

**PROPOSED
SUBDIVISION REGULATIONS**

**FOR THE
TOWN OF VOLNEY, NEW YORK**

ADOPTED BY THE PLANNING BOARD

JANUARY 17, 1978

RESOLUTION OF THE TOWN BOARD, TOWN OF VOLNEY

WHEREAS, the Town Board of the Town of Volney by Resolution dated August 26, 1976, authorized the Planning Board of the Town of Volney, pursuant to Section 276 of the Town Law, to approve, modify and disapprove plats for subdivision within the Town of Volney, and

WHEREAS, the Planning Board held a public hearing on December 29, 1977 concerning proposed subdivision regulations prepared, by the Planning Board, and

WHEREAS, the Town of Volney Planning Board, at a regular meeting on January 17, 1978, adopted the Subdivision Regulations, a copy of which is attached hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Volney, County of Oswego, New York, approve the Subdivision Regulations adopted by the Town of Volney Planning Board.

Moved by Councilman Kitts, seconded by Councilman Warner,

Roll Call: Councilman Don Kitts-aye, Councilman Jesse Warner-aye,
Justice John Howard-abstain, Justice Jerry Stanard-abstain, Supervisor
Paul Kimball-aye. Motion Carried 3-aye, 2- abstain

TOWN BOARD, TOWN OF VOLNEY

By ALICE BATTLES

Dated: February 9, 1978

(Retyped. August 28, 2006)

TABLE OF CONTENTS

	<u>Page</u>
Introduction	1
ARTICLES I	
AUTHORITY FOR SUBDIVISION CONTROL <u>AND ADOPTION</u>	SR-1
ARTICLE II	
<u>DECLARATION OF POLICY</u>	SR-2
ARTICLE III	
<u>TERMINOLOGY AND DEFINITIONS</u>	
3.1 Use and Interpretation of Words	SR-3
3.2 Definitions	SR-3
ARTICLE IV	
<u>PROCEDURE FOR LAND SUBDIVISION</u>	
4.1 Pre-Application Review and Classification	SR-7
4.2 Preliminary Layout	SR-8
<u>MAJOR SUBDIVISION REGULATIONS</u>	
4.3 Final Plat	SR-10
4.4 Building Permits and Certificates of Occupancy	SR-13
ARTICLE V	
<u>REQUIRED PLATS, DOCUMENTS, BONDS, IMPROVEMENTS, AND UTILITIES</u>	
5.1 General Requirements for Conditional and Final Approval	SR-14
5.2 Pre-Application Documents	SR-15
5.3 Plats and Documents for Conditional Approval	SR-15
5.4 Plats and Documents for Final Approval	SR-19
5.5 Performance and Assurance Bonds	SR-23
5.6 Public Improvements	SR-25
5.7 Public Utilities	SR-26

ARTICLE VI	<u>SUBDIVISION DESIGN STANDARDS</u>	
	6.1 General Requirements	SR-27
	6.2 Parks, Playgrounds, and Public Open Spaces	SR-29
	6.3 Streets	SR-30
	6.4 Pedestrian Ways	SR-36
	6.5 Lots and Blocks	SR-36
	6.6 Public Improvement and Utilities	SR-38
ARTICLE VII	<u>SPECIAL CONDITIONS</u>	
	7.1 Variations	SR-40
	7.2 Modification	SR-41
	7.3 Waivers	SR-41
	7.4 Time Extensions	SR-41
	7.5 Expiration	SR-42
	7.6 Default	SR-42
	7.7 Penalty	SR-43
ARTICLE VIII	<u>AUTHORITY TO SIGN SUBDIVISION PLATS</u>	SR-44
ARTICLE IX	<u>AMENDMENTS</u>	SR-44
ARTICLE X	<u>SEPARABILITY</u>	SR-44

K3.1 USE AND INTERPRETATION OF WORDS

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

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

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

3.2 DEFINITIONS

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

ARTERIAL STREET – a street which serves or is designed to be used primarily for fast or heavy traffic.

BOARD OR PLANNING BOARD - The Planning Board of the Town of Volney.

COLLECTOR STREET – a street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

CUL-DE-SAC STREET – a street with only one means of vehicular ingress and egress and with a turnaround at its terminus.

ARTICLE III Terminology.....

Curb – a low barrier usually along the pavement line of a street, road, or highway, controlling surface drainage and separating vehicular areas from pedestrian and/or landscaped areas.

ENGINEER OR TOWN ENGINEER – the duly designated engineer of the Town of Volney, or in lieu of such an official, the Superintendent of Highways, the Building Inspector, or the planning consultant or engineer employed by, or assigned to, the Planning Board.

EASEMENT – an acquired right of use on the property of another.

MARGINAL ACCESS STREET- a minor street which is parallel to and adjacent to an arterial street and which provides access to a abutting properties and protection from through traffic.

MASTER PLAN or DEVELOPMENT PLAN - a comprehensive plan prepared by the Planning Board, which indicates the general locations recommended for the various functional classes of public works, places, and structures and for the general physical development of the Town of Volney and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

MINOR STREETS – a street intended to serve primarily as access to abutting properties.

OFFICIAL MAP – a map established by the Town Board under Section 270 of the Town Law, showing streets, highways, and parks theretofore laid out, adopted, and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

ARTICLE III, Terminology.....

OFFICIAL DATE OF APPLICATION – the date when a Sub-division, Plat, or Preliminary Layout shall be considered submitted to the Planning Board, as provided in Section 276 of the Town Law, hereby defined to be the date of the meeting of the Planning Board at which all required surveys, plans, and data described in Article IV are submitted.

PLAT – the final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Planning Board for approval, and which, if approved, will be submitted to the County Clerk for recording.

PRELIMINARY LAYOUT – a preliminary drawing showing the proposed layout of a subdivision which is submitted to the Planning Board for its consideration and conditional approval.

SKETCH PLAN – a free-hand sketch made on a topographic survey map showing the layout of streets, lots, and other features of a proposed subdivision in relation to existing conditions.

STREET – a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

STREET JOG –



STREET PAYMENT – the wearing or exposed surface of the roadway used by vehicular traffic.

ARTICLE III Terminology

STREET WIDTH – the width of the right-of-way or the distance between property lines, on opposite sides of a street.

SUBDIVIDER – any person, firm, corporation, partnership, or association which shall lay out, for the purpose of development and/or sale, any subdivision, as defined herein, either for himself, itself, or for others.

SUBDIVISION – the division of any parcel of land into two or more lots, plots, sites, or other division of land for the purpose, where immediate or future, of transfer of ownership or building development. Such division shall include resubdivision of plats already filed in the office of the County Clerk if such plats are entirely or partially undeveloped.

Minor Subdivision: Any subdivision containing not more than 4 lots, each of at least the minimum size as permitted by the Zoning Ordinance, each fronting on an existing public street, not involving any new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Master Plan, subsequent subdivision subject to major subdivision regulations.

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

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof, and before any permit for the erection of a building in such proposed subdivision is granted, the subdividing owner, or his authorized agent shall apply for a secure approval of such proposal in accordance with the following procedure, which includes basically three steps:

- 1) Pre-Application Review, Classification and Minor Subdivision Plat.
- 2) Preliminary Layout.
- 3) Final Plat.

4.1 PRE-APPLICATION REVIEW, CLASSIFICATION AND MINOR SUBDIVISION PLAT

4.11 Prior to filing an application or before preparing Preliminary Layout, the subdivider shall submit to the Planning Board a sketch plan of the proposed subdivision together with data concerning the area--including the information specified in Section 5.2--in order to discuss the appropriateness of the proposed layout, the suitability of the land for development, the general requirement for improvements, and to determine the classification (minor or major) of the subdivision.

4.12 The Planning Board shall inform the subdivider within 45 days after submission, whether his sketch plans and data—as submitted or as modified—do or not meet the objectives and requirements of these Regulations. If said plans and data do not meet the objectives and requirements, the Board shall express its reasons therefor.

4.13 The pre-application review does not require formal application to the Planning Board or payment of fee.

4.14 If the subdivision is classified by the Planning Board as a minor subdivision, a notation to that effect will be made on the sketch plan.

Five copies of a plat shall then be submitted to the Planning Board within six months of classification of the sketch plan. If the minor subdivision comes under the provisions of Section 4.325, the Planning Board shall take appropriate action in accordance with Section 239-K of the General Municipal Law.

The minor subdivision plat shall show the following information.

- a) A location map showing the relationship of the proposed subdivision to the street system serving the area.
- b) Proposed subdivision name, date, north point, map scale, name and address of owner of record.

4.15 If the subdivision is classified as a major subdivision by the Planning Board, a notation to that effect shall be made on the sketch plat which will be returned to the subdivider for compliance with all the other applicable sections of these Regulations.

4.2 MAJOR SUBDIVISION REGULATIONS
PRELIMINARY LAYOUT

Upon receiving an informal agreement by the Planning Board regarding the general program and objectives, in accordance with Section 4.1, the subdivider shall prepare a Preliminary Layout together with improvement plans and other supplementary documents as specified in Section 5.3 and follow standards set forth in Article VI of these Regulation. During the preparation of a preliminary plat containing 5 or more lots, the subdivider should consult the State Health Department, so that the plat presented to the Planning Board will also be acceptable to the State Health Department.

4.21 Submission and Fees – The submission to the Planning Board for conditional approval of a Preliminary Layout shall be accompanied by a standard handling fee of \$25.00 per lot with a minimum of \$100.00 payable to the Town of Volney. Fees are not refundable.

4.22 Conditional Approval

4.221 The Planning Board shall

- a) review the Preliminary Layout and other supplementary documents.
 - 1) to determine their conformity with the Master Plan, the Zoning Ordinance and with these Regulations.
 - 2) to assess their practicability taking into consideration the requirements of the community and the best use of the land being subdivided.
 - 3) to analyze their proposed lot sizes; sewage and water systems; drainage; and arrangement, location, grades, and widths of streets.
 - 4) to consider their effect on future development of adjoining as yet unsubdivided;
- b) discuss with the subdivider and any changes deemed advisable;
- c) discuss with the subdivider the kind and extent of all public improvement and lands to be constructed, installed, or dedicated by him--or, in lieu of improvements, the amount of performance bond required to be posted; and
- d) notify the subdivider of any required public improvements which may be waived.

Article IV, Procedure for Land Subdivision.....

- 4.222 Within 45 days after the official date of application, the Planning Board shall either grant conditional approval of the Preliminary Layout or disapprove the Preliminary Layout and express in writing the reasons for such disapproval.
- 4.223 The action of the Planning Board shall be noted on all copies of the Preliminary Layout and the conditions imposed attached thereto.
- 4.224 Such conditional approval shall automatically expire after six months, unless extended by formal action of the Planning Board, as provided in Section 7.42.
- 4.225 Conditional approval of a Preliminary Layout shall not constitute approval of the Final Plat. Rather it shall be deemed an expression of approval only to guide the subdivider in the preparation of the Final Plat which shall be submitted for the approval of the Planning Board and for eventual recording after compliance with the requirements of these Regulations and with any conditions specified in the conditional approval.
- 4.3 FINAL PLAT
- 4.31 Submission
- 4.311 Following conditional approval of the Preliminary Layout, the subdivider shall prepare a Final Plat, together with other supplementary documents, in accordance with Section 5.4 and follow standards set forth in Article VI of these Regulations.
- 4.312 The Final Plat and other supplementary documents shall be filed with the Planning Board within six months after the date of conditional approval of the Preliminary Layout-- unless such time limit is extended by formal action of the Planning Board in accordance with Section 7.42.
- 4.313 Upon receipt of the application and after having found that the application is in full compliance with the Regulations, the Planning Board shall sign and return a receipt which shall indicate the official date of application.

Article IV, Procedure for Land Subdivision.....

In case of deficiencies in the application, the Planning Board shall advise the developer of the deficiencies within 14 days subsequent to the date of receipt of the application.

4.314 If the subdivider so desires, the Final Plat may consist of only the portion of the approved Preliminary Layout which he proposed to record and develop at one time--provided that such portion conforms to all applicable requirements of these Regulations and that the subdivision is being submitted for approval progressively and in contiguous sections satisfactory to the Planning Board.

4.315 Whenever the subdivision as a whole contains 5 or more building lots, the developer shall submit with the Final Plat the approval of the State Health Department. This approval must be submitted prior to the scheduling of a public hearing.

4.32 Approval

4.321 Before the Planning Board acts on any Final Plat, it shall hold a public hearing thereon within 45 days after the official date of application, in accordance with Section 276 of the Town Law. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.

4.322 The Planning Board shall approve, modify and approve, or disapprove the Final Plat within 45 days after the date of the public hearing. Failure of the Planning Board to act within the time allotted shall result in the automatic approval of such Final Plat. Certification of the Town Clerk as to the official date of application and the failure of the Planning Board to hold a public hearing or take action within the 45 day period after the date of the public hearing shall be issued to the subdivider upon demand and shall be sufficient, in lieu of any written notation or endorsement of other evidence, as final approval.

4.323 No plat which is an extension, section, or portion of any previously submitted plat shall be approved until and unless all conditions necessary for approval of such previously submitted plat have been satisfied and final approval shall have been granted in accordance with these Regulations.

Article IV, Procedure for Land Subdivision.....

4.324 If the Planning Board disapproves the Final Plat, reasons for such disapproval shall be so stated upon its records.

4.325 After the establishment of a County Official Map, no subdivision plat shall be approved when such proposed structures or proposed new streets shall have frontage on, access to, or be otherwise directly related to any County road, existing or proposed, as shown on any County Official Map, except in accord with Section 239-K of the General Municipal Law. The Town Planning Board shall notify the County Planning Board and the County Superintendent of Highways or Commissioner of Public Works of such subdivision, and the County Planning Board shall report to the Town Planning Board within 30 days on its approval or disapproval, or on its approval subject to stated conditions. The Final Plat may be approved by the Town Planning Board subject to stated conditions, notwithstanding such report, when the application of such report will act to deprive the owner of the reasonable use of his land.

4.33 Filing

4.331 Within 90 days next following the date of official approval action by the Planing Board or the date of issuance by the Town Clerk of certificate of non-action, and after approval by the State Health Department, if applicable, the subdivider shall file the Final Plat with the County Clerk. Otherwise, such final approval shall expire as provided in Section 276 of the Town Law unless an extension has been granted by the Planning Board under the provisions of Section 7.42.

4.332 Five black and white prints of the Final Plat showing the recording date of the County Clerk thereon shall be submitted to the Planning Board after filing with the County Clerk.

4.333 It shall be the duty of the County Clerk, in accordance with Section 278 of the Town Law, to notify the Planning Board in writing within three days of the filing of any plat approved by the Planning Board, identifying such plat by its title, date of filing, and official number.

4.334 No changes, erasures, modifications, or revisions other than those requested by the State Health Department or other such agency, or to correct metes and bounds, shall be made on any subdivision after final approval has been given by the Planning Board and the plat has been duly filed with the County Clerk unless such plat has first has been resubmitted to the Planning Board and such change, erasure, modification, or revision has been approved by the Board. Any plat so changed without first being resubmitted to the Planning Board and reapproved shall be considered null and void and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

4.4 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY*

4.41 Upon approval of Final Plat and posting of a bond in accordance with Section 5.43, 5.51 and 5.52 of these Regulations; or, upon certification of the completion of installation of all required improvements to the satisfaction of the Town Board, and the posting of a bond in accordance with Section 5.52, the subdivider may be issued building permits for the construction of buildings in accordance with the approval Final Plat, the Zoning Ordinance, and the Town Building Code.

*applicable after adoption by the Town of a Zoning Ordinance and/or Building Code.

4.42 Certification of Occupancy

4.421 Certificates of Occupancy shall only be issued upon certification by the Building Inspector that all required public improvements in a subdivision as shown on the approved final plat have been completed in accordance with Town standards, in accordance with the Zoning Ordinance, and the Town Building Code.

4.422 No Certificate of Occupancy shall be issued until the grading and resspreading of topsoil has been completed in accordance with Section 6.16--unless a bond in an amount sufficient to guarantee the proper grading of the property and the resspreading of the topsoil has been posted as per Section 5.33.

Any subdivider who proposes a subdivision in the Town of Volney shall submit plats and documents and comply with the regulations regarding the posting of bonds and the construction of improvements and utilities as provided in the Article.

5.1 GENERAL REQUIREMENTS FOR CONDITIONAL
AND FINAL APPROVAL

- 5.11 One original drawing and 14 black and white prints of all required plans, plats, or surveys, and 14 copies of all other supplementary documents and written applications shall be filed with the Town Clerk.
- 5.12 All original drawings shall be submitted on sheets of translucent material, suitable for reproduction, 20 inches by 40 inches or 20 inches by 20 inches. Horizontal scales of one inch equals not more than 100 feet and vertical scale of one inch equals not more than 20 feet shall be used. When more than one sheet is required to show the plat within the prescribed scale, an index sheet of the same size shall be submitted showing the entire proposed subdivision with lot and block numbers clearly legible, at a scale of one inch equals not more than 600 feet. In addition, the outlines of the development shall be accurately shown on a scale of one inch equals 1,200 feet, for transposition to the Official Map, if any.
- 5.13 All submissions shall bear the following information: the proposed subdivision name, identifying title, the words "Town of Volney, Oswego County, New York", the date of submission and survey, and the name and address of the record owner or subdivider. Names, addresses, certification, and seals of registered engineers or surveyors engaged to prepare drawings; north arrows; and graphic scales shall appear.
- 5.14 Space shall be provided on all submission for required endorsements by appropriate agencies.

Article V	Required Plats, Documents, Bonds Improvement and Utilities.....
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5.2 PRE-APPLICATION DOCUMENTS

The SKETCH PLAN may be a sketch made directly on a print of the topography survey of the proposed subdivision area. It shall show in simple sketch form the relationship between existing physical conditions and the proposed layout of streets, lots, and other features and all topographic data required for the preliminary layout; or such of these data as the Planning Board considers necessary for its review of the sketch plan.

5.21 The LOCATION MAP shall show the relationship of the proposed subdivision to existing community facilities which serve it. It shall include main traffic arteries and general information on surrounding land uses.

5.22 GENERAL SUBDIVISION INFORMATION shall describe or outline the existing conditions of the site and the proposed development wherever necessary to explain and supplement the sketch plan and location map. This information should include existing data on covenants, land characteristics, available community facilities and utilities, and data as to the proposed number of residential lots, business areas, playgrounds, parks and other public areas, protective covenants, utilities, and street improvements.

5.3 PLATS AND DOCUMENTS FOR CONDITONAL APPROVAL

5.31 The PRELIMINARY LAYOUT, in addition to the requirements of Section 5.13 and 5.14 shall show both the existing condition data and proposed conditions as follows:

5.311 Existing condition data (required);

- a) Boundary Lines - Bearing and distances of lines and total acreage (including entire area to be subdivided and the remainder of the tract owned by the subdivider).

Article V Required Plats, Documents, Bonds
Improvement and Utilities.....

- b) Easement – Location, width, identification and purpose.
- c) Streets on and adjacent to the tract – Name, width of right-of-way, and location; type, width, and elevation of surfacing; any legally-established centerline elevations; walks, curbs, gutters, culverts, etc.
- d) Utilities (existing or proposed by public agencies or utility companies) on and adjacent to the tract – location of septic tanks; location, direction of flow, size, and invert elevation of sanitary sewers, storm sewers, culverts, water mains, and gas lines; (if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, and invert elevations); location of fire hydrants, utility poles, and street lighting standards.
- e) Ground elevations on the tract – For land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and other necessary points. For land that slopes regularly more than two percent, show contours at five-foot intervals, if such information is sufficient for planning purposes, or show contours at two-foot intervals if necessary because of irregularly sloped land or need for more detailed data for preparing plans and construction drawings.
- f) Other conditions on the tract – Water courses, flood plains, rock outcrops, wooded areas, isolated preservable trees, building and structures, and other significant features.
- g) Other conditions on adjacent land – Approximate directions and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, power lines, towers, and other nearby non-residential land uses or public open spaces.

5.311 Exiting conditions data (at discretion of Planning Board).

- a) Subsurface conditions on the tract – Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
- b) Photographs – Camera location, directions of views, and key numbers.

5.313 Proposed site improvements:

- a) Streets – Names, right-of-way and roadway widths, grades, and profiles.
- b) Other rights-of-way or easements – Location, width, and purpose.
- c) Location of utilities (if not shown on other exhibits).
- d) Lot lines, lot areas, lot numbers, and block numbers.
- e) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
- f) Sites, if any, for multi-family dwellings, shopping centers, churches, industry, or other non-public uses exclusive of single-family dwellings.
- g) Minimum building setback lines.
- h) Site data, including number of residential lots, minimum lot size, park acreage, etc.
- i) Approximate location, size, grades, and profiles of all proposed water lines and sewer lines. Indicate connections with existing lines, locations of valves,

Article V Required Plats, Documents, Bonds
Improvement and Utilities.....

hydrants, manholes, and drop inlets; if individual sewage disposal systems are proposed, the location of septic tanks and leaching fields or seepage pits shall be shown.

- j) Approximate grading plan if natural contours are to be changed more than two feet.
- k) Location and species of new street trees.

5.32 A VICINITY MAP, drawn at a scale of one inch equals not more than 600 feet showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area, shall indicate:

- a) All existing adjacent parcels of land together with the names of the record owners, platted and unplatted: namely, those directly abutting or directly across any and all streets adjoining the proposed subdivision. Platted land shall be referred to by name, recording date, and subdivision number.
- b) Highways or other major improvements planned by public authorities for future construction on or near the tract.
- c) The boundaries and designations of zoning districts affecting the tract.
- d) An outline of the platted area together with its street system. If the preliminary layout submitted covers only a part of the subdivider's entire holding, an indication of the future probable street and drainage system of the remaining portion of the tract shall be shown.

5.33 DEED DESCRIPTION and SURVEY MAP of tract boundaries made and certified by a licensed land surveyor.

5.34 OTHER PRELIMINARY PLANS may be required by the
Planning Board including the following:

- a) Street profiles showing existing surface and proposed street grades--including extensions for a reasonable distance beyond the limits of the proposed subdivision; and
- b) typical cross-section of the proposed grading, roadway, and sidewalk, type and depth of surfacing and sub-base, location of street lighting fixtures, street signs and street trees.

5.4 PLATS AND DOCUMENTS FOR FINAL APPROVAL

5.41 The FINAL PLAT, in addition to the requirements of Section 5.13, shall show the following:

- a) Location, names and widths of existing streets, highways and easements, building lines, parks and other public properties abutting the site.
- b) Tract boundary lines, street right-of-way lines, easement and other right-of-way lines, and property lines of residential lots and other sites--accurate dimensions, bearings, deflection angles, and radii, and arcs of all curves shall be shown.
- c) Names and right-of-way width of each street or other right-of-way.
- d) Location to identify each lot or site; lot areas in square feet.
- e) Location, dimensions, and purpose of easements.

Article V Required Plats, Documents, Bonds
Improvement and Utilities.....

- f) Accurate outline and designation of purpose of all areas to be dedicated or reserved for public use for which deeds of cession are included and any other spaces which are not to be dedicated.
- g) Block, lot, and section numbers.
- h) Minimum building setback line on all lots and other sites and outline of proposed buildings.
- i) Names of record owners of adjoining unplatted land.
- j) Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
- k) Certification by surveyor or engineer certifying to accuracy of survey and plat.
- l) Certification of title showing that applicant is the owner.
- m) Statement by owner dedicating streets, right-of-way, sites for public use, and easements for public utilities.
- n) Plans and profiles showing the exact location, size, type, and invert elevations of existing and proposed water mains, sanitary sewers, and storm water drains; profiles of all utility lines at points of interference; and the location of fire hydrants and all gas or other underground utilities or structures.
- o) The location and type of the following improvements: street paving, sidewalks, curbs, and private sewage disposal systems.
- p) Grading plan showing present and proposed contours at two (2) foot intervals.

- q) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of every street line, lot line, and boundary line in order to reproduce such lines upon the ground. Where practicable, 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 public authority.

- r) For each street the length of all straight lines and the deflection angle, radius, tangent distance and bearings, and length of all curves and arcs shall be given for subsequent inclusion on the Town Official Map

- s) All dimensions shall be shown in feet and decimals of a foot. All angles of the lines of each lot shall be given to the nearest ten (10) seconds.

5.42 CROSS SECTIONS AND PROFILES of all proposed streets shall be submitted showing grades approved by the Superintendent of Highways; width of roadways; type and depth of surfacing and sub-base; location, size, and type of curbs; locations and width of sidewalks; and the location and size of utility mains. The profiles shall be drawn to standard scales and elevations along centerlines of streets, showing existing and proposed elevations. Where a proposed new street intersects an existing street, the elevations of such existing street shall be shown for 100 feet from each such intersection. All elevations must be referred to established or approved local bench marks. Elevations of all proposed streets shall be shown at five points on a line at right angles to the centerline of the street, every 100 feet throughout the length of such streets, and said elevation points shall be at the centerline of the street, each property line, and at points 25 feet inside of property lines. Preliminary designs for any bridges or culverts, if required, shall also be included.

Article V	Required Plats, Documents, Bonds Improvement and Utilities.....
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5.43 A CERTIFICATE by the Town Clerk shall be submitted certifying that the subdivider has complied with one of the following alternatives:

- a) That all public improvements have been installed to the satisfaction of the Town Engineer and any other official or body authorized by law to act and in accordance with requirements specifically waived by the Planning Board as provided in Article VII, or
- b) That a performance bond or certified check in compliance with Section 277 of the Town Law and Section 5.5 of these Regulations has been posted in a sufficient amount to assure such completion of all required improvements and is available to the Town of Volney.

The Plat shall be endorsed with the necessary agreements in connection with easements or releases. Offers of cession to the Town shall be presented prior to Plat approval. Formal offers of cession to the Town of all streets and open spaces, not marked on the Plat with notation to the effect that such cession will not be offered, shall be filed with the Planning Board prior to Plat approval.

5.44 The Planning Board may require a written agreement between the subdivider and the Town Board tendering cession of all land included in streets, highways, parks, or public open spaces not specifically reserved by the subdivider. Such agreements shall bear the endorsement of the Town Attorney as to its legal sufficiency. For all public open spaces for which deeds of cession are not included, there shall be submitted documents showing the manner in which such areas are to be maintained and the provision made therefor. The approval by the Planning Board of a subdivision Plat shall not be deemed to constitute or imply the acceptance by the Town of any street, park, playground or other open space shown on said Plat.

Article V Required Plats, Documents, Bonds
Improvement and Utilities.....

5.45 WRITTEN AGREEMENT in accordance with Section 5.71,
that public utility companies will make necessary service
installations where required by the Planning Board.

5.46 Such other certificates, affidavits, endorsements, or approvals
as may be required by the Planning Board shall also be
submitted.

5.5 PERFORMANCE AND ASSURANCE BONDS

5.51 BONDS posted by the subdivider in compliance with Section
5.43 shall be in amount determined by the Planning Board or
other appropriate Town departments designated by the Planning
Board to cover the full cost of required public improvements.

5.511 Such performance bonds shall be approved by the Town
Attorney as to form, and manner of execution.

5.512 Such performance bonds shall run for a term to be fixed by the
Planning Board, but in no case for longer than three years.
Such term may be extended by the Planning Board with the
consent of the parties thereto.

5.513 If the Planning Board shall decide at any time during the term
of the performance bond that:

- a) the extent of building development which has taken place
in the subdivision is not sufficient to warrant all the
improvements covered by such performance bond; or
- b) improvements have been installed in accordance with
Section 277 of the Town Law and as required by the
Planning Board in sufficient amount to warrant reduction
in the face amount of such bond.

Article V Required Plats, Documents, Bonds,
Improvement and Utilities.....

- c) upon approval by the Town Board, the Planning Board after due notice and public hearing may modify its requirements for any or all such improvements, and the face value of such performance bond shall there upon be reduced by an appropriate amount, so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced proportionately.

5.515 If the Planning Board, or an appropriate Town Officer appointed by it, finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and conditions approved and specified by the Planning Board, then the subdivider and the bonding company, if any, shall be severally and jointly liable for the costs of completing the said improvements originally specified by the Planning Board.

5.516 Such performance bonds shall be released to the subdivider only upon certification by the Town board that all required improvements have been satisfactorily completed.

5.52 The subdivider shall also post with the Town Clerk a bond in an amount determined by the Planning Board to be adequate to assure the satisfactory condition of all required improvements for a period of one calendar year next following the date of certification of satisfactory completion, installation, or construction of such improvements.

5.53 A bond in an amount sufficient to guarantee the proper grading of the property and the resspreading of the topsoil shall be posted before issuance of a certificate of occupancy.

5.6 PUBLIC IMPROVEMENTS

In making determination regarding the necessity and extent of the installation of such public improvements, the Planning Board shall take into consideration the prospective character and uses in the proposed subdivision--whether dense residential, open residential, business, or industrial.

5.61 The Planning Board shall require the installation of the following public improvements in accordance with Town Law unless it shall specifically waive any such improvements as provided in Section 7.3.

 a) streets and highway suitably placed, paved, and improved with the following.

- sidewalks
- curbs
- water mains and fire hydrants
- storm sewers
- street signs
- street trees

 b) monuments suitably placed and installed.

5.62 All improvements as required shall be installed in accordance with standards, specifications, and procedures acceptable to the appropriate Town Departments or as provided in these Regulations.

5.63 Unless a bond is posted in accordance with Section 5.5, all improvements as required shall have been completed, installed or constructed and so certified before approval of Final Plat shall be granted and before any building permits or certificate of occupancy shall be issued in accordance with Section 4.4.

Article V	Required Plats, Documents, Bonds, Improvement and Utilities.....
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5.7 PUBLIC UTILITIES

5.71 When public utility facilities are to be installed, the subdivider shall submit to the Planning Board written assurance from each public utility company that such company will make the necessary services installations within reasonable time after acceptance of streets by the Town.

5.72 The final plat shall show statements by the owner granting the necessary easements or other releases for installation of required public utilities.

5.73 The Planning Board shall require underground installation of electrical and telephone lines unless it shall specifically waive any such improvements as provided in Section 7.3.

ARTICLE VI SUBDIVISION DESIGN STANDARDS

6.1 GENERAL REQUIREMENTS

The subdivider shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards and shall be varied from, or waived, only as provided in Article VII. Particular attention should be given to matters outlined in Section 277 of the Town Law as well as to the specific requirements of these Regulations with regard to parks, playgrounds, open spaces, streets, pedestrian ways, lots and blocks, and public utilities.

6.11 Character of Land

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

6.12 Preservation of Natural Features

The Planning Board may require 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, historic spots, and similar irreplaceable assets.

6.13 Conformance with the Zoning Ordinance and Development Plan

Subdivision plats and improvements provided shall conform to the Zoning Ordinance of the Town of Volney, if one exists, and shall be in harmony with the Development Plan for the area in which the subdivision is located.

6.14 Plats with Access Through Other Municipalities

Whenever access to a subdivision is through land of another municipality, the Planning Board may require certificates from authorities having jurisdiction that such access is adequately improved or that a legally adequate performance bond has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.

ARTICLE VI, Subdivision Design Standards.....

6.15 Resubdivision

Resubdivision of all part of the land covered by an existing plat which has been laid out prior to adoption of these subdivision regulations shall follow requirements for an original plat, including the vicinity map. Such replat shall show clearly what area or areas have been vacated. It shall also show the file number of all previous plats of the same area with dates of filing.

6.16 Preservation of Topsoil

No topsoil shall be removed from any land excepting that in areas over which heavy equipment will be operated the topsoil shall be stripped and piled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and recovered with the topsoil to a depth of at least four inches after compaction.

6.17 Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by bridges, culverts, or other permanent structures of a design approved by Town Officials. Where a subdivision is traversed by a watercourse, a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way according to specifications of the Engineer, but in no case less than 25 feet in width.

6.18 Monuments

Monuments shall be constructed in accordance with the specifications of the Town and the requirements of the State Department of Public Works. They shall be set at all corners, at angle points of the boundaries of the original tract, at all street intersections and points of curve, and at such intermediate points as shall be required by the Superintendent of Highways--the locations thereof shall be shown on the Subdivision plat.

The corner of all lots shall be marked with either metal markers 3 /4” in diameter or concrete markers 3” square. Markers shall be at least 24” in length, and placed into the ground to grade.

6.2 PARKS, PLAYGROUNDS, AND PUBLIC OPEN SPACES

6.21 Conformance with Development Plan

Where a proposed park, playground, or land for other public use is shown on the Development Plan and is located in whole or in part within the proposed subdivision, the Planning Board may request the subdivider to dedicate or reserve such area which lies within the subdivision, provided that the amount of land to be dedicated for park purposes shall not exceed ten percent of the total area of the subdivision.

6.22 Large-Scale Development

In large-scale developments or developments of a size and nature not proposed or anticipated by the Development Plan, the Planning Board may request the subdivider to dedicate or reserve sites for playgrounds and parks whose character, extent, and location will be suitable to the needs created by such development, whether or not such sites are shown on the Developments Plan. Such areas dedicated for playgrounds and/or parks shall be, in the judgement of the Planning Board, of reasonable size for neighborhood playgrounds or other recreation uses. In general, the Planning Board shall require, and the subdivider shall dedicate, ten percent of the gross area of the subdivision for this purpose.

6.23 Minimum Size

In general, the Planning Board will not require the dedication of open public space as required by Section 6.21 and 6.22 if the total acreage of such public land is below 1 /2 acre. The Planning Board will require the dedication of even smaller parcels if they can be made contiguous to existing public parks; and it reserves the right to waive or modify all dedications if the character and location of such potential park land cannot be utilized to advantage by the Town.

If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the Board may require as a condition to approval of any such plat a payment to the Town of an amount to be determined by the Town Board, which amount shall be available for use by the Town for neighborhood park, play-grounds or recreation purposes including the acquisition of property.

6.3 STREETS

6.301 General Objectives

Streets shall be of sufficient width, suitably graded and located, and adequately constructed to accommodate the prospective traffic, and to afford adequate light and air, to facilitate fire protection, and to provide access for fire fighting, snow removal, and other road maintenance equipment, and shall be coordinated so as to compose a convenient system properly related to the proposals shown on the Development Plan. The arrangements of streets shall be such as to cause no undue hardship to adjoining properties, and no property shall be rendered inaccessible from an existing public street or from a proposed street in a subdivision for which a completion bond has been posted.

6.302 Arrangement

The arrangement of streets in the subdivision shall provide for the entrance and continuation of principal streets from adjoining subdivision and for the extension of principal streets into adjoining land which has not yet been subdivided. Such arrangement shall be required in order to facilitate fire protection, movement of traffic, and the construction or extension, currently or as needed in the future, of necessary utilities and public services, such as sewers, water, and drainage facilities.

6.303 Drains, Culverts, and Ditches

All drains, culverts, ditches, and other necessary street drainage improvements required by the Planning Board shall provide adequate drainage of all roads and other public lands, shall conform to the Town specifications, and shall be acceptable to the Superintendent of Highways. The installation of these improvements shall be at the expense of the subdivider.

6.304 Arterial Streets

Where the proposed subdivision contains or is adjacent to an existing or proposed arterial street, the Planning Board may require service streets, dead-end streets, reverse-frontage lots, screen planting, and other treatment to protect adjacent properties, to separate arterial and local traffic, and to create lots suitable for the appropriate use of the land between the streets and the right-of-way of the arterial street.

6.305 Minor Streets

Minor streets shall be laid out in a manner to discourage their use by through traffic. Minor and collector street openings onto an arterial street shall normally be at least 800 feet apart, if possible.

6.306 Street Connections

Subdivision containing 50 lots or more shall have at least two connections with existing streets.

6.307 Standards for Street Design

	<u>Minor Street</u>	<u>Collector Street</u>
Min. Right-of Way	66'	66'
Min. Pavement Width	24'	24'
Min. Radius of Horizontal Curves	150'	250'
Min. Length of Vertical Curves	100', but not less than 20' for each 1% algebraic dif- ference of grade	200' but not less than 30' for each 1% algebraic dif- ference of grade
Min. Length of Tangents Between Reverse Curves	100' except grades excessive grades may be reduced to reasonable grades by short- ening tangent	200'
Max. Grade	10%	8%
Min. Grade	1 / 2 of 1%	1 / 2 of 1%
Min. Sight Distance	150'	250'

6.308 Widening or Realignment of Existing Streets

Where a subdivision borders an existing street, and the Official Map or Master Plan indicates plans for realignment or widening of street that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "Reserved for Street Realignment (or Widening) Purposes".

Where a development abuts an existing road, and future widening may be required, the Planning Board may require that the subdivider dedicate additional right-of-way equal to 1 / 2 the additional required right-of-way width to meet the requirements of Section 6.307 of the Ordinance if the subdivision abuts one side of the street and additional required right-of-way width to meet the requirement of Section 6.307 if the subdivision abuts both sides of the street.

6.309 Street Intersections

Intersection of streets shall be at angles of approximately 90 degrees, but in no case shall two streets intersect at any angle smaller than 60 degrees. To achieve this, an oblique street should be curved when approaching an intersection. Cross (four-cornered) street intersections shall be avoided insofar as possible, except at important traffic intersections. All corners of payment at street intersections shall be rounded by curves of at least 25 feet radius.

On a corner lot in any residence district no fence, wall, hedge, structure, or planning more than two and one-half feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting pavement lines, or their projections--where corners are rounded--and a straight line joining the pavement lines at points 50 feet distance from their point of intersections. Land at the corners of intersecting streets shall be graded so as not to exceed in elevation, at any point, the surface of an imaginary triangular plane established as follows:

The apex shall be at a point two and one-half feet above the intersection of the street centerlines; the other two corners shall be a vertical distance of two and one-half feet above points 100 feet from the apex along the centerline of the intersecting streets.

6.310 Street Jogs

Street jogs with centerline offsets of less than 150 feet shall not be permitted.

ARTICLE VI, Subdivision Design Standards.....

6.311 Dead-End Streets

No dead-end streets without proper turnaround are permitted. The Planning Board may requires that a temporary circular turn around of a minimum of 50 feet in radius be provided on temporary dead-end streets, with the notation on the plat that the land outside the street right-of-way shall revert to abutting property owners whenever the street is continued.

6.312 Cul-de-Sac

Cul-de-sacs shall not exceed 750 feet in length or 6 times the minimum lot width for the zoning district in which located whichever is greater, measured from the centerline of the continuous street providing the only access to the cul-de-sac, along the centerline of the cul-de-sac, to the center of the turnaround; or, if the cul-de-sac has several branches, to the center of the farthest turnaround. The cul-de-sac shall terminate in a circular turnaround having a minimum radius of 45 feet for the outside curb at the closed end and minimum right-of-way radius of 60 feet.

6.313 Easement in Cul-de-Sacs

Where needed or desirable, the Planning Board may require the reservation of a 20-foot wide easement at the end of cul-de-sacs to provide for continuation of pedestrain traffic and utilities into the next streets.

6.314 Street Names

All streets shown on the preliminary layout or the subdivision plat shall be named and all street names shall be substantially different in order not to be confused in sound or spelling with present street names in the Town of Volney, except that streets which join or align with streets of an abutting subdivision or area shall bear the same name.

6.315 Clearing, Grading, Subbase and Paving

All plans shall conform with the Town minimum road specifications and shall be subject to approval by the Town Engineer.

6.316 Street Trees

Trees shall be planted on both sides of a street, in locations approved by the Planning Board, except where unnecessary because of existing tree growth, or undesirable because of special circumstances. They shall generally:

- a) be located near the property line and be spaced approximately fifty feet apart, subject to variations made necessary by driveways and street corners as well as by the species of trees planted.
- b) have a caliper of two inches or larger measured at a height of at least six inches above ground level and shall have a minimum height of twelve feet from the ground level. The species of trees to be approved by the Planning Board.

6.317 Utility Poles

Utility poles shall be set in such a location that they will normally be in back of the curb line, and between the curb line and the theoretical sidewalk line. Where overhead utility wires are to exist, trees of a type that will grow to a limited height and not interfere with the wiring shall be used.

6.318 Any deviation from any of the above specific engineering and construction requirements can only be made by a written release from the Town Superintendent of Highways, and the Town Planning Board or its Designees, such release to accompany the owner's petition for the acceptance of the proposed town highway.

6.4 PEDESTRIAN WAYS

6.41 Sidewalks on Collector Streets

All streets designated as “collector streets” shall have a sidewalk at least four feet wide on both sides of the street, except that, at the discretion of the Planning Board, one sidewalk may be eliminated. All such sidewalks shall be so placed that there will be distance of at least three feet between the sidewalk and the street paving or 2 1 /2 feet between the sidewalk and curb and a distance of at least three feet between the outer edge of the sidewalk and the right-of-way line. Planting of street trees will be permitted in the space between the sidewalk and the right-of-way line only.

6.42 Sidewalks on Minor Streets

All minor streets shall be provided with sidewalks on both sides of the street, except that, at the discretion of the Planning Board, one or both sidewalks may be eliminated. The size and location of such sidewalks shall be the same as for collector streets.

6.5 LOTS AND BLOCKS

6.51 Lot Layout

Lots shall be laid out and arranged to avoid any foreseeable difficulties by reason of unusual topography or other natural conditions and to permit construction of buildings in full compliance with the Zoning Ordinance.

6.52 Deep Lots

Lots shall not be of unreasonable depth, thus encouraging the later creation of a second building lot at the rear, but if such depth is unavoidable, provision should be made wherever possible in the layout of the subdivision for streets which may be added later--through re-subdivision--to serve the development of the rears of deep lots.

6.53 Corner Lots

Corner lot shall be of sufficient dimension so that any structure placed thereon shall conform to the building set-back line and side yard requirement of the zoning district in which the lot is located, and generally should be of increased size.

6.54 Double-Frontage Lots

Double frontage lots shall be avoided, except where necessary to separate residential areas from major traffic arteries or other incompatible use. In such cases a planting screen easement at least 10 feet wide providing no right-of- access to the lot shall extend along the lot line abutting the traffic artery right-of-way or incompatible use.

6.55 Minimum Lot Size and Density

Each lot shall meet the minimum area, width and depth requirements as established by the zoning ordinance.

6.56 Side Yard Lines

All side yard lines of lots shall be approximately at right angles to straight street lines and radial or nearly radial to curved street lines.

6.57 Driveway Access

Wherever possible, lots shall be laid out so that driveways have access to a street which is intended to carry the least traffic.

6.58 Block Design

Each block shall normally be designed to provide two rows of lots, but irregularly-shaped blocks indented by cul-de-sac streets and which contain interior parks will be acceptable. Block lengths generally shall not exceed 1,500 feet in length. In long blocks, the Planning Board may require the reservation through the block of a 25 foot wide easement to accommodate utilities and/or pedestrian traffic.

ARTICLE VI, Subdivision Design Standards.....

6.6 PUBLIC IMPROVEMENT AND UTILITIES

6.61 Placement

6.611 Under ground public improvements and utilities required by the Planning Board shall be placed within an easement agreed on by utilities companies or the street right-of-way, in accordance with standards designed by the Town Engineer. Where topography makes such placement impracticable, perpetual unobstructed easement at least 15 feet wide shall be provided for utilities along lot frontages abutting the street lines, with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. If placed in the street right-of-way, underground utilities required by the Planning Board shall be placed between the paved roadway and the sidewalk or right-of-way line to simplify location and repair of lines.

6.612 The subdivider shall install, at his own expense, such additional drainage structures as may be required by the Town Engineer, if in his opinion such additional structures will further improve the durability and maintenance of rights-of-way.

6.613 Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the Town or special district may be installed by the Town in a private street, provided a public easement of satisfactory size to the Town Board is obtained for such improvement or utility.

6.62 Water Mains

Where a water main does not exist or is not accessible, but the subdivision is located reasonably near a water supply network, the subdivider shall install such main together with all necessary valves, cut-offs, fire hydrants, pumps, booster tanks, storage tanks, meters, and other equipment necessary to make such water system conform to the standards of the Town.

All such mains and appurtenant items of the water system equipment as may be necessary shall be installed at the expense of the subdivider in accordance with Town specifications and subject to the approval of the Town Engineer and all other authorities having jurisdiction.

6.63 Sanitary Sewer Systems

6.631 Where a public sanitary sewer system is reasonably accessible, the subdivider shall connect into the sewers and provide a sewer connection for each lot.

6.632 Where a public sanitary sewer is not reasonably accessible, but where the plans for the sanitary sewer district in which the subdivision is located have been prepared, the subdivider shall install sewers in conformity with those plans although a connection with an existing main may not be immediately possible. In such cases and until such connection can be made with the sewer system of the district, the subdivider shall provide private separate sewer facilities which shall conform to the requirements of all authorities having jurisdiction.

6.633 Where no existing or planning public sewers exist, lots shall be provided with separate sewer facilities. Such lots shall be sufficient size, according to the character of the land and the size of the system, to provide adequate leaching or satisfactory performance of the system, in compliance with regulations of the Town, the State Health Department, and other appropriate authorities.

6.64 Storm Sewers

The subdivider shall install all necessary storm drainage sewers and appurtenant facilities at his expense, in accordance with standards of Superintendent of Highways and of all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto, otherwise the subdivider shall provide appropriate means and methods for storm water runoff satisfactory to the Planning Board and all other authorities having jurisdiction

7.1 VARIATIONS

- 7.11 Request by the subdivider for variations, modifications, waivers, or time extensions in connection with provisions of these Regulations shall be presented in writing to the Planning Board, prior to any regular meeting; shall explain the request in detail, making reference to the specific provisions of these Regulations which are concerned; shall state the interpretation, change, or permission desired; and shall present the specific reasons for such request. The Planning Board within 45 days next following the date of such request shall reply in writing to the subdivider, granting either approval or disapproval of such request, and in case of disapproval, shall state the reasons therefor.
- 7.12 Wherever extraordinary hardship may face the subdivider as a result of the strict application of these Regulations, the Planning Board may approve variations from these Regulations in order to provide substantial justice and secure the public interest. Such variations shall, however, not have the effect of negating the intent, purpose, and policies of the Zoning Ordinance, the Development Plan and these or other applicable Regulations.
- 7.13 Wherever due to unusual topographic conditions the continuation of streets or the placement of lots and improvements are rendered undesirable or impracticable, the Planning Board may approve variations from these Regulations.
- 7.14 In granting variances and modifications, the Planning Board may require such alternative conditions as will secure substantially the same objectives of the standards or regulations so varied from or modified.

7.2 MODIFICATION

7.21 The Planning Board may modify the standards and requirements of these Regulations in the case of a plan and program for a neighborhood unit or other large-scale development which in its judgement provide adequate public spaces and improvements for circulation, recreation, light, air, and service needs for the tract when fully developed and populated, and which also provides such covenants or other legal provisions to assure conformity with, and achievement of, the general policies and objectives of these Regulations.

7.22 The Planning Board, after authorization by resolution of the Town Board, may modify applicable provision of the Zoning Ordinance of the Town of Volney simultaneously with the approval of a subdivision plat. Such action is authorized in accordance with and subject to the provisions of Section 281 of the Town Law.

7.3 WAIVERS

The Planning Board may waive, subject to appropriate conditions, the requirements of these Regulations relative to the provision and design of any or all such public lands and improvements which in its judgement of the special circumstances of a particular plat or plats are not requisite to the interests of the public health, safety, and general welfare of the Town; or are not appropriate because of inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision.

7.4 TIME EXTENSIONS

7.41 The Planning Board is empowered to establish its own rules or procedure for the granting of time extensions and the revoking of approvals, so long as they are not in conflict with these Regulations or the provisions of the Town Law pertaining to subdivision plats.

Article VII Special Conditions.....

7.42 The Planning Board may extend:

- a) the six-month conditional approval period as specified in Section 4.224, provided the proposed subdivision fully conforms to the Zoning Ordinance in effect at the time such extension is applied for.
- b) the time for filing and recording such plat, if in its opinion such intension is warranted by the particular circumstances thereof, for not to exceed two additional periods of 90 days each.

7.5 EXPIRATION

7.51 Approval by the Planning Board of a Final Plat shall automatically expire after 90 days next following the date of such approval as provided in Section 4.331, unless the subdivider within this period shall have duly filed such plat with the County Clerk, or the Planning Board has granted an extension as provided in Section 7.42.

7.52 On and after such expiration date, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void, and of no effect.

7.6 DEFAULT

Performance bonds in default shall subject the subdivider to action in accordance with Section 5.515.

7.7 PENALTY

If any person transfer or sells, or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, without submitting the subdivision for review, or before final approval has been obtained, such person shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00) or to imprisonment for not more than six months or both. Each parcel, plot, or lot so disposed of shall be deemed a separate violation. In any such action the transferee, purchaser, or grantee shall be entitled to a lien upon the tract of land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also reasonable search fee, survey expense, and title closing expense, if any. Any such action must be brought within one year after the date of the recording of the instrument of transfer, sale, or conveyance of said land.

The Chairman and the Secretary of the Planning Board, or in their absence the acting Chairman and the acting Secretary, are hereby authorized to sign approved subdivision plats.

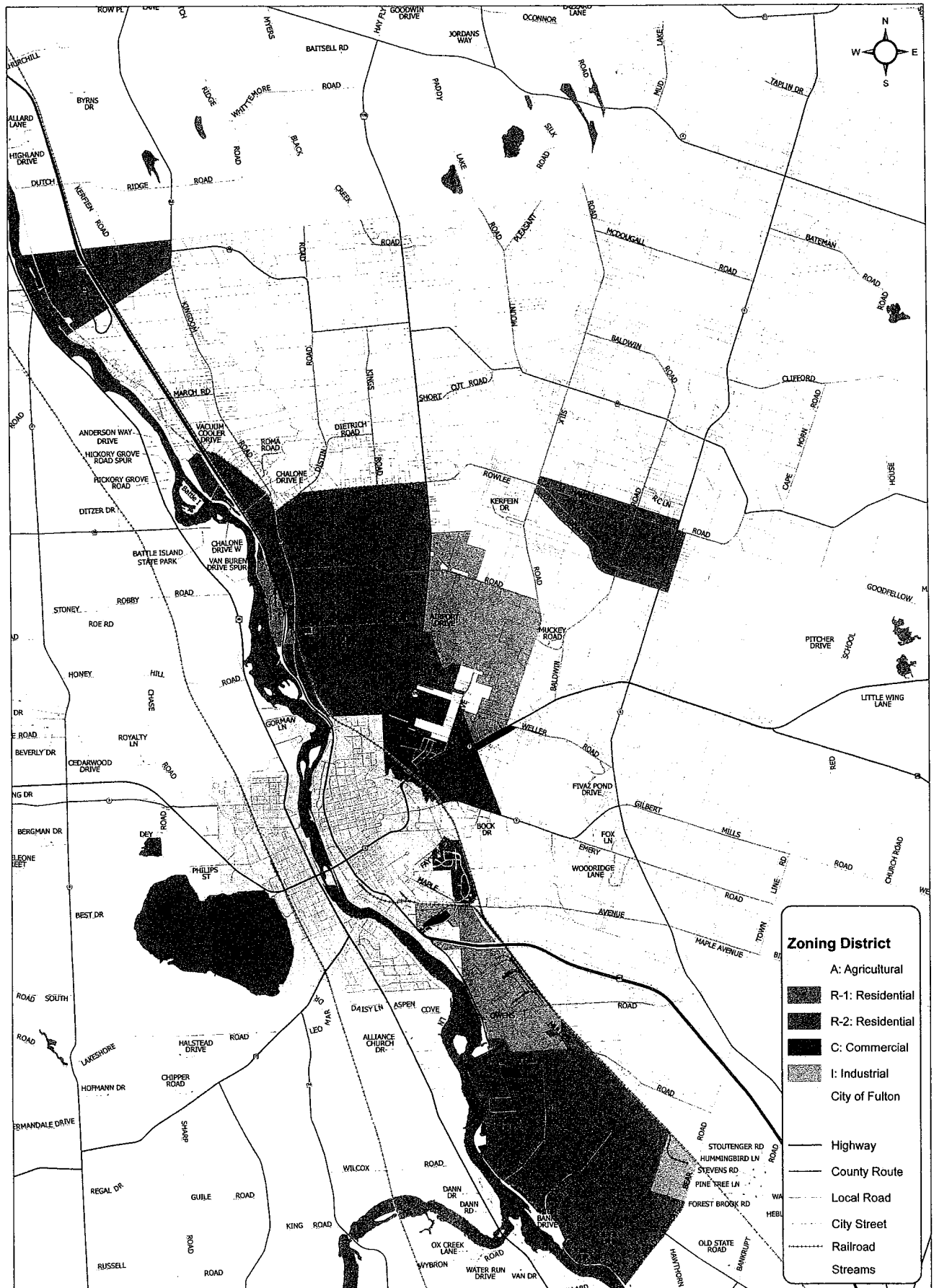
ARTICLE IX AMENDMENTS

These Regulations or any portion thereof may be amended, supplement, or repealed at any time by the Town Board on its own motion, or by petition, or by recommendation of the Planning Board. All proposed amendments shall be referred to the Planning Board for study and recommendation and the Planning Board shall hold a public hearing thereon which has been duly advertised at least 10 days prior to such public hearing in a newspaper of general circulation in the Town prior to taking action on any proposed amendment.

ARTICLE X SEPARABILITY

Should any section or provisions of these Regulations contained herein, or as amended, or the application thereof to an person or circumstance, hereinafter be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be invalid. The Town Board hereby declares that it would have enacted these Regulations or the remainder thereof even if the invalidity of such section or provision or its application had been apparent.

TOWN OF VOLNEY EXISTING ZONING DRAFT



By:
 Oswego County Community Development, Tourism & Planning
 46 East Bridge Street
 Oswego, NY 13126
 (315) 349-8295
 For: Town of Volney

Date: July 1, 2020

0 4,650 9,300 18,600 Feet

1 inch = 2,165 feet

