

Chapter 93

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Urbana: Part 1, 12-30-1985 as L.L. No. 3-1985; Part 2, 6-15-1988 as L.L. No. 2-1988. Sections 93-3, 93-4, 93-5A, B(2) and C, 93-6A, B, C, D and F, 93-7A(1)(b), (4), (7)(a), (7)(d)[3], (7)(f) and 7(g) and B(1)(a), (2), (3), (4), (5) and (6), 93-8A(1) and C, 93-9, 93-10A, 93-11, 93-17F, 93-19A, 93-20A, D and F, 93-21B, 93-22D(1), 93-24, 93-25, 93-27A(5) and 93-30A amended and § 93-7A(6) added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. 18.

Fire prevention and building construction — See Ch. 57.

Flood damage prevention — See Ch. 59.

Manufactured homes and manufactured home parks — See Ch. 69.

Zoning — See Ch. 105.

Part 1

Regulations

[Adopted 12-30-1985 as L.L. No 3-1985]

ARTICLE I

General Provisions

§ 93-1. Statutory authorization; purpose; title.

A. The Town Board of the Town of Urbana, County of Steuben, State of New York, pursuant to the provisions of Article 16 of the Town Law and § 10, Subdivision 2, of the Municipal Home Rule Law, for the purpose set forth herein, does hereby ordain, enact and publish as follows:

There is hereby established a Subdivision Regulation for the Town of Urbana, Steuben County, New York, which authorizes and empowers the Planning Board to approve plats showing lots, blocks or sites with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary plats within the corporate boundaries of the town.

B. In order that land subdivision may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the “Town of Urbana Land Subdivision Regulations,” are hereby enacted this 30th day of December, 1985.

§ 93-2. Declaration of policy.

It is declared to be the policy of the Town Board and the Town 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, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; 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 properly related to the proposals shown in the Town Planning Studies and/or Land Use Plan, if such exists, and 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; and that proper provision shall be made for parks and playgrounds.

§ 93-3. Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

COLLECTOR STREET — A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

CONDITIONAL APPROVAL OF FINAL PLAT — Planning Board approval of the final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving the plat. Such “conditional approval” does not qualify a final plat for recording nor authorize issuance of building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office of the Steuben County Clerk in accordance with these regulations.

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

EASEMENT — An authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.

FINAL PLAT — A drawing prepared in a manner prescribed by local regulation showing a proposed subdivision, containing in such additional detail as shall be provided

by local regulation all information required to appear on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision, if such preliminary plat has been so approved.

FINAL PLAT APPROVAL — Planning Board approval of a plat in final form by signing of the final plat by a duly authorized officer of a Planning Board after a resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such “final approval” qualifies the plat for recording in the office of the Steuben County Clerk.¹

FLOOD — A temporary rise in stream or lake level that results in inundation of areas not ordinarily covered by water.

FLOOD FREQUENCY — The statistically determined average from how often a specific flood level or discharge may be equaled or exceeded.

FLOODWAY — The channel of a watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge the regulatory flood.

FLOODWAY FRINGE — The area adjoining a watercourse which, although not lying within the floodway, has been or may hereafter be covered by a regulatory flood.

LAND USE PLAN/PLANNING STUDIES — A comprehensive plan prepared by the Planning Board pursuant to § 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the town, and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

MAJOR STREET — A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision, including but not limited to subdivision of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.

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

MINOR SUBDIVISION — Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the

¹ Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

parcel or adjoining property and not in conflict with any provision or portion of the Land Use Plan, if such exists, Chapter 105, Zoning, or these regulations.²

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

PLANNING BOARD or BOARD — The Planning Board of the Town of Urbana.

PRELIMINARY PLAT — A drawing prepared in a manner prescribed by local regulation, showing the layout of a proposed subdivision, including but not restricted to road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale in such detail as local regulation may require.

PRELIMINARY PLAT APPROVAL — Planning Board approval of the layout of a proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form in accordance with the provision of these regulations.

REACH — A hydraulic engineering term to describe a longitudinal segment of a stream or river.

REGULATORY FLOOD — A flood with a frequency of approximately 100 years, as determined from an analysis of floods on a particular stream and other streams or land in the same general region.

REGULATORY FLOOD PROTECTION ELEVATION — The elevation of the regulatory flood, plus any freeboard required herein to provide a safety factor.

SKETCH PLAT — A sketch of a proposed subdivision showing the information specified in § 93-24 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the layout and objectives of these regulations.³

STREET — Includes streets, roads, avenues, lanes or other trafficways, between right-of-way lines.

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

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

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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

SUBDIVISION — The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

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

ARTICLE II

Application and Approval

§ 93-4. Application required.⁴

Whenever any subdivision of land is proposed to be made and before any contract for its sale or any portion thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.

§ 93-5. Sketch plat.

A. Submission of sketch plat. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least 10 days prior to the regular meeting of the Board two copies of a sketch plat of the proposed subdivision, which shall comply with the requirements of § 93-24 for the purposes of classification and preliminary discussion.⁵

B. Discussion of requirements and classification.

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

(2) Classification of the sketch plat is to be made at this time by the Planning Board as to whether it is a minor or major subdivision, as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that minor subdivisions comply with all or some of the requirements specified for major subdivisions. If the sketch plat is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in §§ 93-

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

6 and 93-9 of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in §§ 93-7, 93-8, 93-9 and 93-10.⁶

C. Study of sketch plat. The Planning Board shall determine whether the sketch plat meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board.⁷

§ 93-6. Procedure for minor subdivision.

A. Application and fee.⁸

(1) Within six months after classification of the Sketch Plat as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a minor subdivision plat. Failure to do so shall require resubmission of the sketch plat to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plat, plus any recommendation made by the Planning Board. Said application shall also conform to the requirements listed in § 93-25.

(2) All applications for plat approval for minor subdivisions shall be accompanied by a fee of \$25 per lot.

B. Number of copies. Five copies of the minor subdivision plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.⁹

C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the minor subdivision plat.¹⁰

D. When officially submitted. The time of submission of the minor subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least 10 days prior to which the application for plat approval,

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

complete and accompanied by the required fee and all data required by § 93-25 of these regulations, has been filed with the Secretary of the Planning Board.¹¹

E. Public hearing. A hearing shall be held on all plats submitted in final form within 45 days of their submission to the Planning Board, if no preliminary plat was submitted. The hearing must be advertised at least once in a newspaper of general circulation in the town, at least five days prior to the hearing.

F. Action on minor subdivision plat.¹²

(1) The Planning Board must, within 45 days after the date of the hearing, approve, conditionally approve with or without modification or disapprove the final plat. "Conditional approval" is defined as the approval of a final plat subject to conditions set forth by the Planning Board in its resolution conditionally approving the plat.

(2) Conditional approval does not qualify the final plat for recording; at the time of the resolution conditionally approving the plat, the Planning Board must empower a duly authorized officer of the Planning Board to sign the plat subject to completion of the requirements stated in the resolution. Upon completion of these requirements, the plat must be signed by the officer so designated.

(3) The subdivider has 180 days to satisfy the requirements upon which the approval has been conditioned and obtain the certification of the officer of the Planning Board. This period may be extended by the Planning Board, if in its opinion the circumstances warrant this, for up to two ninety-day periods beyond the 180 days.

§ 93-7. Procedure for major subdivision.

A. Preliminary plat.

(1) Application and fee.

(a) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in § 93-26 hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law, and § 93-26 of these regulations, except where waiver may be specifically authorized by the Planning Board.

(b) The application for approval of the preliminary plat shall be accompanied by a fee of \$25 per lot for each lot in the proposed subdivision.¹³

¹¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

(2) Number of copies. Five copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a regular monthly meeting of the Planning Board.

(3) Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

(4) Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Land Use Plan, the Official Map and Chapter 105, Zoning, if such exist.¹⁴

(5) When officially submitted. The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least 10 days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by § 93-26 of these regulations, has been filed with the Secretary of the Planning Board.

(6) Public hearing. A public hearing shall be held by the Planning Board within 45 days after the time of submission of the preliminary plat for approval. This hearing shall be advertised in a newspaper of general circulation in the town at least five days before such hearing.¹⁵

(7) Approval of the preliminary plat.

(a) The Planning Board shall take action within 45 days after the hearing required on such plats to approve, with or without modifications, or disapprove the preliminary plat. This time may be extended upon mutual consent of the subdivider and the Planning Board.¹⁶

(b) When approving a preliminary plat, the Planning Board must state, in writing, the modifications, if any, it deems necessary for submission of the plat in final form.

(c) The law provides that in the event that the Planning Board fails to act on a preliminary plat within the time noted, the plat shall be deemed granted

¹³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁵ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

preliminary approval, and the certificate of the Town Clerk as to the date of submission and failure of the Planning Board to act on the plat must be issued on demand; this certificate is sufficient in lieu of any other evidence of approval of the preliminary plat.

(d) When granting approval to a preliminary plat, the Planning Board shall state the conditions of the approval, if any, with respect to:

[1] Modifications to the preliminary plat.

[2] The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals and general welfare.

[3] The amount of improvement or the amount of all bonds therefor which it will require as a prerequisite to the approval of the preliminary plat.¹⁷

(e) The action of the Planning Board, plus any conditions attached thereto, shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one shall be retained by the Planning Board, and one shall be forwarded to the Town Board.

(f) Approval of a preliminary plat shall not constitute approval of the final plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of these regulations and the conditions of the approval, if any.¹⁸

(g) Prior to approval of the final plat, the Planning Board may require additional changes as a result of a further study of the subdivision in final form or as a result of new information obtained at the public hearing.¹⁹

B. Final plat for major subdivision.

(1) Application for approval.

(a) The subdivider shall, within six months after the conditional approval of the preliminary plat, file with the Planning Board an application

¹⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

for approval of the final plat using the approved application blank available from the Secretary of the Planning Board.²⁰

(b) If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.

(2) Number of copies. A subdivider intending to submit a proposed final plat for the approval of the Planning Board shall provide the Secretary of the Planning Board with a copy of the application and three copies [one copy in ink on linen or Mylar] of the preliminary plat, the original and one true copy of all offers of cession, covenants and agreements, and two copies of all construction drawings, at least 10 days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.²¹

(3) When officially submitted. The time of submission of the final plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least 10 days prior to which the application for approval of the final plat, complete and accompanied by all data required by § 93-27 of these regulations, has been filed with the Secretary of the Planning Board.²²

(4) Endorsement of state and county agencies. Water and sewer facility proposals contained in the final plat shall be properly endorsed and approved by the New York State Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary town, county and state agencies. Endorsement and approval by the New York State Department of Health shall be secured by the subdivider before official submission of the final plat.²³

(5) Public hearing.²⁴

(a) A public hearing shall be held by the Planning Board within 45 days after the time of submission of the final plat for approval. This hearing shall be advertised in a newspaper of general circulation in the town at least five days before such hearing.

²⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

(b) Under certain conditions, the Planning Board may waive this second hearing (§ 276 of the Town Law). In the event that the hearing is waived, Board action shall be within 45 days of submission.

(6) Action on proposed subdivision plat. The Planning Board shall, within 45 days from the date of the public hearing on the final plat, approve, modify and approve or disapprove the final plat. However, the final plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of § 93-8 of this Article.²⁵

§ 93-8. Required improvements; performance bond.

A. Improvements and performance bond.

(1) Before the Planning Board grants approval of the final plat, the subdivider shall follow the procedure set forth in either Subsection A(1)(a) or (b) below²⁶:

(a) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year [or such other period as the Planning Board may determine appropriate, not to exceed three years] shall be set forth in the bond, within which required improvements must be completed.

(b) The subdivider shall complete all required improvements to the satisfaction of the Town Planning Board in consultation with the Highway Superintendent and/or appropriate officials, who shall place on file with the Secretary of the Planning Board a letter signifying satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Planning Board after consultation with appropriate officials. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

(2) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Planning Board after consultation with the appropriate officials and a map satisfactory to

²⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

the Planning Board has been submitted, indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection A(1)(b), then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection A(1)(a), such bond shall not be released until such a map is submitted.

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

C. Proper installation of improvements. If the Town Planning Board and appropriate officials shall find upon inspection of the improvements performed before the expiration date of the performance bond that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, they shall so report to the Town Board, Code Enforcement Officer and Secretary of the Planning Board. The Town Board shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the town's right under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.²⁷

§ 93-9. Filing of final plat.²⁸

A. Final approval and filing. Upon completion of the requirements of §§ 93-7B and 93-8 above and notation to that effect upon the final plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the Steuben County Clerk. Any final plat not so filed or recorded within 60 days of the date upon which such plat is approved or considered approved by reasons of the failure of the Planning Board to act shall become null and void in accordance with § 276, Subdivision 7, of the Town Law.

B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any final 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 the modifications. In the event that any such

²⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

final 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 Steuben County Clerk.

§ 93-10. Acceptance of streets and parks.

A. Public acceptance of streets. The approval by the Planning Board of a final plat shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement or other open space shown on such final plat.²⁹

B. Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. 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 provision for the cost of grading, development, equipment and maintenance of any such recreation area.

§ 93-11. Modification of zoning provisions.³⁰

Pursuant to resolution of the Town Board, the Planning Board is empowered to modify applicable provisions of Chapter 105, Zoning, in accordance with the provisions of § 281 of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most adequate and economic use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands. The following shall be the procedure and standards:

A. Request by subdivider. A subdivider may request the use of § 281 simultaneously with or subsequent to presentation of the sketch plat as per the procedure described in this Article II. Any submission subsequent to preliminary approval of a plat shall require a reapplication for sketch plat review.

B. Sketch plat. A subdivider shall present, along with a proposal in accordance with the provisions of § 281, a standard sketch plat which is consistent with all the criteria established by these subdivision regulations, including but not limited to streets being consistent with the street specifications and lots being consistent with Chapter 105, Zoning.

C. Park, recreation, open space or other municipal purposes. If the application of this procedure results in a plat showing land available for park, recreation, open space or other municipal purposes directly related to the plat, then conditions as to

²⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ownership, use and maintenance of such lands necessary to assure the preservation of such lands for their intended purposes all be set forth by the Planning Board.

D. Plat submission. Upon determination that such sketch plat is suitable for the procedures under § 281 and subsequent to the resolution authorizing the Planning Board to proceed, a preliminary plat meeting all the requirements of the resolution shall be presented to the Planning Board and thereafter, the Planning Board shall proceed with the required public hearings and all other requirements of these regulations.

E. Filing; notation on Land Use Map. On the filing of a plat in the office of the Steuben County Clerk in which § 281 has been used, the subdivider shall file a copy with the Town Clerk who shall make appropriate notations and reference thereto in the Town Zoning Map. The Secretary of the Planning Board shall notify the Code Enforcement Officer when such a plat is filed.

ARTICLE III

General Requirements and Design Standards

§ 93-12. Application of standards.

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 Article V herein.

§ 93-13. Land suitability.

A. No land shall be subdivided which is held unsuitable for its intended use for reason of flooding, inadequate drainage, soil problems, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the community.

B. In determining the suitability of land for subdivision, the broad objectives of these regulations shall be considered, along with the following:

(1) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses.

(2) The danger that intended structures may be swept on to other lands or downstream to the injury of others.

(3) The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the subdivision for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.

(8) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed subdivision to the Land Use Plan/Planning Studies and Floodplain management program for the area.

(10) The safety of access to the property for emergency vehicles in times of flood or other disaster.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

§ 93-14. Flood hazards; warning and disclaimer of liability.

A. The review agency may attach conditions, including but not limited to the following, to the approval of plats in areas subject to flood hazards.

(1) All construction shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All construction shall be constructed of materials and utility equipment resistant to flood damage.

(3) All construction shall be constructed by methods and practices that will minimize flood damage.

(4) All public utilities and facilities, such as sewer, gas, electric and water systems, shall be located and constructed to minimize or eliminate flood damage.

(5) Adequate drainage shall be provided to reduce exposure to flood hazards.

(6) All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(8) On-site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.

(9) All subdivision proposals or other new developments greater than 50 lots or five acres, whichever is the lesser, shall include specific base flood elevation data in the plans thereof.

(10) All new construction and substantial improvements of residential structures shall have the lowest floor elevation, including basement, elevated to or above the base flood level.

(11) Permit applications for all new or substantially improved structures shall indicate the elevation, above mean sea level, of the lowest habitable floor, including basement, and, if the structure has been floodproofed, indicate the elevation, above mean sea level, to which the structures have been floodproofed.

(12) All new construction and substantial improvements to nonresidential structures shall have the lowest floor, including basement, elevated to or floodproofed to or above the base flood level.

(13) All mobile homes to be placed within mobile home parks or subdivisions shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors.

(14) Over-the-top ties shall be provided at each of the four corners of the mobile home and two additional ties per side shall be provided at intermediate locations, except that mobile homes less than 50 feet in length need have only one intermediate tie.

(15) Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points.

(16) All components of the anchoring systems shall be capable of carrying a force of 4,800 pounds.

(17) Any additions to mobile homes shall be similarly anchored.

(18) Plans for mobile home parks or mobile home subdivisions shall include an evacuation plan indicating alternate vehicular access and escape routes; said plan is also to be filed with the appropriate disaster preparedness authorities.

(19) The location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare shall be at elevations above the height associated with

the regulatory protection elevation, or the design of such facilities shall prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into floodwaters.

B. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the delineated flood hazard areas or land uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Urbana or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

§ 93-15. Conformance with other documents.

Subdivisions shall conform to and be in harmony with the Planning Studies and/or Land Use Plan of the town, if such exists.

§ 93-16. Specifications for required improvements.

All required improvements shall be constructed or installed to conform to the town, county and/or state specifications, which may be obtained from the Town Planning Board.

§ 93-17. Street layout.

A. Width and location. Streets shall be of sufficient width and suitably located to conform to the Town of Urbana Planning Studies and/or Land Use Plan, if such exists, and to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

B. Arrangement.

(1) 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.

(2) Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. 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.

E. Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the land use district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

F. 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. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved final Plat for which a bond has been filed.³¹

G. Block size.

(1) Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth.

(2) In blocks exceeding 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.

H. Intersections with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

I. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.

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

³¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited-access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

§ 93-18. Street design.

A. Widths of rights-of-way.

(1) Streets shall have the following widths.

(2) All streets require one eight-foot parking lane.

(3) When not indicated in the Planning Studies/Land Use Plan or Official Map, if such exists, the classification of streets shall be determined by the Board.

	Minimum Right-of-Way (feet)	Minimum Pavement (feet)	Travel Lanes	
			Number	Width (feet)
Major streets	66	32	2	12
Collector streets	60	30	2	11
Local streets	50	28	2	10

B. Improvements. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and street signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Planning Board. Such grading and improvements shall be approved as to design and specifications by the Town Planning Board in consultation with the Highway Superintendent and/or other appropriate officials.

(1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard tread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

(2) Streetlighting facilities. Lighting facilities shall be in conformance with the lighting system of the town as it exists at the time. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized electrical inspector.

C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and grated where required.

E. Grades. Grades of all streets shall conform in general to the terrain and shall not be less than 1/2% nor more than 6% for major or collector streets or 8% for minor streets in residential zones, but in no case more than 3% within 50 feet of any intersection.

F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Planning Board in consultation with the Highway Superintendent and/or other appropriate officials, so that clear visibility shall be provided for a safe distance.

G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least a twenty-foot radius, and curbs shall be adjusted accordingly.

H. Steep grades and curves; visibility of intersections. On a corner lot in any residential district, nothing shall be erected, placed, planted or grown in such a manner as to materially impede vision between a height of 2 1/2 feet and 10 feet above the centerline grades of the intersecting streets. This shall apply to the triangular area bounded by the street lines and a line joining points along said street lines 50 feet from the point of intersection.

I. Dead-end streets (culs-de-sac). Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a pavement radius of 50 feet. At the end of temporary dead-end streets, a temporary turnaround with

a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement. Adequate provision for snow removal must be made.

J. Watercourses.

(1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access of all lots by means of culverts or other structures of a design approved by the Town Planning Board in consultation with appropriate officials.

(2) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Planning Board in consultation with appropriate officials, and in no case less than 20 feet in width.

K. Curve radii. In general, street lines within a block deflecting from each other at any one point by more than 10° shall be connected with a curve, the radius of which for the center line of the street shall not be less than 400 feet on minor streets.

L. Service streets or loading spaces in commercial developments. Paved rear service streets of not less than 24 feet in width or, in lieu thereof, adequate off-street loading spaces, suitably surfaced, shall be provided in connection with lots designed for commercial use.

M. Free flow of vehicular traffic abutting commercial developments. In front of areas designated for commercial use or where a change of land use to a land use district which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

§ 93-19. Street names.

A. Type of name. All street names shown on a preliminary plat or final plat shall be approved by the Planning Board. In general, all streets shall have names and not numbers or letters.³²

B. Names to be substantially different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.

§ 93-20. Lots.

³² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

A. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with Chapter 105, Zoning, there will be no foreseeable difficulties for reasons of topography or other natural conditions.³³

B. Side lines. All sides lines of lots shall be at right angles to straight lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and to provide a desirable building site.

D. Driveway access. Driveway access and grades shall conform to specifications of Chapter 105, Zoning. Driveway grades between the street and the setback line shall not exceed 12°.³⁴

E. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

F. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Town Planning Board in consultation with appropriate officials as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Town Planning Board may require, and their location shall be shown on the final plat.³⁵

§ 93-21. Drainage improvements.

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

B. 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 Planning Board, in consultation with appropriate officials, shall approve the design and size of the facility based on anticipated runoff from a ten-year

³³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

storm under conditions of total potential development permitted by Chapter 105, Zoning, in the watershed.³⁶

C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

D. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

§ 93-22. Parks and playgrounds.

A. Recreation areas shown in the Town Planning Studies. Where a proposed park, playground or open space shown in the Town Planning Studies is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in Subsection B below. Such area or areas may be dedicated to the town or county by the subdivider if the Town Board approves such dedication.

B. Parks and playgrounds not shown in Town Planning Studies.

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

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

C. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final

³⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

approval, to the Board three prints (on cloth or Mylar) drawn in ink showing, at a scale of not less than 30 feet to the inch, such area and the following features thereof:

(1) The boundaries of said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.

(2) Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.

(3) Existing and, if applicable, proposed changes in grade and contours of said area and of areas immediately adjacent.

D. Waiver of plat designation of areas for parks and playgrounds.

(1) In cases where the Planning Board finds that, due to the size, topography, or location of the subdivision, land for the park, playground or other recreation purpose cannot be properly located therein or, if in the opinion of the Board, it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the town a sum to be determined by the Town Board.³⁷

(2) Such amount shall be paid to the Town Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that:

(a) Is suitable for permanent park, playground or other recreational purposes.

(b) Is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies; and

(c) Shall be used only for park, playground or other recreational land acquisition or improvements.

(3) Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, provided that the Planning Board finds there is a need for such improvements.

E. Reserve strips prohibited. Reserve strips of land which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall be prohibited.

³⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions Art. I.

§ 93-23. Preservation of natural features.

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

B. No tree with a diameter of eight inches or more, as measured three feet above the base of the trunk, shall be removed unless such tree is within the right-of-way of a street as shown on the final plat. Removal of the additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of eight inches or more, as measured three feet above the base of the trunk, be removed without prior approval by the Planning Board.

ARTICLE IV

Documentation

§ 93-24. Contents of sketch plat.³⁸

The sketch plat initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale preferably not less than 200 feet to the inch to enable the entire tract to be shown on one sheet. The sketch plat shall be submitted, showing the following information:

A. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

B. All existing structures, wooded areas, streams and other significant features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.

C. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

D. The Tax Map sheet, block and lot numbers, if available.

E. All the utilities available and all streets which are either proposed, mapped or built.

F. The proposed pattern of lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area. (See § 93-25C.)

³⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

G. All existing restrictions on the use of land, including easements, covenants or land use district lines.

§ 93-25. Contents of minor subdivision final plat application; accompanying data. [Amended 9-10-1990 by L.L. No. 2-1990]

In the case of minor subdivisions only, the final plat application shall include the following information:

A. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the plat. In instances involving a minor subdivision, the Planning Board, upon its review, may elect to waive, by majority vote, the aforementioned requirement, provided that the following conditions are met: [Amended 11-8-1993 by L.L. No. 2-1993]

(1) The applicant shall provide clear and concise documentation that adequately defines the boundaries of the original lot.

(2) The applicant shall provide clear and concise documentation that ensures that the newly created parcel, as well as the remainder of the original parcel, meets all minimum lot size, dimensional and road frontage requirements.

(3) The applicant shall provide an actual field survey of the newly created parcel.

C. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.

D. The proposed subdivision name and the name of the town and county in which it is located.

E. The date, North point, map scale and name and address of the record owner and subdivider.

§ 93-26. Contents of major subdivision preliminary plat application; accompanying data.

The following documents shall be submitted for approval:

A. Five copies of the preliminary plat prepared at a scale of not more than 100 but preferably not less than 50 feet to the inch, showing:

- (1) The proposed subdivision name, name of the town and county in which it is located, date, true North point, scale, name and address of the record owner, subdivider and engineer or surveyor, including license number and seal.
- (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
- (3) Land use district, including exact boundary lines of the district and any proposed changes in the land use district lines and/or the land use regulations text applicable to the area to be subdivided.
- (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (5) The location of existing property lines, easements, buildings, watercourses, mean high-water marks, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.
- (6) Location of existing sewers, water mains, culverts and drains on the property, with pipe size, grades and direction of flow.
- (7) Contours with intervals of 10 to 15 feet or less as required by the Board, including elevations on existing roads. An approximate grading plan shall be included if natural contours are to be changed more than two feet.
- (8) The width and location of any street or public ways or places shown on the Official Map or the Town Planning Studies and/or Land Use Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed water lines, valves, hydrants, septic/leach fields, wells and sewer lines and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment shall be as provided in the Public Health Law. Profiles of all proposed water and sewer lines shall be included.
- (10) A storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal shall be shown.
- (11) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and subbase and the location of manholes, basins and underground conduits.
- (12) Preliminary designs of any bridges, culverts, seawalls or piers which may be required.

(13) The proposed lot lines, with the approximate dimensions and area of each lot.

(14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision map or the Official Map.

(15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Planning Board in consultation with appropriate officials and shall be referenced and shown on the plat.

B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings.

C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

§ 93-27. Contents of major subdivision final plat application; accompanying data.

The following documents shall be submitted for plat approval:

A. The plat to be filed with the Steuben County Clerk, clearly drawn in India ink upon cloth or Mylar. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:

(1) The proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of the record owner and subdivider and the name, license number and seal of the licensed land surveyor.

(2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

(3) Sufficient data acceptable to the Planning Board in consultation with appropriate officials to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State System of

Plane Coordinates, and in any event should be tied to reference points previously established by a public authority.

(4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearing shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.

(5) By proper designation thereon, all public open spaces for which deeds are included and those spaces the title to which is reserved by the developer. For any of the latter, there shall be submitted with the final plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.³⁹

(6) All offers of cession and covenants governing the maintenance of unceded open space bearing the certificate of approval of the Town Attorney as to their legal sufficiency.

(7) Lots and blocks within a subdivision numbered and lettered in alphabetical order in accordance with the prevailing town practice.

(8) Permanent reference monuments that have been constructed in accordance with specifications of the Planning Board in consultation with appropriate officials. When referenced to the State System of Plane Coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Planning Board in consultation with appropriate officials and their location noted and referenced upon the plat.

(9) All lot corner markers permanently located satisfactorily to the Planning Board and appropriate officials, at least 3/4 inch (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.

(10) Monuments of a type approved by the Planning Board in consultation with appropriate officials, set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Planning Board in consultation with appropriate officials.

B. A construction drawing, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

ARTICLE V

³⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Variances

§ 93-28. Conditions for grant.

A. When the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Town Planning Studies or the land use regulations, if such exists.

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

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

Part 2

Enforcement

[Adopted 6-15-1988 as L.L. No. 2-1988]

ARTICLE VI

Penalties

§ 93-29. Statutory authorization.

Pursuant to § 268 of the Town Law, the Town Board of the Town of Urbana hereby provides for the enforcement of the subdivision regulations of the Town of Urbana, Steuben County, New York as originally adopted by the Planning Board on September 23, 1985, approved by the Town Board on December 30, 1985, and enacted as Local Law No. 3-1985⁴⁰ and as amended from time to time, by enacting the following penalty provisions.

§ 93-30. Penalties for offenses.

A. Any person, firm, or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of these regulations shall, upon conviction, be deemed guilty of a violation, punishable by a fine not exceeding \$350 or imprisonment for a period not to six months, or both, for conviction of a first offense; for conviction of a second offense, both of

⁴⁰ Editor's Note: See Part 1 of Chapter 93 of this Code.

which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both.⁴¹

B. Each week an offense is continued shall be deemed a separate violation of these regulations.

§ 93-31. Other remedies.

In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of these regulations.

⁴¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.