

TOWN OF CAROGA
SUBDIVISION REGULATIONS
(Preliminary Draft)

Prepared by
FULTON COUNTY PLANNING DEPARTMENT
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Johnstown, New York 12095

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ARTICLE I
Authority and Statutory Definitions.

- A. By authority of the Resolution of the Town Board, adopted on May 8, 1979, pursuant to Article 16 of the Town Law, the Planning Board has the power and authority to review and approve, conditionally approve or disapprove plats for subdivisions within the unincorporated area of the Town.
- B. It shall be determined by the Planning Board, at the Sketch Plan stage, whether a subdivision is a Class A or Class B Regional Project, pursuant to the Executive Law, Article 27, Section 810, the portion of which relates to subdivisions, is summarized herein:

Land Use Area	CLASS A* PROJECT	CLASS B* PROJECT			
	If Number of Lots in Subdivision is	If Number of Lots in Subdivision is	If Fewer Lots Than	And Has Shore Lots Less Than Sq. Ft.	And/or Has Other Lots Less Than Sq. Ft.
Hamlet	100 or more				
Moderate Intensity	75 or more	15 to 75	15	25,000	40,000
Low Intensity	35 or more	10 to 35	10	50,000	120,000
Rural Use	20 or more	5 to 20	5	80,000	320,000
Resource Management	2 or more				

*Any development in critical environmental areas are Class A Projects.

*Critical environmental areas in the Town of Caroga are the areas designated as wetlands by the Adirondack Park Agency.

ARTICLE II
Definitions

- A. Subdivision - As per the Town Law, refers to plats showing lots, blocks or sites with or without streets or highways. For the purpose of these regulations, therefore, subdivision means: Any division of land into five or more lots, parcels or sites, either adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy by any person or by any other person controlled by, or under common control with, or by any group of persons acting in concert as part of an overall scheme or plan.
- B. Major Subdivision - Any subdivision of ten (10) or more lots, parcels or sites.
- C. Minor Subdivision - Any subdivision of five (5) through nine (9) lots, parcels or sites and not requiring any new street. Any subdivision of four (4) or less lots, parcels or sites requiring the development of any new street.
- D. Regional Subdivision - Any Class A or Class B subdivision subject to Class A or Class B project review, pursuant to Article 27 of the Executive Law of the State of New York. A regional subdivision, that is both a Class A and Class B subdivision, shall be considered a Class A project.
- E. Applicant - Means any person, firm, corporation, partnership or association who shall subdivide any land into a subdivision, as defined above. A duly authorized representative may be named to act for the applicant at meetings and hearings referred to herein.
- F. Final Plat - A drawing in final form showing a proposed subdivision containing all information of detail required by either III-C-2 or III-D-2 of the 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.
- G. Preliminary Plat - A drawing or drawings clearly marked "Preliminary Plat" showing the layout of a proposed subdivision, as specified by III-D-2 of these regulations.
- H. Sketch Plan - A sketch of a proposed subdivision showing the information specified in III-A-2 of these regulations, to enable the applicant to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.
- I. Public Facility - A public facility is deemed to be: a new street, an extension of an existing street, a bridge, culvert in excess of 24 inches or sewer facilities or drainage facilities.

J. Development considerations - means the development considerations contained in Section 805-(4) of Article 27 of the Executive Law, as follows:

1. Natural Resources Considerations.

- a. Water: Existing water quality, natural sedimentation or siltation; eutrophication; existing drainage and runoff patterns; existing flow characteristics; existing water table and rates of discharge.
- b. Land: Existing topography; erosion and slippage; flood plain and flood hazard; mineral resources; viable agricultural soils; forest resources; open space resources; vegetative cover; the quality and availability of land for outdoor recreational purposes.
- c. Air: Air quality.
- d. Noise: Noise levels.
- e. Critical Resource Areas: Rivers and corridors of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law; rare plant communities; habitats of rare and endangered species and key wildlife habitats; alpine and subalpine life zones; wetlands; elevations of twenty-five hundred feet or more; unique features, including gorges, waterfalls and geologic formations.
- f. Wildlife: Fish and wildlife.
- g. Aesthetics: Scenic vistas; natural and man-made travel corridors.

2. Historic Site Considerations.

Historic sites or structures.

3. Site Development Considerations.

- a. Natural site factors; geology; slopes; soil characteristics; depth to ground water and other hydrological factors.
- b. Other site factors; Adjoining and nearby land uses; adequacy of site facilities.

4. Governmental Considerations.

Governmental service and finance factors; ability of government to provide facilities and services; municipal, school or special district taxes or special district user charges; and conformance with other governmental controls.

ARTICLE III
Procedures for Filing and Review

Whenever any subdivision of land is proposed to be made within the Town and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall make application for and receive final approval of such proposed subdivision in accordance with the following procedures.

Section A. Pre-Application Process.

1. Action by Subdivider.

Prior to any subdivision of land, the subdivider shall submit to the Secretary of the Planning Board at least five days prior to a meeting of the Board two copies of a Sketch Plan for classification and preliminary discussion. The subdivider, or his designated agent, should appear at the Planning Board meeting.

2. Sketch Plan Requirements.

- a. The location of that portion of the subdivider's ownership which is to be subdivided in relation to the whole and the location of nearby streets and roads.
- b. All existing structures, wooded areas and permanent and intermittent water courses within the portion to be subdivided and within 200 feet thereof.
- c. The name of the owner(s) of the property to be subdivided and of all adjoining property owners.
- d. The tax map sheet, block and lot numbers.
- e. Deed of property.
- f. All existing or proposed restrictions, including easements or covenants.
- g. All available utilities and streets which are either proposed, mapped or built.
- h. The proposed lot layout, street layout and any proposed, recreation or open space areas.

- i. General topography utilizing at least 20 foot contours (U.S.G.S.).

3. Planning Board Action.

The Planning Board shall study the Sketch Plan and determine whether the subdivision is Major, Minor, Class A Regional or Class B Regional and make advisory recommendations at least within thirty (30) days of submission of the Sketch Plan. Recommendations shall include design standards where applicable, waivers, map size and scale for preliminary and/or Final Plat and the maximum time allowed for submission of a Preliminary or Final Plat application.

Section B. Review of Minor Subdivision Final Plats.

Minor Subdivisions require only Final Plat review.

1. Unless otherwise agreed upon, by Planning Board resolution, the subdivider shall submit an application within six months after classification of the Sketch Plan. Failure to do so may require resubmission of the Sketch Plan.
2. The application shall be on a form provided by the Town Clerk, and shall include the following:
 - a. The proposed subdivision name; the name of Town, County and adjoining property owners of the subdivision; north point; map scale; license number and seal of engineer or surveyor and location of all existing structures, easements, wooded areas and watercourses.
 - b. Field survey of boundary lines of the tract, lines and dimensions for each lot therein and location of monuments.
 - c. The size of the Plat map shall be not less than 8½ by 11 inches, nor more than 20 by 40 inches.
 - d. Design of all proposed on-site sanitation and water supply facilities meeting minimum State and Town specifications.
 - e. A copy of the deed(s) relating to the property to be subdivided and such proposed covenants as may be intended to apply to the property in whole or in part.
3. All applications shall be accompanied by a fee per the schedule set by the Town Board.
4. Five copies of the application for Minor Subdivision Plat approval shall be presented to the Town Clerk at the time of submission of the Subdivision Plat.

5. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.
6. A public hearing shall be held by the Planning Board within forty-five (45) days from the date of official submission of the Subdivision Plat for approval. Such hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing.
7. Not more than forty-five (45) days after the completion on the public hearing, the Planning Board shall by resolution, disapprove, conditionally approve, or grant final approval and authorize the signing of the Subdivision Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure of the Planning Board to act within such forty-five (45) days or otherwise agreed upon period shall be deemed final approval of the plat and a certificate of the Town Clerk as to the date of submission and failure to take action within such prescribed time shall be issued on demand. The grounds for a disapproval, or for the conditions and requirements of a conditional approval, shall be explicitly set forth in a Planning Board resolution.

Upon granting conditional approval of the plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Secretary of the Planning Board as conditionally approved, a copy shall be filed with the Town Clerk, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the plat shall be deemed to have received final approval, and such officer shall sign the plat accordingly. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted under the circumstances, for one or two additional periods of ninety (90) days each.

5. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.
6. A public hearing shall be held by the Planning Board within forty-five (45) days from the date of official submission of the Subdivision Plat for approval. Such hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing.
7. Not more than forty-five (45) days after the completion on the public hearing, the Planning Board shall by resolution, disapprove, conditionally approve, or grant final approval and authorize the signing of the Subdivision Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure of the Planning Board to act within such forty-five (45) days or otherwise agreed upon period shall be deemed final approval of the plat and a certificate of the Town Clerk as to the date of submission and failure to take action within such prescribed time shall be issued on demand. The grounds for a disapproval, or for the conditions and requirements of a conditional approval, shall be explicitly set forth in a Planning Board resolution.

Upon granting conditional approval of the plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Secretary of the Planning Board as conditionally approved, a copy shall be filed with the Town Clerk, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the plat shall be deemed to have received final approval, and such officer shall sign the plat accordingly. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted under the circumstances, for one or two additional periods of ninety (90) days each.

Section C. Review Of Major Subdivision Preliminary Plats.

The Planning Board shall study the Preliminary Plat, taking into consideration the provisions of these regulations, the requirements of the community, and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets, and their relation to topography, water supply, sewage disposal, drainage, lot sizes and arrangement, the placement of utilities, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, and the Zoning Ordinance, if such exist.

Major subdivisions require both Preliminary Plat and Final review. The requirements of Preliminary Plat review includes:

1. Unless otherwise agreed upon, by Planning Board resolution, the subdivider shall submit an application within six months after classification of the Sketch Plan. Failure to do so may require resubmission of the Sketch Plan.
2. The application shall be on a form provided by the Town Clerk, and the Plat shall be clearly marked "Preliminary Plat," at a scale of either 100 or 50 feet to the inch. Additional requirements include:
 - a. The proposed subdivision name, name of Town, County and property owners adjoining subdivision, north point, map scale, license number and seal of engineer or surveyor and location of all existing structures, easements, wooded areas and water courses.
 - b. Topographic contours at 5 foot elevations.
 - c. Field survey of boundary lines of the tract, lines and dimensions for each lot therein and location of monuments.
 - d. Existing and/or proposed locations for water supplies and sanitary systems.
 - e. Locations for proposed public facilities or areas and preliminary designs.
 - f. A copy of the deed(s) relating to the property to be subdivided, and such proposed covenants as may be intended to apply to the property in whole or in part.

3. If the proposed subdivision is a Class A or Class B regional subdivision, the subdivider may be required to submit additional data concerning the capacity of public services or facilities and any plans for future development adjacent to the proposed subdivision.
4. All applications shall be accompanied by a fee per the schedule set by the Town Board.
5. Five copies of the application shall be presented to the Town Clerk at the time of submission of the Plat application.
6. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat application.
7. The date of submission of the Preliminary Plat shall be considered to be the date on which both a completed application for Preliminary Plat approval and the required fee have been filed with the Town Clerk.
8. Within forty-five (45) days after the date of official submission of the Preliminary Plat, the Planning Board shall hold a public hearing, which shall be advertised at least once in newspaper of general circulation in the Town at least five (5) days before such hearing. Not more than sixty (60) days after the date of official submission of the Preliminary Plat for approval, the Planning Board shall disapprove, approve with modification, or approve such Preliminary Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When approving a Preliminary Plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the Plat in final form. Within five (5) days of the approval of such Preliminary Plat, it shall be certified by the Secretary of the Planning Board as granted approval and a copy filed in the Town Clerk's office, a certified copy mailed to the owner. Failure of the Planning Board to act within such sixty (60) days or otherwise agreed upon period shall be deemed approval of the Preliminary Plat.

When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to the modifications to the Preliminary Plat, the character and extent of any 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, the amount of improvement of the amount of all bonds therefor, which it will require as prerequisite to Subdivision Plat approval.

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, and as a guide to the preparation of the Final Subdivision Plat.

Section D. Review Of Major Subdivision Final Plats.

The data requirements and procedures for Final Plat review of subdivision classified as major, shall include:

1. Unless otherwise agreed upon, by Planning Board resolution, the subdivider shall submit an application for Final Major Subdivision Plat approval within six (6) months after Preliminary Plat approval. Failure to do so may require resubmission of the Preliminary Plat.
2. The application shall be on a form provided by the Town Clerk and shall include the elements described in Sections D2 through D6 of Article III and the Final Plat shall conform to the Preliminary Plat, as modified by the Planning Board, if such Preliminary Plat was approved with modifications. The application shall be accompanied by the following:
 - a. Plat shall be clearly marked "Final Plat" at a scale of 50 feet to the inch, printed upon good quality paper, or clearly drawn in India ink upon mylar.
 - b. The Final Plat shall reference monuments set at all corners and angle points of the original tract boundaries, all street intersections, angles in street lines and such other points as may be required by the Planning Board.
 - c. Reference the permanently lodged lot corner markers of at least 3/4 inch diameter and 24 inch length, located in the ground to existing grade.
 - d. Design of all proposed on-site sanitation and water supply facilities meeting the minimum specifications of the State and Town Sanitary Code.
 - e. Offers of cession and deeds for a recreational or open space area to be dedicated to the Town and for such areas title to which be retained by the subdivider, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

Such offers, deeds, agreements or other documents shall bear the approval of Town Attorney as to their legal sufficiency.

3. Evidence shall be supplied that any proposed water supply or sewage disposal facilities requiring approval by the Department of Environmental Conservation and/or the State Department of Health have received at least preliminary approval (s) of such facilities.
4. Date of submission of the Final Major Subdivision Plat shall be considered the date in which both a completed application for approval and the required fee have been filed with the Town Clerk.
5. Within forty-five (45) days of the date of official submission of the Final Subdivision Plat for approval or an extended time of mutual agreement, a public hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing. The public hearing for a Final Plat may be waived by the Planning Board if the Board finds the Final Plat in substantial agreement with the Preliminary Plat.
6. Within sixty (60) days of the date of official submission of the Subdivision Plat for approval, the Planning Board shall by resolution disapprove; conditionally approve; or grant final approval and authorize the signing of such Final Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure to take action on a Final Plat within sixty (60) days or otherwise agreed upon period shall be deemed final approval of the Plat and a certificate of the Town Clerk as to the date of submission and the failure to take action shall be issued on demand. Within five days of any action or resolution of the Final Plat, the Secretary of the Planning Board shall notify the subdivider by certified mail of such action and a copy of such notification shall be filed with the Town Clerk.

Upon granting conditional approval of the Final Plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. The notification mailed to the subdivider shall include a statement of such requirements needed for the satisfaction of the duly designated officer of the Planning Board.

Conditional approval of a Final Plat shall expire one hundred eighty (180) days after the date certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion, such extension is warranted in the circumstances, for one or two additional periods of ninety (90) days each.

ARTICLE IV Design Standards:

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 A. General.

1. 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.
2. All required improvements shall be constructed or installed to conform to the Town specifications.

Section B. Street Layout.

1. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Land Use 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, in the judgement of the Planning Board, compose a convenient system.
2. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not subdivided, in order to make possible necessary fire protection, presently or when later required, or needed utilities and public services, such as, sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

3. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
4. The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.
5. The Planning Board may require the reservation of a 20-foot wide easement to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion that a 4-foot wide paved foot path be included.
6. Street jogs with center line offsets of less than 125 feet shall be avoided.
7. In general, all streets shall join each other so that for a distance of at least 100 feet, the street is approximately at right angles to the street it joins.
8. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

Section C. Street Design.

1. Streets shall have the following widths. When not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board.

	<u>Minimum Right-Of-Way</u>	<u>Minimum Pavement</u>
Major Streets	66 Feet	24 Feet
Collector Streets	60 Feet	20 Feet
Local Streets	50 Feet	18 Feet

2. Streets shall be graded and improved to the Town specifications.
3. Where topography is such as to make impractical the inclusion of utilities along the street rights-of-way perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
4. Grades of all streets shall conform in general to the terrain, and shall not be less than one-half ($\frac{1}{2}$) nor more than 6 percent for major collector streets, not more than 10 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection.
5. All changes in grade shall be connected by vertical curves of such length and radius as met with the approval of the designated Town official so that clear visibility shall be provided for a safe distance.
6. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius.
7. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot shall be cleared of all growth (except isolated trees) and obstructions above the level three and one half feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility within the triangular area formed by the intersecting street lines at points which are thirty (30) feet distant from the point of intersection measured along said street lines.

8. Where dead-end streets are designated to be so permanently, they should, in general, not exceed 500 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.
9. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the designated Town official.
10. In general, where streets are curved, the radius, at the centerline of the street, shall be not less than 400 feet on a major street, 200 feet on a collector street, and 100 feet on a minor street.
11. Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
12. In front of areas designed for commercial use, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

Section D. Street Names.

1. All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board.
2. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets or an abutting or neighboring property shall bear the same name.

Section E. Lots.

1. The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.
2. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.
3. Access from private streets shall be deemed acceptable, only if such streets are designed and improved in accordance with these regulations.

4. Permanent monuments meeting specifications approved by the designated Town official, as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as may require, and their location shall be shown on the Subdivision Plat.

Section F. Drainage Improvements.

1. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist, either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
2. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The designated Town official shall approve the design and size of facility, based on anticipated runoff from a "ten year" storm under conditions of total potential development.
3. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the designated Town official. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
4. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. But such land within the Plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

Section G. Parks, Open Spaces and Natural Features.

1. Where a proposed park, playground of open space, shown on the Town Plan, is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph (2) below. Such area or areas may be dedicated to the Town or County by the subdivider, if the Town Board approves such dedication.

2. The Planning Board shall require that the Plat show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.

The Board may require that not less than three acres of recreation space be provided per 100 dwelling units shown on the Plat. However, in no case shall the amount be more than 10 percent of the total area of the subdivision. Such area or areas may be dedicated to the Town by the subdivider, if the Town Board approves such dedication. Appropriate legal measures should be taken to assure that such land can never be developed for other than recreational purposes.

3. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three prints (one on drawn in ink) showing, at a scale of not less than fifty (50) feet to the inch, such area and the following features thereof:
 - a. The boundaries of the said area, giving lengths and bearings of all straight lines: radii, lengths, central angles and tangent distances of all curves.
 - b. Existing features, such as: brooks, ponds, clusters of trees, rock outcrops, structures.
 - c. Existing, and, if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.
4. In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or if in the opinion of the Board, it is not desirable, the Board may waive the requirement that the Plat show land for such purposes. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Article IV, Section G2.
5. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.
6. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

ARTICLE V

A. CLUSTER DEVELOPMENT - Whereas pursuant to a resolution of the Town Board, the Planning Board has been empowered to modify the minimum lot area, minimum lot width and minimum shoreline lot width requirements of the zoning ordinance in accordance with the provisions of Section 281 of the Town Law, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the standards and procedures:

1. Standards

- (a) The Planning Board may make such modifications only with respect to lands within the R1.5, R3, R8.5, R10, R15, and ODA42 zoning districts.
- (b) The minimum acreage to which this section may be applicable shall be (2) times the minimum lot area for the zoning district involved.
- (c) No such modification by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, as specified in the zoning ordinance and as shown on the official zoning map.
- (d) No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.
- (e) In the event that the utilization of this section results in a plat showing lands available for park, recreation, or other municipal purposes directly related to the plat, or in a plat showing lands to be retained in open space in order to comply with the average density of lots or dwelling units that is permitted in the zoning district wherein such lands lie, the Planning Board, as a condition of plat approval, may establish in the case of lands for park, recreation or other municipal purpose, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or other conservation restriction to the town, or other appropriate means against any development or land use inconsistent with their retention in open space.
- (f) The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the zoning ordinance.

2. Procedures.

(a) Request by Subdivider.

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

(b) Alternate Sketch Plan.

A subdivider shall present for the Planning Board's consideration, along with a proposal utilizing the provisions of this section, an alternate sketch plan, with lots meeting the minimum lot area, minimum lot width, and minimum shoreline lot width requirements of the zoning ordinance.

(c) Plat Submission.

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

(d) Local Filing, Notation on Zoning Map.

Any Subdivision Plat finally approved which involves modifications as provided for in this section shall be filed, in addition to the filing required by Article III, hereof, with the Town Clerk who shall make appropriate notation reference thereto on the town zoning map.

ARTICLE VI

Regional Subdivision - Class A and Class B Project Review.

Section A. Class A - Subdivision - Project Review.

1. Planning Board consultation with Adirondack Park Agency to analyze the project, as soon as possible, upon receipt of project application completion notice.
2. Within 30 days of project completion notice, Planning Board, via certified mail, provides the Adirondack Park Agency with its advisory recommendations regarding pertinent requirements and conditions of the Town Land Use Program. Failure to do so allows the Agency to proceed.
3. Adirondack Park Agency shall not approve Class A regional subdivisions without Planning Board consultations and advisory recommendations subject to 2 above. The Adirondack Park Agency shall determine that subdivision meets all pertinent requirements and conditions of Town's Land Use Program, including ability of all levels of government to provide supporting facilities and services.
4. Public hearing must be held jointly by the Adirondack Park Agency, any other State agency involved and the Town Planning Board.
5. Legal notice is required in a newspaper having general circulation in the Town at least five (5) days prior to the hearing. Legal notice is the responsibility of the State lead agency and must include names of all other agencies for which a public hearing is a prerequisite for approval.
6. State lead agency must post the property subject to the public hearing.
7. Not more than forty-five (45) days after the completion of the public hearing, the Planning Board may approve, approve with modifications, approve with conditions or disapprove the project.

Section B. Class B - Subdivision - Project Review.

1. Planning Board furnishes Adirondack Park agency a complete copy of application and Plat and other pertinent data within ten (10) days of the official Plat submission.
2. Public hearing notice to Park Agency at least five (5) days prior to hearing.
3. Posting of property subject to public hearing.

4. Planning Board shall not approve, approve with modifications, or approve with conditions unless Planning Board determines that subdivisions would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services to the subdivision, taking into account the commercial, industrial, recreational or the other benefits which might be derived from the subdivision.
5. In making the determination required by the preceeding paragraph, the Planning Board shall consider the pertinent development considerations established in its Land Use Program.

ARTICLE VII Miscellaneous.

Section A. Waivers.

1. Planning Board may grant waivers for: special circumstances; requirements not requisite in interest of public health, safety, and general welfare; lack of connecting facilities.
2. Planning Board shall impose conditions to reach objectives of standards or requirements waived.
3. Planning Board may not grant waivers for regional projects without concurrence of Adirondack Park Agency.

Section B. Violations.

An unlawful subdivision of land is punishable by a fine up to \$250.00 or imprisonment not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate additional violation.

Section C. Separability.

Should any part of these regulations be declared invalid, such decision shall not affect the validity of the regulations as a whole, rather than the part declared invalid.

Section D. Forfeiture.

1. Planning Board: Failure of the Planning Board to act within the prescribed time limits causes approval of the subdivision. Applicant can request certificate from the Town Clerk certifying such failure to act. Said certificate may be used for filing Plat with County Clerk, in lieu of Planning Board approval.
2. Applicant: Failure to file an approved Final Plat within the time specified or mutually agreed upon, constitutes forfeitures of Planning Board approval. Said forfeiture causes the review process to begin again.