

TOWN OF MIDDLESEX
Local Law #2 for 2009
Land Subdivision Regulations

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ARTICLE 1 – Declaration of Policy

1.1 Purpose

The Town Board of the Town of Middlesex finds that in order to provide for the orderly, efficient and economical development of the Town in keeping with the Town's environmental and rural character as noted in the Town's *Master Plan of 1992*, the Planning Board shall have the power and authority to consider, review, and approve land subdivision plats within the boundaries of the Town of Middlesex.

Further, The Town Board of the Town of Middlesex finds that in order to protect the Town of Middlesex, its residents and their property, with respect to land development within the Town, it is essential for the Town to have:

- A. Competent engineers and planners retained by the Town to review and approve plans and designs, and make recommendations to the Town Board and Planning Board.
- B. Competent engineers and planners retained by the Town to inspect the construction of highways, drainage, sewer, other facilities, and parks to be dedicated to the Town and to recommend their acceptance by the Town.
- C. Competent attorneys retained by the Town to negotiate and draft appropriate agreements with developers, obtain, review and approve necessary securities, insurance and other legal documents, review proposed deeds and easements to assure the Town is obtaining good and proper title and to generally represent the Town with respect to legal disputes and/or issues with respect to developments.

The cost of retaining such competent engineers, planners, and attorneys should ultimately be paid by those who seek to profit from such development, rather than from general Town funds.

1.2 Authority

By the authority of the resolution of the Town Board of the Town of Middlesex adopted on June 14, 2007, pursuant to the provisions of Article 16 of *New York State Town Law*, the Planning Board of the Town of Middlesex 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 Yates County and to approve preliminary plats within the Town.

Further authority for this local law is contained in sub paragraphs (a)(12) and (d)(3) of the *New York State Municipal Home Rule Law* Section 10(1) (ii) and *New York State Municipal Home Rule Law* Section 22. To the extent that *New York State Town Law* Sections 274-a, 276, and 277 do not authorize the Town Board or Town Planning Board to require the reimbursement to the Town of legal, planning, and engineering expenses incurred by the Town in connection with the review and consideration of application for subdivision approval, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Town. It is the expressed intent of the Town Board to change and supersede *New York State*

Town Law, Sections 274-a, 276, and 277 to empower the Town to require such payment as condition to such approvals.

1.3 Lot layout, street system and open spaces.

All proposed lots shall be so laid out and of such a size as to conform to the intent of the Town's *Master Plan*, and *Yates County, Looking Ahead: A Planning and Design Guide*, prepared by Roger Trancik, FASLA, 1990. The proposed streets shall compose a convenient system conforming to the *Official Map*, and *Standards of New Roads – Town of Middlesex* and shall be properly related to the proposals shown on the *Master Plan*. These roads shall be of such width, grade and location as to accommodate the prospective automobile, bicycle, and pedestrian traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings (as detailed in documents such as, but not limited to, the *Town of Middlesex Zoning Law Section 703*). Proper provision shall be made for open spaces for parks and playgrounds where appropriate. Where possible, existing features of the landscape such as large trees, water courses, rock outcrops, historic spots and other irreplaceable physical assets should be preserved.

1.4 Title, adoption and approval.

In order that land subdivisions may be made in accordance with this policy, this local law shall be known as the *Town of Middlesex Land Subdivision Regulations* having been approved and adopted by the Town Board on June 14, 2007.

ARTICLE 2 – Definitions

2.1 Terms Defined

ACCESS LANE WAY - A public or private right-of-way of limited use intended only to provide access to the rear or side of lots or buildings in hamlet, village, or similar densely built areas.

APPLICANT – Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Town Planning Board or Town Board to approve a development or subdivision.

BLOCK - A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

COLLECTOR STREET - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

COMPREHENSIVE PLAN (MASTER PLAN) A comprehensive plan, (also called a master plan) prepared by the Planning Board pursuant to Section 272-a of the New York State 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.

DEAD-END STREET or CUL-DE-SAC - A street or a portion of a street with only one vehicular traffic outlet.

DEVELOPER – see SUB-DIVIDER

DRAINAGE FACILITY – All surface water drainage facilities, including, but not limited to, detention and retention basins, storm sewers and their appurtenances, drainage swales and ditches, and any easements through or over which said facilities may be constructed or installed in or in connection with a development.

EASEMENT - The 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- A person licensed as a professional engineer by the State of New York.

HIGHWAY – The term ‘highway’ includes a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass and underpass, and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders, and sidewalks in or in connection with a development.

LOCAL STREET - see ‘Minor Street’

MAJOR STREET - A street which serves or is designed 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.

MAJOR SUBDIVISION - Any subdivision of a parent parcel of land into four (4) or more lots including the parent parcel, or any subdivision requiring any new public street, road, or extension of municipal facilities.

MINOR STREET - A street that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or major streets.

MINOR SUBDIVISION - Any subdivision of a parent parcel of land into no more than (3)three lots, including the parent parcel and not previously classified as a major subdivision.

OFFICIAL MAP - The map established by the Town Board pursuant to § 270 of New York State Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

PARENT PARCEL – A parcel of land as it existed on the rolls of the Yates County Office of Real Property Services as of the effective date of these regulations.

PLANNER - The duly designated professional planner of the Town, either as a member of the Town staff or as a consultant to the Town, or position assigned with similar duties.

PLANNING BOARD - The Planning Board of the Town.

PRELIMINARY PLAT - A drawing or drawings clearly marked “preliminary plat” showing the salient features of a proposed subdivision, as specified in Article 5 of these regulations, submitted to the Planning Board for the 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.

STEEP SLOPE – Any geographical area having a gradient of 15% or greater (ratio of vertical distance to horizontal distance), using a minimum horizontal distance of ten (10)

feet, and whether man-made or natural, and whether created by a retaining structure or not. Further, the minimum area being categorized as steep slope shall be 1/10 of an acre (4356 sq. ft. or approx. 65 ft x 65 ft).

STREET - Includes streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines whether public or private.

STREET PAVEMENT - The wearing or exposed surface of the roadway used by vehicular (including bicycle) traffic.

STREET WIDTH - The width of the right-of-way, measured at right angles to the center line of the street.

STRUCTURAL FILL - Native or imported soil or granular material suitable to achieve minimum compaction requirements for the project.

SUBDIVIDER - Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for themselves or others.

SUBDIVISION - The division of any parent parcel of land into any number of lots, blocks or sites, with or without streets, for the purpose of sale, transfer of ownership, or development. The term 'subdivision' shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat on file in the Yates County office of Real Property Services. The term 'subdivision' is further defined as either a 'minor' or 'major' subdivision (Please see 'Minor Subdivision' and 'Major Subdivision' for these definitions).

SUBBASE MATERIAL - The lowest layer of imported or approved native material used in the construction of a roadbed or as bearing material under structures, consisting of a material with approved compaction characteristics. A material applied on top of a finished subgrade.

SUBDIVISION PLAT or FINAL PLAT - 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.

SUBGRADE - The finished surface elevation achieved after removing organic surface material, and after subsequent cut or fill activity using approved native or import soil.

SURFACE TREATMENT - The finish material applied to the surface of a road, such as asphalt concrete, compacted granular material, etc.

SURVEYOR - A person licensed as a land surveyor by the State of New York.

TEMPORARY DEAD END STREET / TURNAROUND / CUL-DE-SAC - A subdivision street / road that has not been completely constructed per approved plans. (refer to Section 4.4 I)

TOWN BOARD - The legislative body of the Town.

TOWN ENGINEER - The duly designated engineer of the Town, either as a member of the Town staff or as a consultant to the Town, or position assigned with similar duties.

UNDEVELOPED PLAT - Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.

ARTICLE 3 - Application Procedures

3.1 Application in writing required.

Whenever any subdivision of land is proposed, 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 or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures. The process begins by meeting with the Town Code Enforcement Officer (CEO) at the Middlesex Town Hall for initial review of the proposed subdivision. The applicant shall receive general instructions, along with an *Application For Planning Board Review / Approval* (subdivision application). In addition, the need for a Zoning Board of Appeals review may be identified if a special use permit and/or variance is necessary.

3.2 Pre-Application Meeting

- A. Prior to submitting a subdivision application it is advisable that the subdivider meet with the Planning Board to informally discuss the proposed subdivision, zoning requirements, expected timetables for approval, etc. The subdivider shall notify the Planning Board at least (10) days prior to a regularly scheduled monthly Planning Board meeting to be included in the meeting agenda.
- B. However, prior to submitting a final plat application for a minor subdivision or a preliminary plat application for a major subdivision, the subdivider shall meet with the Planning Board to submit a sketch and participate in an informal review. The sketch plan should show the location of the subdivision, all existing structures, wooded areas, streams, ponds, lakes, or poorly drained areas, significant physical features, available utilities and the proposed pattern of lots, roads, drainage and sewer and water facilities. In addition, the applicant shall submit a statement attesting to ownership of other interests or surrounding contiguous parcels of land.
- C. The Planning Board shall determine whether the proposed subdivision and sketch plan meets the purposes of this chapter and shall inform the subdivider of the necessary action he should take in meeting the requirements of these regulations.

3.3 Minor Subdivision.

- A. Application and fee.
 1. Any owner of land shall, prior to subdividing or re-subdividing a minor subdivision, submit an application for approval of a subdivision plat to the Planning Board Chairperson at least 20 calendar days prior to the next regularly scheduled meeting of

the Planning Board. The plat shall conform to the requirements listed in Article 5, Section 5.1.

2. All applications for plat approval for minor subdivisions shall be accompanied by a fee as set forth in the *Schedule of Fees*.

- B. Number of copies. The subdivider shall submit seven (7) copies of the plat.
- C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representatives, shall attend the meeting of the Planning Board to discuss the subdivision plat.
- D. Plat Approval. The procedure for approval of the plat shall be in accordance with Subdivision 6 of § 276 of the *New York State Town Law*.

3.4 Preliminary plat for Major Subdivision.

A. Application and fee.

1. 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 5, Section 5.2. The preliminary plat shall, in all respects, comply with the requirements set forth in the of Sections 276 and 277 of the *New York State Town Law*, and Article 5, Section 5.2 of these Subdivision regulations, except where a waiver may be specifically authorized by the Planning Board.

2. The application for review of the preliminary plat shall be accompanied by a fee as set forth in the *Schedule of Fees*.

- B. Number of copies. Seven (7) copies of the preliminary plat shall be presented to the Planning Board Chairperson at least 20 calendar days prior to a regularly scheduled meeting of the Planning Board.
- C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representatives, shall attend the meeting of the Planning Board to discuss the preliminary plat.
- D. 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 and watercourses, lot sizes and arrangements, the future development of the adjoining lands as yet not subdivided, and the requirements of the *Master Plan*, the *Official Map*, and zoning regulations, paying particular regard to *Town of Middlesex Zoning Law* Sections 402 and 403. The Planning Board shall make an initial determination of environmental significance of the proposed plat pursuant to SEQRA regulations. The Planning Board may schedule and conduct a public hearing on any subdivision plat application at any point during the review process.
- E. Plat Approval. The procedure for approval of the plat shall be in accordance with Subdivision 5 of § 276 of the *New York State Town Law*.

3.5 Final plat for major subdivision.

- A. Application and fee. Within six months of the approval of the preliminary plat the owner shall file with the Planning Board an application for approval of the subdivision plat in final form. A fee as sufficient to pay costs incurred shall accompany all applications. If the final plat is not submitted within six months of the approval of the preliminary plat, the Planning Board may revoke the approval of the preliminary plat. The Town CEO and the Planning Board shall jointly agree upon said amount.
- B. Number of copies. The subdivider shall provide the Planning Board Chairperson with a copy of the application and seven (7) copies of the plat (in a format that satisfies the requirements of the Yates County Clerk's Office), plus the original and one (1) true copy of all offers of cession, covenants, and agreements and two (2) prints of all construction drawings. These documents shall be submitted at least 20 calendar days prior of the regularly scheduled meeting of the Planning Board.
- C. Endorsement of state and county agencies. Applications for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary town, county and state agencies. Before official submission of the subdivision plat, the subdivider shall secure endorsement and approval by the *New York State Department of Health*.
- D. Approval Procedure. The procedure for approval of the plat shall be in accordance with Subdivision 6 of § 276 of the *New York State Town Law*. The Planning Board shall schedule and conduct a public hearing on any subdivision plat application at any point during the review process.
- E. Building permits. These shall be issued only after approval of the final plat is granted.

3.6 Project Execution Requirements.

The Subdivider shall be required to provide for, or comply with, the following:

- A. Performance Bonding for major subdivisions. Prior to any building permit being issued, the subdivider shall provide bonding for the benefit of the Town of Middlesex to both assure completion of all Town required improvements and to cover the cost of restoring the site should the subdivider abandon the project before completion. If the latter occurs, the bond will be used to fund all necessary work required to return the parcel to near its original state or to a condition satisfactory to the Town Planning Board and Town Code Enforcement Officer. The value of the bond shall be an agreed upon percentage of the overall project estimate that will be sufficient to cover the conditions stated above. Any such bond shall comply with the requirements of § 277 of the *New York State Town Law* and shall be satisfactory to the Town Board or it's designee as to form, sufficiency, manner of execution and surety. A period of one year (or other period as the Town Board may determine appropriate, not to exceed three years), **commencing from the start of any site activity**, shall be set forth in the bond within which required improvements must be completed.
- B. Inspection of Required Improvements. The Town Board shall appoint as Town Representative either the Town Code Enforcement Officer (CEO) or the Town's

Consulting Engineer (CE) as the point contact for the subdivider on all matters of construction inspection, construction modifications and project acceptance. After receipt of a building permit, and at least ten (10) calendar days prior to commencing construction of required improvements, the subdivider shall notify the Town Representative in writing what the construction start date will be. The Town Representative shall subsequently begin periodic site inspections to assure that required improvements per the final plat are being performed satisfactorily. If any of the required improvements are found to be out of compliance with the approved plans and specifications, the Town Representative shall give the subdivider written notice. If the subdivider fails to respond to the written notice in a reasonable period of time, the Town Board may revoke the building permit and shall take all necessary steps to preserve the Town's rights under Article 7 (Enforcement) of this Law.

NOTE: Primary inspection responsibilities for the project are anticipated to fall under the scope of the engineering and design firm secured by the subdivider. The Town Representative shall monitor and coordinate with these primary inspection efforts.

- C. Reimbursement of Fees and Expenses. The applicant, for approval of a subdivision in the Town, shall reimburse the Town of all reasonable and necessary planning and engineering expenses incurred by the Town in connection with the review and consideration of such subdivision. A developer who constructs, or proposes to construct, one or more highways, drainage facilities, utilities or parks within, or in conjunction with, an approved subdivision in the Town shall reimburse the Town for all reasonable and necessary legal, planning, and engineering expenses incurred by the Town in connection with the inspection and acceptance by the Town of such highways, drainage facilities, utilities and parks and the dedication of same to the Town.
1. Exemptions. **If the parcel being subdivided is not in the Lake Residential District NOR classified as steep slope AND** is subdivided into no more than two (2) lots abutting an existing public highway, this subdivision is hereby exempt from reimbursement of fees and expenses.
 2. Exemptions. Notwithstanding anything to the contrary contained in this local law, an applicant or developer shall not be required to reimburse the Town for any part of a legal, planning, or engineering fee incurred by the Town for services performed in connection with matters, including but not limited to, those resulting from complaints by third parties, as to which the Town Board determines the applicant or developer had no responsibility or was beyond the reasonable control of the applicant or developer.
- D. Modification of design improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Representative that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Representative, upon approval by the Town Planning Board, may authorize such modifications provided that these modifications are within the spirit and intent of the Town *Master Plan* and do not violate any governing specifications. Authorization for the change(s) shall be granted via signatures by both the Town Representative and the Planning Board on a change authorization form prepared and submitted by the subdivider in advance of any modification work taking place. The subdivider shall take note that modification review by the Planning Board may not take place until the next regularly scheduled meeting.

- E. Completion of Required Improvements. The subdivider shall alert the Town Representative in writing when a final inspection of Town required improvements is requested. One required item of completion will always be a set of as-built drawings, properly drafted, locating all underground utilities, roadway centerlines, rights-of-way, and lot boundaries, all referenced off any new permanent survey monuments or established existing control points. Once all required improvements have been performed
- F. satisfactorily, the Town Representative shall prepare and present a *Letter of Completion* to the Chair of the Town Planning Board for joint signatures. Upon receipt of a properly signed *Letter of Completion* from the Town Representative, the subdivider will be allowed to release any performance bond in force.

NOTE: No *Letter of Completion*, or release of bonding, shall be issued or granted if subdivider is in default on any previously approved plat.

3.7 Deposit and Payment of Fees

- A. Simultaneously with the filing of an application for approval of a development and prior to the commencement of any construction of buildings, highways, drainage facilities, utilities or parks therein, the applicant or developer, as the case may be, shall deposit with the Town Clerk a sum of money sufficient to pay the costs incurred by the Town for engineering, planning and legal services as described in Section 3.6C of this local law. Said amount shall be determined by the Town Board.
- B. Upon receipt of such sums, the Town Clerk shall cause such monies to be placed in a separate non-interest bearing account in the name of the Town and shall keep a separate record of all such monies so deposited and the name of the applicant or developer and project for which such sums were deposited.
- C. Upon receipt and approval by the Town Board of itemized vouchers from an engineer, planner, and/or attorney for services rendered on behalf of the Town pertaining to the development, the Town Clerk shall cause such vouchers to be paid out of the monies so deposited, and shall furnish copies of such vouchers to the applicant or developer at the same time such vouchers are submitted to the Town.
- D. The Town Board shall review and audit all such vouchers and shall approve payment of only such engineering, planning, and legal fees as are reasonable in amount and necessarily incurred by the Town in connection with the review, consideration and approval of developments and the inspection and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such developments. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by engineers, planners, or attorneys to the Town for services performed in connection with the approval or construction of a similar development and in this regard the Town Board may take into consideration the size, type and number of buildings to be constructed, the amount of time to complete the development, the topography of the land on which such development is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities and parks to be constructed and any special conditions or considerations as the Town Board may deem relevant; and a fee or part thereof is necessarily incurred if it was charged by the engineer, planner, or attorney for a service

which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town, protect public or private property from damage from uncontrolled, surface water run-off and other factors, assure the proper and timely construction of highways, drainage facilities, utilities and parks, protect the legal interests of the Town including receipt by the Town of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability, and such other interests as the Town Board may deem relevant.

- E. If at any time during or after the processing of such application or in the construction, inspection or acceptance of buildings, highways, drainage facilities, utilities or parks there shall be insufficient monies on hand to the credit of such applicant or developer to pay the approved vouchers in full, or if it shall reasonably appear to the Town Board that such monies will be insufficient to meet vouchers yet to be submitted, the Town Board shall cause the applicant or developer to deposit additional sums as the Town Board deems necessary or advisable in order to meet such expenses or anticipated expenses
- F. In the event that the applicant or developer fails to deposit such funds or such additional Funds, the Town Board shall notify as applicable, the Chairperson of the Planning Board, Planning Board, and the Town's Code Enforcement Officer of such failure, and any review, approval, building permit or certificates of occupancy may be withheld by the appropriate board, officer or employee of the Town until such monies are deposited.
- G. After final approval, acceptance and/or the issuance of a *Certificate of Occupancy* relating to any specific development, and after payment of all approved vouchers submitted regarding such development, any sums remaining on account to the credit of such applicant or developer shall be returned to such applicant or developer, along with a statement of the vouchers so paid.
- H. Application Fees. The deposits required by Section 3.7 of this law shall be in addition to any regular application fees as may be required by Section 3.3A and 3.4A, and shall not be used to offset the Town's general expenses of legal and engineering services for the several boards of the Town, nor its general administration expenses.

3.8 Filing of approved subdivision plat.

- A. Final approval and filing. Upon completion of the requirements in Sections 3.6 and 3.7 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 (Chair or Acting Chair) and shall be filed by the applicant in the office of the County Clerk. The plat shall be signed and filed before any building permit is issued and before any work commences. Any subdivision plat not so filed or recorded within 62 calendar 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.
- B. Plat void if revised after approval. No changes, erasures, modifications, 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 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.

3.9 Acceptance of public streets and recreation areas.

- A. Ownership and maintenance 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 other open space shown on such subdivision plat. Please refer to the document entitled Standards for New Roads - Town of Middlesex, which can be obtained from the Town of Middlesex Highway Superintendent.
- B. Ownership and maintenance of recreation areas. When a park, playground, or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect.

Note: In the instance of park or recreational land provision, either at the time of application or at a future date, the Town Board, in consultation with the Planning Board and Town staff, reserves the right to accept dedication of such park or recreational land to the Town as public property. The Town Board may also require the filing of a written agreement between the applicant and the Town covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such park or recreation area.

ARTICLE 4 - General Requirements and Design Standards

4.1 Minimum standards; waiver.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth below. These standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article 6 herein.

4.2 General requirements.

- A. 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.
- B. 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*.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Code Enforcement Officer. This shall include design and construction per *Standards for New Roads - Town of Middlesex* and *Town of Middlesex Zoning Laws*, Sect. 700.12, Driveways.
- D. Other applicable standards. Applicant must be in compliance with all other existing documents to be inclusive of but not limited to the following:

Local Municipal Laws/ Standards/Guides:

- a. *Zoning Law of 1999*
- b. *Master Plan of 1992*
- c. *Standards for New Roads*

- d. *Storm Water Management and Erosion Control Local Law #3 of 1999*
- e. *The Canandaigua Lake Uniform Docking and Mooring Law #4 of 1992.*

New York State Laws/Regulations/Acts:

- a. *NYS Environmental Quality Review Act (SEQRA)- to include coordination and approval through NYS Dept. of Transportation & NYS Dept. of Health*
- b. *NYS DOH Water & Septic Regulations*
- c. *NYS DOT Driveway Policy and Standards*
- d. *NYS DOH Realty Subdivision*
- e. *NYS Environmental Law*
- f. *NYS Town Law, particularly Sections 274-a, 276, 277*
- g. *NYS Standards and Specifications for Erosion and Sediment Control*
- h. *NYS Phase II Storm Water Regulations*
- i. *NYS Historic Preservation Office- Prehistoric & Historic Structures and Site Protection Law*

Federal Laws/Acts/Statutes:

- a. *US Code of Federal Regulations*
- b. *Federal Clean Water Act*
- c. *Federal Emergency Management Agency – National Flood Insurance Program*

4.3 Street layout.

- A. Width, location and construction. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the *Master Plan* and to accommodate the prospective traffic of all modes (motor vehicle, bicycle, pedestrian) 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 network of streets.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of 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.
- C. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, deep lots with rear service lane ways, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic and limit the access points to the arterial.
- D. Provision for future re-subdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

- E. Dead-end streets. The creation of dead-end or loop residential streets should not interfere with normal traffic (including bicycle and pedestrian) circulation in the area. Where dead-end streets are needed, the Board may require the reservation of a fifty (50) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street, and/or to provide for the potential future continuation of the dead-end street pavement.
- F. Block size. In order to encourage walking and neighborhood connections, blocks generally shall not be less than 400 feet nor more than 800 feet in length. If a block does exceed 800 feet in length, the Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that an eight-foot-wide paved footpath be included.
- G. Intersections with collector or major arterial streets. Subdivisions containing 20 lots or more shall have at least two (2) street connections with existing public streets, or streets shown on the *Official Map*, or streets on an approved subdivision plat for which a bond has been filed. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- H. Angle of intersection. 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.
- I. Relation to topography. 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.
- J. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

4.4 Street design.

- A. Widths of rights-of-way. Streets shall have the following widths: (When not indicated on the *Master Plan* or *Official Map*, the classification of streets shall be determined by the Board.)

<u>Type of Street</u>	<u>Min. Right-of-Way</u>	<u>Min. Pavement</u>	<u>Max. Pavement</u>
Major	66 feet	24 feet	N/A
Collector	60 feet	24 feet	N/A
Local	50 feet	15 feet	24 feet
Access Lane ways	24 feet	15 feet	20 feet

- B. Improvements. Streets shall be graded and improved with pavements, concrete or granite curbs, gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights

and signs, street trees, and fire hydrants, except where waivers may be requested, and the Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer. The Town Engineer shall approve such grading and improvements as to design and specifications.

1. Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the *New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York*.
 2. Street lighting facilities. All new street lighting facilities must be "dark sky" compliant. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.
- C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the public right-of-way between the paved roadway and right-of-way line. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements of 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.
- E. Grades. Grades of all streets shall conform in general to the terrain, and shall not be less than 1/2 nor more than 6% for major collector streets, or 10% for minor streets in residential zones, but in no case more than 3% within 50 feet of any intersection.
- F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.
- G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius. Curve radii at intersections of two local streets or a local and a collector street shall be rounded by curves of no more than 25 feet. In all instances, curbs shall be adjusted accordingly.
- H. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is area defined as a triangular area formed by two intersecting street lines and a line connecting points on such street lines 30 feet distance from their point of intersection shall be cleared of all growth (except isolated trees) and obstructions above the level of three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.
- I. Dead-end streets or cul-de-sacs. Where dead-end streets are included in the design, total street length shall not exceed 400 feet in length, and shall terminate per Section 3 in the Standards for New Roads- Town of Middlesex. Alternates to these designs may be considered if plantings or landscaped centers are included so as to reduce the

amount of impervious surface.

Note: If a temporary dead-end street or cul-de-sac is established, such as to provide for vehicle turnaround at the street termination of phase I, the temporary dead-end street or cul-de-sac shall be constructed with the same geometry as per Section 3 of the Standards for New Roads indicated above. Surface treatment for the temporary turnaround portion must be compacted subbase material at minimum, and must be maintained. The intent is to have all streets stabilized and functional within any phase of a subdivision, prior to allowing any residency, so that emergency vehicles can always maneuver without delay.

- J. Watercourses. Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet.
- K. Curve radii. In general, street lines within a block, deflecting from each other at anyone point by more than 10°, shall be connected with a curve, the radius of which for the center line of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.
- L. Service streets or loading space in commercial development. Paved rear service streets of not less than 18 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.

4.5 Street names.

- A. Type of name. The Planning Board, **coordinating with County 911 authorities**, shall approve all street names shown on a preliminary plat or subdivision plat. In general, streets shall have names and not numbers or letters. Street names should also reflect the established pattern in the town and should refrain from multiple word names (i.e. naming a street after a person and using first and last name). Street names should also reflect the history and character of the community and region and use appellations such as "street", "avenue", "road", "terrace" and "parkway." Appellations such as "drive", "court", "trail" and "run" should be discouraged.
- B. Names to be substantially different. 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 of an abutting or neighboring property shall bear the same name. Generally, a street that is continuous shall retain the same name (such as a loop street).

4.6 Lots.

- A. Buildable Lots. **The Planning Board shall approve the site plan only after consideration is given to all existing regulations and constraints. Criteria used during review shall include, but not be limited to, proximity to existing gullies and waterways, septic system constraints, driveway and parking design, setback requirements, easements, permanent site drainage and erosion control design, impact**

to any existing old grow vegetation, geotechnical data provided, location of well site, impact of project on neighboring lots, location of steep slopes, and any retaining wall requirements.

- B. Side lines. 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.
- C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.
- D. Driveway access. Driveway access and grades shall conform to specifications of the *Standards for New Roads – Town of Middlesex*. Driveway grades between the street and the setback line shall not exceed 10%.
- E. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.
- F. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the subdivision plat.

4.7 Drainage improvements

- A. Goals of drainage improvements. In keeping with the stated goals and requirements of the *Federal Clean Water Act /Phase II Storm Water Regulations*, as administered by the New York State Department of Environmental Conservation, every effort should be made to retain water on site or within the immediate area. Storm water and runoff from buildings, roads, and parking areas should be captured to the greatest extent practicable and allowed to infiltrate back into the ground so as to re-charge groundwater resources and prevent large volumes of water flowing off-site. Regional storm water facilities that can accommodate run-off from an entire development are encouraged, especially in concert with cluster subdivision design. The subdivider shall be required by the Planning Board to address any spring or surface water that may exist either previous to, or as anticipated as a result of, the full development of the subdivision.
- B. Design of drainage improvements. The design of culverts, bridges, and other drainage facilities shall be approved by the Town's consulting engineer based on the criteria and specifications contained in the following technical documents **and a hydrology evaluation for all phases of the development to be performed and submitted by the subdivider's engineer:**
 - 1. The *NYS Storm Water Management Design Manual* (New York State Department of Environmental Conservation, most current version or its successors)
 - 2. The *NY Standards and Specifications for Erosion and Sediment Control* (Empire State Chapter of the Soil & Water Conservation Society, 2004, most current version or its successors).

Drainage facilities shall be located in the street right-of-way where feasible, or in

perpetual unobstructed easements of appropriate width.

- C. Responsibility from drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town's consulting engineer. 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.
- D. Land subject to flooding. Land subject to flooding or land deemed by the Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase the 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 Board to remedy said hazardous conditions.

4.8 Parks, open spaces and natural features.

- A. Recreation areas shown on Town's Master Plan of 1992. Where a proposed park, playground or open space shown on the Town's *Master Plan of 1992* is located in whole or in part in a subdivision, the subdivider shall show such areas on the plat in accordance with the requirements specified in Subsection B below and notify the Planning Board. Such area or areas may be dedicated to the Town or County by the subdivider if the Planning Board **and Town Board** approve such dedication.
- B. Parks and playgrounds not shown on Town's Master Plan of 1992. The Planning Board shall require that the subdivider reserve sites of a character, extent, and location suitable for the development of a park, playground or other recreational purpose. For a major subdivision, each reservation shall be of an area equal to **20%** of the total land within the subdivision, but in no case shall a reservation be less than two total acres. The area to be preserved shall possess the suitable topography, general character, and adequate road access necessary for its recreational purposes. Small parks, squares, commons, and medians integrated into the subdivision and used for informal community gathering spaces or focal points and passive recreation are encouraged. Where the Planning Board requires land to be set aside for parks, playgrounds, or other recreational purposes, the Board shall require that the site be graded, loamed and seeded and may require it to be fenced.
- C. Preservation of natural features. The Planning Board **encourages the preservation** of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses, beaches, historic places and structures, vistas and similar irreplaceable assets. **As such, a Natural Resource Inventory and Plan (also called an Existing Resources and Site Analysis Plan) shall be required as part of phase I submittals. The plan shall not only contain aerial photography of the site, but shall call out existing vegetative cover, soil types, tree canopy lines, etc..** No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street shown on the final

subdivision plat. Smaller diameter trees may be designated as old growth after Site Review, and shall be protected as well. The overall plan for tree removal shall be subject to the approval of the Planning Board. Design expectations shall include the planting of additional trees throughout the subdivision as an enhancement feature of the subdivision application.

ARTICLE 5 - Documents to be Submitted

5.1 Minor subdivision plat.

The following documents (A, 1-10, B and C) and a *short EAF* from the *SEQR* process shall be submitted with this document package.

- A. Seven (7) copies of the minor subdivision plat prepared at a scale of not more than 100 feet, but not less than 50 feet to the inch showing:
 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. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 3. The Tax Map sheet, block and lot numbers, if available.
 4. All the utilities available, and all streets which are either proposed, mapped or built.
 5. The proposed pattern of lots (including lot width and depth) within the subdivided area.
 6. All existing restrictions on the use of the land including easements, covenants, or zoning lines.
 7. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified 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 Engineer, and shall be referenced and shown on the plat.
 8. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the *New York State Department of Health*, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 9. Proposed subdivision name, name of the town and county in which it is located.
 10. The date, North point, map scale, name and address of record owner and subdivider.
- B. The plat to be filed with the County Clerk shall be in a format that satisfies the filing requirements of the Yates County Clerk's Office.
- C. The plat to include a written description of the overall project design approach and construction being planned for the lots, style, and size range in S.F. and height of buildings, development amenities, general approach for utilities, new covenants being

considered, home owner's associations being planned, green space considerations, playgrounds, etc.

D. The development of each lot within a minor or major subdivision must comply with the Stormwater Management and Erosion Control Law.

5.2 Major subdivision preliminary plat and accompanying data.

The following documents (A, 1-15, B, C and D) and a *Full Environmental Assessment Form* from the *SEQR* process shall be submitted with this document package.

- A. Seven (7) copies of the preliminary plat prepared at a scale of not more than 100 feet, but not less than 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, if more than one district, and any proposed changes in the zoning district lines and/or the text of Chapter 155, Zoning, 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, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
 6. The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction flow.
 7. Contours with intervals of five feet or less as required by the **Planning Board**, including elevations on existing roads; approximate grading plan if natural contours are to be changed more than two feet.
 8. The width and location of any streets or public ways or places shown on the *Official Map* or the *Master Plan*, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer. Rights-of-way that are proposed to be dedicated to the Town or other public entity shall be so identified (see Article 5, Section 5.2, Subsection A4).
 9. The approximate location and size of all proposed waterlines, 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 Water Pollution Prevention Plan: A Storm Water Pollution Prevention Plan (SWPPP), consistent with the requirements of Section Eight of the *Storm Water Management and Erosion Control Law (Local Law #3 of 1999)* and Phase II, *Storm Water Regulations of the Federal Clean Water Act* as administered by the New York State Department of Conservation, shall be required for Preliminary Subdivision Plat approval. The SWPPP, and practices listed within, shall follow the design criteria and standards contained in the following technical documents:
 - a. The *New York State Storm Water Management Design Manual* (New York State Department of Environmental Conservation, most current version or its successor)
 - b. *New York Standards and Specifications for Erosion and Sediment Control* (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successors).
 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 shall provide satisfactory access to an existing public highway or public open space shown on the subdivision or the *Official Map*.
 15. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.
- B. 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 feet 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. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings.
 - C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 - D. Include a written description of the overall project design approach and construction being planned for the lots, to include style, size range in S.F. and height of buildings, development amenities, general approach for utilities, new covenants being considered, home owner's associations being planned, green space considerations, playgrounds, etc.

5.3 Major subdivision final plat and accompanying data.

The following documents (A, 1-10, B, and C) and a *Full Environmental Assessment Form* from the SEQR process shall be submitted with this document package:

- A. The plat to be filed with the County Clerk shall be in a format that satisfies the filing requirements of the Yates County Clerk's Office. The plat shall be drawn at the same scale required for the preliminary plat 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 will show all data required for the preliminary plat (as detailed in Article 5, Section 5.2) as well as:
 1. Sufficient data acceptable to the Town CEO or the Town's consulting engineer 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.
 2. 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, scale and true North point.
 3. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof.
 4. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 5. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
 6. Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town's consulting engineer or Code Enforcement Officer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the *New York State Department of Public Works*. They shall be placed as required by the Town's consulting engineer or Code Enforcement Officer and their location noted and referenced upon the plat.
 7. All lot corner markers shall be permanently located satisfactorily to the Code Enforcement Officer or the Town's consulting engineer at least 3/4 inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.
 8. Monuments of a type approved by the Town Engineer 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 Engineer.

- B. 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.
- C. Storm Water Pollution Prevention Plan: Any revisions to the Storm Water Pollution Prevention Plan (SWPPP) submitted as part of the preliminary plat shall be required for Final Subdivision Plat approval.
- D. Final written narrative of project. (refer to Section 5.2.D)

ARTICLE 6 - Variances and Waivers

6.1 Variances due to extraordinary hardship.

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, Master Plan, or the Zoning Law*.

6.2 Variances due to special circumstances.

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.

6.3 Conditions of variances to secure objectives of regulations.

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

ARTICLE 7 – Enforcement / Penalties

7.1 A violation of any part of this local law or order issued in connection with this local law shall constitute a “violation” as defined in the Penal Law of the State of New York, and shall be punishable by a fine of not less than \$100, nor more than \$1000, or by imprisonment for a period not to exceed (60) days, or both. For each day that a violation continues, this shall constitute a separate violation.

7.2 The Code Enforcement Officer is authorized to issue stop work orders to halt work conducted in violation of this law. A stop work order shall state the reason for its issuance and the conditions which must be satisfied before work will be permitted to resume.

7.3 The Code Enforcement Officer is hereby authorized to issue appearance tickets for any violation of this local law.

7.4 An action or proceeding in the name of the Town of Middlesex may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this local law or order issued in connection with this local law, and to demand any person or entity violating this local law to return the work site to prior conditions at its expense.

7.5 The Code Enforcement Officer or designee shall enforce these regulations.

Adopted by Town Board 5/14/2009