

**RULES and REGULATIONS**

**PLANNING BOARD**

Town of Schroon

County of Essex

State of New York

**(“TOWN OF SCHROON LAND SUBDIVISION REGULATIONS”)**

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## ARTICLE I. GENERAL PROVISIONS

### Section 1-1 Legislative Authority

By the authority of the resolution of the Town Board of the Town of Schroon, adopted on April 29, 1971 pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Schroon is authorized and empowered to approve Plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to conditionally approve preliminary plats, within the Town of Schroon.

### Section 1-2 Citation

These regulations which shall be known as, and which may be cited as, the "Town of Schroon Land Subdivision Regulations" have been adopted by the Town Planning Board on June 22, 1971, and approved by the Town Board on June 28, 1971.

### Section 1-3 Effective Date

These regulations shall take effect immediately.

### Section 1-4 Application

No subdivision of any lot, tract or parcel of land shall be effected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these Regulations.

All plans for subdivisions shall be submitted to the Town of Schroon Planning Board for review and recording in the Planning Board's minutes.

The provisions contained herein shall apply to all land within the limits of the Town of Schroon.

### Section 1-5 Policy

- 1-5. 1 It is declared to be the policy of the planning Board to consider Land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Town of Schroon. This means among other things:
- (a) Land to be subdivided shall be of such character that it can be used safely for the building purposes without danger to health, or peril from fire, flood or other menace.
  - (b) Proper provision shall be made for water supply, drainage, sewerage and other needed public improvements and utilities.

- (c) Proposed streets shall compose a convenient system conforming to the Official Map (where, or as may be, approved.) and Development Plan.
- (d) Streets shall be of such width, grade and location as to accommodate present and prospective traffic and shall comply with Section 171 of the Highway Law as a minimum.
- (e) All development shall facilitate adequate fire protection and provide access for fire fighting equipment and other emergency equipment.
- (f) Open space for parks, playgrounds and green areas of suitable location, size and character shall be provided whenever appropriate.
- (g) The proposed development shall be esthetically compatible with the existing development and character of the Town.

1-5. 2 Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations on the development. Such restrictions, however, shall be indicated on the Plat.

Section 1-6 Inconsistency with Town Law

Should any of these regulations conflict or be inconsistent with any provision of the Town Law, such provision of the Town Law shall apply.

Section 1-7 Separability Clause

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court or competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

**ARTICLE II. PROCEDURE FOR FILING SUBDIVISION APPLICATIONS**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

Section 2-1 Pre-Application Review

2-1. 1 Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land submit to the Secretary of the Planning Board at least ten (10) days prior to the regular meeting of the Board two (2) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article IV, for the purpose of classification (major or minor) and preliminary discussion.

2-1. 2            Other Governmental Agency Requirements

Determine the requirements of the appropriate Governmental Agencies whose approval is required by these Regulations, and which must eventually approve any subdivision plat coming within their jurisdiction.

2-1. 3            Discussion of Requirements and Classifications

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information made on the Sketch Plan.

Classification of the Sketch 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. When the subdivision is classified by the planning board as a major or minor subdivision a notation to that effect shall be made on the Sketch Plan. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article IV of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article IV of these regulations.

A minor subdivision may be allowed to forego the filing of an application for a subdivision if, in the opinion of the Town Official with the concurrence of the Planning Board, the proposed subdivision does not create traffic, safety or drainage problems and does not significantly affect the development of surrounding properties.

2-1. 4            Study of Sketch Plan

The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

2-1. 5            Fees

There shall be no payment of fees.

Section 2-2 Approval of Minor Subdivision

2-2. 1            Application

Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Subdivider Plat. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Plat shall conform to

the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article IV.

2-2. 2        Fees

All applications for Plat approval for a Minor Subdivision shall be accompanied by a fee of ten (10) dollars,.

2-2. 3        Number of Copies

Three copies of the Subdivision Plat shall be presented to the Secretary of the Planning Board at least ten (10) days prior lo a scheduled monthly meeting of the Planning Board.

2-2. 4        Subdivider lo Attend Planning Board Meeting

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

2-2. 5        When Officially Submitted

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

2-2. 6        Public Hearing

A public hearing shall be held by the Planning Board within thirty (30) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.

The subdivider shall notify all adjoining property owners at least five (5) days prior to the public hearing and shall file with the Planning Board an affidavit giving the names of those notified and the date mailed. This shall not apply to lands of public agencies.

2-2. 7        Action on Subdivision Plat

The Planning Board shall, within forty-five (45) days from the date of the public hearing approve, modify and approve or disapprove the Subdivision Plat.

Section 2-3 Approval of Major Subdivision

2-3. 1        Application and Fee

Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the consideration of a Preliminary Plat

of the proposed subdivision, in the form described in Article II, Section 3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law, and Article IV, Section 4 of these regulations, except where a waiver may be specifically authorized by the Planning Board. The application for conditional approval of the Preliminary Plat shall be accompanied by a fee of ten (10) dollars plus two (2) dollars per lot for each lot in the proposed subdivision.

2-3. 2            Number of Copies

Five (5) copies of the Preliminary Plat shall be presented to the Secretary of the Planning Board at least ten (10) days prior to a regular monthly meeting of the Planning Board.

2-3. 3            Subdivider to Attend Planning Board Meeting

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

2-3. 4            Study of Preliminary Plat

The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangements, the future development of adjoining land as yet un-subdivided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations, if such exist.

2-3. 5            When Officially Submitted

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 the required fee and all data required by Article IV, Section 3 of these regulations, has been filed with the Secretary of the Planning Board.

2-3. 6            Conditional Approval of the Preliminary Plat

Within forty-five (45) days after the time of submission of a preliminary plat, the Planning Board shall take action to conditionally approve, with or without modification, or disapprove such preliminary plat and the ground of any modification required or the ground for disapproval shall be stated upon the records of the Planning Board. Failure of the planning board to act within such forty-five (45) day period shall constitute a conditional approval of the preliminary plat.

When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to (1), the specific changes which it will require in the Preliminary Plat (2), the character and extent of the required improvements for which waivers may have been requested and

which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare (3), the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One (1) copy shall be returned to the subdivider, one (1) retained by the Planning Board and one (1) forwarded to the Town Board. Conditional approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

#### Section 2-4 Final Plat for Major Subdivision

##### 2-4. 1 Application for Approval and Fee.

The subdivider shall, within six (6) months after the conditional approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plan in final form, using the approved application blank available from the Secretary of the Planning Board. All applications for Plat approval for Major Subdivisions shall be accompanied by a fee of ten (10) dollars. If the final plat is not submitted within six (6) months after the conditional approval of the Preliminary Plat, the planning board may refuse to approve the final plat and require re-submission of the preliminary plat.

##### 2-4. 2 Number of Copies

A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the Application and three (3) copies (One copy on reproducible material) of the Plat, the original and one true copy of all offers of cession, covenants, and agreements, and two (2) prints of all construction drawings, at least ten (10) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

##### 2-4. 3 When Officially Submitted

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 Article IV, Section 4 of these regulations, has been filed with the Secretary of the Planning Board.

##### 2-4. 4 Endorsement of State and County Agencies

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the New York 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 New York State Department of Health shall be secured by the subdivider before official submission of the Subdivision Plat.

2-4. 5 Public Hearing

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.

The subdivider shall notify all adjoining property owners at least five (5) days prior to the public hearing and shall file with the Planning Board an affidavit giving the names of those notified and the date mailed. This shall not apply to lands of public agencies.

2-4. 6 Action on Proposed Subdivision Plat

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 completed with the provisions of Section 3 of this regulation.

2-4. 7 Final Approval and Filing

Upon completion of the requirements in Section 2 and 3 above and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within ninety (90) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.

2-4. 8 Plat Void if Revised After Approval,

No changes, erasures, modification, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

2-4. 9            Public Acceptance of Streets

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or open space shown on such Subdivision Plat.

**ARTICLE III. REQUIREMENTS AND DESIGN STANDARDS FOR ALL  
SUBDIVISIONS**

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

Section 3-1 General Requirements

3-1. 1            Character of Land

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

3-1. 2            Conformity to Official Map and Master Plan

Subdivisions shall conform to the OFFICIAL MAP of the Town and shall be in harmony with the Master Plan, if either exists.

3-1. 3            Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Town specifications which may be obtained from the Town Clerk.

3-1. 4            Preservation of Existing Features

Existing features which would add value to residential development, such as large trees, watercourses, historic spots and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious design of the subdivision. Development shall cause minimum disturbance to existing landscaping. Topsoil shall not be removed from the site except with the approval of the Planning Board.

Section 3-2 Street Layout

3-2. 1            Width, Location and Construction

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to

cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

3-2. 2 Relation to Topography

Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.

3-2. 3 Block Size

Block dimensions shall be at least twice the minimum lot depth and generally not more than twelve (12) times the minimum lot width. In long blocks, the Planning Board may require the reservation, through the block of a twenty-five (25) foot wide easement to accommodate utilities or pedestrian traffic. Blocks at least 900 feet long are recommended with an easement in blocks exceeding 1,200 feet.

3-2. 4 Intersections

Intersections of major streets by other streets shall be at least 800 feet apart, if possible. Cross (four cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least 150 feet shall be maintained between offset intersections. Within 40 foot of an intersection, streets shall be approximately at right angles, (but in no instance shall the angle be less than 70°) and grades shall be limited to 1½%. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the property line.

3-2. 5 Visibility at Intersections.

Within the triangular area formed at corners by the intersecting street lines, for a distance of 40 feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences walls, hedges, or other landscaping, shall be permitted to obstruct such visibility.

3-2. 6 Design Standards

Streets shall meet the following standards, unless otherwise indicated on the Town Plan (as it may be adopted).

| <u>Street Classification</u>        | <u>Minor</u>                                | <u>Collector &amp; Secondary</u> |
|-------------------------------------|---|----------------------------------|
| Minimum Width of Right-of-Way       | 50 feet                                     | 60 feet                          |
| Minimum Width of Pavement           | 24 feet                                     | 24 feet                          |
| Minimum Radius of Horizontal curves | 130 feet except street intersection corners | 300 feet                         |

|  |  |  |
|--|--|--|
| Minimum Length of Vertical Curves as Measured from center line of right-of-way | 100 feet, but not less than 20 feet for each 1% algebraic difference of grade                    | 200 feet, but not less than 60 feet for each 1% of algebraic difference of grade |
| Minimum Length of Tangent between Reverse Curves                               | 100 feet except where excessive grades may be reduced to reasonable grades by shortening tangent | 200 feet   |
| Maximum Grade  | 10%  | 7%   |
| Minimum Grade  | 1%   | 1%   |
| Minimum Sight Distance (Vertical)  | 150 feet   | 250 feet   |

Note: Standards are not shown for arterial streets, as they would in all probability be built by the County or State.

3-2. 7 Continuation of Streets into Adjacent Property

Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Town Plan (where, or as it may be adopted). If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of 50 feet in radius shall be provided on all temporary dead-end streets with the notation on the Plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

3-2. 8 Permanent Dead-End Streets (cul-de-sacs)

Where a street 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 of not less than 100 feet. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property, however, the Planning Board may require the reservation of a 20 foot wide easement to accommodate pedestrian traffic or utilities. A circular turn-around with a minimum right-of-way radius of 65 feet shall be provided at the end of a permanent dead-end street. For greater convenience to traffic, and more effective police and fire protection permanent dead-end streets shall, in general, be limited in length to 800 feet.

3-2. 9 Street Names

All streets shall be named, and such names shall be subject to the approval of the Town Planning Board. Names shall be sufficiently different in sound and spelling from other streets in the Town so as not to cause confusion. A street which is continuation of an existing street shall bear the same name.

3-2. 10            Improvements

Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains, fire hydrants, and underground electric and telephone services, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite to the interest of the public health, safety and general welfare.

Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines and the subdivider shall install underground service connections to the property line of each lot before the street is surfaced.

Grading and improvements shall conform to the Town Minimum Road Specifications (where, or as it may be adopted) and other Town Standards (where, or as it may be adopted) and shall be approved as to design and specifications by the Town Engineer or other duly designated Town Official.

Section 3-3   Lots

3-3. 1            Arrangement

The arrangement of lots shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in locating a building on each lot and in providing access to buildings on such lots from an approved street.

3-3. 2            Access Across a Watercourse

Where a watercourse separates the buildable area of a lot from the access street provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Official.

3-3. 3            Side Lot Lines

Side lot lines shall be at right angles to the street lines unless a variation from this rule will give a better street or lot plan.

3-3. 4            Access From Major Streets

Lots shall not, in general, derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.

### Section 3-4 Reservations and Easements

#### 3-4. 1 Realignment or Widening of Existing Streets

Where the subdivision borders an existing street, and the Official Map or Town Plan (where, or as it may be adopted) indicates plans for realignment or widening of the streets that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the Plan "Reserved for Street Alignment (or Widening) Purposes."

#### 3-4. 2 Utility and Drainage Easements

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 20 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.

#### 3-4. 3 Easements for Pedestrian Access

The Planning Board may require, in order to facilitate pedestrian access from street to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least 8 feet in width.

#### 3-4. 4 Responsibility for Ownership of Reservation

Ownership shall be clearly marked on Plat on all reservations.

### Section 3-5 Water and Sewerage

All minor subdivisions shall meet the specifications of the Town Board which are in accordance with the minimum requirements of the New York State Health Department, and the Town Sewer Ordinance (#6).

## **ARTICLE IV. REQUIRED DATE AND PLATS**

### Section 4-1 Sketch Plan

4-1. 1 The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following directions:

- (1) The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
- (2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.

- (3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- (4) The tax map sheet, block and lot numbers, if available.
- (5) All the utilities available, and all streets which are either proposed, mapped or built.
- (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
- (7) All existing restrictions on the use of land including easements, covenants, or zoning lines.

#### Section 4-2 Minor Subdivision Plat

- 4-2. 1 In the case of Minor Subdivision ONLY, the Subdivision Plat application shall include the following information:
- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Official, and shall be referenced and shown on the Plat.
  - (3) All on-site sanitation and water supply facilities shall be designated to meet the minimum specification of the New York State Health Department and the Town Sewer Ordinance (#6).
  - (4) Proposed subdivision name, name of the Town and County in which it is located.
  - (5) The date, north point, map scale, name and address of record owner and subdivider.

#### Section 4-3 Major Subdivision Preliminary Plat and Accompanying Data

The following documents shall be submitted for Conditional approval:

- 4-3. 1 Five copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:
- (1) Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.

- (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
- (3) Zoning District, including exact boundary lines of district, and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.
- (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (5) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivisions and adjacent property.
- (6) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (7) Contours with intervals of ten (10) feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than five (5) feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
- (11) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
- (12) Preliminary designs of any bridges or culverts which may be required.
- (13) The proposed lot lines with approximate dimensions and area of each lot.
- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing



public highway or other public highway or public open space shown on the subdivision or the official map.

- (15a) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Official, and shall be referenced and shown on the Plat.
- (15b) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 foot to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- (15c) A copy of such covenants of deed restrictions as are intended to cover all or part of the tract.

#### Section 4-4 Major Subdivision Preliminary Plat and Accompanying Data

The following documents shall be submitted for Plat approval:

- 4-4. 1 The Plat to be filed with the County Clerk shall be printed upon linen, or be clearly drawn in India ink upon tracing cloth or as required by the County Clerk. The sheets shall include a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The Plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Plat shall show:

- (1) Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
- (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- (3) Sufficient data acceptable to the Town Official to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.

- (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.
  - (5) Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town Official. When referenced to the State system of Plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Official and their location noted and referenced upon the Plat.
  - (6) All lot corner markers shall be permanently located satisfactorily to the Town Official at least one-half (½) inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.
  - (7) Monuments of a type approved by the Town Official shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Official.
- 4-4. 2 Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

## **ARTICLE V. REQUIRED IMPROVEMENTS AND AGREEMENTS**

### Section 5-1 Improvements, and Performance Bond

Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph 5-1. 1 OR sub-paragraph 5-1. 2 below:

- 5-1. 1 In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and shall be satisfactory to the Town Board as to form sufficiency, manner of execution and surety. A period of one (1) year (or such other period as the Planning Board may determine appropriate not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
- 5-1. 2 The subdivider shall complete all required improvements to the satisfaction of the Town Official who shall file with the Planning Board a letter signifying the

satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Official. Any such bond shall be satisfactory to the Town Board as to form, sufficiency, manner of execution, and surety.

- 5-1. 3 The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Official and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to subparagraph 5-1. 2, then said map shall be submitted prior to endorsement of the plat by the appropriate planning board officer, However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph 5-1. 1, such bond shall not be released until such a map is submitted.

#### Section 5-2 Modification of Design of Improvements

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

#### Section 5-3 Inspection of Improvements

At least five (5) days prior to commencing construction of required improvements the subdivider shall notify, the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

#### Section 5-4 Proper Installation of Improvements

If the Town Official shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board and the Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

Section 5-5 Utilities

The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved Subdivision Plat.

Section 5-6 Monuments

Permanent monuments shall be set at block corners and at the beginning and end of all curves and at such other points as are necessary to establish definitely all lines of the Plat, except those outlining individual lots. In general, permanent monuments shall be placed at all critical points necessary to correctly lay out any lot in the subdivision. At the corners of each lot an iron pin 24 inches long shall be placed into the ground to grade.

**ARTICLE VI. VARIANCES AND WAIVERS**

Section 6-1 Variances

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan, on the Zoning Ordinance, if such exists.

Section 6-2 Waivers

Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions,

Section 6-3 Objectives

In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

## **ARTICLE VII. TERMINOLOGY AND DEFINITIONS**

### **Section 7-1 Use and Interpretation of Words**

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. A "building" includes all other structures of every description except fences and walls, regardless of dissimilarity to conventional building forms. The word "lot" includes the word "plot" or "parcel". The word "person" includes a corporation as well as an individual.

The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

### **Section 7-2 Definitions**

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

arterial street - See major street

collector street - A street which carries traffic from minor streets to the major system of secondary or arterial streets, the principal entrance and circulation streets within a development.

dead-end street - (cul-de-sac) A street or a portion of a street with only one vehicular outlet and with a turn-around at its terminus.

easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer or Licensed Professional Engineer - means a person licensed as a professional engineer by the State of New York.

Major Street - means a street which serves or is designated to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Master or Comprehensive Plan - means a comprehensive plan, prepared by the Planning Board pursuant to Section 272-a 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.

Minor Street - A street intended to serve primarily as an access to abutting residential properties.

Official Map - means the map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways and parks and drainage, both existing and proposed.

Official Submittal Date - 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.

Planning Board - the Town Planning Board.

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

Re-subdivision - A change in a subdivision plat or re-subdivision plat filed In the Office of the County Clerk which change (a) affects any area reserved thereon for public use, (b) affects any street layout shown on such plat, or (c) diminishes the size of any lot shown thereon.

Sketch plan, - A free-hand sketch of the proposed subdivision showing the information specified in Article IV, Section 1 of these regulations.

street - A right of way for vehicular traffic, including road, avenue, lane, highway or other way.

street pavement- The wearing or exposed surface of the roadway used by vehicular traffic.

street width - The distance between property lines.

Subdivider - Any person, firm, corporation, partnership, or association, who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or for others.

Subdivision - The division of any parcel of land into two or more lots, plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale or building development. Such division shall include resubdivision of plats already filed in the office of the County Clerk if such plate are entirely or partially undeveloped.

Minor Subdivision - Any subdivision containing not more than four (4) lots, each fronting on an existing public street, not involving any new street or road or the extension of municipal facilities not adversely affecting the development of the

remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Master Plan (as it may be adopted).

Major Subdivision - Any subdivision not classified as a minor subdivision.

Subdivision Plat or 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 or Register.

Town Official - means the Town Supervisor or his designee.

Surveyor - means a person licensed as a land surveyor by the State of New York.

**RESOLUTION NUMBER: 08-10-72-1**

INTRODUCED BY: Douglas Letson, who moved its adoption; SECONDED BY: M. Leo Friedman

**WHEREAS:** Article 16 of the Town Law of the State of New York, as amended, provides that this Board may establish a Town Planning Board and sets forth the duties of such Planning Board, and the procedures to be followed by it, and

**WHEREAS:** a Planning Board was established by a resolution of this Board dated April 29, 1971, and

**WHEREAS:** it has been demonstrated that greater flexibility of design for imaginative planning is required for the development of certain properties within the Town,

**NOW, THEREFORE, BE IT HEREBY RESOLVED,** that pursuant to Section 281 of said Article, the Planning Board is hereby authorized simultaneously with the approval of any plat within the Town to modify applicable provisions of the Zoning Ordinance, subject to the conditions set forth in said Section.

Duly adopted by the Town Board of the Town of Schroon this 10<sup>th</sup> day of August, 1972, by the following roll call vote:

|                           |                       |                         |
|---------------------------|-----------------------|-------------------------|
| William J. Fountain : YES | M. Leo Friedman : YES | Arthur Richardson : YES |
|                           | Paul E. Stapley : NO  | Douglas Letson : YES    |