

## **TOWN OF NORWICH SUBDIVISION REGULATIONS**

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### **Section I: Authority**

By authority of the resolution adopted by the Town Board on the sixteenth day of May, 1962, pursuant to the provisions of Town Law, §276, of the State of New York, the Planning Board of the Town of Norwich is empowered and authorized to review and approve preliminary and final plats of subdivisions within the Town.

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the town. This means, among other things, and as applicable, that proper provision shall be made for drainage, water supply, sewerage, and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system, conforming to the Official Map if such exists, and shall be of such width, grade, and location, as to accommodate the prospective traffic, to facilitate fire protection and other emergency access, to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

### **Section II: Title; adoption.**

In order that land subdivisions may be made in accordance with this chapter, these regulations, which shall be known as, and which may be cited as, the Town of Norwich Subdivision Regulations, have been enacted by the Norwich Town Board on September 11, 2006.

### **Section III: Purposes**

These regulations are adopted for the following purposes:

- A. To assist in protecting and providing for the public health, safety, and general welfare of the municipality and its people.
- B. To guide the future growth and development of the Town of Norwich in accordance with the Comprehensive Plan, if one exists.
- C. To help to ensure that the land to be subdivided shall be of such character that it can be used safely for the proposed purposes, without danger to health or peril from fire, flood, or other menace.
- D. To provide for adequate light, air, and privacy, and, to prevent overcrowding of the land and undue congestion of the population.
- E. To protect the character and the social and economic stability of all parts of municipality and to encourage the orderly and beneficial development of all parts of the municipality.
- F. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land.
- G. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- H. To provide the most beneficial circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion on the streets and highways and any proposed roads or streets shall be of such width, grade, and location, as to accommodate the prospective traffic to facilitate fire protection and to provide access of fire-fighting equipment to buildings.
- I. To establish reasonable standards of design and procedures for subdivisions, and re-subdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and lot monumenting.
- J. To minimize the pollution of the Unadilla and Chenango Rivers, the streams, and ponds, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources

throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

K. To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features.

L. To provide for open spaces through the most efficient design and layout of the land, including the use of techniques such as clustering.

M. To ensure that all proposed lots are laid out and of such size as to be in harmony with the development pattern of the neighboring properties.

#### **Section IV: Performance Standards**

The interpretation and implementation of these subdivision regulations will be guided by the following performance criteria:

Any subdivision or lot arrangement:

1. Will not result in undue water or air pollution.
2. Should have sufficient water available for the reasonably foreseeable needs of the subdivision.
3. Will not cause unreasonable burden on the existing public water supply, if such supply is utilized.
4. Shall not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
5. Shall not cause unreasonable highway congestion or unsafe conditions with respect to the use of the highway, existing or proposed.
6. Will not cause an unreasonable burden on the ability of the local school system to provide educational services.
7. Shall not place unreasonable burden on the ability of the Town to provide services, including, but not limited to fire and emergency services and road maintenance.
8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historical sites, or irreplaceable natural areas.
9. Will be in conformance with a duly adopted comprehensive plan, if such exists.
10. Shall be in conformance with any duly adopted local or regional plans, if such exist.

#### **Section V: Definitions**

For the purpose of these regulations, the words and terms shall have the following meanings:

**APPLICANT** - The Chenango County Clerk's recorded owner of the land proposed to be subdivided, or his representative. If the applicant is not the owner of the property to be divided, written consent with an acknowledgment by a Notary Public for consent to subdivide the land shall be required from the land's recorded owner(s).

**COMPREHENSIVE PLAN** - A Comprehensive Plan prepared by the Town Planning Board pursuant to §272-a of 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.

EASEMENT - Authorization by a real property recorded owner for the use of any designated part of his property by another and for a specified purpose.

ENGINEER or LICENSED PROFESSIONAL ENGINEER - A person licensed as a professional engineer by the State of New York or licensed in a state with a reciprocal agreement with New York State.

HIGHWAY SUPERINTENDENT - The Town of Norwich Superintendent of Highway, or a duly authorized or designated representative.

LOT - Any individual plot, parcel, tract, or site of land identified on a subdivision map or by recorded survey deed description or metes and bounds, for the purpose of sale, lease, donation, or separate use.

LOT DEPTH - The horizontal distance between the front and rear lot lines, measured in the general direction of side lot lines.

LOT WIDTH - The width measured at right angles to the lot depth.

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

OWNER - Any person, group of persons, firm, or firms, corporation, or corporations, or any other legal entity having as recorded in the Chenango county Clerk's Office legal title to or sufficient recorded or rental of real property, proprietary interest in the land to be subdivided under these regulations.

PLANNING BOARD - The Planning Board of the Town of Norwich, Chenango County New York.

PRELIMINARY PLAT - A drawing or drawings clearly marked "Preliminary Plat," showing the salient features of a proposed major subdivision, as specified within Section X 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.

SKETCH PLAN - A sketch of a proposed subdivision showing the information specified in Section VIII of these regulations, to enable the subdivider to save time and expense in reaching a general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

STREET - Includes streets, roads, avenues, lanes, or other traffic ways for a neighborhood or as a feeder to major street.

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

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

STREET MAJOR - 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.

STREET MINOR - A street intended to serve primarily as an access to abutting residential properties.

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

STREET WIDTH - The width of a right-of-way measured at right angles to the centerline of the street.

SUBDIVIDER - Any person, who having an interest in land, causes it directly, or indirectly, to be divided into a subdivision or who directly, or indirectly, sells leases or develops or offers to sell lease or develop or advertises for sale lease or development any interest lot parcel site unit or plat in a subdivision or who engages directly or through an

agent in the business of selling leasing developing or offering for sale lease or development a subdivision or any interest lot parcel site unit or plat in a subdivision and who is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

**SUBDIVISION** - The division of any parcel of land into two or more lots, blocks, or sites, with or without streets or highways, 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 previously approved and filed in the office of the County Clerk in which such plat is located.

**SUBDIVISION, MAJOR** - Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or road, or extension of municipal utilities.

**SUBDIVISION, MINOR** - Any subdivision containing two, three, or four lots, and where the lot depth to lot width ratio of any lot does not exceed a three to one ratio and all lots have a minimum road frontage of 250 feet fronting on an existing street and do not involve any new street or road or the extension of municipal utilities and are not in conflict with any provision or portion of the Comprehensive Plan, Official Map, or Zoning Ordinance, if these exist, or these subdivision regulations. After two "minor subdivisions" have been developed in the same area, by the same applicant or his agent, any subsequent subdivision by said applicant in such area shall follow appropriate procedures for major subdivisions as set forth in these regulations.

**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 subdivision regulations, to be presented to the Town Planning Board for approval, and which, if approved, shall be duly filed or recorded by the applicant in the office of the County Clerk.

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

### **Procedure for Filing Applications**

#### **Section VI: Application for approval required.**

A. When a subdivision of land is proposed to be made, and before the closing of the sale of any lots 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 owner or his duly authorized agent, shall apply in writing for approval of such proposed subdivision in accordance with the procedures set forth in this law.

B. Upon the proper filing of the notice and a sketch plan with the Planning Board, the owner shall receive a letter acknowledging receipt of the notice and sketch plan and stating that the application procedure is complete. In the event that there are errors or omissions in the notice and sketch plan, the owner shall be so advised.

#### **Section VII – Reimbursable Costs**

A. The applicant, for approval of a subdivision in the Town, shall pay for all reasonable and necessary engineering expenses requested by the Town in connection with the review and consideration of such subdivision. A developer who constructs, or proposes to construct, one or more roads, drainage facilities, utilities, or parks within or in conjunction with an approved subdivision in the Town shall pay the Town for all reasonable and necessary legal and engineering expenses requested by the Town in connection with the inspection and acceptance by the Town of such roads, drainage facilities, utilities and parks and the dedication of same to the Town.

B. 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 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.

C. Deposit of Funds and Payments of Fees

1. Simultaneously with the filing of an application for approval of a development and prior to the commencement of any construction of buildings, roads, drainage facilities, utilities or parks therein the applicant or developer, as the case may be, shall deposit with the Town Supervisor a sum of money, as determined in Section XII of this local law, which sum shall be used to pay the costs incurred by the Town for engineering and legal services as described in Section VII of this local law.
2. Upon receipt of such sums, the Town Supervisor 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.
3. Upon receipt and approval by the Town Board of itemized vouchers from an engineer and/or attorney for services rendered on behalf of the Town pertaining to the development, the Town Supervisor 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.
4. The Town Board shall review and audit all such vouchers and shall approve payment of only such engineering 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 roads, drainage facilities, utilities and parks within or in conjunction with such developments. For the 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 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 roads, 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 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 roads, drainage facilities, utilities and parks, protect the legal interests of the Town including receipt by the Town of good and proper title to dedicated roads and other facilities and the avoidance of claims and liability, and such other interests as the Town Board may deem relevant.

#### **Section VIII: Sketch plan.**

A. Submission of sketch plan. Any owner of land **shall**, prior to subdividing or resubdividing land, submit to the Town Clerk at least 10 days prior to the regular meeting of the Planning Board, four copies of a sketch plan of the proposed subdivision which shall comply with the requirements of Section XV for the classification and preliminary discussion.

B. Discussion of requirements and classification.

(1) The applicant, or his duly authorized representative, **shall** attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, flood protection, and similar aspects, as well as the availability of existing services and other pertinent information.

(2) At the time of the Planning Board meeting to review the sketch plan, the applicant, or his duly authorized representative, shall be provided with a State Environmental Quality Review environmental assessment form. If the proposed subdivision has been classified as a minor subdivision, the applicant or his representative shall receive a Short Environmental Assessment Form unless the Planning Board determines that a Full Environmental Assessment Form will be necessary. If the proposed subdivision has been classified as a major subdivision, the applicant, or his representative, shall be provided with a Full Environmental Assessment Form. The form shall be submitted with the preliminary plat in the case of a major subdivision or with the final plat in the case of a minor subdivision.

(3) At this time, the Planning Board shall classify the sketch plan as to whether it is a minor or major subdivision as defined in these regulations (refer to Section V for the definitions). The Board may require, however, when it deems it necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the applicant

shall then comply with the procedure outlined in Sections IX and XIII of these regulations. If such subdivision is classified as a major subdivision, the applicant shall comply with the procedures outlined in Sections X thru XIII.

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

D. Review of location.

(1) The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site. If the site falls into areas on the soils map denoted as having moderate severe or very severe limitation or within flood hazard areas or areas of unique hydrologic or natural habitat areas (including wetlands) the Planning Board may require the applicant to consult with the appropriate technical review or assistance agencies (such as, but not limited, to the Soil Conservation Service, the State or County Health Departments, the Army Corps of Engineers, and the Department of Environmental Conservation) to determine appropriate measures to mitigate or eliminate such problems or conflicts. The finding or recommendations of such agencies shall not be binding on the Planning Board or applicant.

#### **Section IX: Approval of minor subdivision.**

A. The applicant, if the review process is going to continue, within six (6) months after the Planning Board's classification of the sketch plan as a minor subdivision, shall submit an application for approval of a minor subdivision plat. Failure to do so may require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan, plus any conditions established by the Planning Board. Said application shall also conform to the requirements listed in Section XVI. All submissions for minor subdivision plat consideration shall be accompanied by a flat fee as set forth from time to time by resolution by the Town Board.

B. Four (4) copies of the subdivision (final) plat for a minor subdivision shall be presented to the town offices at least ten (10) days prior to a scheduled meeting of the Planning Board. The applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.

C. A completed, appropriate SEQR Environmental Assessment Form for the proposed subdivision shall be available for review at this meeting of the Planning Board. The statement shall consider potential impacts of the development.

D. When applicable, the Chair of the Planning Board, upon receipt of a minor subdivision, shall submit a copy of said plat to the County Planning Board for review and report in accordance with the provisions of 239-n of Article 12-B of the General Municipal Law.

E. The Planning Board may hold a public hearing within sixty-two (62) days of the time of submission of the complete subdivision plat for approval. Said hearing shall be advertised at least once in the Town's official newspaper at least five (5) days before such public hearing.

F. The Planning Board shall, by resolution, within sixty-two (62) days from the date of said public hearing, conditionally approve, with or without modifications, disapprove, or grant final approval and authorize the signing of such plat. Failure to act within the stated time period or a mutually agreed upon extension thereof shall constitute a default approval of the plat. A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the plat, subject to completion of such conditions as may be specified in said resolution.

G. Conditional approval.

(1) Within five (5) days of the Planning Board resolution of conditional approval the minor subdivision plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the applicant including any conditions that must be met before the plat can be signed.

(2) Conditional approval of the plat shall expire one hundred eighty (180) days after the date of the resolution of approval. The Planning Board may extend this time for an additional two (2) ninety-day periods. Within such one-hundred-eighty-day period or any extension thereof granted by the Planning Board the conditionally approved plat must be submitted for the Planning Board signature of final approval required by Section IX, E. of these regulations.

H. Upon receiving the signature of final approval required by Section IX, E. the minor subdivision plat shall be filed in the offices of the County Clerk in accordance with the provisions of Section XIII of these regulations.

#### **Section X: Preliminary plat for major subdivision.**

A. The applicant, if the review process is going to continue, within six (6) months after the Planning Board's classification of the sketch plan as a major subdivision, shall submit a preliminary plat in accordance with Section XVII of these regulations, except where a waiver of any requirements may be specifically authorized by the Planning Board.

B. Four (4) copies of the preliminary plat, clearly marked "Preliminary," shall be submitted and on file in the town offices no less than ten (10) days prior to a regular monthly meeting of the Planning Board for review by the Planning Board's Chair for completeness. A completed State Environmental Quality Review Full Environmental Assessment Form for the proposed subdivision shall be available for review at this meeting of the Planning Board. The statement should consider potential impacts of the development.

C. When applicable, the Chair of the Planning Board, upon receipt of a preliminary plat, shall submit a copy of said plat to the County Planning Board for review and report in accordance with the provisions of 239-n of Article 12-B of the General Municipal Law. The Chairperson of the Planning Board or other designated member of the Planning Board shall present a copy of the preliminary plat to any other county or state agency that has or may have jurisdiction of review or approval of the subdivision. This may include, but is not limited to, review by the New York State Health Department or compliance with the New York State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law) and State Pollution Discharge Elimination System as administered by the Department of Environmental Conservation. If the subdivision meets any Type I thresholds listed in Part 617.4 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined in Section 617.6(b) of the SEQR regulations.

D. The applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

E. The Planning Board shall study the suitability of the preliminary plat, taking into consideration the requirements of the community and the best division of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets and their relation to the topography and any existing roads, water supply, sewage disposal, drainage, lot sizes and arrangement, potential flood hazards, the future development of adjoining lands as yet not subdivided, and the requirements of the Comprehensive Plan the Official Map and zoning regulations if such exist.

F. A determination of no significant environmental impact (negative declaration) or a draft environmental impact statement (EIS) is required by the designated lead agency before the subdivision may be approved (in accordance with Section 617.11 of the rules and regulations governing SEQR of the local SEQR law). The Planning Board shall notify any agencies that may have authority to review the subdivision (see Section X, C above) of this determination.

G. The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which the application for conditional approval of the preliminary plat complete and accompanied by all data required by section XVII of these regulations has been filed with the Planning Board.

#### **H. Public Sites and Open Spaces**

1. The Town Board may require that the subdivider dedicate to the Town, "usable land" equal in size to five percent (5%) of the subdivider's trace. This land shall be used by the Town for parks, playgrounds, or for other

specific public recreational uses as deemed desirable by the Planning Board. However, if the Planning Board should consider a subdivider's tract too small and that dedication of 5% of the total area is not of a size that would make it usable for a public recreational purpose, the Town Board may direct the subdivider to make a money payment to the Town in lieu of land. This payment must be equal to 5% of the market value of the total tract as undeveloped, determined at the time the application for approval of the Final Subdivision Plat is made to the Planning Board, and can not be used by the Town for any purpose other than the purchase of land to be used for such public recreational uses serving the neighborhood as indicated above.

2. Unique and scenic areas and those areas bordering streams, lakes or other water courses may be given special consideration by the Planning Board, should they be desirable for public open spaces. Where such sites and open spaces are not shown within the Town's Comprehensive Plan, and where deemed essential by the Planning Board upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Board may recommend that the Town Board required the dedication or reservation of areas in excess of the 5% minimum. Under such conditions, a money payment, at fair market value determined at the time the application for approval of the Final Subdivision Plat is made to the Planning Board, will be made to the Owner to compensate his loss in excess of the 5% contribution.

The determination of the value of the land upon which the money payment shall be based shall be made by a board of three, consisting of a representative of the Town, a representative of the Owner and a third person acceptable to the other two parties. All costs involved shall be borne equally by the Town and the Owner.

I. Within sixty-two (62) days after the time of submission of a preliminary plat, the Planning Board shall hold a public hearing on said plat. This hearing shall be advertised in the Town's official newspaper, at least five (5) days before such hearing. This public hearing shall also be used to solicit comments on the draft EIS under SEQR (if required). Within sixty-two (62) days from the date of such public hearing, the Planning Board shall take action to approve with or without modifications or disapprove such preliminary plat and the grounds for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board.

J. Notwithstanding the foregoing provisions, the period in which the Planning Board must take action on a preliminary plat may be extended by mutual consent of the owner and the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the final plat.

K. When granting approval to a preliminary plat, the Planning Board shall state the conditions of such approval if any with respect to:

- (1) The specific changes that will be required on the final subdivision plat.
- (2) The character and extent of the required improvements for which waivers may have been requested and which, in the opinion of the Planning Board, may be waived without jeopardy to the public health, safety, morals, and general welfare.
- (3) The amount of improvement or the amount of all bonds therefore which will be required as a prerequisite to the approval of the subdivision plat

L. In the event that the Planning Board fails to take action on a preliminary plat within the time prescribed, such preliminary plat shall be deemed granted preliminary approval. The certificate of the Clerk to the town as to the date of submission and the failure of the Planning Board to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

M. The action of the Planning Board, plus any conditions attached thereto, shall be noted on or attached to three (3) copies of the preliminary plat. One (1) copy shall be returned to the applicant, one (1) retained by the Planning Board, and one (1) forwarded to the Town Clerk. Approval of a preliminary plat shall not constitute approval of the final plat; rather, it shall be deemed an expression of approval of the design submitted on the preliminary plat, as a guide to the preparation of the final subdivision plat, which will be submitted for approval of the Planning Board and for recording with the County Clerk. Prior to approval of the final subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained.

## **Section XI: Final plat for major subdivision.**

A. The applicant shall, if the review process is going to continue, within six (6) months after the approval of the preliminary plat, submit the plat to the Planning Board in its final form. If the final plat is not submitted within said six-month period, the Planning Board may revoke their approval of the preliminary plat. All submissions for final plat consideration for major subdivisions shall be accompanied by a flat fee per lot as set forth from time to time by resolution by the Town Board.

B. The applicant shall provide the Town Clerk with one (1) copy of the application and four (4) copies of the plat and all other drawings and the original and one (1) copy of all offers of cession covenants and agreements at least ten (10) days in advance of the regular Planning Board meeting at which the plat is to be officially submitted.

C. The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board. This meeting shall be preceded by the submittal of the application for approval of the subdivision plat complete and accompanied by the required fee and all data required by Section XVIII of these regulations has been filed with the Planning Board by at least ten (10) days.

### **D. Public Sites and Open Spaces**

1. The Town Board may require that the subdivider dedicate to the Town, "usable land" equal in size to five percent (5%) of the subdivider's tract. This land shall be used by the Town for parks, playgrounds, or for other specific public recreational uses as deemed desirable by the Planning Board. However, if the Planning Board should consider a subdivider's tract too small and that dedication of 5% of the total area is not of a size that would make it usable for a public recreational purpose, the Town Board shall direct the subdivider to make a money payment to the Town in lieu of land. This payment must be equal to 5% of the market value of the total tract as undeveloped, determined at the time the application for approval of the Final Subdivision Plat is made to the Planning Board, and can not be used by the Town for any purpose other than the purchase of land to be used for such public recreational uses serving the neighborhood as indicated above.

2. Unique and scenic areas and those areas bordering streams, lakes or other water courses may be given special consideration by the Planning Board, should they be desirable for public open spaces. Where such sites and open spaces are not shown within the Town's Comprehensive Plan, and where deemed essential by the Planning Board upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Board may recommend that the Town Board required the dedication or reservation of areas in excess of the 5% minimum. Under such conditions, a money payment, at fair market value determined at the time the application for approval of the Final Subdivision Plat is made to the Planning Board, will be made to the Owner to compensate his loss in excess of the 5% contribution. The determination of the value of the land upon which the money payment shall be based shall be made by a board of three, consisting of a representative of the Town, a representative of the Owner and a third person acceptable to the other two parties. All costs involved shall be borne equally by the Town and the Owner.

E. Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the subdivision plat requiring approval by the Department of Environmental Conservation and/or the State or County Department of Health shall have received at least preliminary approval(s) of such facilities.

F. A public hearing on the subdivision plat may be held by the Planning Board if the Board deems there are substantial changes from the approved preliminary plat. Such hearing shall be held within sixty-two (62) days after the time of submission of the subdivision plat for approval. Such hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing. This hearing may be waived by the Planning Board.

G. The Planning Board shall, within sixty-two (62) days from the date of any public hearing or the date of submission of the final subdivision plat, if no hearing is required, approve conditionally, approve with or without modifications, or disapprove said plat, and so indicate on the plat. This time period may be extended by mutual consent of the applicant and the Planning Board. Failure to act within the stated time period or a mutually agreed upon extension thereof shall constitute a default approval of the plat. A resolution of conditional approval shall also duly authorize and empower an

officer of the Planning Board to sign the plat upon completion of such requirements as may be stated in the resolution and compliance with Section XII of these regulations.

H. If a draft EIS was required, the Planning Board's action on the subdivision plat shall include either a negative declaration or the final EIS and a statement of findings on the subdivision as required under Section 617.9 of the SEQR Act.

I. Within five (5) days of the Planning Board's resolution of conditional approval, the final subdivision plat shall be certified by the Chair of the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat.

J. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for a signature, if in its opinion, such extension is warranted in the circumstances and if it does not exceed two (2) ninety-day periods.

## **Section XII: Required improvements.**

A. Improvements and performance bond. Before the Planning Board grants final approval of the subdivision plat, the applicant shall follow the procedure set forth in either Subsection (1) or (2) below:

(1) In an amount set forth by the Planning Board, the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the applicant shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Town Board as to form sufficiency manner of execution and surety. A period of one (1) year [or such other period as the Town Board may determine appropriate not to exceed three (3) years] shall be set forth in the bond within which required improvements must be completed.

(2) The applicant shall complete all required improvements to the satisfaction of the Town Engineer or other representative designated by the Town Board to fulfill such duties (hereafter referred to as Code Enforcement Officer) who shall file with Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed and not approved, the applicant shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Code Enforcement Officer. Any such bond shall be satisfactory to the Town Board as to form sufficiency manner of execution and surety.

(3) The required improvements shall not be considered completed until the installations of the improvements has been approved by the Code Enforcement Officer.

B. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Code Enforcement Officer shall, upon approval by the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and are not tantamount to the waiver or substantial alteration of the function of any improvements required by the Planning Board. Such changes shall be consistent with the statement of findings made pursuant to Section 617.9 of the statewide SEQR regulations if applicable or else a separate SEQR determination of significance will be required. The Code Enforcement Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board.

C. Proper installation of improvements. If the Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the applicant, he shall so report to the Town Board. The Town Board then shall notify the applicant and if necessary the bonding company and take all

necessary steps to preserve the town's rights under the bond. The Planning Board shall not approve additional plats by a subdivider as long as he/she is default on a previously approved plat.

**Section XIII: Final approval and filing.**

A. Upon completion of the requirements set forth in Sections XI and XII and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly authorized officer of the Planning Board and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within sixty-two (62) days of the date on which such plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.

B. No changes, 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 said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

**Section XIV: Public acceptance of streets and open spaces.**

A. 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, recreational area easement, or open space shown on such subdivision plat.

B. Ownership and maintenance of park recreation or open space areas. When a park, playground, or other recreation area, or open space shall have been shown on a plat, Planning Board approval of the 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. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and where such requirement is considered necessary or desirable by the Planning Board to realize best use of the site, provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

**Required Documents**

**Section XV: Contents of sketch plan.**

A. The sketch plan shall consist of a drawing based on tax map information or some other similarly accurate base map at a scale preferably not less than one hundred (100) feet to the inch to enable the same entire ownership of the applicant to be shown on one (1) sheet and shall include:

- (1) A location map to indicate the relationship of the proposed subdivision to significant existing community facilities which will serve or influence the layout such as major traffic arteries, shopping areas, schools, parks, employment centers etc. Significant local natural resources such as water bodies, rivers, and wetlands shall also be indicated.
- (2) All existing structures, wooded areas, streams, or watercourses, flood hazard areas, wetlands, quarries or excavations, bedrock outcrops, and other significant physical features within the area to be subdivided and within two hundred (200) feet thereof. Topographic conditions shall be indicated at contour intervals of not more than twenty (20) feet. United States Geological Survey maps are suitable.
- (3) The name of the owner(s) of all adjoining property owners, as disclosed by the most recent municipal tax records.
- (4) The Tax Map sheet, block, and lot numbers, scale, North arrow, and acreage involved.
- (5) All the utilities available and all streets which are either proposed or existing.
- (6) The proposed pattern and approximate dimensions and area of lots, street layout, recreation areas, proposed surface water drainage, sewerage, and water supply within the subdivision area.
- (7) All existing restrictions on the use of land, including deed restrictions, easements, or covenants, if there are any.

B. In addition to the above documents, all other information required by the checklist for sketch plan review included at the end of this chapter shall be required.

#### **Section XVI: Required Documents, Contents of Minor subdivision plat.**

In addition to the information required by Section XV above, the required documents for minor subdivision plats are the same as are required for final plats for major subdivisions. (See Section XVIII.)

#### **Section XVII: Required Documents, Contents of Major subdivision preliminary plat.**

A. The preliminary plat shall be submitted at a scale of one (1) inch equals one hundred (100) feet or another scale approved by the Planning Board whichever most clearly illustrates the applicant's proposal. The preliminary plat shall be clearly marked "Preliminary Plat" and shall include:

- (1) The proposed subdivision name, the name of the town and county, date, true North point, scale, name and address of record owner, applicant, and engineer or surveyor, including license number seal.
- (2) The name of the owners of record of all adjacent properties.
- (3) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (4) Location of existing property lines, easements, buildings, watercourses, marshes (including DEC designated wetlands) 100-year floodplain, (including all Federal Emergency Management Agency (FEMA) Flood Insurance Hazard Areas) rock outcrops, wooded areas, and other significant existing features for the proposed subdivision area.
- (5) Location of existing sewers, water mains, culverts, and drains, serving the property, if any, with pipe sizes, grades, and direction of flow.
- (6) Contours with intervals not to exceed twenty (20) feet, referenced to mean sea level, except in and surrounding areas of existing and proposed sewer and water sources and other significant features as may be identified by the Planning Board in which case contour intervals shall not exceed five (5) feet.
- (7) The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, if they exist, within the area to be subdivided and the right-of-way width, location, grades, and street profiles of all streets or public ways proposed by the developer.
- (8) The approximate location and size of all proposed waterlines, fire hydrants, and sewer lines, connections to existing lines, or alternate means of water supply, or sewage disposal treatment, including sites for on-site systems and profiles of all proposed water and sewer mains. If septic systems are proposed, the results of soil boring and soil percolation tests shall accompany the preliminary plat. Where on-site water supply systems are proposed the quality and quantity of water available shall be indicated.
- (9) Storm drainage plan indicating the approximate location and size of proposed lines if any and their profiles; connections to existing systems or alternate means of drainage.
- (10) Plans, sections, and other drawings as required to show the proposed location and type of all improvements required within Section XIX or by the Planning Board.
- (11) Preliminary designs of any bridges or culverts that may be required.
- (12) The proposed lot lines, with approximate dimensions, and acreage of each lot.

(13) Where the topography or design is such as to make difficult the inclusion of required facilities in a public right-of-way, permanent easements over or under private property which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing or proposed public street or public open space shown on the subdivision or Official Map.

(14) A field survey of the boundary lines of the tract and lots, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. Corners of the tract and lots shall also be located on the ground and marked by substantial monuments of rebar a minimum of thirty (30) inches in length with a minimum diameter of one-half (1/2) inch and shall be referenced and shown on the plat.

(15) A copy of any covenants or deed restrictions intended to cover any lot in all or part of the tract.

(16) If the preliminary plat submitted for approval covers only a part of the applicant's entire holding in the area, a map must be prepared showing the entire tract as it relates to the parcel included on the preliminary plat.

B. In addition to the above documents all other information required by the checklist for sketch plan review included at the end of this chapter shall be required.

### **Section XVIII: Required Documents, Contents, Of Major subdivision final plat.**

A. The final plat to be approved by the Planning Board and filed with the Chenango County Clerk shall be drawn at the same scale as the preliminary plat. In addition to the requirements of the preliminary plat, the final plat submission shall include:

(1) Identifying title stating name of subdivision, if any, name and address of owner, seal of licensed land surveyor, scale, North arrow, and date.

(2) Location right-of-way widths and identification of all existing streets and easements; location of existing buildings, wooded areas, wetlands, creeks, drainage ways, large trees, and other features to be retained; the location right-of-way widths and identification of all proposed streets, ponds, watercourses, and any other features.

(3) Sufficient data to enable the Town Planning Board to easily determine the location, bearing, and length of every street line and boundary line and the radii and length of all curves in the subdivision. When applicable, this data should be referenced to monuments and tied into other reference points previously established.

(4) 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 plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

(5) All offers of cession and all covenants governing the maintenance of uncaded open space to bear the certificate of approval of the Town Attorney as to their form and legal sufficiency.

(6) Lots within a subdivision to be numbered or lettered in accordance with the prevailing practice.

(7) Permanent reference monuments and lot corner markers as required by Section XIX to be shown and their location referenced on the plat.

(8) Construction drawings as needed to show the location size grade and construction of all improvements required by Section XIX or by the Planning Board or proposed by the subdivider.

(9) Certification from the Health Department of jurisdiction, of sewage disposal and from the New York State Department of Environmental Conservation for water supply systems to be use in the subdivision. No modification may be made after DOH certification.

(10) Statement from the appropriate town officials certifying that required improvements have been satisfactorily installed or that an acceptable bond for such installation has been filed with the Town Clerk.

B. In addition to the above documents all other information required by the checklist for sketch plan review included at the end of this chapter shall be required.

## **Section XIX: Design Standards**

### **A. General provisions.**

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

1. Character of land. Land to be subdivided shall be of such character that it can be used safely for the proposed purposes without danger to health or peril from fire, flood, or other menace.
2. Conformity to Official Map and Comprehensive Plan. Subdivisions shall conform to the Official Map of the town and shall be in harmony with the Comprehensive Plan, if these tools exist.
3. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the town specifications, which may be obtained from the Town Engineer.

### **B. Street layout.**

1. Width location and construction. Streets shall be of sufficient width, suitably located, and adequately constructed, and conform to the Donovan Plan, to accommodate the prospective traffic and afford access for firefighting, school buses, snow removal, and other road maintenance equipment. The arrangement of streets shall be in harmony with surrounding areas and streets.
2. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not 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.
3. Minor streets. Minor streets shall be so laid out that their use as through traffic will be discouraged.
4. 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, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. Dead-end streets. The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets where needed or desirable the Board may require the reservation of a twenty-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street or public property. Subdivisions containing twenty (20) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved subdivision plat for which a bond has been filed.
6. Block size. Blocks generally shall not be less than four hundred (400) feet nor more than one thousand two hundred (1200) feet in length. In general no block width shall be less than twice the normal lot depth. In blocks exceeding eight hundred (800) feet in length the Planning 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 a four-foot-wide paved footpath be included.
7. Intersections with collector of major arterial roads. Minor or secondary street openings into such road shall in general be at least five hundred (500) feet apart.

8. Street jogs. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.

9. Angle of intersection. In general all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.

10. 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 streets. Grades of streets shall conform as closely as possible to the original topography.

#### C. Street design.

1. Widths of rights-of-way. When not indicated on the Comprehensive Plan or Official Map, the classification of any proposed streets shall be determined by the Board. Streets shall have the following widths:

| Type of Street | Minimum<br>Right-of-Way<br>(feet) | Minimum<br>Pavement<br>(feet) |
|----------------|-----------------------------------|-------------------------------|
| Major          | 70                                | 36                            |
| Collector      | 60                                | 36                            |
| Local          | 50                                | 30                            |

2. Improvements. Streets shall be constructed in accordance with standards established by the Town Highway Superintendent with regards to pavement types, sewers, gutters, curbs, lighting, and fire hydrants.

3. Utility easements. Where topography is that it makes impractical the inclusion of utilities within the street right-of-way, perpetual, unobstructed easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

4. Grades. Grades of all streets shall conform, in general, to the terrain and shall not be less than one-half percent (1/2%) nor more than six percent (6%) for major or collector streets or ten percent (10%) for minor streets in residential areas, but in no case, more than three percent (3%) within fifty (50) feet of any intersection.

5. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as to meet with the Town Road Design Standards' so that clear visibility shall be provided for a safe distance.

6. Curve radii at street. All street right-of-way lines at intersections shall be rounded by curves of at least twenty (20) feet radius and curbs shall be adjusted accordingly.

7. Steep grades and curves; visibility at intersections. A combination of steep grades and curves shall be avoided. If directed, ground shall be excavated to achieve better visibility.

8. Dead-end streets (cul-de-sac). Where dead-end streets are designed to be permanent, they should, in general, not exceed one thousand (1000) feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and pavement radius of fifty (50) feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of fifty (50) feet shall be provided unless the Planning Board approves an alternate arrangement.

9. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Engineer and in no case less than twenty (20) feet width.

10. Curve radii. In general, street lines within a block, deflecting from each other at any one (1) point by more than ten degrees (10°) shall be connected with a curve the radius of which for the center line of the street shall not be less than

four hundred (400) feet on major streets two hundred (200) feet on collector streets and one hundred (100) feet on minor streets.

D. Street names.

No new street shall have a name that will duplicate or so nearly duplicate as to be confused with the names of existing streets in the area. A continuation of an existing street shall have the same name. Generally streets shall have names and not numbers or letters.

E. Lots.

1. Lots are to be buildable. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance if any there will be no foreseeable difficulties for reasons of topography, floodplain, or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

2. Street frontage. All lots shall front on a public or private street or road.

3. Lot ratios. The ratio of the depth of any lot to its width should not be greater than three (3) to one (1).

4. Side lines. When feasible, 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.

5. Corner lots. In general, corner lots should be larger than interior lots, to provide for proper building setback from each street or road.

6. Monuments and lot corner markers. Permanent monuments of rebar a minimum of thirty (30) inches in length with a minimum diameter of one-half (1/2) inch 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.

F. Drainage improvements.

1. Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away, by pipe or open width, any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual, unobstructed easements of appropriate width.

2. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Ordinance if any in the watershed.

3. 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; and this study shall be reviewed by the Town 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.

G. Environmental considerations.

1. Preservation of natural features. The Planning Board shall, wherever possible, establish the preservation of all natural features that add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas, and similar irreplaceable assets.

(a.) Natural terrain. Subdivision design shall preserve, so far as possible, the natural terrain and natural watercourses, improvements and drainage areas. Subdivision design shall include a conscious effort to preserve all worthwhile trees and shrubs that may exist on the site. On individual lots or parcels, care shall be taken to preserve selected trees to enhance the landscape treatment of the development.

(b.) Soil. The natural fertility of the soil shall be preserved by disturbing it as little as possible.

2. Flood areas. Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for such other uses as this may increase danger to life or property or aggravate the flood hazard, but such land may be used for such uses, subject to any zoning regulations, if any, or in such a way that the flood danger to this property and other upstream or downstream properties will not be increased and periodic or occasional inundation will not be a substantial threat to life or property. The provisions of this section shall apply to all land falling within the one-hundred-year floodplain as shown on maps prepared and amended by the Federal Emergency Management Agency.

3. Steep slopes. Development of steep slopes, over twelve percent (12%), sites will be conditionally acceptable only if there is no prudent or feasible alternative site and erosion and sedimentation control measures are incorporated in the design construction and operation of the development according to standards set by the United States Soil Conservation Service.

4. Sediment control. The subdivider shall provide effective sediment control measures for planning and construction of subdivisions. Use of the following technical principles shall be applied as deemed appropriate by the County Soil and Water Conservation District.

(a.) The smallest practical area of land shall be exposed at any one (1) time during the development.

(b.) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(c.) Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.

(d.) Sediment basins, debris basins, silting basins, and/or silt traps shall be installed and maintained to remove sediment from runoff waters on land undergoing development.

(e.) Provisions shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development.

(f.) Permanent, final vegetation and structures should be installed as soon as practical in the development.

(g.) The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.

(h.) Wherever feasible natural vegetation should be retained and protected.

## **Section XX: Variances**

### **A. 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 required 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 provided that such waiver will not have the effect of nullifying the intent of the Official Map the Comprehensive Plan or any other regulation or ordinance if such exists.

### **B. Design innovations.**

When design concepts which are imaginative and beneficial to the public interest are proposed by a subdivider, the Planning Board may modify the requirements of these regulations and impose additional conditions as necessary to permit the accomplishment of such concepts.

#### **Section XXI: Administration**

##### **A. Amendments.**

These regulations may be amended by the Planning Board, after a public hearing by the Planning Board, and ultimately adopted by the Town Board.

##### **B. Penalties for offenses.**

Any person who shall commit or assist in the commission of any violation of this chapter or who shall build, erect, construct, or attempt the same, to any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this chapter and any person who shall omit neglect or refuse to do any act required by this chapter shall be subject to a fine of not more than one thousand dollars (\$1000.) or imprisonment for not more than one (1) year or both to be recovered by the Town Board in any court of competent jurisdiction. Every such person shall be deemed guilty of a separate offense for each day that such violation, disobedience, omission, neglect, or refusal, shall continue. Where the person committing such violation is a partnership association or corporation, the principal executive officer, partner, agent, or manager, may be considered to be the person for the purpose of this chapter.

##### **C. Appeals.**

Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed first by the Town Board of Norwich and then by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules provided that the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board as all set forth in Section 282 of Town Law and by the Town Board of Norwich.

#### **Section XXII: Separability**

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