |

* Planning Board may approve an absolute maximum of 1,250' in special cases where conditions warrant.

4.3.3 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 Standards Specifications for Highway Construction, Water Distribution and Wastewater Collection System Construction, October 1990, exclusive of any required paving costs.

4.3.4 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 one hundred fifty (150) 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 (1½ %) for a distance of fifty (50) feet from the intersection, from fifty (50) to one hundred (100) feet, the grade 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.

4.3.5 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 the end of a proposed road and an adjacent piece of property. However, the Planning Board may require the reservation of an easement fifteen (15) feet side for pedestrian traffic or utilities. A turn-around of a minimum right-of-way radius of eighty (80) feet 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 six (6) times the minimum lot width for the zoning district, such length to be measured to the center point of the turn-around.

SECTION 4.4 ROAD IMPROVEMENT

4.4.1 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 a shoulder at least eight (8) feet wide on one side of the road and at least four (4) feet wide on the other. Shoulders and all other unpaved areas within the road right-of-way shall be treated with topsoil and seeded to grass.

- 4.4.2 Sidewalks. Concrete sidewalks at least four (4) feet wide may be required on both sides of all roads. They may also be required within pedestrian easements through blocks to provide a system of pedestrian walkways to schools, parks, and other community facilities. Sidewalks should be two (2) feet from the property line inside the right-of-way, unless the adjacent road is a state or county highway, in which case the sidewalk shall be placed adjacent to and outside the right-of-way. Sidewalks within pedestrian easements shall be generally centered within the easement. The Planning Board may also provide for special walkway designs in rural areas.
- 4.4.3 Trees. The subdivider shall take adequate measures to preserve desirable existing trees in suitable locations within the subdivision. Street trees shall 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.
- 4.4.4 Road Names and Signs. All roads shall be named, and such names shall be subject to the approval of the Planning 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.
- 4.4.5 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.
- 4.4.6 Street Lighting. Where required by the Planning Board, street lighting of a design approved by the Town, shall be installed by the subdivider 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.

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Section 4.5 DRAINAGE SYSTEM AND EROSION CONTROL

4.5.1 General. Drainage system and erosion control designs shall comply with the Town of Erwin “Drainage Standards for Land Development”.

4.5.2 Drainage System. Adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating within and outside the proposed development as follows:

- (a) Drainage systems shall 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) Preservation of natural watercourses is generally preferable to the construction of drainage channels.
- (c) Interior drainage systems shall be designed to accommodate a ten (10) year storm.
- (d) The design of natural watercourses and structures shall depend upon the drainage area, but in general:
 - 1. Watersheds of less than one (1) square mile shall be designed for a fifty (50) year storm frequency.
 - 2. Areas of one (1) square miles and over shall be designed for a one hundred (100) year storm frequency.
- (e) All structures shall be set back a minimum of fifty (50) feet from the streambank.
- (f) 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. The grading plan shall be developed to suitable contour interval with grading details to indicate proposed street 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.
 - 5. Design criteria as specified in Town design standards shall be applicable to this section.

- 4.5.3 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. Both the Planning Board and the developer shall 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. Such procedures may include:
- (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 of temporary sedimentation basins are required by the Soil Conservation Service.
- 4.5.4 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.

Section 4.6 UTILITIES

- 4.6.1 Water Supply and Sewage Disposal. Provisions for water supply and sewage disposal shall comply with requirements of the Town of Erwin and/or NYS Health Department and/or NYS Department of Environmental Conservation.
- 4.6.2 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.

Section 4.7 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 4.5.2.

Section 4.8 NEIGHBORHOOD PARKS AND PLAYGROUNDS. Pursuant to Section 277 of the Town Law, subdivision plats shall provide that 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.

4.8.1 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.

4.8.2 Payment-in-Lieu. If the Planning Board determines that a suitable park or parks of adequate size cannot 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.

4.8.3 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 subdivider as part of the required improvements of the subdivision as a whole.

Section 4.9 DRIVEWAY STANDARDS. No person, firm or corporation shall construct or locate any driveway entrance or exit into a highway of the Town of Erwin without having first met the provisions of this section. The "Standard Entrance and Exit Crossing Requirements" shall be as follows:

- (A) The applicant shall furnish all materials and bear all costs of construction with the Town road right-of-way; as required to meet the conditions set by the Town Highway Superintendent.
- (B) No alteration or addition shall be made to any driveway without first securing permission from the Town Highway Superintendent.
- (C) No more than two (2) driveways to a single commercial establishment entering on one (1) highway shall be permitted.
- (D) The maximum width for a single combined entrance or exit shall be not more than thirty (30) feet for commercial use and not more than twenty (20) feet for residential use.
- (E) A minimum clear vision distance of two hundred fifty (250) feet shall be available in each direction.
- (F) The slope of the driveway shall in general not be greater than ten percent (10%). Slope of the driveway shall provide satisfactory and safe access to the intersecting public highway.
- (G) The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of the surface runoff. In addition, as specified by the Town Highway Superintendent, a catch basin at a point near the intersection of the driveway and Town highway may be required. This will prevent surface water and debris from being discharged onto the highway.

Section 4.10 STEEP SLOPE GUIDELINES. The Town of Erwin is characterized by numerous steep slope (15% or greater) areas. Special design treatment for streets, building sites and other development is needed to preserve the natural terrain, trees, rock formation, 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 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 landscaping.
3. Arrange buildings so they complement one another to promote visual interest. Clustering of residential units and multiple dwellings shall be encouraged to house a given population with a minimum spoilage of land. The developer shall first of all determine the qualities of the site and then plan and build to accentuate these qualities rather than destroy them.
4. Shape 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 hill area.
5. Encourage the development of off-street parking bays.
6. Encourage the use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.
7. Encourage split-level building sites.
8. Use one-way streets 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 twenty-five percent (25%) slope shall not be developed as individual residential lots.
10. Outstanding natural features such as the highest crest of the hill, range, natural rock outcroppings, particularly desirable vegetation, etc. should be retained.